

TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 14, 2019

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

CALL OF THE SENATE

Senator Rarick 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. Emily Martin.

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

The roll was called, and the following Senators answered to their names:

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

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 communication was received.

March 12, 2019

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Jeremy R. Miller
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2019 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 2019	Date Filed 2019
	211	3	3:02 p.m. March 12	March 12

Sincerely,
Steve Simon
Secretary of State

REPORTS OF COMMITTEES

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

Senator Newman from the Committee on Transportation Finance and Policy, to which was referred

S.F. No. 1749: A bill for an act relating to transportation; making miscellaneous policy changes, including but not limited to provisions governing bicycles, school bus warning lights, driver's license suspension, airport zoning, legislative route removals, and memorial highways and bridges; amending Minnesota Statutes 2018, sections 3.972, subdivision 4; 13.461, by adding a subdivision; 13.72, subdivision 10; 160.02, subdivision 1a; 161.115, subdivision 111; 161.14, by adding subdivisions; 161.32, subdivision 2; 168A.29, subdivision 1; 169.011, subdivisions 5, 9; 169.18, subdivisions 3, 7; 169.20, by adding a subdivision; 169.222, subdivisions 1, 4; 169.442, subdivision 5, by adding a subdivision; 169.448, subdivision 1; 169.4503, subdivisions 5, 13, by adding a subdivision; 169.55, subdivision 1; 169.57, subdivision 3; 169.64, subdivisions 3, 8, by adding a subdivision; 169.81, by adding a subdivision; 169.8261, subdivision 2; 169.829, subdivision 4; 169.92, subdivision 4; 171.041; 171.06, subdivision 2; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 174.12, subdivision 8; 299A.705; 360.013, by adding a subdivision; 360.017, subdivision 1; 360.021, subdivision 1; 360.024; 360.062; 360.063, subdivisions 1, 3; 360.064, subdivision 1; 360.065, subdivision 1; 360.066, subdivision 1; 360.067, by adding a subdivision; 360.071, subdivision 2; 360.305, subdivision 6; 394.22, by adding a subdivision; 394.23; 394.231; 394.25, subdivision 3; 462.352, by adding a subdivision; 462.355, subdivision 1; 462.357, subdivision 9, by adding a subdivision; 473.13, by adding a subdivision; 473.386, by adding a subdivision; 574.26, subdivision 1a; Laws 2014, chapter 312, article 11, section 38, subdivisions 5, 6; proposing coding for new law in Minnesota Statutes, chapters 299A; 360; repealing Minnesota Statutes 2018, sections 168.013, subdivision 21; 360.063, subdivision 4; 360.065, subdivision 2; 360.066, subdivisions 1a, 1b.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 3.972, subdivision 4, is amended to read:

Subd. 4. **Certain transit financial activity reporting.** (a) The legislative auditor must perform a transit financial activity review of financial information for the Metropolitan Council's Transportation Division ~~and the joint powers board under section 297A.992. Within 14 days of the end of each fiscal quarter,~~ two times each year. The first report, due April 1, must include the quarters ending on September 30 and December 31 of the previous calendar year. The second report, due October 1, must include the quarters ending on March 31 and June 30 of the current year. The legislative auditor must submit the review to the Legislative Audit Commission and the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance, finance, and ways and means.

(b) At a minimum, each transit financial activity review must include:

(1) a summary of monthly financial statements, including balance sheets and operating statements, that shows income, expenditures, and fund balance;

(2) a list of any obligations and agreements entered into related to transit purposes, whether for capital or operating, including but not limited to bonds, notes, grants, and future funding commitments;

(3) the amount of funds in clause (2) that has been committed;

(4) independent analysis by the fiscal oversight officer of the fiscal viability of revenues and fund balance compared to expenditures, taking into account:

(i) all expenditure commitments;

(ii) cash flow;

(iii) sufficiency of estimated funds; and

(iv) financial solvency of anticipated transit projects; and

(5) a notification concerning whether the requirements under paragraph (c) have been met.

(c) The Metropolitan Council ~~and the joint powers board under section 297A.992~~ must produce monthly financial statements as necessary for the review under paragraph (b), clause (1), and provide timely information as requested by the legislative auditor.

(d) This subdivision expires on April 15, 2024.

EFFECTIVE DATE. This section is effective June 1, 2019.

Sec. 2. Minnesota Statutes 2018, section 160.02, subdivision 1a, is amended to read:

Subd. 1a. **Bikeway.** "Bikeway" ~~means a bicycle lane, bicycle path, shared use path, bicycle route, or similar bicycle facility, regardless of whether designed for the exclusive use of bicycles or for shared use with other transportation modes~~ has the meaning given in section 169.011, subdivision 9.

Sec. 3. Minnesota Statutes 2018, section 168A.29, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** (a) The department must be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, ~~the sum of:~~

~~(i) until December 31, 2016, \$6.25 of which \$3.25 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705, and from July 1, 2012, to June 30, 2016, a surcharge of \$1 must be added to the fee and credited to the driver and vehicle services technology account; and~~

~~(ii) on and after January 1, 2017, \$8.25₂ of which \$4.15 must be paid into the vehicle services operating account under section 299A.705;~~

(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, ~~the sum of \$2~~, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

~~(3) until December 31, 2016, for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705, and from July 1, 2012, to June 30, 2016, a surcharge of \$1 must be added to the fee and credited to the driver and vehicle services technology account;~~

~~(4) (3) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1; and~~

~~(5) (4) for issuing a duplicate certificate of title, the sum of \$7.25₂ of which \$3.25 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705; from July 1, 2012, to June 30, 2016, a surcharge of \$1 must be added to the fee and credited to the driver and vehicle services technology account.~~

(b) In addition to the fee required under paragraph (a), clause (1), the department must be paid \$3.50. The additional \$3.50 fee collected under this paragraph must be deposited in the special revenue fund and credited to the public safety motor vehicle account established in section 299A.70.

Sec. 4. Minnesota Statutes 2018, section 169.011, subdivision 5, is amended to read:

Subd. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway ~~or shoulder~~ designed for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be distinguished from the portion of the roadway ~~or shoulder~~ used for motor vehicle traffic by physical barrier, striping, marking, or other similar device.

Sec. 5. Minnesota Statutes 2018, section 169.011, subdivision 9, is amended to read:

Subd. 9. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, ~~or bicycle route~~, shared use path, or similar bicycle facility, regardless of whether it is designed for the exclusive use of bicycles or ~~is to be for~~ shared use with other transportation modes.

Sec. 6. Minnesota Statutes 2018, section 169.18, subdivision 7, is amended to read:

Subd. 7. **Laned highway.** When any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent ~~herewith~~ with this subdivision, ~~shall~~ apply:

~~(a)~~ (1) a vehicle shall be driven as nearly as practicable entirely within a single lane and ~~shall~~ must not be moved from ~~such~~ the lane until the driver has first ascertained that ~~such~~ the movement can be made with safety;

~~(b)~~ (2) upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle ~~shall~~ must not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and ~~such~~ the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where ~~such~~ the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, and is signposted to give notice of ~~such~~ the allocation. The left lane of a three-lane roadway which is not a one-way roadway ~~shall~~ must not be used for overtaking and passing another vehicle;

~~(c)~~ (3) official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles ~~shall~~ must obey the ~~directions of every such~~ sign;

~~(d)~~ (4) whenever a bicycle lane has been established on a roadway, any person operating a motor vehicle on ~~such~~ the roadway ~~shall~~ must not drive in the bicycle lane except to perform parking maneuvers in order to park where parking is permitted, to enter or leave the highway, to prepare for a turn as provided in section 169.19, subdivision 1, or to stop a school bus for the purpose of receiving or discharging any person provided the school bus is equipped and identified as provided in sections 169.441 and 169.442, subdivision 1, and the flashing red signals are activated and stop-signal arm is extended; and

(5) notwithstanding clause (1), the operator of a vehicle or combination of vehicles with a total length exceeding 40 feet or a total width exceeding ten feet may, with due regard for all other traffic, deviate from the lane in which the operator is driving to the extent necessary to approach and drive through a roundabout.

Sec. 7. Minnesota Statutes 2018, section 169.20, is amended by adding a subdivision to read:

Subd. 8. **Roundabouts.** If two vehicles or combinations of vehicles each having a total length exceeding 40 feet or a total width exceeding ten feet approach or drive through a roundabout at approximately the same time or so closely as to constitute a hazard of collision, the operator of the vehicle or combination of vehicles on the right must yield the right-of-way to the vehicle or combination of vehicles on the left and, if necessary, must reduce speed or stop in order to so yield.

Sec. 8. Minnesota Statutes 2018, section 169.222, subdivision 1, is amended to read:

Subdivision 1. **Traffic laws apply.** (a) Every person operating a bicycle ~~shall have~~ has all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions

of this chapter which by their nature cannot reasonably be applied to bicycles. This subdivision applies to a bicycle operating on the shoulder of a roadway.

(b) A person lawfully operating a bicycle (1) on a sidewalk, or (2) across a roadway or shoulder on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

Sec. 9. Minnesota Statutes 2018, section 169.222, subdivision 4, is amended to read:

Subd. 4. **Riding rules.** (a) Every person operating a bicycle ~~upon a roadway shall~~ on a road must ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations road as the bicycle operator determines is safe. A person operating a bicycle is not required to ride as close to the right-hand curb when:

(1) ~~when~~ overtaking and passing another vehicle proceeding in the same direction;

(2) ~~when~~ preparing for a left turn at an intersection or into a private road or driveway;

(3) ~~when~~ reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or edge, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow width lanes, ~~that make it unsafe to continue along the right-hand curb or edge;~~
or

(4) ~~when~~ operating on the shoulder of a roadway or in a bicycle lane; or

(5) operating in a right-hand turn lane before entering an intersection.

(b) If a bicycle is traveling on a shoulder of a roadway, the bicycle ~~shall~~ operator must travel in the same direction as adjacent vehicular traffic.

(c) Persons riding bicycles upon a roadway or shoulder ~~shall~~ must not ride more than two abreast and ~~shall~~ must not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a crosswalk, ~~shall~~ must yield the right-of-way to any pedestrian and ~~shall~~ give an audible signal when necessary before overtaking and passing any pedestrian. ~~No~~ A person ~~shall~~ must not ride a bicycle upon a sidewalk within a business district unless permitted by local authorities. Local authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their jurisdiction.

(e) An individual operating a bicycle or other vehicle on a bikeway ~~shall~~ must leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

~~(f) A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.~~

~~(g)~~ (f) A person may operate an electric-assisted bicycle on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited under section 85.015, subdivision 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as applicable.

(g) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an intersection proceeding from a dedicated right-hand turn lane without turning right.

Sec. 10. Minnesota Statutes 2018, section 169.26, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Except as provided in section 169.28, subdivision 1, when any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this paragraph, the driver shall stop the vehicle not less than ten feet from the nearest railroad track and shall not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. These requirements apply when:

(1) a clearly visible electric or mechanical signal device warns of the immediate approach of a railroad train or other on-track equipment; or

(2) an approaching railroad train or other on-track equipment is plainly visible and is in hazardous proximity.

(b) The fact that a moving railroad train or other on-track equipment approaching a railroad grade crossing is visible from the crossing is prima facie evidence that it is not safe to proceed.

(c) The driver of a vehicle shall stop and remain stopped and not traverse the grade crossing when (1) a human flagger signals the approach or passage of a railroad train or other on-track equipment or ~~when~~ (2) a crossing gate is lowered warning of the immediate approach or passage of a railroad train or other on-track equipment. No person may drive a vehicle past a flagger at a railroad crossing until the flagger signals that the way is clear to proceed or drive a vehicle past a lowered crossing gate.

Sec. 11. Minnesota Statutes 2018, section 169.26, subdivision 4, is amended to read:

Subd. 4. **Pedestrians; penalty.** (a) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while the gate or barrier is closed or is being opened or closed.

(b) A pedestrian shall not enter, remain upon, or traverse over a railroad track, grade crossing, or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational and warning of the presence, approach, passage, or departure of a railroad train or other on-track equipment.

(c) A person who violates this subdivision is subject to a fine of up to \$100.

Sec. 12. Minnesota Statutes 2018, section 169.28, is amended to read:

169.28 CERTAIN VEHICLES TO STOP AT RAILROAD CROSSING.

Subdivision 1. **Requirements.** (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether carrying passengers or not, or of any Head Start bus whether carrying passengers or not, or of any vehicle that is required to stop at railroad grade crossings under Code of Federal Regulations, title 49, section 392.10, before crossing at grade any track or tracks of a railroad, shall stop the vehicle not less than 15 feet nor more than 50 feet from the nearest rail of

the railroad and while so stopped shall listen and look in both directions along the track for any approaching railroad train or other on-track equipment, and for signals indicating the approach of a railroad train or other on-track equipment, except as ~~hereinafter~~ otherwise provided, and shall in this section. The driver must not proceed until safe to do so and until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least ten feet past the farthest railroad track. The driver must not shift gears while crossing the railroad tracks.

(b) A school bus or Head Start bus shall not be flagged across railroad grade crossings except at those railroad grade crossings that the local school administrative officer may designate.

(c) A type III vehicle, as defined in section 169.011, is exempt from the requirement of school buses to stop at railroad grade crossings.

(d) The requirements of this subdivision do not apply to the crossing of light rail vehicle track or tracks that are located in a public street when:

(1) the crossing occurs within the intersection of two or more public streets;

(2) the intersection is controlled by a traffic-control signal; and

(3) the intersection is marked with signs indicating to drivers that the requirements of this subdivision do not apply. Notwithstanding any other provision of law, the owner or operator of the track or tracks is authorized to place, maintain, and display the signs upon and in the view of the public street or streets.

Subd. 2. **Exempt crossing.** (a) The commissioner may designate a crossing as an exempt crossing:

(1) if the crossing is on a rail line on which service has been abandoned;

(2) if the crossing is on a rail line that carries fewer than five railroad trains each year, traveling at speeds of ten miles per hour or less; or

(3) as agreed to by the operating railroad and the Department of Transportation, following a diagnostic review of the crossing.

(b) The commissioner shall direct the railroad to erect at the crossing signs bearing the word "Exempt" that conform to section 169.06. The installation or presence of an exempt sign does not relieve a driver of the duty to use due care.

(c) A railroad train or other on-track equipment must not proceed across an exempt crossing unless a police officer is present to direct traffic or a railroad employee is on the ground to warn traffic until the railroad train enters the crossing.

~~(d)~~ (d) A vehicle that must stop at grade crossings under subdivision 1 is not required to stop at a marked exempt crossing unless directed otherwise by a police officer or a railroad employee.

Sec. 13. Minnesota Statutes 2018, section 169.29, is amended to read:

169.29 CROSSING RAILROAD TRACKS WITH CERTAIN EQUIPMENT.

(a) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Before making any crossing, the person operating or moving any vehicle or equipment set forth in this section shall first stop the same not less than ten, nor more than 50, feet from the nearest rail of the railway, and while so stopped shall listen and look in both directions along the track for any approaching railroad train or other on-track equipment and for signals indicating the approach of a railroad train or other on-track equipment, and shall not proceed until the crossing can be made safely.

(c) No crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or other on-track equipment or car.

(d) ~~No A stop need be made~~ is not required at a crossing on a rail line on which service has been abandoned and where a sign erected in conformance with section 169.06 and bearing the word "Exempt" has been installed, unless directed otherwise by a flagger. The installation or presence of an exempt sign shall not relieve any driver of the duty to use due care.

Sec. 14. Minnesota Statutes 2018, section 169.442, subdivision 5, is amended to read:

Subd. 5. **White strobe lamps on certain buses transporting children.** ~~Notwithstanding section 169.55, subdivision 1, or 169.57, subdivision 3, paragraph (b), or other law to the contrary, A school bus that is subject to and complies with the equipment requirements of subdivision 1 and section 169.441, subdivision 1, or a Head Start bus;~~ may be equipped with a flashing strobe lamp under section 169.64, subdivision 8.

Sec. 15. Minnesota Statutes 2018, section 169.442, is amended by adding a subdivision to read:

Subd. 6. **Supplemental warning system.** In addition to the signals required under subdivision 1, a type A, B, C, or D school bus may be equipped with a supplemental warning system under section 169.4503, subdivision 31.

Sec. 16. Minnesota Statutes 2018, section 169.448, subdivision 1, is amended to read:

Subdivision 1. **Restrictions on appearance; misdemeanor.** (a) A bus that is not used as a school bus ~~may~~ must not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the ~~stop~~ stop-signal arm is removed;

(2) the ~~eight-light system is~~ lighting systems for prewarning flashing amber signals, flashing red signals, and supplemental warnings under section 169.4503, subdivision 31, are deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus;

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

(5) the conditions under section 171.02, subdivision 2a, paragraphs (a) ~~through~~ to (j); and (l), and (n), have been met.

Sec. 17. Minnesota Statutes 2018, section 169.4503, subdivision 5, is amended to read:

Subd. 5. **Colors.** Fenderettes may be black. The beltline may be painted yellow over black or black over yellow. The rub rails ~~shall~~ adjacent to the beltline may be black or yellow. All other rub rails must be black. The area around the lenses of alternately flashing signal lamps extending outward from the edge of the lamp three inches, plus or minus one-quarter inch, to the sides and top and at least one inch to the bottom, ~~shall~~ must be black. Visors or hoods, black in color, with a minimum of four inches may be provided.

Sec. 18. Minnesota Statutes 2018, section 169.4503, subdivision 13, is amended to read:

Subd. 13. **Identification.** (a) Each bus ~~shall~~ must, in the beltline, identify the school district serviced, or company name, or owner of the bus. Numbers necessary for identification must appear on the sides and rear of the bus. Symbols or letters may be used on the outside of the bus near the entrance door for student identification. A manufacturer's nameplate or logo may be placed on the bus.

(b) ~~Effective December 31, 1994,~~ All type A, B, C, and D buses sold must display lettering "Unlawful to pass when red lights are flashing" on the rear of the bus. The lettering ~~shall~~ must be in two-inch black letters on school bus yellow background. This message ~~shall~~ must be displayed directly below the upper window of the rear door. On rear engine buses, it ~~shall~~ must be centered at approximately the same location. Only signs and lettering approved or required by state law ~~may~~ are permitted to be displayed.

(c) The requirements of paragraph (b) do not apply to a type A, B, C, or D school bus that is equipped with a changeable electronic message sign on the rear of the bus that:

(1) displays one or more of the messages: "Caution / stopping," "Unlawful to pass," "Stop / do not pass," or similar messages approved by the commissioner;

(2) displays messages in conjunction with bus operation and activation of prewarning flashing amber signals, flashing red signals, or stop-signal arm, as appropriate; and

(3) is a supplemental warning system under section 169.4503, subdivision 31.

Sec. 19. Minnesota Statutes 2018, section 169.4503, is amended by adding a subdivision to read:

Subd. 31. **Supplemental warning system; temporary authority.** (a) Prior to August 1, 2022, the commissioner may approve a type A, B, C, or D school bus to be equipped with a supplemental warning system. On and after that date, a school bus may continue to be equipped with a previously approved supplemental warning system.

(b) To determine approval of a supplemental warning system, the commissioner must consider:

(1) signal colors, which are limited to one or more of the colors white, amber, and red;

(2) flashing patterns;

(3) vehicle mounting and placement;

(4) supplemental warning system activation in conjunction with activation of prewarning flashing amber signals, stop-signal arm, and flashing red signals;

(5) light intensity; and

(6) permissible text, signage, and graphics, if any.

(c) The commissioner must review relevant research findings and experience in other jurisdictions, and must consult with interested stakeholders, including but not limited to representatives from school district pupil transportation directors, private school bus operators, and pupil transportation and traffic safety associations.

Sec. 20. Minnesota Statutes 2018, section 169.55, subdivision 1, is amended to read:

Subdivision 1. **Lights or reflectors required.** At the times when lighted lamps on vehicles are required each vehicle including an animal-drawn vehicle and any vehicle specifically excepted in sections 169.47 to 169.79, with respect to equipment and not ~~hereinbefore specifically~~ previously required to be equipped with lamps, ~~shall~~ must be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear, except that reflectors meeting the maximum requirements of this chapter may be used in lieu of the lights required in this subdivision. ~~It shall be unlawful except as otherwise provided in this subdivision, to project a white light to the rear of any such vehicle while traveling on any street or highway, unless such vehicle is moving in reverse. A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear. An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.~~

Sec. 21. Minnesota Statutes 2018, section 169.57, subdivision 3, is amended to read:

Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps or signal lamps, ~~such~~ the lamps shall must at all times be maintained in good working condition.

(b) ~~No stop lamps or signal lamp shall project a glaring or dazzling light.~~

(~~e~~) All mechanical signal devices ~~shall~~ must be self-illuminated when in use at the times when lighted lamps on vehicles are required.

Sec. 22. Minnesota Statutes 2018, section 169.64, subdivision 3, is amended to read:

Subd. 3. **Flashing lights; glaring lights.** (a) Flashing lights are prohibited, except:

(1) on an authorized emergency vehicle, school bus, bicycle as provided in section 169.222, subdivision 6, road maintenance equipment, tow truck or towing vehicle as provided in section 168B.16, service vehicle, farm tractor, self-propelled farm equipment, rural mail carrier vehicle, or funeral home vehicle, or;

(2) on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing; or

(3) as otherwise provided in this section.

(b) All flashing warning lights ~~shall~~ must be of the type authorized by section 169.59, subdivision 4, unless otherwise permitted or required in this chapter.

(c) A stop lamp or signal lamp is prohibited from projecting a glaring or dazzling light, except for:

(1) strobe lamps as provided under subdivision 8 or section 169.59, subdivision 4; or

(2) a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31.

Sec. 23. Minnesota Statutes 2018, section 169.64, is amended by adding a subdivision to read:

Subd. 4a. **White light.** (a) It is unlawful to project a white light at the rear of a vehicle while traveling on any street or highway, except:

(1) for a vehicle moving in reverse;

(2) for a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31;

(3) for a strobe lamp as provided under subdivision 8;

(4) as required for license plate illumination under section 169.50, subdivision 2;

(5) as provided in section 169.59, subdivision 4; and

(6) as otherwise provided in this subdivision.

(b) A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear.

(c) An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.

Sec. 24. Minnesota Statutes 2018, section 169.64, subdivision 8, is amended to read:

Subd. 8. **Strobe lamp.** (a) Notwithstanding ~~sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b); or~~ any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) a school bus that is subject to and complies with the equipment requirements of ~~sections 169.441, subdivision 1, and section 169.442, subdivision 1,~~ or a Head Start bus. The lamp must operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use; or

(2) a road maintenance vehicle owned or under contract to the Department of Transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

(b) Notwithstanding ~~sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b); or~~ any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits an amber light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is a rural mail carrier vehicle, provided that the strobe lamp is mounted at the highest practicable point on the vehicle. The strobe lamp may only be operated while the vehicle is actually engaged during daylight hours in the delivery of mail to residents on a rural mail route.

