

## NINETY-FIFTH DAY

St. Paul, Minnesota, Thursday, May 10, 2018

The Senate met at 10:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Bonnie Wilcox.

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

May 8, 2018

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 119, S.F. No. 3306; Chapter 120, S.F. No. 3525; Chapter 121, S.F. No. 2777; and Chapter 122, S.F. No. 3466.

Sincerely,  
Mark Dayton, Governor

May 8, 2018

The Honorable Kurt L. Daudt  
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2018 Session of the State Legislature have been received from the Office of the Governor and are 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 2018	Date Filed 2018
	3418	112	12:22 p.m. May 8	May 8
	3225	113	12:24 p.m. May 8	May 8
	3210	114	12:26 p.m. May 8	May 8
	3755	115	12:27 p.m. May 8	May 8
	2743	116	12:28 p.m. May 8	May 8
	3552	117	12:29 p.m. May 8	May 8
	3389	118	12:30 p.m. May 8	May 8
3306		119	12:34 p.m. May 8	May 8
3525		120	12:35 p.m. May 8	May 8
2777		121	12:35 p.m. May 8	May 8
3466		122	12:37 p.m. May 8	May 8
	817	123	12:38 p.m. May 8	May 8
	1975	124	12:39 p.m. May 8	May 8
	3622	125	12:40 p.m. May 8	May 8

Sincerely,  
Steve Simon  
Secretary of State

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2692, 3004, 1703, and 3262.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 9, 2018

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3199.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 9, 2018

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 3199:** A bill for an act relating to the military; clarifying scope of military code; amending Minnesota Statutes 2016, section 190.03.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3002, now on General Orders.

**REPORTS OF COMMITTEES**

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

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

**H.F. No. 390** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
390	676

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2940** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2940	2637				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2847** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2847	2536				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2847 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2847; and insert the language after the enacting clause of S.F. No. 2536, the first engrossment; further, delete the title of H.F. No. 2847; and insert the title of S.F. No. 2536, the first engrossment.

And when so amended H.F. No. 2847 will be identical to S.F. No. 2536, and further recommends that H.F. No. 2847 be given its second reading and substituted for S.F. No. 2536, 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 Gazelka, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3819** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3819	3411				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3819 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3819, the first engrossment; and insert the language after the enacting clause of S.F. No. 3411; further, delete the title of H.F. No. 3819, the first engrossment; and insert the title of S.F. No. 3411.

And when so amended H.F. No. 3819 will be identical to S.F. No. 3411, and further recommends that H.F. No. 3819 be given its second reading and substituted for S.F. No. 3411, 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 Gazelka, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 4003** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
4003	3573				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 4003 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 4003, the second engrossment; and insert the language after the enacting clause of S.F. No. 3573, the first engrossment; further, delete the title of H.F. No. 4003, the second engrossment; and insert the title of S.F. No. 3573, the first engrossment.

And when so amended H.F. No. 4003 will be identical to S.F. No. 3573, and further recommends that H.F. No. 4003 be given its second reading and substituted for S.F. No. 3573, 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 Gazelka, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2802** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2802	2807				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2802 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2802, the first engrossment; and insert the language after the enacting clause of S.F. No. 2807; further, delete the title of H.F. No. 2802, the first engrossment; and insert the title of S.F. No. 2807.

And when so amended H.F. No. 2802 will be identical to S.F. No. 2807, and further recommends that H.F. No. 2802 be given its second reading and substituted for S.F. No. 2807, 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 Gazelka, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3089** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3089	2741				

and that the above Senate File be indefinitely postponed.

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

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 390, 2940, 2847, 3819, 4003, 2802, and 3089 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Limmer and Latz introduced--**

**S.F. No. 4075:** A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2016, section 14.47, subdivision 5.

Referred to the Committee on Rules and Administration.

**Senator Isaacson introduced--**

**S.F. No. 4076:** A bill for an act relating to capital investment; appropriating money for a water main in Arden Hills; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**MOTIONS AND RESOLUTIONS**

Senator Marty moved that the name of Senator Bigham be added as a co-author to S.F. No. 2593. The motion prevailed.

Senator Mathews moved that the name of Senator Eken be added as a co-author to S.F. No. 3253. The motion prevailed.

Senator Draheim moved that the names of Senators Koran and Carlson be added as co-authors to S.F. No. 3426. The motion prevailed.

Senator Draheim moved that the name of Senator Koran be added as a co-author to S.F. No. 3427. The motion prevailed.

**Senators Anderson, P.; Limmer; Hoffman; Eaton; and Rest introduced --**

**Senate Resolution No. 254:** A Senate resolution honoring Osseo Area Schools Superintendent Kate Maguire on the occasion of her retirement.

Referred to the Committee on Rules and Administration.

**Senators Lang, Kiffmeyer, Weber, Relph, and Utke introduced --**

**Senate Resolution No. 255:** A Senate resolution recognizing May 11, 2018, as Family Childcare Provider Appreciation Day and May as the month of the Family Childcare Provider.

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.

During the recess, the Senate attended the Joint Convention in the House Chamber to elect a member to the Board of Regents of the University of Minnesota.

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

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTIONS - CONTINUED****SPECIAL ORDERS**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. No. 2982, S.F. No. 3168, H.F. Nos. 3763, 3548, 3232, S.F. Nos. 2978, 730, and H.F. No. 2746.