(c) A strobe lamp authorized by this ~~section shall~~ subdivision must be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having ~~a minimum~~ an effective light output of 200 candelas ~~as measured by the Blondel-Rey formula that meets or exceeds the most recent version of SAE International standard J845, Class 2, or a subsequent standard.~~

Sec. 25. Minnesota Statutes 2018, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

REAL ID Compliant or Noncompliant Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
REAL ID Compliant or Noncompliant Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25

REAL ID Compliant or Noncompliant Instruction Permit	\$5.25
Enhanced Instruction Permit	\$20.25
Commercial Learner's Permit	\$2.50
REAL ID Compliant or Noncompliant Provisional License	\$8.25
Enhanced Provisional License	\$23.25
Duplicate REAL ID Compliant or Noncompliant License or duplicate REAL ID Compliant or Noncompliant identification card	\$6.75
Enhanced Duplicate License or enhanced duplicate identification card	\$21.75
REAL ID Compliant or Noncompliant Minnesota identification card or REAL ID Compliant or Noncompliant Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a	\$11.25
Enhanced Minnesota identification card	\$26.25

~~In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30, 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.~~

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, sections 169A.50 to 169A.53, or section 171.177, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, ~~shall~~ must have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner ~~shall~~ must collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department ~~shall~~ must not charge these applicants any other fee to receive or renew the endorsement.

(d) In addition to the fee required under paragraph (a), a driver's license agent may charge and retain a filing fee as provided under section 171.061, subdivision 4.

(e) In addition to the fee required under paragraph (a), the commissioner ~~shall~~ must charge a filing fee at the same amount as a driver's license agent under section 171.061, subdivision 4. Revenue collected under this paragraph must be deposited in the driver services operating account.

(f) An application for a Minnesota identification card, instruction permit, provisional license, or driver's license, including an application for renewal, must contain a provision that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the purposes of public information and education on anatomical gifts under section 171.075.

Sec. 26. Minnesota Statutes 2018, section 174.12, subdivision 8, is amended to read:

Subd. 8. **Legislative report.** (a) By February 1 of each odd-numbered year, the commissioner of transportation, with assistance from the commissioner of employment and economic development, ~~shall~~ must submit a report on the transportation economic development program to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance and economic development policy and finance.

(b) At a minimum, the report must:

(1) summarize the requirements and implementation of the transportation economic development program established in this section;

(2) review the criteria and economic impact performance measures used for evaluation, prioritization, and selection of projects;

(3) provide a brief overview of each project that received financial assistance under the program, which must at a minimum identify:

(i) basic project characteristics, such as funding recipient, geographic location, and type of transportation modes served;

(ii) sources and respective amounts of project funding; and

(iii) the degree of economic benefit anticipated or observed, following the economic impact performance measures established under subdivision 4;

(4) identify the allocation of funds, including but not limited to a breakdown of total project funds by transportation mode, the amount expended for administrative costs, and the amount transferred to the transportation economic development assistance account;

(5) evaluate the overall economic impact of the program; and

(6) provide recommendations for any legislative changes related to the program.

(c) Notwithstanding paragraph (a), a report is not required in an odd-numbered year if no project received financial assistance during the preceding 24 months.

Sec. 27. Minnesota Statutes 2018, section 221.031, is amended by adding a subdivision to read:

Subd. 2f. **Hours of service exemptions; utility construction.** (a) The federal regulations incorporated in section 221.0314, subdivision 9, for hours of service do not apply to drivers engaged in intrastate transportation of utility construction materials within a 50-mile radius from the site of a construction or maintenance project.

(b) For purposes of this subdivision, utility construction materials includes supplies and materials used in a project to construct or maintain (1) a street or highway; (2) equipment or facilities to furnish electric transmission service; (3) a telecommunications system or cable communications system; (4) a waterworks system, sanitary sewer, or storm sewer; (5) a gas heating service line; (6) a pipeline; and (7) a facility for other similar utility service.

Sec. 28. **299A.704 DRIVER AND VEHICLE SERVICES FUND.**

A driver and vehicle services fund is established within the state treasury. The fund consists of accounts and money as specified by law, and any other money donated, allotted, transferred, or otherwise provided to the fund.

Sec. 29. Minnesota Statutes 2018, section 299A.705, is amended to read:

299A.705 DRIVER AND VEHICLE SERVICES ACCOUNTS.

Subdivision 1. **Vehicle services operating account.** (a) The vehicle services operating account is created in the ~~special revenue~~ driver and vehicle services fund, consisting of all money from the vehicle services fees specified in chapters 168, 168A, and 168D, and any other money ~~otherwise~~ otherwise donated, allotted, ~~appropriated, or legislated~~ transferred, or otherwise provided to this the account.

(b) Funds ~~appropriated are available~~ appropriated are available from the account must be used by the commissioner of public safety to administer the vehicle services as specified in chapters 168, 168A, and 168D, and section 169.345, including:

- (1) designing, producing, issuing, and mailing vehicle registrations, plates, emblems, and titles;
- (2) collecting title and registration taxes and fees;
- (3) transferring vehicle registration plates and titles;
- (4) maintaining vehicle records;
- (5) issuing disability certificates and plates;
- (6) licensing vehicle dealers;
- (7) appointing, monitoring, and auditing deputy registrars; and
- (8) inspecting vehicles when required by law.

Subd. 2. **Driver services operating account.** (a) The driver services operating account is created in the ~~special revenue~~ driver and vehicle services fund, consisting of all money collected under

chapter 171 and any other money ~~otherwise donated, allotted, appropriated, or legislated~~ transferred, or otherwise provided to the account.

(b) ~~Money in the Funds appropriated from the~~ account must be used by the commissioner of public safety to administer the driver services specified in chapters 169A and 171, including the activities associated with producing and mailing drivers' licenses and identification cards and notices relating to issuance, renewal, or withdrawal of driving and identification card privileges for any fiscal year or years and for the testing and examination of drivers.

Subd. 3. **Driver and vehicle services technology account.** (a) The driver and vehicle services technology account is created in the ~~special revenue driver and vehicle services fund, consisting of the technology surcharge collected as specified in chapters 168, 168A, and 171; the filing fee revenue collected under section 168.33, subdivision 7; section 168.33~~ and any other money ~~otherwise donated, allotted, appropriated, or legislated~~ transferred, or otherwise provided to ~~this~~ the account.

(b) Money in the account is annually appropriated to the commissioner of public safety to support the research, development, deployment, and maintenance of a driver and vehicle services information system.

(c) ~~Following completion of the deposit of filing fee revenue into the driver and vehicle services technology account as provided under section 168.33, subdivision 7~~ Annually by February 1, the commissioner ~~shall~~ must submit a ~~notification~~ report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance ~~concerning driver and vehicle services information system implementation, which must include information on~~ (1) total revenue deposited in the driver and vehicle services technology account for the previous calendar year, with a breakdown by sources of funds; (2) total project costs incurred through December 31 of the previous calendar year, with a breakdown by key project components; and (3) an estimate of ongoing system maintenance costs.

Subd. 4. **Prohibited expenditures.** The commissioner is prohibited from expending money from driver and vehicle services accounts created in the ~~special revenue driver and vehicle services fund for any purpose that is not specifically authorized in this section or in the chapters specified in this section.~~

Sec. 30. Minnesota Statutes 2018, section 360.024, is amended to read:

360.024 AIR TRANSPORTATION SERVICE CHARGE.

Subdivision 1. Charges. (a) The commissioner ~~shall~~ must charge users of air transportation services provided by the commissioner for direct operating costs, excluding pilot salary ~~and~~.

(b) The commissioner must charge users for a portion of aircraft acquisition, replacement, or leasing costs.

Subd. 2. Accounts; appropriation. (a) An air transportation services account is established in the state airports fund. The account consists of money collected under subdivision 1, paragraph (a), and any other money donated, allotted, transferred, or otherwise provided to the account. All receipts for these services shall be deposited in the air transportation services account in the state airports

~~fund and are~~ Money in the account is annually appropriated to the commissioner to pay ~~these~~ direct air service operating costs.

(b) An aircraft capital account is established in the state airports fund. The account consists of collections under subdivision 1, paragraph (b), proceeds from the sale of aircraft under jurisdiction of the department, and any other money donated, allotted, transferred, or otherwise provided to the account. Money in the account must be used for aircraft acquisition, replacement, or leasing costs. Except as provided by law, the commissioner must not transfer money into or out of the account.

EFFECTIVE DATE. This section is effective July 1, 2019.

Sec. 31. Minnesota Statutes 2018, section 473.13, is amended by adding a subdivision to read:

Subd. 1d. **Budget changes or variances; reports.** At least quarterly by January 1, April 1, July 1, and October 1, the council must submit a summary to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation policy and finance and to the Legislative Commission on Metropolitan Government on any changes to or variances from the budget adopted under subdivision 1.

EFFECTIVE DATE; APPLICATION. This section is effective June 1, 2019, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 32. Laws 2014, chapter 312, article 11, section 38, subdivision 5, is amended to read:

Subd. 5. **Pilot program evaluation.** In coordination with the city, the commissioner of transportation shall evaluate effectiveness of the pilot program under this section, which must include analysis of traffic safety impacts, utility to motorists and tourists, costs and expenditures, extent of community support, and pilot program termination or continuation. By January 15, ~~2024~~ 2025, the commissioner shall submit a report on the evaluation to the ~~chairs and ranking minority members and staff~~ of the legislative committees with jurisdiction over transportation policy and finance.

Sec. 33. Laws 2014, chapter 312, article 11, section 38, subdivision 6, is amended to read:

Subd. 6. **Expiration.** The pilot program under this section expires January 1, ~~2022~~ 2026.

Sec. 34. **ENGINE BRAKES; REGULATION BY MINNEAPOLIS.**

Notwithstanding any other law or charter provision, the governing body of the city of Minneapolis may by ordinance restrict or prohibit the use of an engine brake on motor vehicles along Legislative Route No. 392, also known as marked Interstate Highway 94, in the westbound lanes beginning at LaSalle Avenue and extending west to the Lowry Tunnel. Upon notification by the city of Minneapolis to the commissioner of transportation of the city's adoption of the ordinance, the commissioner of transportation shall erect the appropriate signs, with the cost of the signs to be paid by the city. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

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

Sec. 35. **ENGINE BRAKES; REGULATION BY BURNSVILLE.**

Notwithstanding any other law or ordinance, the governing body of the city of Burnsville may by ordinance restrict or prohibit the use of an engine brake on motor vehicles along Legislative Route No. 117, also known as marked Trunk Highway 13, between Nicollet Avenue and Portland Avenue. Upon notification by the city of Burnsville to the commissioner of transportation of the city's adoption of the ordinance, the commissioner of transportation shall erect the appropriate signs, with the cost of the signs to be paid by the city. For purposes of this section, "engine brake" means any device that uses the engine and transmission to impede the forward motion of the motor vehicle by compression of the engine.

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

Sec. 36. NORTHSTAR COMMUTER RAIL OPERATING COSTS; EXCEPTION.

(a) Minnesota Statutes, section 398A.10, subdivision 2, does not apply for reserve funds available to the Anoka County Regional Railroad Authority as of June 30, 2018, that are used to pay operating and maintenance costs of Northstar Commuter Rail.

(b) This section expires on January 1, 2021.

Sec. 37. REPEALER.

Minnesota Statutes 2018, section 168.013, subdivision 21, is repealed."

Delete the title and insert:

"A bill for an act relating to transportation; making miscellaneous policy changes, including but not limited to provisions governing bicycles, school bus warning lights and appearance, reporting requirements, traffic regulations, and aircraft acquisition costs; amending Minnesota Statutes 2018, sections 3.972, subdivision 4; 160.02, subdivision 1a; 168A.29, subdivision 1; 169.011, subdivisions 5, 9; 169.18, subdivision 7; 169.20, by adding a subdivision; 169.222, subdivisions 1, 4; 169.26, subdivisions 1, 4; 169.28; 169.29; 169.442, subdivision 5, by adding a subdivision; 169.448, subdivision 1; 169.4503, subdivisions 5, 13, by adding a subdivision; 169.55, subdivision 1; 169.57, subdivision 3; 169.64, subdivisions 3, 8, by adding a subdivision; 171.06, subdivision 2; 174.12, subdivision 8; 221.031, by adding a subdivision; 299A.705; 360.024; 473.13, by adding a subdivision; Laws 2014, chapter 312, article 11, section 38, subdivisions 5, 6; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2018, section 168.013, subdivision 21."

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

Senator Newman from the Committee on Transportation Finance and Policy, to which was referred

S.F. No. 1167: A bill for an act relating to transportation; designating a bridge in the city of Virginia as Tom Rukavina Memorial Bridge; appropriating money for utility relocation costs; amending Minnesota Statutes 2018, section 161.14, by adding a subdivision.

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

Page 1, delete section 2

Amend the title as follows:

Page 1, line 3, delete "appropriating money for utility relocation costs;"

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

Senator Dahms from the Committee on Commerce and Consumer Protection Finance and Policy, to which was referred

S.F. No. 2130: A bill for an act relating to liquor; allowing the Metropolitan Airports Commission to set on-sale hours in security areas of Minneapolis-St. Paul International Airport; amending Minnesota Statutes 2018, section 340A.5041.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 340A.5041, is amended to read:

340A.5041 AIRPORT COMMISSION; EXTENDED HOURS.

Notwithstanding any law, rule, or ordinance to the contrary, the Metropolitan Airports Commission may ~~allow extended hours of sale~~ set the hours of sale at on-sale locations within the security areas of the Lindbergh and Humphrey Terminals. ~~Extended hours are allowed for sales during the hours between 6:00 a.m. and 2:00 a.m. Monday through Sunday.~~

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

Sec. 2. Minnesota Statutes 2018, section 340A.602, is amended to read:

340A.602 CONTINUATION.

In any city in which the report of the operations of a municipal liquor store has shown a net loss prior to interfund transfer and without regard to costs related to pension obligations of store employees, as required by Statement 68 of the Governmental Accounting Standards Board, in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election. The form of the question shall be: "Shall the city of (name) discontinue operating the municipal liquor store on (Month xx, 2xxx)?"

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

Sec. 3. CITY OF AUSTIN; ON-SALE LICENSE.

Notwithstanding any law or ordinance to the contrary, in addition to the number of licenses authorized, the city of Austin may issue an on-sale wine license and an on-sale malt liquor license to a person who is the owner of a junior hockey league team or to a person holding a concessions or management contract with the city or the team owner, for beverage sales at the Riverside Arena. The licenses must authorize the dispensing of wine or malt liquor only to persons attending events at the arena for consumption on the premises. A license issued under this section authorizes sales on all days of the week to persons attending junior hockey league games at the arena.

EFFECTIVE DATE. This section is effective upon approval by the Austin city council and compliance with Minnesota Statutes, section 645.021.

Sec. 4. CITY OF ROCHESTER; ON-SALE LICENSE.

Notwithstanding any law or ordinance to the contrary, in addition to the number of licenses authorized, the city of Rochester may issue an on-sale wine license and an on-sale malt liquor license to a person who is the owner of a junior hockey league team or to a person holding a concessions or management contract with the city or the team owner, for beverage sales at the Rochester Recreation Center. The licenses must authorize the dispensing of wine or malt liquor only to persons attending events at the arena for consumption on the premises. A license issued under this section authorizes sales on all days of the week to persons attending junior hockey league games at the arena.

EFFECTIVE DATE. This section is effective upon approval by the Rochester city council and compliance with Minnesota Statutes, section 645.021.

Sec. 5. ROSEVILLE; GOLF COURSE LIQUOR LICENSE.

Notwithstanding any law or ordinance to the contrary, the city of Roseville may issue an on-sale intoxicating liquor license for the Roseville Cedarholm Golf Course that is located at 2323 Hamline Avenue North and is owned by the city. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The city of Roseville is deemed the licensee under this section, and the provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the license as if the establishment were a municipal liquor store.

EFFECTIVE DATE. This section is effective upon approval by the Roseville city council and compliance with Minnesota Statutes, section 645.021.

Sec. 6. SPECIAL LICENSE; CITY OF PEMBERTON.

The city of Pemberton may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license for the city-owned facility known as the Pemberton Community Center, notwithstanding any law, local ordinance, or charter provision. The license issued under this section authorizes sales on all days of the week to persons attending events at the Pemberton Community Center. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The city of Pemberton is deemed the licensee under this section, and the provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the license as if the facility was a municipal liquor store.

EFFECTIVE DATE. This section is effective upon approval by the Pemberton city council and compliance with Minnesota Statutes, section 645.021.

Sec. 7. **TEMPORARY LICENSE; ALEXANDRIA.**

The city of Alexandria may issue temporary licenses pursuant to law to the Minnesota Lakes Maritime Society, doing business as the Legacy of the Lakes Museum, without regard to the restriction set forth in Minnesota Statutes, section 340A.410, subdivision 10, paragraph (b).

EFFECTIVE DATE. This section is effective upon approval by the Alexandria city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; allowing the Metropolitan Airports Commission to set on-sale hours in security areas of Minneapolis-St. Paul International Airport; providing for an accounting adjustment; authorizing various local licenses; amending Minnesota Statutes 2018, sections 340A.5041; 340A.602."

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

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

S.F. No. 2094: A bill for an act relating to economic development; creating a Telecommuter Forward! certification; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 1, line 11, delete everything after "application"

Page 1, line 12, delete everything before the period and delete "any"

Page 1, line 13, delete everything before the first "the"

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

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

S.F. No. 1816: A bill for an act relating to employment; requiring written demand for payment to employer; prohibiting wage theft; appropriating money; amending Minnesota Statutes 2018, sections 177.27, subdivision 1; 181.03, subdivision 1, by adding subdivisions.

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

Page 1, after line 18, insert:

"Sec. 2. [177.271] LABOR TRAFFICKING AND WAGE THEFT FREE WORKPLACE RECOGNITION PROGRAM.

Subdivision 1. **Program established.** A program recognizing an employer's pledge and efforts to maintain a "labor trafficking and wage theft free" workplace is established within the Department of Labor and Industry.

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined have the meanings given them.

(b) "Wage theft" has the meaning given in section 181.03, subdivision 1.

(c) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

Subd. 3. **Eligibility.** To be eligible for participation in the "labor trafficking and wage theft free" recognition program an employer must:

(1) submit an application to the commissioner on a form prescribed by the commissioner; and

(2) not have been found to be in violation of any of the provisions of sections 177.21 to 177.35 or sections 181.01 to 181.172 within the preceding three years.

Subd. 4. **Conditions of recognition.** (a) An employer requesting to participate in the recognition program under this section must agree to:

(1) provide information to employees regarding wage and hour requirements, including but not limited to, information on what is and is not considered work time, the details of rest breaks and meal times, and overtime pay rules;

(2) offer training to employees on how to recognize labor trafficking in the workplace; and

(3) allow reasonable inspection and submission of records as provided under section 177.27.

(b) The commissioner must consider favorably an employer's recognition as a "labor trafficking and wage theft free" workplace when conducting wage and hour investigations and issuing any penalties for violations of sections 177.21 to 177.35 or sections 181.01 to 181.172.

Subd. 5. **Recognition certificate.** (a) The commissioner shall issue a recognition certificate or notice of denial within 15 days of the application submission by an employer. A recognition certificate shall be valid for a period of five years.

(b) The commissioner shall maintain a list of employers that have obtained recognition as a "labor trafficking and wage theft free" workplace on the department's website. An employer having obtained a recognition certificate must display the certificate at the employer's principal place of business and may include information indicating recognition on their business website and other promotional materials.

Subd. 6. **Revocation of certificate.** Recognition certificates may be suspended or revoked by the commissioner if a holder of a certificate has not made a good faith effort to implement the conditions listed under subdivision 4 or if the holder is found to be in violation of sections 177.21 to 177.35 or sections 181.01 to 181.172.

Sec. 3. Minnesota Statutes 2018, section 177.32, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanors.** (a) An employer who does any of the following is guilty of a misdemeanor:

(1) hinders or delays the commissioner in the performance of duties required under sections 177.21 to 177.435, or sections 181.01 to 181.72;

(2) refuses to admit the commissioner to the place of business or employment of the employer, as required by section 177.27, subdivision 1;

(3) repeatedly fails to make, keep, and preserve records as required by section 177.30;

(4) falsifies any record;

(5) refuses to make any record available, or to furnish a sworn statement of the record or any other information as required by section 177.27;

(6) repeatedly fails to post a summary of sections 177.21 to 177.44 or a copy or summary of the applicable rules as required by section 177.31;

(7) pays or agrees to pay wages at a rate less than the rate required under sections 177.21 to 177.44;

(8) refuses to allow adequate time from work as required by section 177.253; ~~or~~

(9) otherwise violates any provision of sections 177.21 to 177.44; or

(10) commits wage theft as described in section 181.03, subdivision 1.

(b) An employer who violates paragraph (a), clause (10), after having been previously convicted of violating that clause is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date."

Page 2, after line 30, insert:

"Sec. 8. **APPROPRIATION; LABOR TRAFFICKING GRANT.**

(a) \$350,000 in fiscal year 2020 and \$350,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of public safety for the Office of Justice Programs to develop an open and competitive grant process to award a grant to a nonprofit organization identifying and serving victims of labor trafficking to: (1) develop a statewide model protocol for law enforcement, prosecutors, and other persons who in their professional capacity encounter labor trafficking to identify and intervene with victims of labor trafficking; (2) conduct statewide training for law enforcement and prosecutors including, at a minimum, methods under Minnesota Statutes, section 299A.79, subdivision 2; and (3) develop and disseminate investigative best practices to identify victims of labor trafficking and traffickers to law enforcement, prosecutors, and other persons who in their professional capacity encounter labor trafficking. The grant recipient may use the money appropriated in this paragraph to partner with other entities to implement clauses (1) to (3).

(b) By January 15, 2021, the grant recipient shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice policy and funding on the grant process and how the grant money was spent and details and results of the implementation of paragraph (a), clauses (1) to (3). This appropriation is onetime and is available until spent."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "establishing a "wage theft free" workplace recognition program;"

Amend the title numbers accordingly

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

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

H.F. No. 819 for comparison with companion Senate File, reports the following House File was found not identical with 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.
819	966				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 819 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 819, the first engrossment; and insert the language after the enacting clause of S.F. No. 966, the first engrossment; further, delete the title of H.F. No. 819, the first engrossment; and insert the title of S.F. No. 966, the first engrossment.

And when so amended H.F. No. 819 will be identical to S.F. No. 966, and further recommends that H.F. No. 819 be given its second reading and substituted for S.F. No. 966, and that the 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. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources Finance, to which was referred

S.F. No. 793: A bill for an act relating to education; establishing a grant program to include firearms safety, archery, hunting, and angling in school physical education courses; requiring a report; appropriating money.

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

Page 1, line 9, after "safety," insert "trap shooting,"

Amend the title as follows:

Page 1, line 2, after "safety," insert "trap shooting,"

And when so amended the bill do pass and be re-referred to the Committee on E-12 Finance and Policy. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources Finance, to which was referred

S.F. No. 2201: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying previous appropriations; amending Laws 2015, chapter 76, section 2, subdivision 9, as amended; Laws 2017, chapter 96, section 2, subdivision 9.