**SPECIAL ORDER**

**H.F. No. 2982:** A bill for an act relating to agricultural data; classifying agricultural research data maintained by the University of Minnesota; amending Minnesota Statutes 2016, section 13.643, subdivision 7.

H.F. No. 2982 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3168:** A bill for an act relating to state lands; modifying lease provisions; modifying requirements of public land sales; adding to and deleting from state parks and forests; providing for sales and conveyances of interests in state lands; amending Minnesota Statutes 2016, sections 92.50, by adding a subdivision; 92.502; 94.10, subdivision 2; Minnesota Statutes 2017 Supplement, section 89.17; Laws 2015, chapter 25, section 7; Laws 2017, chapter 93, article 2, section 155, subdivision 4; repealing Laws 2008, chapter 368, article 1, section 21, subdivision 2.

Senator Ingebrigtsen moved to amend S.F. No. 3168 as follows:

Page 3, after line 17, insert:

"Sec. 5. [103F.35] WELCH; GOODHUE COUNTY.

Within the unincorporated area of Welch in Section 28, Township 113 North, Range 16 West, Goodhue County, in areas identified by Goodhue County as having mixed uses, mixed uses may be allowed with a conditional use permit if all other requirements of Goodhue County's scenic river ordinance are met."

Page 10, line 8, after the period, insert "A federally recognized Indian tribe acquiring land under this section has agreed to pay the property taxes for the lands acquired."

Page 14, after line 6, insert:

"Sec. 18. CONVEYANCE OF TAX-FORFEITED LAND; SHERBURNE COUNTY.

(a) Notwithstanding Minnesota Statutes, section 282.01, subdivision 1a, and the public sale provisions of Minnesota Statutes, chapter 282, Sherburne County may convey to the city of Big Lake for no consideration the tax-forfeited land described in paragraph (c).

(b) The land must be conveyed in fee title, subject only to the reservation of mineral rights to the state. The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Sherburne County and is described as: Outlot A, Habitat 1st Addition, Section 30, Township 33, Range 27 (parcel identification 65-451-0010).

(d) The county has determined that the land is needed by the city of Big Lake to store drainage of surface water and for future use as a park."

Page 14, after line 8, insert:

"Sec. 20. EFFECTIVE DATE.

Sections 1 to 19 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3168 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

- |              |             |            |           |         |
|--------------|-------------|------------|-----------|---------|
| Abeler       | Bigham      | Cohen      | Dziedzic  | Franzen |
| Anderson, B. | Carlson     | Cwodzinski | Eaton     | Frentz  |
| Anderson, P. | Chamberlain | Dahms      | Eichorn   | Gazelka |
| Bakk         | Champion    | Dibble     | Eken      | Goggin  |
| Benson       | Clausen     | Draheim    | Fischbach | Hall    |

Hawj	Kent	Lourey	Pratt	Torres Ray
Hayden	Kiffmeyer	Marty	Relph	Utke
Hoffman	Klein	Mathews	Rest	Weber
Housley	Koran	Miller	Rosen	Westrom
Ingebrigtsen	Laine	Nelson	Ruud	Wiger
Isaacson	Lang	Newman	Senjem	Wiklund
Jasinski	Latz	Newton	Simonson	
Jensen	Limmer	Osmek	Sparks	
Johnson	Little	Pappas	Tomassoni	

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

### SPECIAL ORDER

**H.F. No. 3763:** A bill for an act relating to economic development; limiting use of funds in the Douglas J. Johnson economic protection trust fund; amending Minnesota Statutes 2017 Supplement, section 298.292, subdivision 2.

Senator Bakk moved to amend H.F. No. 3763 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2017 Supplement, section 298.227, is amended to read:

#### **298.227 TACONITE ECONOMIC DEVELOPMENT FUND.**

An amount equal to that distributed pursuant to each taconite producer's taxable production and qualifying sales under section 298.28, subdivision 9a, shall be held by the commissioner of Iron Range resources and rehabilitation in a separate taconite economic development fund for each taconite and direct reduced ore producer. Money from the fund for each producer shall be released by the commissioner after review by a joint committee consisting of an equal number of representatives of the salaried employees and the nonsalaried production and maintenance employees of that producer. The District 11 director of the United States Steelworkers of America, on advice of each local employee president, shall select the employee members. In nonorganized operations, the employee committee shall be elected by the nonsalaried production and maintenance employees. The review must be completed no later than six months after the producer presents a proposal for expenditure of the funds to the committee. The funds held pursuant to this section may be released only for workforce development and associated public facility improvement, concurrent reclamation, or for acquisition of plant and stationary mining equipment and facilities for the producer, or for research and development in Minnesota on new mining, or taconite, iron, or steel production technology, but only if the producer provides a matching expenditure equal to the amount of the distribution to be used for the same purpose beginning with distributions in 2014. ~~Effective for proposals for expenditures of money from the fund beginning May 26, 2007, the commissioner may not release the funds before the next scheduled meeting of the board.~~ If a proposed expenditure is not approved by the commissioner, after consultation with the advisory board, the funds must be deposited in the taconite environmental protection fund under sections 298.222 to 298.225. If a taconite production facility is sold after operations at the facility had ceased, any money remaining in the fund for the former producer may be released to the purchaser of the facility on the terms otherwise applicable to the former producer under this section. If a producer fails to provide matching funds for a proposed expenditure within six months after the commissioner approves release of the funds, the funds are available for release to another producer in proportion to the distribution provided

~~and under the conditions of this section may be released by the commissioner for deposit in the taconite area environmental protection fund created in section 298.223. Any portion of the fund which is not released by the commissioner within one year of its deposit in the fund shall be divided between distributed to the taconite environmental protection fund created in section 298.223 and the Douglas J. Johnson economic protection trust fund created in section 298.292 for placement in their respective special accounts. Two-thirds of the unreleased funds shall be distributed to the taconite environmental protection fund and one-third to the Douglas J. Johnson economic protection trust fund.~~

**EFFECTIVE DATE.** This section is effective July 1, 2018.

Sec. 2. Minnesota Statutes 2017 Supplement, section 298.28, subdivision 7a, is amended to read:

Subd. 7a. **Iron Range school consolidation and cooperatively operated school account.** (a) The following amounts must be allocated to the commissioner of Iron Range resources and rehabilitation to be deposited in the Iron Range school consolidation and cooperatively operated school account that is hereby created:

(1)(i) for distributions in 2015 through 2023, ten cents per taxable ton of the tax imposed under section 298.24; and

(ii) for distributions beginning in 2024, five cents per taxable ton of the tax imposed under section 298.24;

(2) the amount as determined under section 298.17, paragraph (b), clause (3);

(3)(i) for distributions in 2015, an amount equal to two-thirds of the increased tax proceeds attributable to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, with the remaining one-third to be distributed to the Douglas J. Johnson economic protection trust fund;

(ii) for distributions in 2016, an amount equal to two-thirds of the sum of the increased tax proceeds attributable to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, for distribution years 2015 and 2016, with the remaining one-third to be distributed to the Douglas J. Johnson economic protection trust fund; and

(iii) for distributions in 2017 and thereafter, an amount equal to two-thirds of the sum of the increased tax proceeds attributable to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, for distribution years 2015, 2016, and 2017, with the remaining one-third to be distributed to the Douglas J. Johnson economic protection trust fund; and

(4) any other amount as provided by law.

(b) Expenditures from this account may be approved as ongoing annual expenditures and shall be made only to provide disbursements to assist school districts with the payment of bonds that were issued for qualified school projects, or for any other school disbursement as approved by the commissioner of Iron Range resources and rehabilitation after consultation with the Iron Range Resources and Rehabilitation Board. For purposes of this section, "qualified school projects" means

school projects within the taconite assistance area as defined in section 273.1341, that were (1) approved, by referendum, after April 3, 2006; and (2) approved by the commissioner of education pursuant to section 123B.71.

(c) Beginning in fiscal year 2019, the disbursement to school districts for payments for bonds issued under section 123A.482, subdivision 9, must be increased each year to offset any reduction in debt service equalization aid that the school district qualifies for in that year, under section 123B.53, subdivision 6, compared with the amount the school district qualified for in fiscal year 2018.

(d) No expenditure under this section shall be made unless approved by the commissioner of Iron Range resources and rehabilitation after consultation with the Iron Range Resources and Rehabilitation Board.

**EFFECTIVE DATE.** This section is effective for distributions beginning in 2018 and thereafter.

Sec. 3. Minnesota Statutes 2016, section 298.28, subdivision 9a, is amended to read:

Subd. 9a. **Taconite economic development fund.** (a) 25.1 cents per ton for distributions in 2002 and thereafter must be paid to the taconite economic development fund. No distribution shall be made under this paragraph in 2004 or any subsequent year in which total industry production falls below 30 million tons. Distribution shall only be made to a Minnesota taconite pellet producer's fund under section 298.227 if the producer timely pays its tax under section 298.24 by the dates provided under section 298.27, or pursuant to the due dates provided by an administrative agreement with the commissioner.

(b) An amount equal to 50 percent of the tax under section 298.24 for concentrate sold in the form of pellet chips and fines not exceeding 5/16 inch in size and not including crushed pellets shall be paid to the taconite economic development fund. The amount paid shall not exceed \$700,000 annually for all ~~companies~~ Minnesota taconite pellet producers. If the initial amount to be paid to the fund exceeds this amount, each ~~company's~~ Minnesota taconite pellet producer's payment shall be prorated so the total does not exceed \$700,000.

**EFFECTIVE DATE.** This section is effective retroactively from December 31, 2016."

Page 2, after line 23, insert:

"Sec. 5. **TRANSFER 2018 DISTRIBUTION ONLY.**

For the 2018 distribution, the fund established under Minnesota Statutes, section 298.28, subdivision 7, shall receive ten cents per ton of any excess of the balance remaining after distribution of amounts required under Minnesota Statutes, section 298.28, subdivision 6.

**EFFECTIVE DATE.** This section is effective for the 2018 distribution and the transfer must be made within ten days of the August 2018 payment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3763 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 3548:** A bill for an act relating to transportation; modifying certain hours of service requirements for agricultural transportation; amending Minnesota Statutes 2016, sections 221.031, subdivision 2d; 221.0314, subdivision 9.