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

Page 1, line 20, delete "53,547,000" and insert "61,387,000"

Page 25, line 14, delete "2,000,000" and insert "9,840,000"

Page 25, line 16, delete "\$1,500,000" and insert "\$9,340,000"

Page 26, after line 5, insert:

"Subd. 12. Fiscal Year 2019 Appropriations

(a) Diagnostic Test for Chronic Wasting Disease

\$1,804,000 in fiscal year 2019 is appropriated from the environment and natural resources trust fund to the Board of Regents of the University of Minnesota to develop a diagnostic test for chronic wasting disease that uses samples from living deer. This appropriation is subject to Minnesota Statutes, section 116P.10. This is a onetime appropriation and is available until June 30, 2021, by which time projects must be completed and final products delivered.

(b) Wastewater Infrastructure Funding

\$1,136,000 in fiscal year 2019 is appropriated from the environment and natural resources trust fund to the Public Facilities Authority for grants for wastewater projects under the

water infrastructure funding program under Minnesota Statutes, section 446A.072, to home rule and statutory cities and towns with a population under 5,000. The commissioner of the Pollution Control Agency must work with communities that receive grants under this paragraph to identify pollutant reduction opportunities related to wastewater projects funded under this paragraph. This is a onetime appropriation and is available until June 30, 2023, by which time projects must be completed and final products delivered."

Renumber the subdivisions in sequence

Page 34, delete lines 5 to 8

Page 34, line 9, delete "(2)" and insert "(1)"

Page 34, after line 11, insert:

"(2) Laws 2015, chapter 76, section 2, subdivision 4, paragraph (f), Southeast Minnesota Subsurface Drainage Impacts on Groundwater Recharge;"

Page 34, after line 20, insert:

"(6) Laws 2016, chapter 186, section 2, subdivision 4, paragraph (h), Protection of State's Confined Drinking Water Aquifers – Phase II;"

Page 34, line 21, delete "(6)" and insert "(7)"

Page 34, line 25, delete "(7)" and insert "(8)"

Page 34, line 29, delete "(8)" and insert "(9)"

Page 35, line 1, delete "(9)" and insert "(10)"

Page 35, line 4, delete "(10)" and insert "(11)"

Page 35, line 8, delete "(11)" and insert "(12)"

Page 35, line 12, delete "(12)" and insert "(13)"

Page 35, line 16, delete "(13)" and insert "(14)"

Page 46, delete section 5 and insert:

"Sec. 5. TRANSFER OF FUNDS; EXTENSION OF AVAILABILITY OF APPROPRIATIONS.

Subdivision 1. Transfer of unencumbered funds. On June 30, 2019, any unencumbered money from the following appropriations is transferred to the appropriation for the grants management system under Laws 2016, chapter 186, section 2, subdivision 10, paragraph (b):

- (1) Laws 2014, chapter 226, section 2, subdivision 10, paragraph (c);
- (2) Laws 2015, chapter 76, section 2, subdivision 9, paragraph (c);
- (3) Laws 2015, chapter 76, section 2, subdivision 9, paragraph (d);
- (4) Laws 2015, chapter 76, section 2, subdivision 9, paragraph (f);
- (5) Laws 2016, chapter 186, section 2, subdivision 9, paragraph (a);
- (6) Laws 2016, chapter 186, section 2, subdivision 9, paragraph (c); and
- (7) Laws 2017, chapter 96, section 2, subdivision 10, paragraph (b).

Subd. 2. Extension of availability of appropriations. The availability of the appropriations for the grants management system under Laws 2016, chapter 186, section 2, subdivision 10, paragraph (b), and the funds transferred to that project under subdivision 1 are extended to June 30, 2022."

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

Senator Ruud from the Committee on Environment and Natural Resources Policy and Legacy Finance, to which was referred

S.F. No. 2237: A bill for an act relating to economic development; establishing Minnesota Outdoor Recreation Office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116U.

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

Page 1, line 13, delete "policy and management" and insert "opportunities"

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

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

S.F. No. 1958: A bill for an act relating to education; superintendents; making various nonsubstantive style and form changes; amending Minnesota Statutes 2018, section 123B.143, subdivision 1.

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

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

S.F. No. 2125: A bill for an act relating to human services; requiring the commissioner of human services to ensure certain protections for children in foster care; amending Minnesota Statutes 2018, section 260C.215, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. [260C.009] FOSTER CARE MINIMUM STANDARDS.

The commissioner shall ensure that each child placed in foster care is entitled to certain minimum standards while in foster care. Each child placed in foster care shall receive notification of these minimum standards immediately upon out-of-home placement or during the child's first meeting with a county social worker, in a document that is age and developmentally appropriate. The document shall include the address and telephone number of the Office of Ombudsman for Families and a brief statement describing how to file a complaint with the office concerning a violation of any minimum standard. A child's social worker must review the document annually with the child in an age and developmentally appropriate manner. The commissioner shall develop a form outlining these minimum standards and providing additional guidance, and issue a bulletin listing these minimum standards and the requirements for responsible social services agencies as soon as is practicable. The commissioner shall include the information required under this paragraph in training materials for adoption and foster care workers and administrators. The commissioner shall ensure that a child in foster care has:

(1) the basic support that every child needs, which includes a family, a safe home with appropriate sleeping arrangements, nutritious food, clothing, hygiene products, the child's own belongings, and access to a working phone;

(2) safety, which includes respectful treatment, appropriate discipline, protection from maltreatment, and communication with trusted adults without fear of retaliation;

(3) contact with caring people, which includes visiting or communicating with family and friends, and participating in activities with peers;

(4) health care, which includes routine checkups, doctor visits when the child is sick, and access to medical, dental, or mental health providers as necessary;

(5) education, which includes attending age-appropriate educational classes or extracurricular activities;

(6) access to legal resources, which includes appointment of and access to an attorney, guardian ad litem, or social worker, notification of court proceedings, orders, or determinations;

(7) placement in an environment that meets the child's needs, which includes a placement in close proximity to the child's family, reasonable access to a bedroom, fair rules with explanations, not using detention as respite or emergency placement, and stability;

(8) age-appropriate decision-making authority, which includes participation in case planning discussions and the ability to express the child's gender, sexual identity, religion, or culture; and

(9) access to transitional support information, which includes materials for aging out of care and for accessing records.

EFFECTIVE DATE. This section is effective for each child in foster care on or after August 1, 2019, regardless of when the child entered foster care."

Delete the title and insert:

"A bill for an act relating to human services; requiring the commissioner of human services to ensure certain minimum standards for children in foster care; proposing coding for new law in Minnesota Statutes, chapter 260C."

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

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

S.F. No. 2141: A bill for an act relating to human services; modifying the permanent bar to set aside a background study disqualification; amending Minnesota Statutes 2018, section 245C.24, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in paragraph (b), the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) For an individual ~~in the chemical dependency or corrections field~~ who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and ~~whose disqualification was set aside prior to July 1, 2005~~ more than 20 years have passed since the discharge of the sentence imposed, the commissioner must consider granting a set aside or variance pursuant to section 245C.22 or 245C.30 for the license holder for a program dealing primarily with adults. ~~A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set-aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service~~ This paragraph does not apply to a person disqualified based on a violation of sections 609.342 to 609.3453; 617.23, subdivision 2, clause (1), or subdivision 3, clause (1); 617.246; or 617.247.

(c) When a licensed foster care provider adopts an individual who had received foster care services from the provider for over six months, and the adopted individual is required to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30 to permit the adopted individual with a permanent disqualification to remain affiliated with the license holder under the conditions of the variance when the variance is recommended by the county of responsibility for each of the remaining individuals in placement in the home and the licensing agency for the home."

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

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

S.F. No. 2126: A bill for an act relating to human services; modifying intervener services for persons who are deafblind; amending Minnesota Statutes 2018, sections 256C.23, by adding a subdivision; 256C.261.

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

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

S.F. No. 2012: A bill for an act relating to human services; establishing the Community Competency Restoration Task Force; requiring reports; appropriating money.

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

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

S.F. No. 1367: A bill for an act relating to early childhood; modifying eligibility requirements for early learning scholarships; amending Minnesota Statutes 2018, sections 13.461, by adding a subdivision; 124D.165, subdivisions 2, 4, by adding a subdivision.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2018, section 13.46, subdivision 2, is amended to read:

Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated by the welfare system are private data on individuals, and shall not be disclosed except:

(1) according to section 13.05;

(2) according to court order;

(3) according to a statute specifically authorizing access to the private data;

(4) to an agent of the welfare system and an investigator acting on behalf of a county, the state, or the federal government, including a law enforcement person or attorney in the investigation or prosecution of a criminal, civil, or administrative proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to verify an individual's identity; determine eligibility, amount of assistance, and the need to provide services to an individual or family across programs; coordinate services for an individual or family; evaluate the effectiveness of programs; assess parental contribution amounts; and investigate suspected fraud;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) to the Department of Revenue to assess parental contribution amounts for purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs and to identify individuals who may benefit from these programs. The following information may be disclosed under this paragraph: an individual's and their dependent's names, dates of birth, Social Security numbers, income, addresses, and other data as required, upon request by the Department of Revenue. Disclosures by the commissioner of revenue to the commissioner of human services for the purposes described in this clause are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund and rental credit under section 290A.04, and the Minnesota education credit under section 290.0674;

(9) between the Department of Human Services, the Department of Employment and Economic Development, and when applicable, the Department of Education, for the following purposes:

(i) to monitor the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency;

(ii) to administer any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system;

(iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a medical program formerly codified under chapter 256D; and

(iv) to analyze public assistance employment services and program utilization, cost, effectiveness, and outcomes as implemented under the authority established in Title II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999. Health records governed by sections 144.291 to 144.298 and "protected health information" as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code of Federal Regulations, title 45, parts 160-164, including health care claims utilization information, must not be exchanged under this clause;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law 98-527 to protect the legal and human rights of persons with developmental disabilities or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the Minnesota Office of Higher Education to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant Social Security numbers and names collected by the telephone assistance program may be disclosed to the Department of Revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food support applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, Social Security number, and, if available, photograph of any member of a household receiving food support shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, or food support may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518A.74;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the Department of Education for the purpose of matching Department of Education student data with public assistance data to determine students eligible for free and reduced-price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a community health board as defined in section 145A.02, subdivision 5, when the commissioner or community health board has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the Departments of Human Services and Education, on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a medical program formerly codified under chapter 256D;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the Department of Human Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), Department of Health, Department of Employment and Economic Development, and other state agencies as is reasonably necessary to perform these functions;

(29) counties and the Department of Human Services operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of education;

(30) child support data on the child, the parents, and relatives of the child may be disclosed to agencies administering programs under titles IV-B and IV-E of the Social Security Act, as authorized by federal law;

(31) to a health care provider governed by sections 144.291 to 144.298, to the extent necessary to coordinate services;

(32) to the chief administrative officer of a school to coordinate services for a student and family; data that may be disclosed under this clause are limited to name, date of birth, gender, and address; or

(33) to county correctional agencies to the extent necessary to coordinate services and diversion programs; data that may be disclosed under this clause are limited to name, client demographics, program, case status, and county worker information.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are not subject to the access provisions of subdivision 10, paragraph (b).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

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

Sec. 2. Minnesota Statutes 2018, section 13.46, subdivision 4, is amended to read:

Subd. 4. **Licensing data.** (a) As used in this subdivision:

(1) "licensing data" are all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" are Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license holders, and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician.

(ii) Except as provided in clause (v), when a correction order, an order to forfeit a fine, an order of license suspension, an order of temporary immediate suspension, an order of license revocation, an order of license denial, or an order of conditional license has been issued, or a complaint is resolved, the following data on current and former licensees and applicants are public: the general nature of the complaint or allegations leading to the temporary immediate suspension; the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence of settlement negotiations; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, temporary immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; whether a fine has been paid; and the status of any appeal of these actions.

(iii) When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that a license holder, applicant, or controlling individual is responsible for maltreatment under section 626.556 or 626.557, the identity of the applicant, license holder, or controlling individual as the individual responsible for maltreatment is public data at the time of the issuance of the license denial or sanction.

(iv) When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that a license holder, applicant, or controlling individual is disqualified under chapter 245C, the identity of the license holder, applicant, or controlling individual as the disqualified individual and the reason for the disqualification are public data at the time of the issuance of the

licensing sanction or denial. If the applicant, license holder, or controlling individual requests reconsideration of the disqualification and the disqualification is affirmed, the reason for the disqualification and the reason to not set aside the disqualification are public data.

(v) A child care provider licensing violation is private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9, if the violation is seven years old or older, the violation was not based on causing harm to a child or exposing a child to a risk of harm, and the child care provider was not cited for violating the same rule or statutory provision in the seven years following the date of the initial violation.

(2) For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

(3) For applicants who are denied a license, the following data are public: the name and address of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, the existence of settlement negotiations, the record of informal resolution of a denial, orders of hearings, findings of fact, conclusions of law, specifications of the final order of denial, and the status of any appeal of the denial.

(4) When maltreatment is substantiated under section 626.556 or 626.557 and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

(5) Notwithstanding clause (1), for child foster care, only the name of the license holder and the status of the license are public if the county attorney has requested that data otherwise classified as public data under clause (1) be considered private data based on the best interests of a child in placement in a licensed program.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters of complaints or alleged violations of licensing standards under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment under sections 626.556 and 626.557, are confidential data and may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning a license which has been suspended, immediately suspended, revoked, or denied.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, data on individuals collected by the commissioner of human services according to investigations under chapters 245A, 245B, 245C, and 245D, and sections 626.556 and 626.557 may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the ombudsman for mental health and developmental disabilities, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated or the information may otherwise be relevant to the board's regulatory jurisdiction. Background study data on an individual who is the subject of a background study under chapter 245C for a licensed service for which the commissioner of human services is the license holder may be shared with the commissioner and the commissioner's delegate by the licensing division. Unless otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

(j) In addition to the notice of determinations required under section 626.556, subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

(k) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

Sec. 3. Minnesota Statutes 2018, section 13.461, subdivision 28, is amended to read:

Subd. 28. **Child care assistance program.** (a) Data collected, maintained, used, or disseminated by the welfare system pertaining to persons selected as legal nonlicensed child care providers by families receiving child care assistance are classified under section 119B.02, subdivision 6, paragraph (a). Child care assistance program payment data is classified under section 119B.02, subdivision 6, paragraph (b).

(b) Data relating to child care assistance program disqualification is governed by section 124D.165, subdivision 4a.

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

Sec. 4. Minnesota Statutes 2018, section 119B.02, subdivision 6, is amended to read:

Subd. 6. **Data.** (a) Data collected, maintained, used, or disseminated by the welfare system pertaining to persons selected as legal nonlicensed child care providers by families receiving child care assistance shall be treated as licensing data as provided in section 13.46, subdivision 4.

(b) For purposes of this paragraph, "child care assistance program payment data" means data for a specified time period showing (1) that a child care assistance program payment under this chapter was made, and (2) the amount of child care assistance payments made to a child care center. Child care assistance program payment data may include the number of families and children on whose behalf payments were made for the specified time period. Any child care assistance program payment data that may identify a specific child care assistance recipient or benefit paid on behalf of a specific child care assistance recipient, as determined by the commissioner, is private data on individuals as defined in section 13.02, subdivision 12. Data related to a child care assistance payment is public if the data relates to a child care assistance payment made to a licensed child care center or a child care center exempt from licensure and:

(1) the child care center receives payment of more than \$100,000 from the child care assistance program under this chapter in a period of one year or less; or

(2) when the commissioner or county agency either:

(i) disqualified the center from receipt of a payment from the child care assistance program under this chapter for wrongfully obtaining child care assistance under section 256.98, subdivision 8, paragraph (c);

(ii) refused a child care authorization, revoked a child care authorization, stopped payment, or denied payment for a bill for the center under section 119B.13, subdivision 6, paragraph (d); or

(iii) made a finding of financial misconduct under section 245E.02.

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

Page 3, line 7, delete everything after "if" and insert a colon

Page 3, delete lines 8 and 9 and insert:

"(1) it is disqualified from receiving payment for child care services from the child care assistance program under chapter 119B, as provided under section 256.98, subdivision 8, paragraph (c); or

(2) the commissioner of human services or county agency refuses to issue a child care authorization, revokes an existing child care authorization, stops payment issued to a program, or refuses to pay a bill under section 119B.13, subdivision 6, paragraph (d), clause (2)."

Page 3, after line 18, insert:

"Sec. 8. Minnesota Statutes 2018, section 245A.04, subdivision 4, is amended to read:

Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner shall conduct an inspection of the program. The inspection must include but is not limited to:

- (1) an inspection of the physical plant;
- (2) an inspection of records and documents;
- (3) an evaluation of the program by consumers of the program;
- (4) observation of the program in operation; and

(5) an inspection for the health, safety, and fire standards in licensing requirements for a child care license holder.

For the purposes of this subdivision, "consumer" means a person who receives the services of a licensed program, the person's legal guardian, or the parent or individual having legal custody of a child who receives the services of a licensed program.

(b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the commissioner issues an initial license under subdivision 7, these requirements must be completed within one year after the issuance of an initial license.

(c) Before completing a licensing inspection in a family child care program or child care center, the licensing agency must offer the license holder an exit interview to discuss violations of law or rule observed during the inspection and offer technical assistance on how to comply with applicable laws and rules. Nothing in this paragraph limits the ability of the commissioner to issue a correction order or negative action for violations of law or rule not discussed in an exit interview or in the event that a license holder chooses not to participate in an exit interview.

(d) The commissioner or the county shall inspect at least annually a child care provider licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance with applicable licensing standards.

(e) ~~No later than November 19, 2017,~~ The commissioner shall make publicly available on the department's website the results of inspection reports of all child care providers licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the number of deaths, serious injuries, and instances of substantiated child maltreatment that occurred in licensed child care settings each year. The results of inspection reports shall not be displayed on the department's website for longer than the minimum required time under federal law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after "early childhood" and insert "; modifying eligibility requirements for early learning scholarships; permitting certain data to be accessed by the Department of Human Services and shared with the Department of Education; classifying certain licensing violation data as private and nonpublic data after seven years; expanding the definition of child care assistance program payment data; requiring the commissioner of human services to publicly display results of child care licensing reports for longer than the minimum time required by federal law"

Page 1, line 3, delete "scholarships"

Amend the title numbers accordingly

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

Senator Newman from the Committee on Transportation Finance and Policy, to which was referred

S.F. No. 2071: A bill for an act relating to aeronautics; modifying provisions governing airport zoning; amending Minnesota Statutes 2018, sections 360.013, by adding a subdivision; 360.017, subdivision 1; 360.021, subdivision 1; 360.062; 360.063, subdivisions 1, 3; 360.064, subdivision 1; 360.065, subdivision 1; 360.066, subdivision 1; 360.067, by adding a subdivision; 360.071, subdivision 2; 360.305, subdivision 6; 394.22, by adding a subdivision; 394.23; 394.231; 394.25, subdivision 3; 462.352, by adding a subdivision; 462.355, subdivision 1; 462.357, subdivision 9, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 360; repealing Minnesota Statutes 2018, sections 360.063, subdivision 4; 360.065, subdivision 2; 360.066, subdivisions 1a, 1b.

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

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

S.F. No. 1100: A bill for an act relating to public safety; modifying requirements for certain tribes to exercise concurrent state law enforcement jurisdictional authority; amending Minnesota Statutes 2018, section 626.93, subdivisions 3, 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 626.93, is amended by adding a subdivision to read:

Subd. 7. **Exception; Prairie Island Indian Community.** Notwithstanding any contrary provision in subdivision 3 or 4, the Prairie Island Indian Community of the Mdewakanton Dakota tribe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the community's reservation to enforce state criminal law if the

requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into."

Amend the title as follows:

Page 1, line 2, delete "certain tribes" and insert "the Prairie Island Indian Community"

Amend the title numbers accordingly

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

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

S.F. No. 182: A bill for an act relating to energy; establishing a process to compensate businesses for loss of business opportunity resulting from sale and closure of a biomass energy plant.

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

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

S.F. No. 1039: A bill for an act relating to energy; amending the renewable development account public utility annual contribution; establishing a net zero emissions project; requiring a report; establishing a process to compensate businesses for loss of business opportunity resulting from sale and closure of a biomass energy plant; appropriating money; amending Minnesota Statutes 2018, section 116C.779, subdivision 1.

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

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

S.F. No. 1257: A bill for an act relating to health care; authorizing the use of epinephrine auto-injectors by certain individuals who complete a training program; amending Minnesota Statutes 2018, section 144.999.

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

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

S.F. No. 156: A bill for an act relating to local government; including service cooperatives in the definition of governmental units for purposes of joint powers; amending Minnesota Statutes 2018, section 471.59, subdivision 1.

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

Page 1, line 14, before "independent" insert "charter school under chapter 124E,"

Amend the title accordingly

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

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

S.F. No. 1829: A bill for an act relating to family law; establishing a family law mediation task force.

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

Delete everything after the enacting clause and insert:

"Section 1. **FAMILY LAW MEDIATION TASK FORCE.**

Subdivision 1. **Establishment.** The Family Law Mediation Task Force is established (1) to advise and inform the legislature on the impact of conflict on children during the marital dissolution process and (2) to make conflict resolution recommendations to reduce that conflict.

Subd. 2. **Membership.** (a) The task force consists of 16 members as follows:

(1) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(2) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(3) one representative from the Family Law Section of the Minnesota State Bar Association;

(4) one representative from the Alternative Dispute Resolution Section of the Minnesota State Bar Association;

(5) one representative from the Academy of Professional Family Mediators;

(6) one representative from the Association of Family and Conciliation Courts;

(7) one representative from Conflict Resolution Minnesota;

(8) one representative from the Minnesota Psychological Association;

(9) one representative from the Minnesota Association of Marriage and Family Therapists;

(10) one representative from the Professional Mediation Board of Standards;

(11) one family court referee, one district court judge, or one retired judge with experience in family law matters, appointed by the chief justice of the Supreme Court;

(12) one representative from the Minnesota Legal Services Coalition; and

(13) two members of the public with experience in mediation, appointed by the Governor.

(b) Members shall serve without compensation. Each organization listed in paragraph (a) is responsible for appointing its representative.

(c) Appointments must be made by July 1, 2019.

Subd. 3. **Organization.** (a) The commissioner of Bureau of Mediation Services or the commissioner's designee shall convene the first meeting of the task force by August 1, 2019.

(b) The task force shall meet monthly or as determined by the chair.

(c) At the first meeting, the members of the task force shall elect a chair and other officers as the members deem necessary.

Subd. 4. **Staff.** The commissioner of Bureau of Mediation Services shall provide support staff, office space, and administrative services for the task force.

Subd. 5. **Duties.** (a) The task force shall develop a family law mediation report covering the following:

(1) an analysis of the existing research regarding the effect of the dissolution process on children;

(2) recommendations for conflict resolution practices as an alternative to the court process to reduce the negative impact dissolution proceedings have on children; and

(3) recommendations for a model program for mediation services for implementation in district courts throughout the state.

(b) The task force shall engage with each district court in the state to encourage the use of the model program for mediation services recommended under paragraph (a).

Subd. 6. **Report.** The task force must submit the report required under subdivision 5 to the chairs and ranking minority members of the legislative committees with jurisdiction over family law by January 31, 2020. The report must include the analysis and recommendations required under subdivision 5 and any draft legislation necessary to implement the recommendations.