Senator Johnson moved to amend H.F. No. 3548, as amended pursuant to Rule 45, adopted by the Senate April 26, 2018, as follows:

(The text of the amended House File is identical to S.F. No. 3405.)

Page 1, line 15, delete everything before the period and insert "(3) leak liquid from thawing sugar beets only if transporting unprocessed sugar beets"

The motion prevailed. So the amendment was adopted.

H.F. No. 3548 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Cohen	Dziedzic	Franzen
Anderson, B.	Carlson	Cwodzinski	Eaton	Frentz
Anderson, P.	Chamberlain	Dahms	Eichorn	Gazelka
Bakk	Champion	Dibble	Eken	Goggin
Benson	Clausen	Draheim	Fischbach	Hall

Hawj	Kent	Lourey	Pratt	Torres Ray
Hayden	Kiffmeyer	Marty	Relph	Utke
Hoffman	Klein	Mathews	Rest	Weber
Housley	Koran	Miller	Rosen	Westrom
Ingebrigtsen	Laine	Nelson	Ruud	Wiger
Isaacson	Lang	Newman	Senjem	Wiklund
Jasinski	Latz	Newton	Simonson	
Jensen	Limmer	Osmek	Sparks	
Johnson	Little	Pappas	Tomassoni	

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

### SPECIAL ORDER

**H.F. No. 3232:** A bill for an act relating to energy; modifying the solar energy incentive program; amending Minnesota Statutes 2017 Supplement, sections 116C.7792; 216B.1691, subdivision 2f.

Senator Marty moved to amend H.F. No. 3232, as amended pursuant to Rule 45, adopted by the Senate May 7, 2018, as follows:

(The text of the amended House File is identical to S.F. No. 2696.)

Page 1, line 16, delete everything after the period and insert "If there are not sufficient eligible applicants in an allocation year award cycle, those amounts not awarded at the end of an allocation year must be transferred to the renewable development account. If, at the end of an allocation year in which the incentive program was fully subscribed, an awarded project cannot be completed, the amount awarded for that project shall be awarded to the next eligible applicant that was unable to receive an award due to the program being fully subscribed for that allocation year"

Page 1, delete lines 17 and 18

Page 1, line 19, delete everything before the period

Senator Osmek moved that H.F. No. 3232 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 2978:** A bill for an act relating to state government; specifying requirements for state auditor's review of certain audits conducted by CPA firms; amending Minnesota Statutes 2017 Supplement, section 6.481, subdivision 3.

S.F. No. 2978 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Cohen	Dziedzic	Franzen
Anderson, B.	Carlson	Cwodzinski	Eaton	Frentz
Anderson, P.	Chamberlain	Dahms	Eichorn	Gazelka
Bakk	Champion	Dibble	Eken	Goggin
Benson	Clausen	Draheim	Fischbach	Hall

Hawj	Kent	Lourey	Pratt	Torres Ray
Hayden	Kiffmeyer	Marty	Relph	Utke
Hoffman	Klein	Mathews	Rest	Weber
Housley	Koran	Miller	Rosen	Westrom
Ingebrigtsen	Laine	Nelson	Ruud	Wiger
Isaacson	Lang	Newman	Senjem	Wiklund
Jasinski	Latz	Newton	Simonson	
Jensen	Limmer	Osmek	Sparks	
Johnson	Little	Pappas	Tomassoni	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 730:** A bill for an act relating to health; establishing an opiate stewardship program; establishing an opiate manufacturer registration fee to fund the operation of the prescription monitoring program; requiring a prescriber to access the prescription monitoring program before prescribing a controlled substance; limiting the quantity of opiates and narcotics that can be prescribed for acute pain at any one time; appropriating money; requiring a report; amending Minnesota Statutes 2016, sections 151.252, subdivision 1; 151.47, by adding a subdivision; 152.11, subdivisions 1, 2; 152.126, subdivisions 6, 10; Laws 2017, First Special Session chapter 6, article 12, section 2, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 151.

Senator Rosen moved to amend S.F. No. 730 as follows:

Page 14, line 32, delete the first "a" and insert "an initial"

Page 14, line 33, delete everything after the period and insert "For patients receiving an opiate for treatment of chronic pain or participating in medication-assisted treatment for an opioid addiction, the data must be accessed at least once every three months."

Page 14, after line 33, insert:

"(e) Paragraph (d) does not apply if:"

Page 15, after line 1, insert:

"(2) the patient is being treated for pain due to cancer or the treatment of cancer;

(3) the prescription order is issued within 14 days following surgery or three days following oral surgery;

(4) the controlled substance is prescribed or administered to a patient who is admitted to an inpatient hospital;"

Page 15, line 2, delete "(2)" and insert "(5)"

Page 15, line 4, delete "(3)" and insert "(6)"

Page 15, line 7, delete "(4)" and insert "(7)"

Page 15, line 9, delete "(5)" and insert "(8)"

Page 15, line 11, delete "(6)" and insert "(9)"

Page 15, line 13, delete "(e)" and insert "(f)"

Page 15, line 23, delete "(f)" and insert "(g)"

Page 15, line 26, delete "(g)" and insert "(h)"

Page 15, line 29, delete "(h)" and insert "(i)"

Page 15, line 32, delete "(i)" and insert "(j)"

Page 16, line 3, delete "(j)" and insert "(k)"

Page 16, line 19, delete "(k)" and insert "(l)"

Page 18, after line 6, insert:

"(d) Notwithstanding paragraph (a) or (b), if, in the professional clinical judgment of a practitioner, more than the limit specified in paragraph (a) or (b) is required to treat a patient's acute pain, the practitioner may issue a prescription for the quantity needed to treat the patient's acute pain."

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 730 as follows:

Page 3, lines 1 and 3, after "151.77" insert ", subdivision 4,"

Page 6, line 5, delete "151.256" and insert "151.76"

Page 6, line 11, delete "2020" and insert "2021"

Page 6, line 12, before "role" insert "overall" and delete "grant program overall" and insert "project"

Page 6, line 24, delete "annually"

Page 6, line 26, delete "by January 1, beginning January 1, 2021," and insert "when an evaluation study described in subdivision 1, paragraph (b), clause (5), is complete"

Page 7, line 5, delete "2020" and insert "2019"

Page 8, line 13, after "manufacturer" insert "or wholesaler"

Page 8, line 16, delete "that" and insert "with at least one location"

Page 8, line 17, delete "is located" and delete the comma

Page 8, line 31, after the comma, insert "and notwithstanding section 152.126, subdivision 6,"

Page 9, line 20, after the comma, insert "and notwithstanding section 152.126, subdivision 6,"

Page 9, line 25, delete "151.252, subdivision 1, paragraph (b)" and insert "151.47, subdivision 1a"

Page 9, delete subdivision 5

Renumber the subdivisions in sequence

Page 10, lines 5 and 6, delete "Minnesota Statutes,"

Page 10, line 8, delete the first "its" and insert "the"

Page 10, line 16, after "fee" insert "assessed"

Page 10, line 23, delete "(a) \$52,000" and insert "\$19,000"

Page 10, line 24, delete "the administrative fees related to"

Page 10, delete lines 26 to 32

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 730 as follows:

Page 18, after line 6, insert:

### **"ARTICLE 3**

#### **PRESCRIPTION MONITORING PROGRAM FUNDING**

##### Section 1. **APPROPRIATION.**

\$326,000 is appropriated in fiscal year 2019 from the state government special revenue fund to the Board of Pharmacy for the prescription monitoring program. Of this amount, \$284,000 is for information technology migration to a new platform for the prescription monitoring program and \$42,000 is for administration of the prescription monitoring program. This is an ongoing appropriation. In fiscal year 2019, the Board of Pharmacy shall not pay MN.IT for requirement gathering and quality assurance related to the prescription monitoring program."

The motion prevailed. So the amendment was adopted.

Senator Jensen moved to amend S.F. No. 730 as follows:

Page 11, after line 2, insert:

"Section 1. Minnesota Statutes 2016, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

(1) interpretation and evaluation of prescription drug orders;

(2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);

(3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs, including the performance of laboratory tests that are waived under the federal Clinical Laboratory Improvement Act of 1988, United States Code, title 42, section 263a et seq., provided that a pharmacist may interpret the results of laboratory tests but may modify drug therapy only pursuant to a protocol or collaborative practice agreement;

(4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; intramuscular and subcutaneous administration of drugs used for the treatment of alcohol or opioid dependence and treatment of mental health conditions; drug regimen reviews; and drug or drug-related research;

(5) participation in administration of influenza vaccines to all eligible individuals six years of age and older and all other vaccines to patients 13 years of age and older by written protocol with a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235, provided that:

(i) the protocol includes, at a minimum:

(A) the name, dose, and route of each vaccine that may be given;

(B) the patient population for whom the vaccine may be given;

(C) contraindications and precautions to the vaccine;

(D) the procedure for handling an adverse reaction;

(E) the name, signature, and address of the physician, physician assistant, or advanced practice registered nurse;

(F) a telephone number at which the physician, physician assistant, or advanced practice registered nurse can be contacted; and

(G) the date and time period for which the protocol is valid;

(ii) the pharmacist has successfully completed a program approved by the Accreditation Council for Pharmacy Education specifically for the administration of immunizations or a program approved by the board;

(iii) the pharmacist utilizes the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;

(iv) the pharmacist reports the administration of the immunization to the Minnesota Immunization Information Connection; and

(v) the pharmacist complies with guidelines for vaccines and immunizations established by the federal Advisory Committee on Immunization Practices, except that a pharmacist does not need to comply with those portions of the guidelines that establish immunization schedules when administering a vaccine pursuant to a valid, patient-specific order issued by a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice nurse authorized to prescribe drugs under section 148.235, provided that the order is consistent with the United States Food and Drug Administration approved labeling of the vaccine;

(6) participation in the initiation, management, modification, and discontinuation of drug therapy according to a written protocol or collaborative practice agreement between: (i) one or more pharmacists and one or more dentists, optometrists, physicians, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician assistants authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

(7) participation in the storage of drugs and the maintenance of records;

(8) patient counseling on therapeutic values, content, hazards, and uses of drugs and devices;

(9) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy; and

(10) participation in the initiation, management, modification, and discontinuation of therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