Subd. 7. **Open meetings.** Meetings of the group are subject to Minnesota Statutes, chapter 13D.

Subd. 8. **Expiration.** The task force expires upon submission of the report required under subdivision 6.

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

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

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

S.F. No. 2255: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 3; establishing a redistricting commission; establishing redistricting principles; proposing coding for new law in Minnesota Statutes, chapter 2.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT; REDISTRICTING COMMISSION

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article IV, section 3, will read:

Sec. 3. ~~At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts.~~ Senators shall be chosen by single districts of convenient, contiguous, and compact territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. Districts shall be as nearly equal in population as practicable. Political subdivisions shall not be divided more than necessary to meet constitutional requirements. A district must not be drawn purposely to favor or disfavor any political party or political group. The legislature may enact additional principles by law, but legislatively enacted principles must not be prioritized above the principles in this section.

A redistricting commission shall adopt boundaries of congressional and legislative districts in accordance with this section. The commission consists of four members. The majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives shall each appoint one member. A member must be an eligible voter in this state. A current or former judge is not eligible to be a commission member. The legislature may provide for additional eligibility requirements and prohibitions by law.

Prior to adopting a legislative or congressional districting plan, the commission shall hold at least two public hearings in each congressional district.

By December 31 of a year ending in one, the commission shall adopt a legislative districting plan and a congressional districting plan. For a plan to be adopted by the commission, the plan must be approved by three-fourths of the members of the commission. After the commission adopts a final plan, the commission shall file the plan with the secretary of state within seven days of the adoption. Upon filing with the secretary of state, the plan is effective for the next state general election, and remains in effect until new plans are adopted by a commission constituted following the next federal decennial census. The commission established after each federal decennial census expires when both legislative and congressional redistricting plans have been adopted and filed with the secretary of state, or January 1 of a year ending in two, whichever is earlier.

The legislature shall provide by law a process to reconvene the commission. Reconvening the commission requires a two-thirds vote of the members of each house.

A districting plan is not subject to section 23 or 24 of this article.

Sec. 2. **SUBMISSION TO VOTERS.**

(a) The proposed amendment must be submitted to the people at the 2020 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to establish a redistricting commission to conduct legislative and congressional redistricting after each federal decennial census?"

Yes

No"

(b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the question submitted to the people under paragraph (a) shall be: "Redistricting Commission."

ARTICLE 2

REDISTRICTING COMMISSION; REDISTRICTING PRINCIPLES

Section 1. **[2.92] REDISTRICTING COMMISSION.**

Subdivision 1. **Application.** This section applies to the Redistricting Commission established in article IV, section 3, of the Minnesota Constitution.

Subd. 2. **Appointments; meeting; chair.** (a) The majority leader of the senate, the minority leader of the senate, the speaker of the house, and the minority leader of the house of representatives must each appoint one member by January 15 of a year ending in one. A vacancy on the commission must be filled promptly by the appointing authority that made the initial appointment. By February 1 of a year ending in one, the chief justice of the Minnesota Supreme Court must convene the first meeting of the commission. The members of the commission must select the chair from among the members at the first meeting.

(b) The commission is subject to chapters 13 and 13D.

(c) Public members of the commission must be compensated as provided in section 15.0575.

Subd. 3. **Members.** (a) A member must be an eligible voter in this state. A current or former judge is not eligible to be a commission member. While serving on the commission, members must not campaign for elective office, actively participate or contribute to a political campaign, or hold office in the legislature or congress.

(b) Before serving on the commission, every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath must be filed with the Secretary of State.

Subd. 4. **Public hearings; proposed plans.** (a) The commission must adopt a schedule for interested persons to submit proposed plans to the commission and to respond to plans proposed by

others. The commission must adopt procedures to govern the creation and format of plans submitted to it. The schedule and procedures must be posted on the Legislative Coordinating Commission's website. The commission must hold at least one public hearing in each congressional district before proposing any redistricting plan to gather public input.

(b) After completing the public hearings required by paragraph (a), the commission may propose districting plans for legislative and congressional districts. The commission must, by three-fourths vote, select one plan for legislative districts and one plan for congressional districts to present to the public for input. The selected plans must be posted on the Legislative Coordinating Commission's website. After the plans have been posted, the commission must hold at least one public hearing in each congressional district to solicit feedback on the proposed plans.

Subd. 5. **Adoption of plan.** After completing the public hearings required by subdivision 4, but before December 31 of a year ending in one, the commission must adopt a legislative districting plan and a congressional districting plan as provided in article IV, section 3, of the Minnesota Constitution.

Subd. 6. **Reports.** For each plan considered or adopted by the commission, the commission must prepare a detailed map of each district and a report explaining how the commission complied with the redistricting provisions established in section 2.93.

Subd. 7. **Administrative support.** The Legislative Coordinating Commission must provide the commission with administrative support and staff, meeting and working space, equipment, hardware, software, and other assistance as requested by the commission.

Subd. 8. **Reconvening the redistricting commission.** The redistricting commission may be reconvened after it has expired and before the next year ending in one as provided in this section. Upon an affirmative vote of two-thirds of the members of each house, the redistricting commission is reconvened. Appointments to the commission must be made in the manner provided in this section. The commission may modify an existing congressional or legislative plan or amend a new congressional or legislative plan. Any modification or new plan adopted pursuant to this subdivision must be done in the manner provided in this section.

EFFECTIVE DATE. This section is effective December 1, 2020, if the constitutional amendment in article 1 is adopted and applies to redistricting conducted on or after that date.

Sec. 2. **[2.93] REDISTRICTING PRINCIPLES.**

Subdivision 1. **Applicability; constitutional duty of legislature.** The principles in this section apply to legislative and congressional districts.

Subd. 2. **Convenience; contiguity; compactness.** The districts must be composed of convenient, contiguous, and compact territory. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Point contiguity is not sufficient.

Subd. 3. **Nesting.** A representative district may not be divided in the formation of a senate district.

Subd. 4. **Numbering.** (a) Legislative districts must be numbered in a regular series, beginning with house district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south, but bypassing the 11-county metropolitan area until the southeast corner has been reached; then to the 11-county metropolitan area outside the cities of Minneapolis and St. Paul; then in Minneapolis and St. Paul.

(b) Congressional district numbers must begin with district one in the southeast corner of the state and end with district eight in the northeast corner of the state.

Subd. 5. **Equal population.** (a) Legislative districts must be as nearly equal in population as practicable. The population of a legislative district must not deviate from the ideal by more than one percent, plus or minus.

(b) Congressional districts must be as nearly equal in population as practicable.

Subd. 6. **Minor civil divisions.** (a) A county, city, or town must not be unduly divided unless required to meet equal population requirements or to form districts composed of convenient, contiguous territory.

(b) A county, city, or town is not unduly divided in the formation of a legislative or congressional district if:

(1) the division occurs because a portion of a city or town is noncontiguous with another portion of the same city or town; or

(2) despite the division, the known population of any affected county, city, or town remains wholly located within a single district.

Subd. 7. **Political parties.** A district must not be drawn purposely to favor or disfavor any political party or political group.

Subd. 8. **Minority representation.** (a) The dilution of racial or ethnic minority voting strength is contrary to the laws of the United States and Minnesota. These principles must not be construed to supersede any provision of the Voting Rights Act of 1965, as amended.

(b) A redistricting plan must not have the intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice.

Subd. 9. **Preserving communities of interest.** (a) Districts should attempt to preserve identifiable communities of interest where that can be done in compliance with the principles under this section.

(b) For purposes of this subdivision, "communities of interest" means recognizable areas with similarities of interests including but not limited to racial, ethnic, geographic, social, or cultural interests.

Subd. 10. **Data to be used.** The geographic areas and population counts used in maps, tables, and legal descriptions of the districts must be those used by the Geographic Information Systems (GIS) Office of the Legislative Coordinating Commission. The population counts shall be the block population counts provided to the state under Public Law 94-171 after each decennial census, subject to correction of any errors acknowledged by the United States Census Bureau.

Subd. 11. **Consideration of plans.** A redistricting plan must not be considered for adoption by the Redistricting Commission until the redistricting plan's block equivalency file has been submitted to the GIS Office in a form prescribed by the GIS Office. The block equivalency file must show the district to which each census block has been assigned.

Subd. 12. **Priority of principles.** Where it is not possible to fully comply with the principles contained in subdivisions 2 to 9, a redistricting plan must comply with the principles contained in subdivisions 2 to 7 and then give priority to those principles in subdivisions 7 and 8 in the order in which they are listed in this section, except to the extent that doing so would violate federal or state law.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any plan for districts enacted or established for use on or after that date.

Sec. 3. **REPEALER.**

Minnesota Statutes 2018, section 204B.14, subdivision 1a, is repealed.

EFFECTIVE DATE. This section is effective December 1, 2020, if the constitutional amendment in article 1 is adopted."

Amend the title numbers accordingly

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

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

S.F. No. 2029: A bill for an act relating to state government; clarifying the application of certain laws governing audits of counties by the state auditor; amending Minnesota Statutes 2018, section 6.481, subdivision 1.

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

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

S.F. No. 2192: A bill for an act relating to government operations; agriculture; authorizing expedited rulemaking for industrial hemp; amending Minnesota Statutes 2018, section 18K.06.

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

Page 1, line 19, after "section" insert "that are required to conform to the Agriculture Improvement Act of 2018, Public Law 115-1072, and federal rules authorized under that act"

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

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

S.F. No. 1875: A bill for an act relating to state government; providing for zero-based budgeting; amending Minnesota Statutes 2018, sections 16A.103, subdivision 1a; 16A.11, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

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

S.F. No. 47: A bill for an act relating to the Metropolitan Council; requiring local approval of gubernatorial appointees to the Metropolitan Council; providing a method for local governments to remove a member of the Metropolitan Council; amending Minnesota Statutes 2018, section 473.123, subdivisions 3, 4.

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

Page 2, line 5, reinstate the stricken language

Page 2, line 6, reinstate the stricken language and delete the new language

Page 2, line 23, delete "from the list required in paragraph (c)"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1167, 2130, 2094, 1958, 2141, 2126, 2071, 1100, 1257, 156, and 47 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 819 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Abeler, Goggin, Hoffman, Simonson, and Champion introduced--

S.F. No. 2447: A bill for an act relating to employment; requiring notice of call center or customer service operation relocations; providing for recapture of public subsidies; proposing coding for new law in Minnesota Statutes, chapter 116L.

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

Senator Senjem introduced--

S.F. No. 2448: A bill for an act relating to motor vehicles; amending the distribution of contributions made for Law Enforcement Memorial Association license plates; requiring a report; amending Minnesota Statutes 2018, section 168.1294, subdivision 6.

Referred to the Committee on Transportation Finance and Policy.

Senators Bigham, Latz, and Ingebrigtsen introduced--

S.F. No. 2449: A bill for an act relating to corrections; establishing a local correctional officers discipline procedures act; proposing coding for new law in Minnesota Statutes, chapter 641.

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

Senators Johnson, Eken, Sparks, and Weber introduced--

S.F. No. 2450: A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Ingebrigtsen, Eken, Sparks, and Johnson introduced--

S.F. No. 2451: A bill for an act relating to local government; increasing soil and water conservation district supervisor and watershed district manager compensation; amending Minnesota Statutes 2018, sections 103C.315, subdivision 4; 103D.315, subdivision 8.

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

Senators Benson and Abeler introduced--

S.F. No. 2452: A bill for an act relating to human services; adjusting appropriations for certain forecasted programs administered by the commissioner of human services.

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

Senators Benson and Abeler introduced--

S.F. No. 2453: A bill for an act relating to health; appropriating money to the commissioner of health for public health services.

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

Senators Benson, Koran, Kiffmeyer, and Rosen introduced--

S.F. No. 2454: A bill for an act relating to human services; requiring periodic measurement of progress toward completion of information technology projects; requiring payment withholds for failure to meet contractual timelines for completion of information technology projects.

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

Senators Wiger, Marty, Rest, and Anderson, P. introduced--

S.F. No. 2455: A bill for an act relating to education; integrating service-learning into Minnesota's education system; establishing an evidence-based service-learning technical assistance and grant program; appropriating money; amending Minnesota Statutes 2018, section 124D.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Senators Tomassoni, Bakk, Senjem, and Simonson introduced--

S.F. No. 2456: A bill for an act relating to capital investment; appropriating money for local airport improvements to support the Department of Natural Resources fire-fighting operations; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Marty, Rest, and Dibble introduced--

S.F. No. 2457: A bill for an act relating to state government; establishing a Volunteerism Innovation Board; requiring grants; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 129E.

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

Senator Jasinski introduced--

S.F. No. 2458: A bill for an act relating to capital investment; appropriating money for asset preservation at the Minnesota State Academies; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Jasinski introduced--

S.F. No. 2459: A bill for an act relating to capital investment; appropriating money for safety corridor at the Minnesota State Academies; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Jasinski introduced--

S.F. No. 2460: A bill for an act relating to capital investment; appropriating money for residence hall renovation at the Minnesota State Academies; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Hayden introduced--

S.F. No. 2461: A bill for an act relating to public safety; appropriating money for MAD DADS to provide services and programs to underserved communities.

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

Senator Hayden introduced--

S.F. No. 2462: A bill for an act relating to taxation; gross revenues and gross receipts; repealing the repeal of the MinnesotaCare provider taxes; amending Minnesota Statutes 2018, section 295.52, subdivision 8; repealing Laws 2011, First Special Session chapter 9, article 6, section 97, subdivision 6.

Referred to the Committee on Taxes.

Senator Goggin introduced--

S.F. No. 2463: A bill for an act relating to retirement; revising the allocation of police and firefighter retirement supplemental state aid; amending Minnesota Statutes 2018, section 423A.022, subdivisions 2, 5, by adding a subdivision.

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

Senator Housley introduced--

S.F. No. 2464: A bill for an act relating to capital investment; appropriating money to realign 60th Street and related improvements in Oak Park Heights; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Franzen introduced--

S.F. No. 2465: A bill for an act relating to workforce development; appropriating money for grants to increase the number of apprentices in information technology; requiring reports.

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

Senator Housley introduced--

S.F. No. 2466: A bill for an act relating to financial institutions; modifying provisions governing financial exploitation protections for vulnerable adults; amending Minnesota Statutes 2018, sections 45A.01, by adding a subdivision; 45A.02; 45A.03; 45A.04; 45A.05; 45A.06; 45A.07; proposing coding for new law in Minnesota Statutes, chapter 45A.

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

Senator Dibble introduced--

S.F. No. 2467: A bill for an act relating to liquor; modifying a temporary license for the Twin Cities Marathon; amending Laws 1999, chapter 202, section 13, as amended.

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

Senator Latz introduced--

S.F. No. 2468: A bill for an act relating to public safety; amending various provisions related to predatory offender registration; modifying provisions governing the Statewide Emergency Communication Board; modifying requirements for wheelchair securement devices; amending Minnesota Statutes 2018, sections 171.07, subdivision 1a; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4c, 5, 6, 7, 7a, by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299C.093; 403.21, subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8; repealing Minnesota Statutes 2018, sections 299A.12, subdivision 4; 299A.18.

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

Senator Latz introduced--

S.F. No. 2469: A bill for an act relating to taxation; sales and use; providing a construction exemption for certain interpretive centers; amending Minnesota Statutes 2018, sections 297A.71, by adding a subdivision; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senators Koran, Housley, and Goggin introduced--

S.F. No. 2470: A bill for an act relating to taxation; property; modifying requirements for bed and breakfast properties; amending Minnesota Statutes 2018, section 273.13, subdivision 25.

Referred to the Committee on Taxes.

Senators Pratt, Rarick, Eichorn, Simonson, and Bigham introduced--

S.F. No. 2471: A bill for an act relating to solar energy; appropriating money for a solar generation on closed landfill properties study.

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

Senator Hoffman introduced--

S.F. No. 2472: A bill for an act relating to workers' compensation; modifying definition of independent contractors in trucking and messenger/courier industries; amending Minnesota Statutes 2018, section 176.043.

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

Senators Anderson, P. and Relph introduced--

S.F. No. 2473: A bill for an act relating to electric buses; requiring the purchase of electric buses by the Metropolitan Council; appropriating money.

Referred to the Committee on Transportation Finance and Policy.

Senator Dahms introduced--

S.F. No. 2474: A bill for an act relating to commerce; appropriating money for unclaimed property compliance.

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

Senators Anderson, P.; Gazelka; Howe; Anderson, B.; and Lang introduced--

S.F. No. 2475: A bill for an act relating to arts and culture; appropriating money for Minnesota Military Museum.

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

Senators Hall; Gazelka; Howe; Anderson, B.; and Draheim introduced--

S.F. No. 2476: A bill for an act relating to arts and culture; appropriating money for Minnesota Military Museum.

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

Senator Chamberlain introduced--

S.F. No. 2477: A bill for an act relating to corrections; providing guidance for sentencing offenders to probation and length of probation; providing for data integration for probation; amending Minnesota Statutes 2018, section 244.09, subdivisions 5, 6, 8.

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

Senator Bakk introduced--

S.F. No. 2478: A bill for an act relating to local government; permitting city and town expenditures for city and town historical societies; amending Minnesota Statutes 2018, section 138.053.

Referred to the Committee on Taxes.

Senators Franzen and Limmer introduced--

S.F. No. 2479: A bill for an act relating to transportation; requiring commissioner of public safety to adopt rules for driver's education programs and the driver's manual on safe interactions with law enforcement officials and safely responding to emergencies; establishing the Driver's

Education Content Task Force; appropriating money; requiring rulemaking; requiring a report; amending Minnesota Statutes 2018, sections 171.0701, subdivision 1; 171.0705, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

Senator Jasinski introduced--

S.F. No. 2480: A bill for an act relating to transportation; appropriating money to study the feasibility of an interchange on Interstate Highway 35 at County Road 9 in Rice County.

Referred to the Committee on Transportation Finance and Policy.

Senator Weber introduced--

S.F. No. 2481: A bill for an act relating to taxation; sales and use; providing a construction exemption for a wastewater treatment facility in the city of Windom; amending Minnesota Statutes 2018, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

Referred to the Committee on Taxes.

Senator Champion introduced--

S.F. No. 2482: A bill for an act relating to economic development; appropriating money for the Nonprofit Assistance Grant Fund.

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

Senator Champion introduced--

S.F. No. 2483: A bill for an act relating to economic development; appropriating money to make workforce training and entrepreneurship investments intended to help close the state's opportunity gaps for Minnesotans of color.

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

Senator Champion introduced--

S.F. No. 2484: A bill for an act relating to economic development; creating a Minnesota Innovation Collaborative; authorizing grants; appropriating money.

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

Senator Champion introduced--

S.F. No. 2485: A bill for an act relating to economic development; creating a child care economic grant program; appropriating money.

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

Senator Champion introduced--

S.F. No. 2486: A bill for an act relating to vocational rehabilitation; appropriating money.

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

Senators Laine and Cwodzinski introduced--

S.F. No. 2487: A bill for an act relating to health; establishing an end-of-life option for terminally ill adults; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Senator Rosen introduced--

S.F. No. 2488: A bill for an act relating to state aid; extending the state aid to local governments to fund increased employer contributions to the Public Employees Retirement Association; amending Minnesota Statutes 2018, section 273.1385, subdivision 4.

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

Senator Jensen introduced--

S.F. No. 2489: A bill for an act relating to state government; prohibiting per diem living expenses for legislators during certain special sessions; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Senators Jasinski, Rosen, Pappas, Dahms, and Frentz introduced--

S.F. No. 2490: A bill for an act relating to retirement; public employees police and fire retirement plan; revising the annual municipal contribution related to the former Minneapolis firefighters and police relief associations; amending Minnesota Statutes 2018, section 353.665, subdivision 8, by adding a subdivision.

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

Senator Rosen introduced--

S.F. No. 2491: A bill for an act relating to volunteer firefighter relief associations; clarifying audit requirements; increasing the threshold for investment reporting requirements; adding a definition of break in service and making conforming changes; revising vesting requirements; clarifying the service pension amount that applies in calculating the benefit payable upon permanent disability, death, or other separation from active service; clarifying the crediting of interest on deferred pensions; expanding the individuals eligible to receive supplemental benefits upon the death of a firefighter; amending Minnesota Statutes 2018, sections 69.051, subdivision 1; 356.219, subdivision 3; 424A.001,

by adding a subdivision; 424A.01, subdivision 6; 424A.015, subdivision 6; 424A.016, subdivisions 3, 6; 424A.02, subdivisions 2, 7, 9, 10; 424A.10, subdivision 1.

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

Senator Champion introduced--

S.F. No. 2492: A bill for an act relating to economic development; appropriating money for community prosperity grants.

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

Senator Housley introduced--

S.F. No. 2493: A bill for an act relating to state government; establishing a Minnesota Citizens Federal Oversight Committee; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Senators Jasinski, Eichorn, and Tomassoni introduced--

S.F. No. 2494: A bill for an act relating to workforce development; appropriating money for a grant to Big Ideas, Inc.

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

Senators Hoffman, Hawj, Latz, Abeler, and Dziedzic introduced--

S.F. No. 2495: A bill for an act relating to judiciary; modifying when court may hear petition for postconviction relief; amending Minnesota Statutes 2018, section 590.01, subdivision 4.

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

Senators Bigham, Osmek, Koran, Frentz, and Eaton introduced--

S.F. No. 2496: A bill for an act relating to health; allowing for the sale of certain products containing cannabidiol derived from industrial hemp; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Senators Hall, Pratt, and Frentz introduced--

S.F. No. 2497: A bill for an act relating to water; appropriating money for grant to Lower Minnesota River Watershed District.

Referred to the Committee on Environment and Natural Resources Finance.

Senator Ingebrigtsen introduced--

S.F. No. 2498: A bill for an act relating to public safety; appropriating money for county probation services.

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

Senators Anderson, P.; Pratt; Franzen; and Frenz introduced--

S.F. No. 2499: A bill for an act relating to taxation; income; allowing a refundable credit for donations to certain youth intervention organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Howe introduced--

S.F. No. 2500: A bill for an act relating to game and fish; allowing use of night vision equipment while hunting coyote or fox; establishing civil penalties; amending Minnesota Statutes 2018, sections 97A.421, by adding a subdivision; 97B.086.

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

Senators Rest, Dziedzic, Bakk, Kent, and Wiger introduced--

S.F. No. 2501: A bill for an act relating to taxation; individual income; modifying the working family credit; amending Minnesota Statutes 2018, section 290.0671, subdivisions 1, 7.

Referred to the Committee on Taxes.

Senators Rarick, Nelson, Wiger, Housley, and Sparks introduced--

S.F. No. 2502: A bill for an act relating to the state lottery; establishing a K12 lottery game; creating the K12 lottery game fund and requiring deposit of the net proceeds in the school endowment fund; amending Minnesota Statutes 2018, sections 127A.32; 349A.04; 349A.10, subdivisions 1, 5, by adding subdivisions.

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

Senators Rest, Marty, Wiklund, Clausen, and Dziedzic introduced--

S.F. No. 2503: A bill for an act relating to taxation; individual income; modifying the working family credit calculation; amending Minnesota Statutes 2018, section 290.0671, subdivisions 1, 7.

Referred to the Committee on Taxes.

Senators Rest, Ruud, Simonson, Bakk, and Rarick introduced--

S.F. No. 2504: A resolution declaring September 7, 2019, as Great Lakes-St. Lawrence Appreciation Day in Minnesota, encouraging all Minnesotans to learn about the importance of the Great Lakes and St. Lawrence River to the economy and the environment of Minnesota, and urging recognition of this day across the region.

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

Senators Abeler, Newton, and Hoffman introduced--

S.F. No. 2505: A bill for an act relating to transportation; capital investment; appropriating money for highway-rail grade separation project in Anoka; authorizing the sale and issuance of state bonds.

Referred to the Committee on Transportation Finance and Policy.

Senators Rest, Dibble, Dzedzic, Isaacson, and Hawj introduced--

S.F. No. 2506: A bill for an act relating to taxation; individual income; modifying the working family credit calculation; amending Minnesota Statutes 2018, section 290.0671, subdivisions 1, 7.

Referred to the Committee on Taxes.

Senators Rest, Laine, Bigham, Hoffman, and Dzedzic introduced--

S.F. No. 2507: A bill for an act relating to taxation; individual income; modifying the working family credit calculation; amending Minnesota Statutes 2018, section 290.0671, subdivisions 1, 7.

Referred to the Committee on Taxes.

Senator Pappas introduced--

S.F. No. 2508: A bill for an act relating to human rights; requiring certain contractors to obtain workforce and equal pay certificates; amending Minnesota Statutes 2018, sections 363A.36, subdivisions 1, 4; 363A.44, subdivision 1.

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

Senators Clausen, Newton, and Hoffman introduced--

S.F. No. 2509: A bill for an act relating to education; appropriating money for a report on African immigrant credential integration.

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

Senators Dzedzic and Simonson introduced--

S.F. No. 2510: A bill for an act relating to natural resources; enhancing monetary penalties for certain unlawful pesticide applications; amending Minnesota Statutes 2018, section 18B.07, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18D.

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

Senators Hoffman, Abeler, and Newton introduced--

S.F. No. 2511: A bill for an act relating to elections; providing for establishment of single-member school board election districts in Independent School District No. 279, Osseo.

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

Senators Weber, Dzedzic, Abeler, and Tomassoni introduced--

S.F. No. 2512: A bill for an act relating to environment; establishing a grant program to clean up contaminated tax-forfeited property; appropriating money.

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

Senator Klein introduced--

S.F. No. 2513: A bill for an act relating to retirement; Public Employees Retirement Association local government correctional service retirement plan; providing coverage for probation officers; amending Minnesota Statutes 2018, section 353E.02, subdivision 1, by adding a subdivision.

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

Senators Howe and Bigham introduced--

S.F. No. 2514: A bill for an act relating to the State Fire Code; adding fire safety requirements for places of public accommodation; requiring inspections by the state fire marshal of places of public accommodation; creating a dedicated account in the special revenue fund; appropriating money; amending Minnesota Statutes 2018, section 299F.391, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Senators Dzedzic, Dibble, Hayden, Champion, and Torres Ray introduced--

S.F. No. 2515: A bill for an act relating to retirement; revising the employer supplemental and state contributions to the Public Employees Retirement Association related to the former MERF division; amending Minnesota Statutes 2018, sections 353.27, subdivision 3c; 353.505.

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

MOTIONS AND RESOLUTIONS

Senator Clausen moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Abeler be shown as chief author to S.F. No. 160. The motion prevailed.

Senator Carlson moved that the name of Senator Cohen be added as a co-author to S.F. No. 661. The motion prevailed.

Senator Relph moved that the name of Senator Eaton be added as a co-author to S.F. No. 905. The motion prevailed.

Senator Kiffmeyer moved that the name of Senator Hall be added as a co-author to S.F. No. 1416. The motion prevailed.

Senator Pappas moved that the name of Senator Bigham be added as a co-author to S.F. No. 1533. The motion prevailed.

Senator Jensen moved that his name be stricken as a co-author to S.F. No. 1575. The motion prevailed.

Senator Abeler moved that his name be stricken as chief author and the name of Senator Clausen be added as chief author to S.F. No. 1940. The motion prevailed.

Senator Weber moved that the name of Senator Eken be added as a co-author to S.F. No. 1945. The motion prevailed.

Senator Goggin moved that the name of Senator Jasinski be added as a co-author to S.F. No. 2225. The motion prevailed.

Senator Hawj moved that the name of Senator Hoffman be added as a co-author to S.F. No. 2326. The motion prevailed.

Senator Draheim moved that the name of Senator Marty be added as a co-author to S.F. No. 2364. The motion prevailed.

Senator Abeler moved that the names of Senators Laine and Hoffman be added as co-authors to S.F. No. 2416. The motion prevailed.

Senator Westrom moved that S.F. No. 78 be withdrawn from the Committee on Commerce and Consumer Protection Finance and Policy and re-referred to the Committee on Agriculture, Rural Development and Housing Finance. The motion prevailed.

Senator Ingebrigtsen moved that S.F. No. 445 be withdrawn from the Committee on State Government Finance and Policy and Elections and re-referred to the Committee on Finance. The motion prevailed.

Senator Miller moved that S.F. No. 973 be withdrawn from the Committee on State Government Finance and Policy and Elections and re-referred to the Committee on Finance. The motion prevailed.

Senator Dibble moved that S.F. No. 1424 be withdrawn from the Committee on E-12 Finance and Policy and re-referred to the Committee on Finance. The motion prevailed.

Senator Relph moved that S.F. No. 1931 be withdrawn from the Committee on Human Services Reform Finance and Policy and re-referred to the Committee on Health and Human Services Finance and Policy. The motion prevailed.

Senator Relph introduced --

Senate Resolution No. 73: A Senate resolution congratulating the St. Cloud Cathedral High School boys hockey team on winning the 2019 State High School Class A boys hockey championship.

Referred to the Committee on Rules and Administration.

Senators Clausen, Bakk, Simonson, Utke, and Tomassoni introduced --

Senate Resolution No. 74: A Senate resolution honoring the military service of Arleigh Birk.

Referred to the Committee on Rules and Administration.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 2225 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2225: A bill for an act relating to agriculture; expanding a disaster recovery loan program; providing a retroactive effective date; amending Minnesota Statutes 2018, section 41B.047, subdivisions 1, 3.

Senator Goggin moved to amend S.F. No. 2225 as follows:

Page 1, line 10, reinstate the stricken language

Page 1, line 11, reinstate the stricken language and before the semicolon, insert ", or the weight of snow, sleet, or ice"

Page 2, line 4, delete "a market disaster or" and insert "an"

The motion prevailed. So the amendment was adopted.

S.F. No. 2225 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

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

S.F. No. 174: A bill for an act relating to human services; modifying adult foster care and community residential setting license capacity; modifying various provisions governing home and community-based services; amending Minnesota Statutes 2018, sections 245A.11, subdivision 2a; 245D.03, subdivision 1; 245D.071, subdivision 5; 245D.09, subdivision 5a; 245D.091, subdivisions 2, 3, 4; 256B.4914, subdivision 3.

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

Page 7, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2018, section 245D.09, subdivision 5, is amended to read:

Subd. 5. **Annual training.** A license holder must provide annual training to direct support staff on the topics identified in subdivision 4, clauses (3) to (10). If the direct support staff has a first aid certification, annual training under subdivision 4, clause (9), is not required as long as the certification remains current. ~~A license holder must provide a minimum of 24 hours of annual training to direct service staff providing intensive services and having fewer than five years of documented experience and 12 hours of annual training to direct service staff providing intensive services and having five or more years of documented experience in topics described in subdivisions 4 and 4a, paragraphs (a) to (f). Training on relevant topics received from sources other than the license holder may count toward training requirements. A license holder must provide a minimum of 12 hours of annual training to direct service staff providing basic services and having fewer than five years of documented experience and six hours of annual training to direct service staff providing basic services and having five or more years of documented experience.~~

Sec. 5. Minnesota Statutes 2018, section 245D.09, subdivision 5a, is amended to read:

Subd. 5a. **Alternative sources of training.** ~~The commissioner may approve online training and competency-based assessments in place of a specific number of hours of training in the topics covered in subdivision 4. The commissioner must provide a list of preapproved trainings that do not need approval for each individual license holder.~~

Orientation or training received by the staff person from sources other than the license holder in the same subjects as identified in subdivision 4 may count toward the orientation and annual training requirements if received in the 12-month period before the staff person's date of hire. The license holder must maintain documentation of the training received from other sources and of each staff person's competency in the required area according to the requirements 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 Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred

S.F. No. 978: A bill for an act relating to human services; modifying human services licensing provisions; amending Minnesota Statutes 2018, section 245A.04, subdivision 4.

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

Page 2, line 2, after "discuss" insert "all"

Page 2, line 4, after the period, insert "The commissioner shall not issue a correction order or negative action for violations of law or rule not discussed in an exit interview."

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

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

S.F. No. 4: A bill for an act relating to human services; clarifying counted income for eligibility determinations for public assistance and child care programs; creating surety bond requirements for child care program providers; modifying surety bond requirements for personal care assistance service providers and durable medical supply providers; modifying documentation requirements for child care program providers, personal care assistance providers, mental health providers, and home and community-based services providers; modifying commissioner of human services' authority to exclude providers from programs administered by the commissioner; modifying provider enrollment requirements for medical assistance; establishing a visit verification system for home and community-based services; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 119B.09, subdivision 4; 119B.125, subdivision 6, by adding a subdivision; 144A.479, by adding a subdivision; 245.095; 256.476, subdivision 10; 256.98, subdivisions 1, 8; 256B.02, subdivision 7, by adding a subdivision; 256B.04, subdivision 21; 256B.056, subdivisions 3, 4; 256B.0623, subdivision 5; 256B.0625, subdivisions 17, 43, by adding subdivisions; 256B.064, subdivision 1b; 256B.0651, subdivision 17; 256B.0659, subdivisions 3, 12, 13, 14, 19, 21, 24; 256B.0949, subdivision 15; 256B.4912, by adding subdivisions; 256B.5014; 256B.85, subdivision 10; 256J.08, subdivision 47; 256J.21, subdivision 2; 256L.01, subdivision 5; 256P.04, subdivision 4; 256P.06, subdivision 3; Laws 2017, First Special Session chapter 6, article 3, section 49; repealing Minnesota Statutes 2018, section 256B.0705.

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

Page 4, line 21, reinstate the stricken "and"

Page 4, line 23, reinstate the stricken period and delete "and"

Page 4, delete lines 24 and 25

Page 9, line 8, after "multiple" insert "licensed"

Page 9, line 9, after "each" insert "licensed"

Page 9, delete line 25

Page 9, line 26, delete "(2)" and insert "(1)"

Page 9, line 28, delete "(3) home and community-based waiver services," and insert "(2)"

Page 9, line 30, delete "(4)" and insert "(3)"

Page 15, delete section 14

Page 23, after line 2, insert:

"Sec. 18. Minnesota Statutes 2018, section 256B.0625, subdivision 18h, is amended to read:

Subd. 18h. **Managed care.** (a) The following subdivisions apply to managed care plans and county-based purchasing plans:

- (1) subdivision 17, paragraphs (a), (b), (c), (i), and (n);
- (2) subdivision 18; and
- (3) subdivision 18a.

~~(b) A nonemergency medical transportation provider must comply with the operating standards for special transportation service specified in sections 174.29 to 174.30 and Minnesota Rules, chapter 8840. Publicly operated transit systems, volunteers, and not-for-hire vehicles are exempt from the requirements in this paragraph."~~

Page 25, after line 12, insert:

"Sec. 21. [256B.0646] CORRECTIVE ACTIONS FOR PEOPLE USING PERSONAL CARE ASSISTANCE SERVICES; MINNESOTA RESTRICTED RECIPIENT PROGRAM.

(a) When there is abusive or fraudulent billing of personal care assistance services or community first services and supports under section 256B.85, the commissioner may place a recipient in the Minnesota restricted recipient program as defined in Minnesota Rules, part 9505.2165. A recipient placed in the Minnesota restricted recipient program under this section must:

(1) use a designated traditional personal care assistance provider agency;

(2) obtain a new assessment as described in section 256B.0911, including consultation with a registered or public health nurse on the long-term care consultation team under section 256B.0911, subdivision 3, paragraph (b), clause (2); and

(3) comply with additional conditions for the use of personal care assistance services or community first services and supports if the commissioner determines it is necessary to prevent future misuse of personal care assistance services or abusive or fraudulent billing related to personal care assistance services. These additional conditions may include, but are not limited to:

(i) the restriction of service authorizations to a duration of no more than one month; and

(ii) requiring a qualified professional to monitor and report services on a monthly basis.

(b) Placement in the Minnesota restricted recipient program under this section is subject to appeal according to section 256B.045."

Page 25, lines 32 and 33, delete "may" and insert "will"

Page 29, delete section 25 and insert:

"Sec. 26. Minnesota Statutes 2018, section 256B.0659, subdivision 14, is amended to read:

Subd. 14. **Qualified professional; duties.** (a) Effective January 1, ~~2010~~ 2020, all personal care assistants must be supervised by a qualified professional who is enrolled as an individual provider with the commissioner under section 256B.04, subdivision 21, paragraph (c).

(b) Through direct training, observation, return demonstrations, and consultation with the staff and the recipient, the qualified professional must ensure and document that the personal care assistant is:

(1) capable of providing the required personal care assistance services;

(2) knowledgeable about the plan of personal care assistance services before services are performed; and

(3) able to identify conditions that should be immediately brought to the attention of the qualified professional.

(c) The qualified professional shall evaluate the personal care assistant within the first 14 days of starting to provide regularly scheduled services for a recipient, or sooner as determined by the qualified professional, except for the personal care assistance choice option under subdivision 19, paragraph (a), clause (4). For the initial evaluation, the qualified professional shall evaluate the personal care assistance services for a recipient through direct observation of a personal care assistant's work. The qualified professional may conduct additional training and evaluation visits, based upon the needs of the recipient and the personal care assistant's ability to meet those needs. Subsequent visits to evaluate the personal care assistance services provided to a recipient do not require direct observation of each personal care assistant's work and shall occur:

(1) at least every 90 days thereafter for the first year of a recipient's services;

(2) every 120 days after the first year of a recipient's service or whenever needed for response to a recipient's request for increased supervision of the personal care assistance staff; and

(3) after the first 180 days of a recipient's service, supervisory visits may alternate between unscheduled phone or Internet technology and in-person visits, unless the in-person visits are needed according to the care plan.

(d) Communication with the recipient is a part of the evaluation process of the personal care assistance staff.

(e) At each supervisory visit, the qualified professional shall evaluate personal care assistance services including the following information:

(1) satisfaction level of the recipient with personal care assistance services;

(2) review of the month-to-month plan for use of personal care assistance services;

(3) review of documentation of personal care assistance services provided;

(4) whether the personal care assistance services are meeting the goals of the service as stated in the personal care assistance care plan and service plan;

(5) a written record of the results of the evaluation and actions taken to correct any deficiencies in the work of a personal care assistant; and

(6) revision of the personal care assistance care plan as necessary in consultation with the recipient or responsible party, to meet the needs of the recipient.

(f) The qualified professional shall complete the required documentation in the agency recipient and employee files and the recipient's home, including the following documentation:

(1) the personal care assistance care plan based on the service plan and individualized needs of the recipient;

(2) a month-to-month plan for use of personal care assistance services;

(3) changes in need of the recipient requiring a change to the level of service and the personal care assistance care plan;

(4) evaluation results of supervision visits and identified issues with personal care assistance staff with actions taken;

(5) all communication with the recipient and personal care assistance staff; and

(6) hands-on training or individualized training for the care of the recipient.

(g) The documentation in paragraph (f) must be done on agency templates.

(h) The services that are not eligible for payment as qualified professional services include:

(1) direct professional nursing tasks that could be assessed and authorized as skilled nursing tasks;

(2) agency administrative activities;

(3) training other than the individualized training required to provide care for a recipient; and

(4) any other activity that is not described in this section.

(i) The qualified professional shall notify the commissioner on a form prescribed by the commissioner, within 30 days of when a qualified professional is no longer employed by or otherwise affiliated with the personal care assistance agency for whom the qualified professional previously provided qualified professional services."

Page 33, delete section 27 and insert:

"Sec. 28. Minnesota Statutes 2018, section 256B.0659, subdivision 21, is amended to read:

Subd. 21. **Requirements for provider enrollment of personal care assistance provider agencies.** (a) All personal care assistance provider agencies must provide, at the time of enrollment, reenrollment, and revalidation as a personal care assistance provider agency in a format determined by the commissioner, information and documentation that includes, but is not limited to, the following:

(1) the personal care assistance provider agency's current contact information including address, telephone number, and e-mail address;

(2) proof of surety bond coverage. Upon new enrollment, or if the provider's Medicaid revenue in the previous calendar year is up to and including \$300,000, the provider agency must purchase a surety bond of \$50,000. If the Medicaid revenue in the previous year is over \$300,000, the provider agency must purchase a surety bond of \$100,000. The surety bond must be in a form approved by the commissioner, must be renewed annually, and must allow for recovery of costs and fees in pursuing a claim on the bond;

(3) proof of fidelity bond coverage in the amount of \$20,000;

(4) proof of workers' compensation insurance coverage;

(5) proof of liability insurance;

(6) a description of the personal care assistance provider agency's organization identifying the names of all owners, managing employees, staff, board of directors, and the affiliations of the directors, owners, or staff to other service providers;

(7) a copy of the personal care assistance provider agency's written policies and procedures including: hiring of employees; training requirements; service delivery; identification, prevention, detection, and reporting of fraud or any billing, record-keeping, or other administrative noncompliance; and employee and consumer safety including process for notification and resolution of consumer grievances, identification and prevention of communicable diseases, and employee misconduct;

(8) copies of all other forms the personal care assistance provider agency uses in the course of daily business including, but not limited to:

(i) a copy of the personal care assistance provider agency's time sheet if the time sheet varies from the standard time sheet for personal care assistance services approved by the commissioner, and a letter requesting approval of the personal care assistance provider agency's nonstandard time sheet;

(ii) the personal care assistance provider agency's template for the personal care assistance care plan; and

(iii) the personal care assistance provider agency's template for the written agreement in subdivision 20 for recipients using the personal care assistance choice option, if applicable;

(9) a list of all training and classes that the personal care assistance provider agency requires of its staff providing personal care assistance services;

(10) documentation that the personal care assistance provider agency and staff have successfully completed all the training required by this section;

(11) documentation of the agency's marketing practices;

(12) disclosure of ownership, leasing, or management of all residential properties that is used or could be used for providing home care services;

(13) documentation that the agency will use the following percentages of revenue generated from the medical assistance rate paid for personal care assistance services for employee personal care assistant wages and benefits: 72.5 percent of revenue in the personal care assistance choice option and 72.5 percent of revenue from other personal care assistance providers. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation; ~~and~~

(14) effective May 15, 2010, documentation that the agency does not burden recipients' free exercise of their right to choose service providers by requiring personal care assistants to sign an agreement not to work with any particular personal care assistance recipient or for another personal care assistance provider agency after leaving the agency and that the agency is not taking action on any such agreements or requirements regardless of the date signed; and

(15) a copy of the personal care assistance provider agency's self-auditing policy and other materials demonstrating the personal care assistance provider agency's internal program integrity procedures.

(b) Personal care assistance provider agencies enrolling for the first time must also provide, at the time of enrollment as a personal care assistance provider agency in a format determined by the commissioner, information and documentation that includes proof of sufficient initial operating capital to support the infrastructure necessary to allow for ongoing compliance with the requirements of this section. Sufficient operating capital can be demonstrated as follows:

(1) copies of business bank account statements with at least \$5,000 in cash reserves;

(2) proof of a cash reserve or business line of credit sufficient to equal three payrolls of the agency's current or projected business; and

(3) any other manner proscribed by the commissioner.

(c) Personal care assistance provider agencies shall provide the information specified in paragraph (a) to the commissioner at the time the personal care assistance provider agency enrolls as a vendor or upon request from the commissioner. The commissioner shall collect the information specified in paragraph (a) from all personal care assistance providers beginning July 1, 2009.

~~(d)~~ (d) All personal care assistance provider agencies shall require all employees in management and supervisory positions and owners of the agency who are active in the day-to-day management and operations of the agency to complete mandatory training as determined by the commissioner before enrollment of the agency as a provider. Employees in management and supervisory positions and owners who are active in the day-to-day operations of an agency who have completed the required training as an employee with a personal care assistance provider agency do not need to repeat the required training if they are hired by another agency, if they have completed the training within the past three years. By September 1, 2010, the required training must be available with meaningful access according to title VI of the Civil Rights Act and federal regulations adopted under that law or any guidance from the United States Health and Human Services Department. The required training must be available online or by electronic remote connection. The required training must provide for competency testing. Personal care assistance provider agency billing staff shall complete training about personal care assistance program financial management. This training is effective July 1, 2009. Any personal care assistance provider agency enrolled before that date shall,

if it has not already, complete the provider training within 18 months of July 1, 2009. Any new owners or employees in management and supervisory positions involved in the day-to-day operations are required to complete mandatory training as a requisite of working for the agency. Personal care assistance provider agencies certified for participation in Medicare as home health agencies are exempt from the training required in this subdivision. When available, Medicare-certified home health agency owners, supervisors, or managers must successfully complete the competency test.

(e) All personal care assistance provider agencies must provide, at the time of revalidation as a personal care assistance provider agency in a format determined by the commissioner, information and documentation that includes, but is not limited to, the following:

(1) documentation of the payroll paid for the preceding 12 months or other period as proscribed by the commissioner; and

(2) financial statements demonstrating compliance with paragraph (a), clause (13)."

Page 40, line 10, delete "consumer support grants under section 256.476;"

Page 40, after line 14, insert:

"(e) This subdivision also applies to financial management services providers for participants who directly employ direct-care staff through consumer support grants under section 256.476; the personal care assistance choice program under section 256B.0657, subdivisions 18 to 20; community first services and supports under section 256B.85; and the consumer-directed community supports option available under the alternative care program, the brain injury waiver, the community alternative care waiver, the community alternatives for disabled individuals waiver, the developmental disabilities waiver, the elderly waiver, and the Minnesota senior health option, except financial management services providers are not required to submit the data listed in paragraph (a), clauses (7) to (11)."

Page 40, line 15, delete "(e)" and insert "(f)"

Page 40, line 17, delete "(f)" and insert "(g)"

Page 40, line 22, delete "(g)" and insert "(h)"

Page 40, line 24, delete "(h)" and insert "(i)"

Page 40, delete section 31 and insert:

"Sec. 32. Minnesota Statutes 2018, section 256B.4912, is amended by adding a subdivision to read:

Subd. 11. Home and community-based service billing requirements. (a) A home and community-based service is eligible for reimbursement if:

(1) it is a service provided as specified in a federally approved waiver plan, as authorized under sections 256B.0913, 256B.0915, 256B.092, and 256B.49;

(2) if applicable, it is provided on days and times during the days and hours of operation specified on any license that is required under chapter 245A or 245D; or

(3) the home and community-based service provider has met the documentation requirements under section 256B.4912, subdivision 12, 13, 14, or 15.