(i) a written protocol as allowed under clause (6); or

(ii) a written protocol with a community health board medical consultant or a practitioner designated by the commissioner of health, as allowed under section 151.37, subdivision 13."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 730 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 6, as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dibble	Franzen	Hayden
Anderson, B.	Chamberlain	Draheim	Frentz	Hoffman
Anderson, P.	Clausen	Dziedzic	Gazelka	Ingebrigtsen
Bakk	Cohen	Eaton	Goggin	Isaacson
Benson	Cwodzinski	Eichorn	Hall	Jasinski
Bigham	Dahms	Eken	Hawj	Jensen

Johnson	Lang	Miller	Rest	Tomassoni
Kent	Latz	Newman	Rosen	Torres Ray
Kiffmeyer	Limmer	Newton	Ruud	Weber
Klein	Little	Pappas	Senjem	Westrom
Koran	Lourey	Pratt	Simonson	Wiger
Laine	Marty	Relph	Sparks	Wiklund

Those who voted in the negative were:

Fischbach	Mathews	Osmek
Housley	Nelson	Utke

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

### SPECIAL ORDER

**H.F. No. 2746:** A bill for an act relating to health; modifying the health professionals permitted to authorize prescription eyeglasses using old lenses or last prescription available; amending Minnesota Statutes 2017 Supplement, section 145.7131.

Senator Kiffmeyer moved to amend H.F. No. 2746 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2016, section 13.83, subdivision 2, is amended to read:

Subd. 2. **Public data.** Unless specifically classified otherwise by state statute or federal law, the following data created or collected by a medical examiner or coroner on a deceased individual are public: name of the deceased; date of birth; date of death; address; sex; race; citizenship; height; weight; hair color; eye color; build; complexion; age, if known, or approximate age; identifying marks, scars and amputations; a description of the decedent's clothing; marital status; location of death including name of hospital where applicable; name of spouse; whether or not the decedent ever served in the armed forces of the United States; occupation; business; father's name (also birth name, if different); mother's name (also birth name, if different); birthplace; birthplace of parents; cause of death; causes of cause of death; whether an autopsy was performed and if so, whether it was conclusive; date and place of injury, if applicable, including work place; how injury occurred; whether death was caused by accident, suicide, homicide, or was of undetermined cause; certification of attendance by physician or advanced practice registered nurse; physician's or advanced practice registered nurse's name and address; certification by coroner or medical examiner; name and signature of coroner or medical examiner; type of disposition of body; burial place name and location, if applicable; date of burial, cremation or removal; funeral home name and address; and name of local register or funeral director.

Sec. 2. Minnesota Statutes 2016, section 144.651, subdivision 21, is amended to read:

Subd. 21. **Communication privacy.** Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician or advanced practice registered nurse in the medical record. There shall be access to a

telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. Upon admission to a facility where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident. To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. This right is limited where medically inadvisable, as documented by the attending physician or advanced practice registered nurse in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, paragraph (b), this right shall also be limited accordingly.

Sec. 3. Minnesota Statutes 2016, section 144A.4791, subdivision 13, is amended to read:

Subd. 13. **Request for discontinuation of life-sustaining treatment.** (a) If a client, family member, or other caregiver of the client requests that an employee or other agent of the home care provider discontinue a life-sustaining treatment, the employee or agent receiving the request:

(1) shall take no action to discontinue the treatment; and

(2) shall promptly inform the supervisor or other agent of the home care provider of the client's request.

(b) Upon being informed of a request for termination of treatment, the home care provider shall promptly:

(1) inform the client that the request will be made known to the physician or advanced practice registered nurse who ordered the client's treatment;

(2) inform the physician or advanced practice registered nurse of the client's request; and

(3) work with the client and the client's physician or advanced practice registered nurse to comply with the provisions of the Health Care Directive Act in chapter 145C.

(c) This section does not require the home care provider to discontinue treatment, except as may be required by law or court order.

(d) This section does not diminish the rights of clients to control their treatments, refuse services, or terminate their relationships with the home care provider.

(e) This section shall be construed in a manner consistent with chapter 145B or 145C, whichever applies, and declarations made by clients under those chapters."

Page 1, after line 11, insert:

"Sec. 5. Minnesota Statutes 2017 Supplement, section 245G.22, subdivision 2, is amended to read:

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

(b) "Diversion" means the use of a medication for the treatment of opioid addiction being diverted from intended use of the medication.

(c) "Guest dose" means administration of a medication used for the treatment of opioid addiction to a person who is not a client of the program that is administering or dispensing the medication.

(d) "Medical director" means a physician licensed to practice medicine in the jurisdiction that the opioid treatment program is located who assumes responsibility for administering all medical services performed by the program, either by performing the services directly or by delegating specific responsibility to (1) authorized program physicians and; (2) advanced practice registered nurses, when approved by variance by the State Opioid Treatment Authority under section 254A.03 and the federal Substance Abuse and Mental Health Services Administration; or (3) health care professionals functioning under the medical director's direct supervision.

(e) "Medication used for the treatment of opioid use disorder" means a medication approved by the Food and Drug Administration for the treatment of opioid use disorder.

(f) "Minnesota health care programs" has the meaning given in section 256B.0636.

(g) "Opioid treatment program" has the meaning given in Code of Federal Regulations, title 42, section 8.12, and includes programs licensed under this chapter.

(h) "Placing authority" has the meaning given in Minnesota Rules, part 9530.6605, subpart 21a.

(i) "Unsupervised use" means the use of a medication for the treatment of opioid use disorder dispensed for use by a client outside of the program setting.

Sec. 6. Minnesota Statutes 2016, section 256.975, subdivision 7b, is amended to read:

Subd. 7b. **Exemptions and emergency admissions.** (a) Exemptions from the federal screening requirements outlined in subdivision 7a, paragraphs (b) and (c), are limited to:

(1) a person who, having entered an acute care facility from a certified nursing facility, is returning to a certified nursing facility; or

(2) a person transferring from one certified nursing facility in Minnesota to another certified nursing facility in Minnesota.

(b) Persons who are exempt from preadmission screening for purposes of level of care determination include:

(1) persons described in paragraph (a);

(2) an individual who has a contractual right to have nursing facility care paid for indefinitely by the Veterans Administration;

(3) an individual enrolled in a demonstration project under section 256B.69, subdivision 8, at the time of application to a nursing facility; and

(4) an individual currently being served under the alternative care program or under a home and community-based services waiver authorized under section 1915(c) of the federal Social Security Act.

(c) Persons admitted to a Medicaid-certified nursing facility from the community on an emergency basis as described in paragraph (d) or from an acute care facility on a nonworking day must be screened the first working day after admission.

(d) Emergency admission to a nursing facility prior to screening is permitted when all of the following conditions are met:

(1) a person is admitted from the community to a certified nursing or certified boarding care facility during Senior LinkAge Line nonworking hours;

(2) a physician or advanced practice registered nurse has determined that delaying admission until preadmission screening is completed would adversely affect the person's health and safety;

(3) there is a recent precipitating event that precludes the client from living safely in the community, such as sustaining an injury, sudden onset of acute illness, or a caregiver's inability to continue to provide care;

(4) the attending physician or advanced practice registered nurse has authorized the emergency placement and has documented the reason that the emergency placement is recommended; and

(5) the Senior LinkAge Line is contacted on the first working day following the emergency admission.

Transfer of a patient from an acute care hospital to a nursing facility is not considered an emergency except for a person who has received hospital services in the following situations: hospital admission for observation, care in an emergency room without hospital admission, or following hospital 24-hour bed care and from whom admission is being sought on a nonworking day.

(e) A nursing facility must provide written information to all persons admitted regarding the person's right to request and receive long-term care consultation services as defined in section 256B.0911, subdivision 1a. The information must be provided prior to the person's discharge from the facility and in a format specified by the commissioner.

Sec. 7. Minnesota Statutes 2016, section 256B.0575, subdivision 1, is amended to read:

Subdivision 1. **Income deductions.** When an institutionalized person is determined eligible for medical assistance, the income that exceeds the deductions in paragraphs (a) and (b) must be applied to the cost of institutional care.

(a) The following amounts must be deducted from the institutionalized person's income in the following order:

(1) the personal needs allowance under section 256B.35 or, for a veteran who does not have a spouse or child, or a surviving spouse of a veteran having no child, the amount of an improved pension received from the veteran's administration not exceeding \$90 per month;

(2) the personal allowance for disabled individuals under section 256B.36;

(3) if the institutionalized person has a legally appointed guardian or conservator, five percent of the recipient's gross monthly income up to \$100 as reimbursement for guardianship or conservatorship services;

(4) a monthly income allowance determined under section 256B.058, subdivision 2, but only to the extent income of the institutionalized spouse is made available to the community spouse;

(5) a monthly allowance for children under age 18 which, together with the net income of the children, would provide income equal to the medical assistance standard for families and children according to section 256B.056, subdivision 4, for a family size that includes only the minor children. This deduction applies only if the children do not live with the community spouse and only to the extent that the deduction is not included in the personal needs allowance under section 256B.35, subdivision 1, as child support garnished under a court order;

(6) a monthly family allowance for other family members, equal to one-third of the difference between 122 percent of the federal poverty guidelines and the monthly income for that family member;

(7) reparations payments made by the Federal Republic of Germany and reparations payments made by the Netherlands for victims of Nazi persecution between 1940 and 1945;

(8) all other exclusions from income for institutionalized persons as mandated by federal law; and

(9) amounts for reasonable expenses, as specified in subdivision 2, incurred for necessary medical or remedial care for the institutionalized person that are recognized under state law, not medical assistance covered expenses, and not subject to payment by a third party.

For purposes of clause (6), "other family member" means a person who resides with the community spouse and who is a minor or dependent child, dependent parent, or dependent sibling of either spouse. "Dependent" means a person who could be claimed as a dependent for federal income tax purposes under the Internal Revenue Code.

(b) Income shall be allocated to an institutionalized person for a period of up to three calendar months, in an amount equal to the medical assistance standard for a family size of one if:

(1) a physician or advanced practice registered nurse certifies that the person is expected to reside in the long-term care facility for three calendar months or less;

(2) if the person has expenses of maintaining a residence in the community; and

(3) if one of the following circumstances apply:

(i) the person was not living together with a spouse or a family member as defined in paragraph (a) when the person entered a long-term care facility; or

(ii) the person and the person's spouse become institutionalized on the same date, in which case the allocation shall be applied to the income of one of the spouses.