A service that does not meet the criteria in this subdivision may be recovered by the department according to section 256B.064 and Minnesota Rules, parts 9505.2160 to 9505.2245.

(b) The provider must maintain documentation that all individuals providing service have attested to reviewing and understanding the following statement upon employment and annually thereafter.

"It is a federal crime to provide materially false information on service billings for medical assistance or services provided under a federally approved waiver plan, as authorized under Minnesota Statutes, sections 256B.0913, 256B.0915, 256B.092, and 256B.49."

Sec. 33. Minnesota Statutes 2018, section 256B.4912, is amended by adding a subdivision to read:

Subd. 12. **Home and community-based service documentation requirements.** (a) Documentation may be collected and maintained electronically or in paper form by providers, but must be made available and produced upon the request of the commissioner. Documentation of delivered services that comply with the electronic visit verification requirements under Laws 2017, First Special Session chapter 6, article 3, section 49, satisfy the requirements of this subdivision.

(b) Documentation of a delivered service must be in English and must be legible according to the standard of a reasonable person.

(c) If the service is reimbursed at an hourly or specified minute-based rate, each documentation of the provision of a service, unless otherwise specified, must include:

(1) the date the documentation occurred;

(2) the day, month, and year when the service was provided;

(3) the start and stop times with a.m. and p.m. designations, except for case management services as defined under sections 256B.0913, subdivision 7, 256B.0915, subdivision 1a, 256B.092, subdivision 1a, and 256B.49, subdivision 13;

(4) the service name or description of the service provided; and

(5) the name, signature, and title, if any, of the provider of service. If the service is provided by multiple staff members, the provider may designate a staff member responsible for verifying services and completing the documentation required by this paragraph.

(d) If the service is reimbursed at a daily rate or does not meet the requirements of subdivision 12, paragraph (c), each documentation of the provision of a service, unless otherwise specified, must include:

(1) the date the documentation occurred;

(2) the day, month, and year when the service was provided;

(3) the service name or description of the service provided; and

(4) the name, signature, and title, if any, of the person providing the service. If the service is provided by multiple staff, the provider may designate a staff person responsible for verifying services and completing the documentation required by this paragraph.

Sec. 34. Minnesota Statutes 2018, section 256B.4912, is amended by adding a subdivision to read:

Subd. 13. **Waiver transportation documentation and billing requirements.** (a) A waiver transportation service must meet the billing requirements under section 256B.4912, subdivision 11, to be eligible for reimbursement and must:

(1) be a waiver transportation service that is not covered by medical transportation under the Medicaid state plan; and

(2) be a waiver transportation service that is not included as a component of another waiver service.

(b) A waiver transportation service provider must meet the documentation requirements under section 256B.4912, subdivision 12, and must maintain:

(1) odometer and other records as provided in section 256B.0625, subdivision 17b, paragraph (b), clause (3), sufficient to distinguish an individual trip with a specific vehicle and driver for a waiver transportation service that is billed directly by the mile, except if the provider is a common carrier as defined by Minnesota Rules, part 9505.0315, subpart 1, item B, or a publicly operated transit system; and

(2) documentation demonstrating that a vehicle and a driver meets the standards determined by the Department of Human Services on vehicle and driver qualifications as described in section 256B.0625, subdivision 17, paragraph (c).

Sec. 35. Minnesota Statutes 2018, section 256B.4912, is amended by adding a subdivision to read:

Subd. 14. **Equipment and supply documentation requirements.** (a) An equipment and supply services provider must meet the documentation requirements under section 256B.4912, subdivision 12, and must, for each documentation of the provision of a service, include:

(1) the recipient's assessed need for the equipment or supply and the reason the equipment or supply is not covered by the Medicaid state plan;

(2) the type and brand name of the equipment or supply delivered to or purchased by the recipient, including whether the equipment or supply was rented or purchased;

(3) the quantity of the equipment or supplies delivered or purchased; and

(4) the cost of equipment or supplies if the amount paid for the service depends on the cost.

(b) A provider must maintain a copy of the shipping invoice or a delivery service tracking log or other documentation showing the date of delivery that proves the equipment or supply was delivered to the recipient or a receipt if the equipment or supply was purchased by the recipient.

Sec. 36. Minnesota Statutes 2018, section 256B.4912, is amended by adding a subdivision to read:

Subd. 15. **Adult day service documentation and billing requirements.** (a) A service defined as "adult day care" under section 245A.02, subdivision 2a, and licensed under Minnesota Rules, parts 9555.9600 to 9555.9730, must meet the documentation requirements under section 256B.4912, subdivision 12, and must maintain documentation of:

(1) a needs assessment and current plan of care according to section 245A.143, subdivisions 4 to 7, or Minnesota Rules, part 9555.9700, if applicable, for each recipient;

(2) attendance records as specified under section 245A.14, subdivision 14, paragraph (c); the date of attendance must be documented on the attendance record with the day, month, and year; and the pickup and drop-off time must be noted on the attendance record in hours and minutes with a.m. and p.m. designations;

(3) the monthly and quarterly program requirements in Minnesota Rules, part 9555.9710, subparts 1, items E and H, 3, 4, and 6, if applicable;

(4) the names and qualifications of the registered physical therapists, registered nurses, and registered dietitians who provide services to the adult day care or nonresidential program; and

(5) the location where the service was provided and, if the location is an alternate location from the primary place of service, the address, or if an address is not available, a description of both the origin and destination location, the length of time at the alternate location with a.m. and p.m. designations, and a list of participants who went to the alternate location.

(b) A provider cannot exceed its licensed capacity; if licensed capacity is exceeded, all Minnesota health care program payments for that date shall be recovered by the department.

EFFECTIVE DATE. This section is effective August 1, 2019."

Page 54, after line 9, insert:

"(d) Notwithstanding paragraph (c), the commissioner of human services shall take no enforcement actions, including reducing reimbursement rates, against a provider for failing to comply with this section until six months after the commissioner has fulfilled the commissioner's obligations under subdivision 3, paragraphs (b) and (d), including making an electronic visit verification data aggregator available to providers of services. If, during this six-month period, federal financial participation in reimbursement for provided services is denied because a provider is not in compliance with this section, the commissioner shall use state-only funds to pay the full rate for provided services."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "personal"

Page 1, line 5, delete everything before "durable"

Amend the title numbers accordingly

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

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

S.F. No. 331: A bill for an act relating to veterans; establishing a veterans preference in hiring in the legislature and state courts; amending Minnesota Statutes 2018, section 197.455, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 480.

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

Page 1, line 10, delete "Veterans Administration" and insert "Department of Veterans Affairs"

Page 2, line 21, delete the new language

Page 2, line 22, reinstate the stricken language and delete the new language

Page 2, line 23, before "480.238" insert ", and to a veteran in a position in the legislature under section 3.071 and the state courts under section"

Page 3, line 8, delete "Veterans Administration" and insert "Department of Veterans Affairs"

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

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

S.F. No. 958: A bill for an act relating to children; requiring commissioner of human services to modify the Child Welfare Training System; requiring a report; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

Delete everything after the enacting clause and insert:

"Section 1. **[260C.81] CHILD WELFARE EVALUATION.**

Subdivision 1. **Child welfare workforce stability study.** (a) The commissioner of human services shall partner with the University of Minnesota's Center for Advanced Studies in Child Welfare to conduct a child welfare workforce stability study. The first study must be completed by June 30, 2021, and the study must be repeated biennially thereafter. The study must examine (1)

workforce intent to remain in child welfare, (2) statewide rates of turnover, and (3) barriers to retention.

(b) The commissioner shall report the results of each child welfare workforce stability study to the governor and to the committees in the house of representatives and senate with jurisdiction over human services by December 1, 2021, and biennially thereafter.

(c) After each child welfare workforce stability study is complete, the commissioner shall work with the Child Welfare Training Academy, counties, tribes, and other stakeholders to develop strategies to stabilize the workforce as appropriate.

(d) Appropriations for this subdivision are available in either year of the biennium.

Subd. 2. **Minn-LInK study.** (a) The commissioner of human services shall partner with the University of Minnesota's Minn-LInK statewide integrated administrative data project to conduct an annual study to understand characteristics, experiences, and outcomes of children and families served by the child welfare system. Minn-LInK researchers shall annually conduct research and provide research briefs, reports, and consultation to the Child Welfare Training Academy to inform the development and revision of training curriculum.

(b) The commissioner shall report a summary of the research results to the governor and to the committees in the house of representatives and senate with jurisdiction over human services annually by December 15.

Sec. 2. **CHILD WELFARE TRAINING SYSTEM.**

Subdivision 1. **Modifications.** (a) By January 31, 2021, the commissioner of human services must submit a proposal to modify the Child Welfare Training System developed pursuant to Minnesota Statutes, section 626.5591, subdivision 2, as provided in this section to the chairs and ranking minority members of the committees in the house of representatives and the senate with jurisdiction over human services. The proposal must include draft legislation to establish a new training framework. The new training framework shall be known as the Child Welfare Training Academy.

(b) The Child Welfare Training Academy shall be administered through five regional hubs in northwest, northeast, southwest, southeast, and central Minnesota. Each hub shall deliver training targeted to the needs of its particular region, taking into account varying demographics, resources, and practice outcomes.

(c) The Child Welfare Training Academy shall use training methods best suited to the training content. National best practices in adult learning must be used to the greatest extent possible, including online learning methodologies, coaching, mentoring, and simulated skill application.

(d) Each child welfare worker and supervisor shall be required to complete a certification, including a competency-based knowledge test and a skills demonstration, at the completion of the worker's initial training and biennially thereafter. The commissioner shall develop ongoing training requirements and a method for tracking certifications.

(e) Each regional hub shall have a regional organizational effectiveness specialist trained in continuous quality improvement strategies. The specialist shall provide organizational change assistance to counties and tribes, with priority given to efforts intended to impact child safety.

(f) The Child Welfare Training Academy shall include training and resources that address worker well-being and secondary traumatic stress.

(g) The Child Welfare Training Academy shall serve the primary training audiences of (1) county and tribal child welfare workers, (2) county and tribal child welfare supervisors, and (3) staff at private agencies providing out-of-home placement services for children involved in Minnesota's county and tribal child welfare system.

Subd. 2. **Partners.** (a) The commissioner of human services shall enter into a partnership with the University of Minnesota to collaborate in the administration of workforce training.

(b) The commissioner of human services shall enter into a partnership with one or more agencies to provide consultation, subject matter expertise, and capacity building in organizational resilience and child welfare workforce well-being.

Sec. 3. **CHILD WELFARE CASELOAD STUDY.**

(a) The commissioner of human services shall conduct a child welfare caseload study to collect data on (1) the number of child welfare workers in Minnesota, and (2) the amount of time that child welfare workers spend on different components of child welfare work. The study must be completed by July 1, 2020.

(b) The commissioner shall report the results of the child welfare caseload study to the governor and to the committees in the house of representatives and senate with jurisdiction over human services by December 1, 2020.

(c) After the child welfare caseload study is complete, the commissioner shall work with counties and other stakeholders to develop a process for ongoing monitoring of child welfare workers' caseloads.

Sec. 4. **BASE PLANNING ESTIMATES.**

The base for children's services grants is increased by \$..... in fiscal year 2021 and \$..... in fiscal year 2022 for the child welfare workforce stability study under Minnesota Statutes, section 260C.81.

Sec. 5. **APPROPRIATIONS.**

(a) \$..... in fiscal year 2020 is appropriated from the general fund to the commissioner of human services for the child welfare training system in section 2. The base for this appropriation is \$..... in fiscal year 2021 and \$..... in fiscal year 2022.

(b) \$..... in fiscal year 2020 is appropriated from the general fund to the commissioner of human services for a child welfare caseload study in section 3.

(c) \$..... is appropriated in fiscal year 2020 from the general fund to the commissioner of human services for the Minn-LInK study under Minnesota Statutes, section 260C.81, subdivision 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "modify" and insert "propose a training system to replace"

Page 1, line 3, delete "authorizing rulemaking;"

Amend the title numbers accordingly

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

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

S.F. No. 1590: A bill for an act relating to environment; requiring financial assurance for waste tire facilities; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Page 3, delete section 2 and insert:

"Sec. 2. **FINANCIAL ASSURANCE STUDY FOR WASTE TIRE FACILITIES.**

The commissioner of the Pollution Control Agency shall update the financial assurance required of owners and operators of permitted waste tire facilities and submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over environmental policy and finance that includes the following:

(1) the calculation that went into the updated financial assurance requirements of waste tires and tire-derived products stored at the waste tire facility;

(2) waste tire processing capacity statewide; and

(3) a review of additional options for financial assurance mechanisms.

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

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

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

S.F. No. 802: A bill for an act relating to data practices; delaying expiration of the legislative commission on data practices; appropriating money; amending Minnesota Statutes 2018, section 3.8843, subdivision 7.

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

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

S.F. No. 1039: A bill for an act relating to energy; amending the renewable development account public utility annual contribution; establishing a net zero emissions project; requiring a report; establishing a process to compensate businesses for loss of business opportunity resulting from sale and closure of a biomass energy plant; appropriating money; amending Minnesota Statutes 2018, section 116C.779, subdivision 1.

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

Page 4, line 27, after "group" insert ", other than members appointed by the tribal council,"

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

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

S.F. No. 182: A bill for an act relating to energy; establishing a process to compensate businesses for loss of business opportunity resulting from sale and closure of a biomass energy plant.

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

Senator Housley from the Committee on Family Care and Aging, to which was referred

S.F. No. 2322: A bill for an act relating to child care; establishing a technical assistance notice in certain circumstances; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 245A.04, subdivision 4, is amended to read:

Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner shall conduct an inspection of the program. The inspection must include but is not limited to:

- (1) an inspection of the physical plant;
- (2) an inspection of records and documents;
- (3) an evaluation of the program by consumers of the program;
- (4) observation of the program in operation; and

(5) an inspection for the health, safety, and fire standards in licensing requirements for a child care license holder.

For the purposes of this subdivision, "consumer" means a person who receives the services of a licensed program, the person's legal guardian, or the parent or individual having legal custody of a child who receives the services of a licensed program.

(b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the commissioner issues an initial license under subdivision 7, these requirements must be completed within one year after the issuance of an initial license.

(c) Before completing a licensing inspection in a family child care program or child care center, the licensing agency must offer the license holder an exit interview to discuss violations of law or rule observed during the inspection and offer technical assistance on how to comply with applicable laws and rules. Nothing in this paragraph limits the ability of the commissioner to issue a correction order or negative action for violations of law or rule not discussed in an exit interview or in the event that a license holder chooses not to participate in an exit interview.

(d) The commissioner or the county shall inspect at least annually a child care provider licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance with applicable licensing standards. Inspections of family child care providers shall be conducted in accordance with section 245A.055.

(e) No later than November 19, 2017, the commissioner shall make publicly available on the department's website the results of inspection reports of all child care providers licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the number of deaths, serious injuries, and instances of substantiated child maltreatment that occurred in licensed child care settings each year.

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

Sec. 2. Minnesota Statutes 2018, section 245A.04, is amended by adding a subdivision to read:

Subd. 18. Plain-language handbook. By January 1, 2020, the commissioner of human services shall, following consultation with family child care license holders, parents, and county agencies, develop a plain-language handbook that describes the process and requirements to become a licensed family child care provider. The handbook shall include a list of the applicable statutory provisions and rules that apply to licensed family child care providers. The commissioner shall electronically publish the handbook on the Department of Human Services website, available at no charge to the public. Each county human services office and the Department of Human Services shall maintain physical copies of the handbook for public use.

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

Sec. 3. **[245A.055] FAMILY CHILD CARE PROVIDER INSPECTIONS.**

Subdivision 1. Inspections. The commissioner shall conduct inspections of each family child care provider pursuant to section 245A.04, subdivision 4, paragraph (d).

Subd. 2. **Types of child care licensing inspections.** (a) "Initial inspection" means an inspection before issuing an initial license under section 245A.04, subdivision 4, paragraph (a).

(b) "Full inspection" means the inspection of a family child care provider to determine ongoing compliance with all applicable legal requirements for family child care providers. A full inspection shall be conducted for temporary provisional licensees and for providers who do not meet the requirements needed for an abbreviated inspection.

(c) "Abbreviated inspection" means the inspection of a family child care provider to determine ongoing compliance with key indicators that statistically predict compliance with all applicable legal requirements for family child care providers. Abbreviated inspections are available for family child care providers who have been licensed for at least three years with the latest inspection finding no Level 4 violations. Providers must also not have had any substantiated licensing complaints that amount to a Level 4 violation, substantiated complaints of maltreatment, or sanctions under section 245A.07 in the past three years. If a county licensor finds that the provider has failed to comply with any key indicator during an abbreviated inspection, the county licensor shall immediately conduct a full inspection.

(d) "Follow-up inspection" means a full inspection conducted following an inspection that found more than one Level 4 violation.

Subd. 3. **Enforcement actions.** (a) Except where required by federal law, enforcement actions under this subdivision may be taken based on the risk level of the violation as follows:

(1) Level 1: a violation that presents no risk of harm or minimal risk of harm, warranting verbal technical assistance under section 245A.066, subdivision 1;

(2) Level 2: a violation that presents a low risk of harm, warranting issuance of a technical assistance notice under section 245A.065, subdivision 2;

(3) Level 3: a violation that presents a moderate risk of harm, warranting issuance of a fix-it ticket under section 245A.065; and

(4) Level 4: a violation that presents a substantial risk of harm, warranting issuance of a correction order or conditional license under section 245A.06.

(b) The commissioner shall, following consultation with family child care license holders, parents, and county agencies, issue a report by January 1, 2020, that identifies the violations of this chapter and Minnesota Rules, chapter 9502, that constitute Level 1, Level 2, Level 3, or Level 4 violations based on the schedule in paragraph (a). The commissioner shall also identify the rules and statutes that may be violated at more than one risk level, such that the county licensor may assign the violation a risk level according to the licensor's discretion during an inspection. The report shall also identify all rules and statutory provisions that must be enforced in accordance with federal law. The commissioner shall provide the report to county agencies and the chairs and ranking minority members of the legislative committees with jurisdiction over child care, and shall post the report to the department's website. By July 1, 2020, the commissioner shall develop, distribute, and provide training on guidelines on the use of the risk-based violation levels in paragraph (a) during family child care provider inspections.

Subd. 4. **Follow-up inspections.** If, upon inspection, the commissioner finds more than one Level 4 violation, the commissioner shall conduct a follow-up inspection within six months. The date of the follow-up inspection does not alter the provider's annual inspection date.

EFFECTIVE DATE. This section is effective July 1, 2020, with the exception that subdivision 3, paragraph (b), is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2018, section 245A.06, subdivision 1, is amended to read:

Subdivision 1. **Contents of correction orders and conditional licenses.** (a) Except as provided in paragraph (c), if the commissioner finds that the applicant or license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the commissioner may issue a correction order and an order of conditional license to the applicant or license holder. When issuing a conditional license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program. The correction order or conditional license must state the following in plain language:

(1) the conditions that constitute a violation of the law or rule;

(2) the specific law or rule violated;

(3) the time allowed to correct each violation; and

(4) if a license is made conditional, the length and terms of the conditional license, and the reasons for making the license conditional.

(b) Nothing in this section prohibits the commissioner from proposing a sanction as specified in section 245A.07, prior to issuing a correction order or conditional license.

(c) For family child care license holders, the commissioner may issue a correction order or conditional license as provided in this section if, upon inspection, the commissioner finds a Level 4 violation as provided in section 245A.055, subdivision 3, or if a child care provider fails to correct a Level 3 violation as required under section 245A.065, paragraph (e).

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

Sec. 5. Minnesota Statutes 2018, section 245A.065, is amended to read:

245A.065 CHILD CARE FIX-IT TICKET.

(a) ~~In lieu of a correction order under section 245A.06,~~ The commissioner ~~shall~~ may issue a fix-it ticket to a ~~family child care or~~ child care center license holder if, upon inspection, the commissioner finds that:

(1) the license holder has failed to comply with a requirement in this chapter or Minnesota Rules, chapter 9502 or 9503, that the commissioner determines to be eligible for a fix-it ticket;

(2) the violation does not imminently endanger the health, safety, or rights of the persons served by the program;

(3) the license holder did not receive a fix-it ticket or correction order for the violation at the license holder's last licensing inspection;

(4) the violation can be corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays; and

(5) the license holder corrects the violation at the time of inspection or agrees to correct the violation within 48 hours, excluding Saturdays, Sundays, and holidays.

(b) The commissioner may issue a fix-it ticket to a family child care license holder if, upon inspection, the commissioner finds a Level 3 violation as provided in section 245A.055, subdivision 3.

(c) The fix-it ticket must state:

(1) the conditions that constitute a violation of the law or rule;

(2) the specific law or rule violated; and

(3) that the violation was corrected at the time of inspection or must be corrected within 48 hours, excluding Saturdays, Sundays, and holidays.

~~(e)~~ (d) The commissioner shall not publicly publish a fix-it ticket on the department's website, unless required by federal law.

~~(d)~~ (e) Within 48 hours, excluding Saturdays, Sundays, and holidays, of receiving a fix-it ticket, the license holder must correct the violation and within one week submit evidence to the licensing agency that the violation was corrected.

~~(e)~~ (f) If the violation is not corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that the license holder corrected the violation, the commissioner ~~must~~ may issue a correction order for the violation of Minnesota law or rule identified in the fix-it ticket according to section 245A.06.

~~(f) The commissioner shall, following consultation with family child care license holders, child care center license holders, and county agencies, issue a report by October 1, 2017, that identifies the violations of this chapter and Minnesota Rules, chapters 9502 and 9503, that are eligible for a fix-it ticket. The commissioner shall provide the report to county agencies and the chairs and ranking minority members of the legislative committees with jurisdiction over child care, and shall post the report to the department's website.~~

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

Sec. 6. **[245A.066] CHILD CARE TECHNICAL ASSISTANCE.**

Subdivision 1. **Verbal technical assistance.** The commissioner may provide verbal technical assistance to a family child care or child care center license holder if, upon inspection, the commissioner finds a Level 1 violation as provided in section 245A.055, subdivision 3.

Subd. 2. **Technical assistance notice.** (a) The commissioner may issue a written technical assistance notice to a family child care license holder if, upon inspection, the commissioner finds a Level 2 violation as provided in section 245A.055, subdivision 3.

(b) The technical assistance notice must state:

(1) the conditions that constitute a violation of the law or rule;

(2) the specific law or rule violated; and

(3) examples of how to correct the violation.

(c) The commissioner shall not publicly publish a written technical assistance notice on the department's website, unless required by federal law.

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

Sec. 7. Minnesota Statutes 2018, section 245A.16, subdivision 1, is amended to read:

Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private agencies that have been designated or licensed by the commissioner to perform licensing functions and activities under section 245A.04 and background studies for family child care under chapter 245C; to recommend denial of applicants under section 245A.05; to issue correction orders, to issue variances, and recommend a conditional license under section 245A.06; or to recommend suspending or revoking a license or issuing a fine under section 245A.07, shall comply with rules and directives of the commissioner governing those functions and with this section. The following variances are excluded from the delegation of variance authority and may be issued only by the commissioner:

(1) dual licensure of family child care and child foster care, dual licensure of child and adult foster care, and adult foster care and family child care;

(2) adult foster care maximum capacity;

(3) adult foster care minimum age requirement;

(4) child foster care maximum age requirement;

(5) variances regarding disqualified individuals except that, before the implementation of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding disqualified individuals when the county is responsible for conducting a consolidated reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination and a disqualification based on serious or recurring maltreatment;

(6) the required presence of a caregiver in the adult foster care residence during normal sleeping hours; and

(7) variances to requirements relating to chemical use problems of a license holder or a household member of a license holder.

Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must not grant a license holder a variance to exceed the maximum allowable family child care license capacity of 14 children.

(b) Before the implementation of NETStudy 2.0, county agencies must report information about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the commissioner at least monthly in a format prescribed by the commissioner.

(c) For family child care programs, the commissioner shall require a county agency to conduct one unannounced licensing ~~review~~ inspection at least annually.

(d) For family adult day services programs, the commissioner may authorize licensing reviews every two years after a licensee has had at least one annual review.

(e) A license issued under this section may be issued for up to two years.

(f) During implementation of chapter 245D, the commissioner shall consider:

(1) the role of counties in quality assurance;

(2) the duties of county licensing staff; and

(3) the possible use of joint powers agreements, according to section 471.59, with counties through which some licensing duties under chapter 245D may be delegated by the commissioner to the counties.

Any consideration related to this paragraph must meet all of the requirements of the corrective action plan ordered by the federal Centers for Medicare and Medicaid Services.

(g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or successor provisions; and section 245D.061 or successor provisions, for family child foster care programs providing out-of-home respite, as identified in section 245D.03, subdivision 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and private agencies.

(h) A county agency shall report to the commissioner, in a manner prescribed by the commissioner, the following information for a licensed family child care program:

(1) the results of each licensing ~~review~~ inspection completed, including the date of the ~~review~~ inspection, and any ~~licensing~~ correction order issued; and

(2) any death, serious injury, or determination of substantiated maltreatment.

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

Sec. 8. DIRECTION TO COMMISSIONER; ABBREVIATED INSPECTION MODEL.

(a) By January 1, 2020, the commissioner of human services shall, following consultation with family child care license holders, parents, and county agencies, develop the key indicators for use in the abbreviated inspection process under Minnesota Statutes, section 245A.055, subdivision 2,

paragraph (c), and report the results to the chairs and ranking minority members of the legislative committees with jurisdiction over child care. In developing the key indicators that predict full compliance with the statutes and rules governing licensed child care providers, the commissioner shall utilize an empirically based statistical methodology similar to the licensing key indicator systems as developed by the National Association for Regulatory Administration and the Research Institute for Key Indicators.

(b) By July 1, 2020, the commissioner of human services shall develop, distribute, and provide training to implement abbreviated inspections as described in Minnesota Statutes, section 245A.055, subdivision 2, paragraph (c).

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

Sec. 9. DIRECTION TO COMMISSIONER; CORRECTION ORDER ENFORCEMENT REVIEW.

By January 1, 2020, the commissioner of human services shall develop and implement a process to review licensing inspection results provided under Minnesota Statutes, section 245A.16, subdivision 1, paragraph (h), clause (1), by county to identify trends in correction order enforcement. The commissioner shall develop guidance and training as needed to address any imbalance or inaccuracy in correction order enforcement. The commissioner shall include the results in the annual report on child care under Minnesota Statutes, section 245A.153, provided that the results are limited to summary data as defined in Minnesota Statutes, section 13.02, subdivision 19.

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

Sec. 10. APPROPRIATION.

\$...... in fiscal year 2020 is appropriated from the general fund to the commissioner of human services to develop, distribute, and provide training on child care provider inspections based on the risk-based violation levels under Minnesota Statutes, section 245A.055, subdivision 3, including use of an abbreviated inspection that is based on key indicators that predict full compliance with the statutes and rules governing licensed child care providers under Minnesota Statutes, section 245A.055, subdivision 2, for qualifying child care providers. This is a onetime appropriation."

Delete the title and insert:

"A bill for an act relating to child care; reforming child care provider licensing inspections; establishing an abbreviated inspection process for qualifying child care providers; establishing risk-based violation levels and corresponding enforcement actions; directing the commissioner of human services to assign rules and statutory provisions to violation risk levels; directing the commissioner of human services to develop key indicators that predict full compliance for use in abbreviated inspections; appropriating money; amending Minnesota Statutes 2018, sections 245A.04, subdivision 4, by adding a subdivision; 245A.06, subdivision 1; 245A.065; 245A.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A."

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

Senator Housley from the Committee on Family Care and Aging, to which was re-referred

S.F. No. 2: A bill for an act relating to human services; modifying day care initial licensure requirement; directing commissioner of human services to implement a child care provider communication process, develop a plain-language handbook, and develop a uniform family day care provider application; modifying child care tax credits; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 245A.04, by adding subdivisions; 290.067, subdivision 1; repealing Minnesota Rules, part 9502.0335, subpart 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 245A.04, subdivision 4, is amended to read:

Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner shall conduct an inspection of the program. The inspection must include but is not limited to:

- (1) an inspection of the physical plant;
- (2) an inspection of records and documents;
- (3) an evaluation of the program by consumers of the program;
- (4) observation of the program in operation; and
- (5) an inspection for the health, safety, and fire standards in licensing requirements for a child care license holder.

For the purposes of this subdivision, "consumer" means a person who receives the services of a licensed program, the person's legal guardian, or the parent or individual having legal custody of a child who receives the services of a licensed program.

(b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the commissioner issues an initial license under subdivision 7, these requirements must be completed within one year after the issuance of an initial license.

(c) Before completing a licensing inspection in a family child care program or child care center, the licensing agency must offer the license holder an exit interview to discuss all violations of law or rule observed during the inspection and offer technical assistance on how to comply with applicable laws and rules. The commissioner shall not issue a correction order or negative action for violations of law or rule not discussed in an exit interview. Nothing in this paragraph limits the ability of the commissioner to issue a correction order or negative action for violations of law or rule ~~not discussed in an exit interview~~ or in the event that a license holder chooses not to participate in an exit interview.

(d) The commissioner or the county shall inspect at least annually a child care provider licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance with applicable licensing standards. It shall not constitute a violation of rule or statute for the spouse of a licensed family child care provider to be present in the residence during business hours, unless the spouse

provides sufficient hours or days of child care services for statutory training requirements to apply, or the spouse is designated to be a caregiver, helper, or substitute in the family child care program.

(e) No later than November 19, 2017, the commissioner shall make publicly available on the department's website the results of inspection reports of all child care providers licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the number of deaths, serious injuries, and instances of substantiated child maltreatment that occurred in licensed child care settings each year.

Sec. 2. Minnesota Statutes 2018, section 245A.04, is amended by adding a subdivision to read:

Subd. 18. **Plain-language handbook.** By January 1, 2020, the commissioner of human services shall, following consultation with family child care license holders, parents, and county agencies, develop a plain-language handbook that describes the process and requirements to become a licensed family child care provider. The handbook shall include a list of the applicable statutory provisions and rules that apply to licensed family child care providers. The commissioner shall electronically publish the handbook on the Department of Human Services website, available at no charge to the public. Each county human services office and the Department of Human Services shall maintain physical copies of the handbook for public use.

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

Sec. 3. Minnesota Statutes 2018, section 245A.06, is amended by adding a subdivision to read:

Subd. 10. **Licensing interpretation disputes.** When a county licenser and child care provider dispute the interpretation of a licensing requirement, a county licenser must seek clarification from the Department of Human Services in writing before issuing a correction order related to the disputed interpretation. The license holder must be included in all correspondence between the county and the Department of Human Services regarding the dispute. The provider must be given the opportunity to contribute pertinent information that may impact the decision by the Department of Human Services.

Sec. 4. Minnesota Statutes 2018, section 245A.065, is amended to read:

245A.065 CHILD CARE FIX-IT TICKET.

(a) In lieu of a correction order under section 245A.06, the commissioner shall issue a fix-it ticket to a family child care or child care center license holder if the commissioner finds that:

(1) the license holder has failed to comply with a requirement in this chapter or Minnesota Rules, chapter 9502 or 9503, that the commissioner determines to be eligible for a fix-it ticket;

(2) the violation: (i) does not imminently endanger the health, safety, or rights of the persons served by the program; or (ii) can be corrected immediately;

(3) the license holder did not receive a fix-it ticket or correction order for the violation at the license holder's last licensing inspection;

(4) the violation can be corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays; and

(5) the license holder corrects the violation at the time of inspection or agrees to correct the violation within 48 hours, excluding Saturdays, Sundays, and holidays.

(b) The fix-it ticket must state:

(1) the conditions that constitute a violation of the law or rule;

(2) the specific law or rule violated; and

(3) that the violation was corrected at the time of inspection or must be corrected within 48 hours, excluding Saturdays, Sundays, and holidays.

(c) The commissioner shall not publicly publish a fix-it ticket on the department's website.

(d) Within 48 hours, excluding Saturdays, Sundays, and holidays, of receiving a fix-it ticket, the license holder must correct the violation and within one week submit evidence to the licensing agency that the violation was corrected.

(e) If the violation is not corrected at the time of inspection or within 48 hours, excluding Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that the license holder corrected the violation, the commissioner must issue a correction order for the violation of Minnesota law or rule identified in the fix-it ticket according to section 245A.06.

(f) The commissioner shall, following consultation with family child care license holders, child care center license holders, and county agencies, issue a report by October 1, 2017, that identifies the violations of this chapter and Minnesota Rules, chapters 9502 and 9503, that are eligible for a fix-it ticket. The commissioner shall provide the report to county agencies and the chairs and ranking minority members of the legislative committees with jurisdiction over child care, and shall post the report to the department's website.

Sec. 5. Minnesota Statutes 2018, section 245A.14, subdivision 4, is amended to read:

Subd. 4. **Special family day care homes.** Nonresidential child care programs serving 14 or fewer children that are conducted at a location other than the license holder's own residence shall be licensed under this section and the rules governing family day care or group family day care if:

(a) The license holder is the primary provider of care and the nonresidential child care program is conducted in a dwelling that is located on a residential lot;

(b) The license holder is an employer who may or may not be the primary provider of care, and the purpose for the child care program is to provide child care services to children of the license holder's employees;

(c) The license holder is a church or religious organization;

(d) The license holder is a community collaborative child care provider. For purposes of this subdivision, a community collaborative child care provider is a provider participating in a cooperative agreement with a community action agency as defined in section 256E.31;

(e) The license holder is a not-for-profit agency that provides child care in a dwelling located on a residential lot and the license holder maintains two or more contracts with community employers or other community organizations to provide child care services. The county licensing agency may grant a capacity variance to a license holder licensed under this paragraph to exceed the licensed capacity of 14 children by no more than five children during transition periods related to the work schedules of parents, if the license holder meets the following requirements:

(1) the program does not exceed a capacity of 14 children more than a cumulative total of four hours per day;

(2) the program meets a one to seven staff-to-child ratio during the variance period;

(3) all employees receive at least an extra four hours of training per year than required in the rules governing family child care each year;

(4) the facility has square footage required per child under Minnesota Rules, part 9502.0425;

(5) the program is in compliance with local zoning regulations;

(6) the program is in compliance with the applicable fire code as follows:

(i) if the program serves more than five children older than 2-1/2 years of age, but no more than five children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003, Section 202; or

(ii) if the program serves more than five children 2-1/2 years of age or less, the applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2003, Section 202; and

(7) any age and capacity limitations required by the fire code inspection and square footage determinations shall be printed on the license; ~~or~~

(f) The license holder is the primary provider of care and has located the licensed child care program in a commercial space, if the license holder meets the following requirements:

(1) the program is in compliance with local zoning regulations;

(2) the program is in compliance with the applicable fire code as follows:

(i) if the program serves more than five children older than 2-1/2 years of age, but no more than five children 2-1/2 years of age or less, the applicable fire code is educational occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2003, Section 202; or

(ii) if the program serves more than five children 2-1/2 years of age or less, the applicable fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire Code 2003, Section 202;

(3) any age and capacity limitations required by the fire code inspection and square footage determinations are printed on the license; and

(4) the license holder prominently displays the license issued by the commissioner which contains the statement "This special family child care provider is not licensed as a child care center-"; or

(g) The license holder is the primary provider of care and has located the licensed child care program in a portion of a building that is used exclusively for the purpose of providing child care services, if the license holder meets the requirements in paragraph (f), clauses (1) to (4), and if any available shared kitchen, bathroom, or other space that the provider uses is separate from the indoor activity area used by the children.

Sec. 6. Minnesota Statutes 2018, section 245A.14, is amended by adding a subdivision to read:

Subd. 16. **Water bottles in child care centers.** Notwithstanding Minnesota Rules, part 9503.0145, subpart 8, a child care center may provide drinking water for children in individual covered water bottles, labeled with the child's name. Water bottles provided by the child care center must be washed, rinsed, and sanitized daily after use and stored clean and dry in a manner that protects them from contamination.

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

Sec. 7. Minnesota Statutes 2018, section 245A.50, subdivision 1, is amended to read:

Subdivision 1. **Initial training.** (a) License holders, caregivers, and substitutes must comply with the training requirements in this section.

(b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

(c) Training requirements established under this section that must be completed prior to initial licensure must be satisfied only by a newly licensed child care provider or by a child care provider who has not held an active child care license in Minnesota in the previous 12 months. A child care provider ~~who relocates within the state or~~ who voluntarily cancels a license or allows the license to lapse for a period of less than 12 months and who seeks reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation must satisfy the annual, ongoing training requirements, and is not required to satisfy the training requirements that must be completed prior to initial licensure. A child care provider who relocates within the state must (1) satisfy the annual, ongoing training requirements according to the schedules established in this section and (2) not be required to satisfy the training requirements under this section that the child care provider completed prior to initial licensure. If a licensed provider moves to a new county, the new county is prohibited from requiring the provider to complete any orientation class or training for new providers.

Sec. 8. Minnesota Statutes 2018, section 245A.50, subdivision 2, is amended to read:

Subd. 2. **Child development and learning and behavior guidance training.** (a) For purposes of family and group family child care, the license holder and each adult caregiver who provides care in the licensed setting for more than 30 days in any 12-month period shall complete and document at least four hours of child growth and learning and behavior guidance training prior to initial licensure, and before caring for children. For purposes of this subdivision, "child development and learning training" means training in understanding how children develop physically, cognitively, emotionally, and socially and learn as part of the children's family, culture, and community. "Behavior

guidance training" means training in the understanding of the functions of child behavior and strategies for managing challenging situations. ~~At least two hours of child development and learning or behavior guidance training must be repeated annually.~~ The training curriculum shall be developed or approved by the commissioner of human services.

(b) Notwithstanding paragraph (a), individuals are exempt from this requirement if they:

(1) have taken a three-credit course on early childhood development within the past five years;

(2) have received a baccalaureate or master's degree in early childhood education or school-age child care within the past five years;

(3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator, a kindergarten to grade 6 teacher with a prekindergarten specialty, an early childhood special education teacher, or an elementary teacher with a kindergarten endorsement; or

(4) have received a baccalaureate degree with a Montessori certificate within the past five years.

EFFECTIVE DATE. This section is effective January 1, 2020.

Sec. 9. Minnesota Statutes 2018, section 245A.50, subdivision 3, is amended to read:

Subd. 3. **First aid.** (a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present in the home who has been trained in first aid. The first aid training must have been provided by an individual approved to provide first aid instruction. First aid training may be less than eight hours and persons qualified to provide first aid training include individuals approved as first aid instructors. First aid training must be repeated ~~every two years~~ before the license holder's license expires in the second year after the prior first aid training.

(b) A family child care provider is exempt from the first aid training requirements under this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.

(c) Video training reviewed and approved by the county licensing agency satisfies the training requirement of this subdivision.

Sec. 10. Minnesota Statutes 2018, section 245A.50, subdivision 4, is amended to read:

Subd. 4. **Cardiopulmonary resuscitation.** (a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one caregiver must be present in the home who has been trained in cardiopulmonary resuscitation (CPR), including CPR techniques for infants and children, and in the treatment of obstructed airways. The CPR training must have been provided by an individual approved to provide CPR instruction, must be repeated at least once ~~every two years~~ before the license holder's license expires in the second year after the prior CPR training, and must be documented in the caregiver's records.

(b) A family child care provider is exempt from the CPR training requirement in this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.

(c) Persons providing CPR training must use CPR training that has been developed:

(1) by the American Heart Association or the American Red Cross and incorporates psychomotor skills to support the instruction; or

(2) using nationally recognized, evidence-based guidelines for CPR training and incorporates psychomotor skills to support the instruction.

Sec. 11. Minnesota Statutes 2018, section 245A.50, subdivision 5, is amended to read:

Subd. 5. **Sudden unexpected infant death and abusive head trauma training.** (a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death. In addition, license holders must document that before staff persons, caregivers, and helpers assist in the care of infants and children under school age, they receive training on reducing the risk of abusive head trauma from shaking infants and young children. The training in this subdivision may be provided as initial training under subdivision 1 or ongoing annual training under subdivision 7.

(b) Sudden unexpected infant death reduction training required under this subdivision must, at a minimum, address the risk factors related to sudden unexpected infant death, means of reducing the risk of sudden unexpected infant death in child care, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death.

(c) Abusive head trauma training required under this subdivision must, at a minimum, address the risk factors related to shaking infants and young children, means of reducing the risk of abusive head trauma in child care, and license holder communication with parents regarding reducing the risk of abusive head trauma.

(d) Training for family and group family child care providers must be developed by the commissioner in conjunction with the Minnesota Sudden Infant Death Center and approved by the Minnesota Center for Professional Development. Sudden unexpected infant death reduction training and abusive head trauma training may be provided in a single course of no more than two hours in length.

(e) Sudden unexpected infant death reduction training and abusive head trauma training required under this subdivision must be completed in person or as allowed under subdivision 10, clause (1) or (2), at least once ~~every two years~~ before the license holder's license expires in the second year after the prior sudden unexpected infant death reduction training and abusive head trauma training. On the years when the license holder is not receiving training in person or as allowed under subdivision 10, clause (1) or (2), the license holder must receive sudden unexpected infant death reduction training and abusive head trauma training through a video of no more than one hour in length. The video must be developed or approved by the commissioner.

(f) An individual who is related to the license holder as defined in section 245A.02, subdivision 13, and who is involved only in the care of the license holder's own infant or child under school age and who is not designated to be a caregiver, helper, or substitute, as defined in Minnesota Rules, part 9502.0315, for the licensed program, is exempt from the sudden unexpected infant death and abusive head trauma training.

Sec. 12. Minnesota Statutes 2018, section 245A.50, subdivision 6, is amended to read:

Subd. 6. **Child passenger restraint systems; training requirement.** (a) A license holder must comply with all seat belt and child passenger restraint system requirements under section 169.685.

(b) Family and group family child care programs licensed by the Department of Human Services that serve a child or children under ~~nine~~ eight years of age must document training that fulfills the requirements in this subdivision.

(1) Before a license holder, staff person, caregiver, or helper transports a child or children under age ~~nine~~ eight in a motor vehicle, the person placing the child or children in a passenger restraint must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training completed under this subdivision may be used to meet initial training under subdivision 1 or ongoing training under subdivision 7.

(2) Training required under this subdivision must be at least one hour in length, completed at initial training, and repeated at least once ~~every five years~~ before the license holder's license expires in the fifth year after the prior child passenger restraint system training. At a minimum, the training must address the proper use of child restraint systems based on the child's size, weight, and age, and the proper installation of a car seat or booster seat in the motor vehicle used by the license holder to transport the child or children.

(3) Training under this subdivision must be provided by individuals who are certified and approved by the Department of Public Safety, Office of Traffic Safety. License holders may obtain a list of certified and approved trainers through the Department of Public Safety website or by contacting the agency.

(c) Child care providers that only transport school-age children as defined in section 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448, subdivision 1, paragraph (e), are exempt from this subdivision.

Sec. 13. Minnesota Statutes 2018, section 245A.50, subdivision 7, is amended to read:

Subd. 7. **Training requirements for family and group family child care.** For purposes of family and group family child care, the license holder and each primary caregiver must complete ~~16~~ ten hours of ongoing training each year. For purposes of this subdivision, a primary caregiver is an adult caregiver who provides services in the licensed setting for more than 30 days in any 12-month period. Repeat of topical training requirements in subdivisions 2 to 8, and the annual refresher training course in subdivision 12, shall count toward the annual ~~16-hour~~ ten-hour training requirement. Additional ongoing training subjects to meet the annual ~~16-hour~~ ten-hour training requirement must be selected from the following areas:

(1) child development and learning training under subdivision 2, paragraph (a);

(2) developmentally appropriate learning experiences, including training in creating positive learning experiences, promoting cognitive development, promoting social and emotional development, promoting physical development, promoting creative development; and behavior guidance;

(3) relationships with families, including training in building a positive, respectful relationship with the child's family;

(4) assessment, evaluation, and individualization, including training in observing, recording, and assessing development; assessing and using information to plan; and assessing and using information to enhance and maintain program quality;

(5) historical and contemporary development of early childhood education, including training in past and current practices in early childhood education and how current events and issues affect children, families, and programs;

(6) professionalism, including training in knowledge, skills, and abilities that promote ongoing professional development; and

(7) health, safety, and nutrition, including training in establishing healthy practices; ensuring safety; and providing healthy nutrition.

EFFECTIVE DATE. This section is effective January 1, 2020.

Sec. 14. Minnesota Statutes 2018, section 245A.50, subdivision 9, is amended to read:

Subd. 9. **Supervising for safety; training requirement.** (a) Before initial licensure and before caring for a child, all family child care license holders and each adult caregiver who provides care in the licensed family child care home for more than 30 days in any 12-month period shall complete and document the completion of the six-hour Supervising for Safety for Family Child Care course developed by the commissioner.

(b) The family child care license holder and each adult caregiver who provides care in the licensed family child care home for more than 30 days in any 12-month period shall complete and document the completion of the two-hour courses Health and Safety I and Health and Safety II at least once before the license holder's license expires in the fifth year after the prior supervising for safety training.

~~(1) the annual completion of a two-hour active supervision course developed by the commissioner; and~~

~~(2) the completion at least once every five years of the two-hour courses Health and Safety I and Health and Safety II. A license holder's or adult caregiver's completion of either training in a given year meets the annual active supervision training requirement in clause (1).~~

EFFECTIVE DATE. This section is effective January 1, 2020.

Sec. 15. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision to read:

Subd. 12. **Annual refresher training course.** Beginning January 1, 2020, license holders, staff persons, caregivers, substitutes, and helpers must complete an annual refresher training course, as developed by the commissioner of human services. The annual refresher training course must incorporate training on: (1) active supervision; (2) child development and learning, and behavior guidance; and (3) any training required by the child care development block grant. The annual refresher training course shall not exceed two hours. Providers may complete the annual refresher

training course online through self-study. Providers must document completion of the annual refresher training course.

Sec. 16. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision to read:

Subd. 13. **Related individual training exemption.** An individual who is related to a child in a child care program may care for or have contact with that child at the child care site without completing the training requirements under this chapter, unless the individual is designated to be a caregiver, helper, or substitute in the child care program.

Sec. 17. Minnesota Statutes 2018, section 245A.50, is amended by adding a subdivision to read:

Subd. 14. **Emergency substitute caregiver training exemption.** During an emergency, substitute caregivers are exempt from training requirements under this section.

Sec. 18. Minnesota Statutes 2018, section 245A.51, subdivision 3, is amended to read:

Subd. 3. **Emergency preparedness plan.** (a) No later than September 30, 2017, a licensed family child care provider must have a written emergency preparedness plan for emergencies that require evacuation, sheltering, or other protection of children, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to children. The plan must be written on a form developed by the commissioner and updated at least annually. The plan must include:

- (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;
 - (2) a designated relocation site and evacuation route;
 - (3) procedures for notifying a child's parent or legal guardian of the evacuation, shelter-in-place, or lockdown, including procedures for reunification with families;
 - (4) accommodations for a child with a disability or a chronic medical condition;
 - (5) procedures for storing a child's medically necessary medicine that facilitate easy removal during an evacuation or relocation;
 - (6) procedures for continuing operations in the period during and after a crisis; and
 - (7) procedures for communicating with local emergency management officials, law enforcement officials, or other appropriate state or local authorities.
- (b) The license holder must train caregivers before the caregiver provides care and at least annually on the emergency preparedness plan and document completion of this training.
- (c) The license holder must conduct drills according to the requirements in Minnesota Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.
- (d) The license holder must have the emergency preparedness plan available for review and posted in a prominent location. ~~The license holder must provide a physical or electronic copy of the plan to the child's parent or legal guardian upon enrollment.~~

Sec. 19. [245A.60] OMBUDSPERSON FOR CHILD CARE PROVIDERS.

Subdivision 1. **Appointment.** The governor shall appoint an ombudsperson in the classified service to assist child care providers, including family child care providers and legal nonlicensed child care providers, with licensing, compliance, and other issues facing child care providers. The ombudsperson must be selected without regard to the person's political affiliation. The ombudsperson shall serve a term of two years and may be removed prior to the end of the term for just cause.

Subd. 2. **Duties.** (a) The ombudsperson's duties shall include:

(1) addressing all areas of concern to child care providers related to the provision of child care services, including licensing, correction orders, penalty assessments, complaint investigations, and other interactions with agency staff;

(2) assisting providers with interactions with county licensors and with appealing correction orders;

(3) providing recommendations for child care improvement or child care provider education;

(4) operating a telephone line to answer questions and provide guidance to child care providers; and

(5) assisting child care license applicants.

(b) The ombudsperson must report annually by December 31 to the commissioner and the chairs and ranking minority members of the legislative committees with jurisdiction over child care on the services provided by the ombudsperson to child care providers, including the number, types, and locations of child care providers served, and the activities of the ombudsperson to carry out the duties under this section. The commissioner shall determine the form of the report and may specify additional reporting requirements.

Subd. 3. **Staff.** The ombudsperson may appoint and compensate out of available funds a deputy, confidential secretary, and other employees in the unclassified service as authorized by law. The ombudsperson and the full-time staff are members of the Minnesota State Retirement Association. The ombudsperson may delegate to members of the staff any authority or duties of the office except the duty to formally make recommendations to a child care provider or reports to the commissioner or the legislature.

Subd. 4. **Access to records.** (a) The ombudsperson or designee, excluding volunteers, has access to data of a state agency necessary for the discharge of the ombudsperson's duties, including records classified as confidential data on individuals or private data on individuals under chapter 13 or any other law. The ombudsperson's data request must relate to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the ombudsperson or designee shall first obtain the individual's consent. If the individual cannot consent and has no legal guardian, then access to the data is authorized by this section.

(b) On a quarterly basis, each state agency responsible for licensing, regulating, and enforcing state and federal laws and regulations concerning child care providers must provide the ombudsperson

copies of all correction orders, penalty assessments, and complaint investigation reports for all child care providers.

Subd. 5. **Independence of action.** In carrying out the duties under this section, the ombudsperson shall operate independently of the department and may provide testimony or make periodic reports to the legislature to address areas of concern and advocate for child care providers.

Subd. 6. **Civil actions.** The ombudsperson or designee is not civilly liable for any action taken under this section if the action was taken in good faith, was within the scope of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

Subd. 7. **Qualifications.** The ombudsperson must be a person who has at least five years of experience providing child care. The ombudsperson must be experienced in dealing with governmental entities, interpretation of laws and regulations, investigations, record keeping, report writing, public speaking, and management. A person is not eligible to serve as the ombudsperson while holding public office and must not have been previously employed by the Department of Human Services or as a county licensor.

Subd. 8. **Office support.** The commissioner shall provide the ombudsperson with the necessary office space, supplies, equipment, and clerical support to effectively perform the duties under this section.

Subd. 9. **Posting.** (a) The commissioner shall post on the department's website the address and telephone number for the office of the ombudsperson. The commissioner shall provide all child care providers with the address and telephone number of the office. Counties must provide child care providers with the name, address, and telephone number of the office.

(b) The ombudsperson must approve all posting and notice required by the department and counties under this subdivision.

Sec. 20. **DIRECTION TO COMMISSIONER; CHILD CARE TRAINING REQUIREMENTS.**

(a) The commissioner of human services shall develop an annual refresher course as described in Minnesota Statutes, section 245A.50, subdivision 12, for child care providers who previously completed the training requirements under Minnesota Statutes, chapter 245A.

(b) The commissioner must propose any necessary legislative changes to develop and implement the annual refresher training course in paragraph (a) and to eliminate duplicative training requirements for the 2020 legislative session.

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

Sec. 21. **DIRECTION TO COMMISSIONER; SUBSTITUTE CAREGIVER PERMISSION.**

(a) The commissioner of human services shall amend Minnesota Rules, part 9502.0365, subpart 5, to permit licensed providers to use substitute caregivers for a cumulative total of 720 hours in any 12-month period.

(b) The commissioner of human services may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 22. FAMILY CHILD CARE TASK FORCE.

Subdivision 1. **Establishment; purpose.** The Family Child Care Task Force is established to increase the number of licensed family child care providers throughout the state, identify family child care licensing alternatives, and establish family child care regulatory reforms to improve efficiencies.

Subd. 2. **Membership.** (a) The Family Child Care Task Force shall consist of 16 members, appointed as follows:

(1) two members representing family child care providers from greater Minnesota, including one appointed by the speaker of the house of representatives and one appointed by the senate majority leader;

(2) two members representing family care providers from the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, including one appointed by the speaker of the house of representatives and one appointed by the senate majority leader;

(3) one member appointed by the Minnesota Association of Child Care Professionals;

(4) one member appointed by the Minnesota Child Care Provider Information Network;

(5) two members from the house of representatives, including one appointed by the speaker of the house of representatives and one appointed by the minority leader;

(6) two members from the senate, including one appointed by the senate majority leader and one appointed by the senate minority leader;

(7) two members representing Department of Human Services-recognized family child care associations from greater Minnesota, including one appointed by the senate majority leader and one appointed by the senate minority leader;

(8) two members appointed by the Association of Minnesota Child Care Licensors, including one from greater Minnesota and one from the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2;

(9) one member appointed by the Greater Minnesota Partnership; and

(10) one member appointed by the Minnesota Chamber of Commerce.

(b) Appointments to the task force must be made no later than July 15, 2019, and members of the task force may be compensated as provided by Minnesota Statutes, section 15.059, subdivision 3.

Subd. 3. **Duties.** The task force must:

(1) develop a proposal for a child care provider licensing structure based on a differential monitoring framework;

(2) identify licensing requirements that have led to the closure of family child care programs and recommend business development and technical assistance resources to promote provider recruitment and retention;

(3) identify family child care licensing alternatives, including permitting multiple family child care providers to operate in a commercial or other building other than the providers' residences;

(4) identify and recommend family child care regulatory reforms to improve licensing efficiencies, including a variance structure and updated child ratios; and

(5) review Parent Aware program participation and identify obstacles and improvements.

Subd. 4. **Officers; meetings.** (a) The task force must elect a chair and vice-chair from among its members and may elect other officers as necessary.

(b) The task force must meet at least monthly. The commissioner of human services must convene the first meeting no later than August 1, 2019.

(c) The task force is subject to the Minnesota Open Meeting Law under Minnesota Statutes, chapter 13D.

Subd. 5. **Staff.** The Office of Inspector General from the Department of Human Services must provide staff assistance and meeting space to support the task force as needed.

Subd. 6. **Report required.** No later than March 1, 2020, the task force must submit a written report to the chairs and ranking minority members of the legislative committees with jurisdiction over child care regarding each of the duties under subdivision 3 describing the work of the task force and its recommendations.

Subd. 7. **Expiration.** The task force expires upon submission of the report in subdivision 6 or March 1, 2020, whichever is later.

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

Sec. 23. **INSTRUCTION TO COMMISSIONER; REVIEW OF CHILD CARE LICENSING AND BACKGROUND STUDY PROVISIONS.**

The commissioner of human services shall review existing statutes and rules relating to child care licensing and background study requirements and propose legislation for the 2020 legislative session that eliminates unnecessary and duplicative record keeping or documentation requirements for child care providers. The commissioner shall also establish a process for child care providers to electronically submit requested information to the commissioner.

Sec. 24. **APPROPRIATION; FAMILY CHILD CARE TASK FORCE.**

\$75,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of human services for the Family Child Care Task Force under section 22.

Sec. 25. **APPROPRIATION; OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

\$114,000 in fiscal year 2020 and \$120,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of human services for the ombudsperson for child care providers under Minnesota Statutes, section 245A.60.

EFFECTIVE DATE. This section is effective July 1, 2019.

Sec. 26. **APPROPRIATION; CHILD CARE PROVIDER GRANTS.**

(a) \$649,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of employment and economic development for grants to local communities to increase the supply of quality child care providers to support economic development. At least 60 percent of grant funds must go to communities located outside of the seven-county metropolitan area as defined under Minnesota Statutes, section 473.121, subdivision 2. Grant recipients must obtain a 50 percent nonstate match to grant funds in either cash or in-kind contributions. Grant funds available under this section must be used to implement projects to reduce the child care shortage in the state, including but not limited to funding for child care business start-ups or expansion, training, facility modifications or improvements required for licensing, and assistance with licensing and other regulatory requirements. In awarding grants, the commissioner must give priority to communities that have demonstrated a shortage of child care providers in the area. This is a onetime appropriation.

(b) Within one year of receiving grant funds, grant recipients must report to the commissioner on the outcomes of the grant program, including but not limited to the number of new providers, the number of additional child care provider jobs created, the number of additional child care slots, and the amount of cash and in-kind local funds invested.

Sec. 27. **APPROPRIATION; CHILD CARE BUSINESS TRAINING PROGRAM.**

\$140,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of employment and economic development for a grant, through a competitive bidding process, to a nonprofit organization with expertise in small business advising to operate a business training program for child care providers and to create materials that could be used, free of charge, for start-up, expansion, and operation of child care businesses statewide, with the goal of helping new and existing child care businesses in underserved areas of the state become profitable and sustainable. The commissioner shall report data on outcomes and recommendations for replication of this training program throughout Minnesota to the governor and the committees of the house of representatives and the senate with jurisdiction over child care by December 15, 2021. This is a onetime appropriation and is available until June 30, 2021.

Sec. 28. **APPROPRIATION; MINNESOTA INITIATIVE FOUNDATIONS.**

(a) \$2,000,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of employment and economic development for a grant to the Minnesota Initiative Foundations. This is a onetime appropriation and is available until June 30, 2023.

(b) The Minnesota Initiative Foundations must use grant funds under this section to:

(1) facilitate planning processes for rural communities resulting in a community solution action plan that guides decision making to sustain and increase the supply of quality child care in the region to support economic development;

(2) engage the private sector to invest local resources to support the community solution action plan and ensure quality child care is a vital component of additional regional economic development planning processes;

(3) provide locally based training and technical assistance to rural child care business owners through a learning cohort. Access to financial and business development assistance must prepare child care businesses for quality engagement and improvement by stabilizing operations, leveraging funding from other sources, and fostering business acumen that allows child care businesses to plan for and afford the cost of providing quality child care; and

(4) recruit child care programs to participate in Parent Aware, Minnesota's quality and improvement rating system, by providing targeted resources designed to encourage high levels of participation in Parent Aware. The Minnesota Initiative Foundations must work with local partners to provide low-cost training, professional development opportunities, and continuing education curricula. The Minnesota Initiative Foundations must fund, through local partners, an enhanced level of coaching to rural child care providers to obtain a quality rating through Parent Aware.

Sec. 29. REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9502.

The revisor of statutes, in consultation with the House Research Department, Office of Senate Counsel, Research and Fiscal Analysis, and the Department of Human Services shall prepare legislation for the 2020 legislative session to repeal and enact as statutes Minnesota Rules, chapter 9502, and recodify Minnesota Statutes sections governing licensing of child care facilities. The revisor of statutes shall provide a courtesy copy of the proposed legislation to the chief authors in the house of representatives and senate of this act.

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

Sec. 30. REVISOR INSTRUCTION; MINNESOTA RULES, CHAPTER 9503.

The revisor of statutes, in consultation with the House Research Department, Office of Senate Counsel, Research and Fiscal Analysis, and the Department of Human Services shall prepare legislation for the 2020 legislative session to repeal and enact as statutes Minnesota Rules, chapter 9503, and recodify Minnesota Statutes sections governing licensing of child care facilities. The revisor of statutes shall provide a courtesy copy of the proposed legislation to the chief authors in the house of representatives and senate of this act.

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

Sec. 31. REVISOR INSTRUCTION; RECODIFY MINNESOTA STATUTES, CHAPTER 245A; RECODIFY MINNESOTA RULES, CHAPTER 9502.

The revisor of statutes, in consultation with the House Research Department, Office of Senate Counsel, Research and Fiscal Analysis, and Department of Human Services, shall prepare legislation for the 2020 legislative session to: (1) recodify Minnesota Statutes, chapter 245A; and (2) repeal

and enact as statutes the rules governing day care facility licensing in Minnesota Rules, chapter 9502."

Delete the title and insert:

"A bill for an act relating to human services; modifying human services licensing provisions; directing the commissioner of human services to develop a plain-language handbook for family child care providers; requiring county licensors to seek clarification from Department of Human Services before issuing correction orders in certain circumstances; expanding child care fix-it ticket violations; authorizing additional special family child care home licenses; modifying requirements for drinking water in child care centers; modifying family child care program training requirements; directing the commissioner of human services to develop an annual refresher training for family child care providers; clarifying and extending child care training timelines; exempting certain individuals from child care training requirements; modifying family child care emergency preparedness plan requirements; creating the Office of Ombudsperson for Child Care Providers; providing appointments; increasing time a child care substitute can provide care; establishing Family Child Care Working Group; directing commissioner of human services to streamline child care licensing and background study record requirements; directing the commissioner of human services to codify certain rules and propose legislation re-codifying chapter 245A; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 245A.04, subdivision 4, by adding a subdivision; 245A.06, by adding a subdivision; 245A.065; 245A.14, subdivision 4, by adding a subdivision; 245A.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, by adding subdivisions; 245A.51, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245A."

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

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

S.F. No. 2352: A bill for an act relating to health care; prohibiting maintenance of certification for physicians; amending Minnesota Statutes 2018, section 147.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62Q; 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [62Q.748] DISCRIMINATION BASED ON MAINTENANCE OF CERTIFICATION.

A health plan company shall not require as a condition of payment or reimbursement for a claim submitted by a physician or as a condition to participate in the health plan company's provider network that a physician maintain certification by a nationally recognized accrediting organization that specializes in a specific area of medicine and requires periodic reexaminations to maintain certification after initial certification and one renewal requiring examination.

Sec. 2. [144.588] MAINTENANCE OF CERTIFICATION PROHIBITED.

(a) Except as permitted under paragraph (b), a health care facility, including a hospital, outpatient surgical center, or health care clinic shall not differentiate between physicians based on the physician maintaining certification by a nationally recognized accrediting organization that specializes in a specific area of medicine and requires periodic reexaminations to maintain certification as a requirement or condition of employment or entering into a contract with the facility, or as a condition or requirement of surgical, admitting, or other staff privileges at the health care facility.

(b) A health care facility may require a physician to be certified by a nationally recognized accrediting organization that requires periodic reexaminations to maintain certification as a condition of initial employment and may require the physician to renew the certification one time to maintain employment if renewal requires a reexamination.

(c) This section does not apply if:

(1) the health care facility's designation, certification, or accreditation by a national certifying or accrediting organization is contingent on the facility requiring a specific maintenance of certification by physicians seeking staff privileges or credentialing at the facility; and

(2) the differentiation is limited to those physicians whose maintenance of certification is required for the facility's designation, certification, or accreditation.

Sec. 3. Minnesota Statutes 2018, section 147.02, is amended by adding a subdivision to read:

Subd. 7. **Maintenance of certification.** (a) Notwithstanding subdivision 1, paragraph (i); section 147.03, subdivision 1, paragraph (c), clause (2); or section 147.037, subdivision 1, paragraph (e), clause (2), the board shall not require as a qualification for licensure or for licensure renewal under this chapter certification by a nationally recognized accrediting organization or maintenance of certification by a nationally recognized accrediting organization that includes periodic reexamination to measure core competencies as a requirement for maintaining certification.

(b) Nothing in paragraph (a) shall be construed to prohibit or limit the board from requiring the completion of continuing medical education credits as a requirement for licensure renewal."

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

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

S.F. No. 1609: A bill for an act relating to health; prohibiting abortions at or after 20 weeks postfertilization age unless certain exceptions apply; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2018, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145.

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

Page 9, after line 16, insert:

"Sec. 11. **APPROPRIATION; STUDY ON THE INCREASE IN ABORTIONS AFTER 20 WEEKS.**

\$..... is appropriated in fiscal year 2020 from the general fund to the commissioner of health to evaluate the increase in abortions occurring after the gestational age of 20 weeks and the reasons for the increase. The commissioner shall report the findings to the chairs and ranking minority members of the legislative committees with jurisdiction over health care policy and finance by February 15, 2020. This is a onetime appropriation."

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

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

S.F. No. 2081: A bill for an act relating to health; modifying requirements for the volunteer health care provider program; amending Minnesota Statutes 2018, section 214.40, subdivision 3.

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

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

S.F. No. 2342: A bill for an act relating to energy; establishing an electric vehicle charging station revolving loan program; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Page 2, after line 12, insert:

"(c) When a loan is repaid, 60 percent of the loan repayment must be retained in the electric vehicle charging station revolving loan fund. The remaining 40 percent must be transferred to the renewable development account under section 116C.779, until the total amount transferred to the renewable development account equals \$1,500,000."

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

Senator Hall from the Committee on Local Government, to which was referred

S.F. No. 998: A bill for an act relating to cities and towns; establishing a process for hiring private consultants; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Delete everything after the enacting clause and insert:

"Section 1. [471.462] WRITTEN ESTIMATE OF CONSULTANT FEES.

(a) Before a city engages a consultant to assist it with reviewing an application for a permit, license, or other approval relating to real estate development or construction, an applicant may

request a written nonbinding estimate of the consulting fees to be charged to the applicant based on information available at that time. If the applicant requests the estimate, the application shall not be deemed complete until the city has: (1) provided an estimate to the applicant, (2) received the required application fees, as specified by the city, (3) received a signed acceptance of the fee estimate from the applicant, and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

(b) Before a city commences review of a complete application for a permit, license, or other approval in accordance with section 15.99, it may require the applicant's written acceptance of the actual fees to be charged by the city's consultant."

Amend the title accordingly

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

Senator Hall from the Committee on Local Government, to which was re-referred

S.F. No. 558: A bill for an act relating to state government; specifying judicial jurisdiction for disputes regarding certain public procurement actions; amending Minnesota Statutes 2018, section 471.345, subdivision 14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Senator Hall from the Committee on Local Government, to which was re-referred

S.F. No. 1011: A bill for an act relating to government accountability; providing for state and local government settlement accountability and transparency; requiring reports; amending Minnesota Statutes 2018, section 13.43, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 3; 15; 465.

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

Senator Hall from the Committee on Local Government, to which was re-referred

S.F. No. 1416: A bill for an act relating to standards of time; providing for advanced standard time, also known as daylight saving time, year-round effective upon authorization by federal law; amending Minnesota Statutes 2018, section 645.071; proposing coding for new law in Minnesota Statutes, chapter 645.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 174, 978, 1590, 2352, 2081, 558, and 1416 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that the name of Senator Franzen be added as a co-author to S.F. No. 582. The motion prevailed.

Senator Pappas moved that the names of Senators Dibble and Clausen be added as co-authors to S.F. No. 1146. The motion prevailed.

Senator Little moved that the name of Senator Dziedzic be added as a co-author to S.F. No. 1189. The motion prevailed.

Senator Senjem moved that the name of Senator Anderson, P. be added as a co-author to S.F. No. 1456. The motion prevailed.

Senator Relph moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 1469. The motion prevailed.

Senator Housley moved that the name of Senator Bigham be added as a co-author to S.F. No. 1534. The motion prevailed.

Senator Little moved that the name of Senator Dziedzic be added as a co-author to S.F. No. 1798. The motion prevailed.

Senator Cwodzinski moved that his name be stricken as a co-author to S.F. No. 1805. The motion prevailed.

Senator Anderson, P. moved that the name of Senator Limmer be added as a co-author to S.F. No. 1841. The motion prevailed.

Senator Weber moved that the name of Senator Dahms be added as a co-author to S.F. No. 2029. The motion prevailed.

Senator Housley moved that the name of Senator Dziedzic be added as a co-author to S.F. No. 2151. The motion prevailed.

Senator Housley moved that the name of Senator Cohen be added as a co-author to S.F. No. 2162. The motion prevailed.

Senator Lang moved that his name be stricken as a co-author to S.F. No. 2230. The motion prevailed.

Senator Hayden moved that the name of Senator Dziedzic be added as a co-author to S.F. No. 2273. The motion prevailed.

Senator Relph moved that the name of Senator Dziedzic be added as a co-author to S.F. No. 2274. The motion prevailed.

Senator Housley moved that the name of Senator Nelson be added as a co-author to S.F. No. 2298. The motion prevailed.

Senator Hawj moved that the name of Senator Dziejczak be added as a co-author to S.F. No. 2325. The motion prevailed.

Senator Hoffman moved that the name of Senator Eaton be added as a co-author to S.F. No. 2367. The motion prevailed.

Senator Simonson moved that the name of Senator Dziejczak be added as a co-author to S.F. No. 2368. The motion prevailed.

Senator Benson, for Senator Cohen, moved that S.F. No. 2141, on General Orders, be stricken and re-referred to the Committee on Judiciary and Public Safety Finance and Policy. The motion prevailed.

MEMBERS EXCUSED

Senators Laine, Latz, and Tomassoni were excused from the Session of today. Senator Kent was excused from the Session of today from 11:25 to 11:50 a.m. Senators Dibble, Eaton, and Marty were excused from the Session of today from 11:40 to 11:50 a.m.

ADJOURNMENT

Senator Benson moved that the Senate do now adjourn until 11:00 a.m., Monday, March 18, 2019. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