For purposes of this paragraph, a person is determined to be residing in a licensed nursing home, regional treatment center, or medical institution if the person is expected to remain for a period of one full calendar month or more.

Sec. 8. Minnesota Statutes 2016, section 256B.0595, subdivision 3, is amended to read:

Subd. 3. **Homestead exception to transfer prohibition.** (a) An institutionalized person is not ineligible for long-term care services due to a transfer of assets for less than fair market value if the asset transferred was a homestead and:

(1) title to the homestead was transferred to the individual's:

(i) spouse;

(ii) child who is under age 21;

(iii) blind or permanently and totally disabled child as defined in the Supplemental Security Income program;

(iv) sibling who has equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the individual's admission to the facility; or

(v) son or daughter who was residing in the individual's home for a period of at least two years immediately before the date the individual became an institutionalized person, and who provided care to the individual that, as certified by the individual's attending physician or advanced practice registered nurse, permitted the individual to reside at home rather than receive care in an institution or facility;

(2) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(3) the local agency grants a waiver of a penalty resulting from a transfer for less than fair market value because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the penalty if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006. In evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination

of hardship. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision.

(b) When a waiver is granted under paragraph (a), clause (3), a cause of action exists against the person to whom the homestead was transferred for that portion of long-term care services provided within:

(1) 30 months of a transfer made on or before August 10, 1993;

(2) 60 months if the homestead was transferred after August 10, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;

(3) 36 months if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or

(4) 60 months if the homestead was transferred on or after February 8, 2006,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action.

Sec. 9. Minnesota Statutes 2016, section 256B.0625, subdivision 2, is amended to read:

Subd. 2. **Skilled and intermediate nursing care.** (a) Medical assistance covers skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 252.41, subdivision 3, for persons with developmental disabilities who are residing in intermediate care facilities for persons with developmental disabilities. Medical assistance must not be used to pay the costs of nursing care provided to a patient in a swing bed as defined in section 144.562, unless (1) the facility in which the swing bed is located is eligible as a sole community provider, as defined in Code of Federal Regulations, title 42, section 412.92, or the facility is a public hospital owned by a governmental entity with 15 or fewer licensed acute care beds; (2) the Centers for Medicare and Medicaid Services approves the necessary state plan amendments; (3) the patient was screened as provided by law; (4) the patient no longer requires acute care services; and (5) no nursing home beds are available within 25 miles of the facility. The commissioner shall exempt a facility from compliance with the sole community provider requirement in clause (1) if, as of January 1, 2004, the facility had an agreement with the commissioner to provide medical assistance swing bed services.

(b) Medical assistance also covers up to ten days of nursing care provided to a patient in a swing bed if: (1) the patient's physician or advanced practice registered nurse certifies that the patient has a terminal illness or condition that is likely to result in death within 30 days and that moving the patient would not be in the best interests of the patient and patient's family; (2) no open nursing home beds are available within 25 miles of the facility; and (3) no open beds are available in any Medicare hospice program within 50 miles of the facility. The daily medical assistance payment for nursing care for the patient in the swing bed is the statewide average medical assistance skilled nursing care per diem as computed annually by the commissioner on July 1 of each year.

Sec. 10. Minnesota Statutes 2016, section 259.24, subdivision 2, is amended to read:

Subd. 2. **Parents, guardian.** If an unmarried parent who consents to the adoption of a child is under 18 years of age, the consent of the minor parent's parents or guardian, if any, also shall be required; if either or both the parents are disqualified for any of the reasons enumerated in subdivision 1, the consent of such parent shall be waived, and the consent of the guardian only shall be sufficient; and, if there be neither parent nor guardian qualified to give such consent, the consent may be given by the commissioner. The agency overseeing the adoption proceedings shall ensure that the minor parent is offered the opportunity to consult with an attorney, a member of the clergy ~~or~~, a physician, or an advanced practice registered nurse before consenting to adoption of the child. The advice or opinion of the attorney, clergy member ~~or~~, physician, or advanced practice registered nurse shall not be binding on the minor parent. If the minor parent cannot afford the cost of consulting with an attorney, a member of the clergy ~~or~~, a physician, or an advanced practice registered nurse, the county shall bear that cost.

Sec. 11. Minnesota Statutes 2017 Supplement, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 626.556, subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from an infant with a disability with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or ~~physicians'~~ advanced practice registered nurse's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or ~~physicians'~~ advanced practice registered nurse's reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under section 260C.227;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.503, subdivision 2, is not in the best interests of the child."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2746 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Osmek moved that H.F. No. 3232 be taken from the table. The motion prevailed.

**H.F. No. 3232:** A bill for an act relating to energy; modifying the solar energy incentive program; amending Minnesota Statutes 2017 Supplement, sections 116C.7792; 216B.1691, subdivision 2f.

The Senate resumed consideration of the pending Marty amendment.

Senator Marty withdrew his amendment.

H.F. No. 3232 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**MEMBERS EXCUSED**

Senator Carlson was excused from the Session of today from 12:40 to 12:55 p.m. Senator Champion was excused from the Session of today at 1:35 p.m. Senator Mathews was excused from the Session of today from 2:40 to 2:45 p.m.

**ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 10:00 a.m., Monday, May 14, 2018. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate