

Subject State government

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Date June 17, 2020

Overview

As amended, this bill includes COVID-19 aid for local units of government, supplemental budget items requested by Governor Tim Walz, provisions pertaining to state-owned lands, and other items.

Article 1: Local Government COVID-19 Relief

Provides \$841 million in onetime aids to local governments for COVID-19 related expenses in calendar year 2020.

Section	Description – Article 1: Local Government COVID-19 Relief
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1	Coronavirus relief fund; local government distributions.
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Subd. 1. Definition. Defines “commissioner” as the commissioner of revenue, as well as a number of other terms for this section.

Subd. 2. Local government distribution amounts. Sets distribution amounts for eligible towns, eligible cities, and eligible counties.

- For eligible towns, which includes those with a population between 200 and 4,999, the distribution is \$25 multiplied by the population of the town.

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- For eligible cities, which includes those with a population of 200 or more, plus towns with a population of 5,000 or more, the distribution is equal to a dollar amount per capita that is the same for all eligible cities, which when set, equals the total distribution for eligible cities. This amount is approximately \$75.34 per capita.
- For eligible counties, which are all counties except Hennepin and Ramsey Counties, the distribution is equal to the sum of: (1) a dollar amount multiplied by the total county population; (2) \$75.34 multiplied by the population within the county located in a city with a population under 200; and (3) \$25 multiplied by the population within the county outside of any city or eligible town. The amount under (1) is approximately \$121.28.

Subd. 3. Distribution schedule. Requires the commissioner to distribute funds no later than June 30, 2020.

Subd. 4. Allowed uses. Requires that aid distributions received by local governments be used for purposes consistent with the requirements of the CARES Act (Public Law 115-136). Requires eligible counties to use at least ten percent of their base distribution (i.e. approximately \$121.28 multiplied by the county's total population) for emergency financial assistance to individuals or for economic support for businesses.

This subdivision also allows a city or town that does not get a direct distribution, because is not an eligible city or eligible town, to apply to its home county for a grant to cover allowable expenses. Applications must be made by September 1 and grants must be paid by September 20.

Subd. 5. Local government collaborative agreements. Allows local governments to enter into collaborative agreements to share aid distributions.

Subd. 6. Expenditure time limits. Requires eligible cities and towns whose home county is not Hennepin County or Ramsey County to send any unspent aid to their home county by November 15, 2020. Eligible cities and towns whose home county is Hennepin County must send any unspent aid to Hennepin County Medical Center or another hospital, and eligible cities and towns whose home county is Ramsey County must send any unspent aid to Regions Hospital or another hospital. For these medical facilities, eligible counties, and local governments that have entered into an agreement under subdivision 5, any remaining aid amounts unspent by December 1, 2020, must be returned to the commissioner by December 10, 2020. These unspent aid amounts are returned to the coronavirus relief federal fund.

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Subd. 7. Repayment of improperly spent federal funds. Requires the commissioner to recoup money from a local government if the Department of the Treasury has determined that the state is subject to recoupment under the CARES Act, and the recoupment is the result of a local government spending the aid improperly.

Subd. 8. Appropriations. Appropriates \$841,464,000 in fiscal year 2020 from the coronavirus relief federal fund for aid distributions under this section. This money is available until November 30, 2020. Of this amount:

- \$374,209,893 is distributed to eligible towns and cities; and
- \$467,254,103 is distributed to eligible counties.

Article 2: Supplemental Budget

This article includes supplemental budget items.

Section Description – Article 2: Supplemental Budget

- 1 Authorization**
Amends §119B.125, subd. 1. Strikes language specifying when a child care provider needs to be reauthorized by the county or DHS. The section is effective January 4, 2021.
- 2 Background study required.**
Amends §119B.125, subd. 1a. Modifies background study requirements for individuals who are affiliated with legal, nonlicensed child care providers. The section is effective January 4, 2021.
- 3 Persons who cannot be authorized.**
Amends §119B.125, subd. 2. Modifies the rules governing persons whose presence in a legal, nonlicensed child care setting would prevent the legal, nonlicensed child care provider from being authorized to operate. The section is effective January 4, 2021.
- 4 Subsidy restrictions.**
Amends § 119B.13, subd. 1. Increases the child care assistance rate to be the greater of (a) the 30th percentile of the most recent child care provider rate survey; or (b) the rates in effect at the time of the update. Updates the maximum registration fees for child care assistance. The section is effective September 21, 2020.

Section Description – Article 2: Supplemental Budget

- 5 Personal care assistant; requirements.**
Amends § 256B.0659, subd. 11. Increases the monthly limit on the number of hours a personal care assistant may provide PCA services under MA from 275 hours to 310 hours. Provides an immediate effective date.
- 6 Support workers requirements.**
Amends § 256B.85, subd. 16. Increases the monthly limit on the number of hours a support worker may provide CFSS services under MA from 275 hours to 310 hours. Provides an immediate effective date.
- 7 Unlawfully obtaining services; misdemeanor.**
Makes a technical change.
- 8 Definitions.**
Adds to the definitions in a section on crimes related to transit service.
- 9 Administrative citations.**
Authorizes issuance of a \$35 administrative citation, as an alternative to a judicial penalty, for violations related to (1) nonpayment of fares, (2) failure to show proof of payment, or (3) some specified passenger conduct activities. Limits the authority to light rail transit, bus rapid transit, and commuter rail service in the Twin Cities metropolitan area that has self-service fare collection. Provides for peace officers as well as authorized personnel who are not peace officers to issue the administrative citation. Sets requirements for contesting a citation. Effective August 1, 2020.
- 10 Transportation appropriations.**
Establishes that transportation appropriations in the next sections are from the trunk highway fund unless another is named, and are supplemental.
- 11 Metropolitan Council.**
Makes an appropriation from the general fund to the Metropolitan Council for transit system safety activities. Increases the base for 2022-23.
- 12 Department of Public Safety.**
Makes appropriations from the general fund and the trunk highway fund to the Department of Public Safety for State Patrol staff and operating costs. Increases the base for 2022-23.
- 13 Temporary personal care assistance compensation.**
Allows a parent, stepparent, or legal guardian of a minor who is receiving PCA services or the spouse of a PCA recipient to provide and be paid for providing PCA

Section Description – Article 2: Supplemental Budget

services during the peacetime emergency declared for the COVID-19 outbreak. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier.

Specifies that this section is effective the day following final enactment or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

14 Personal care assistance temporary rate increase.

Provides for a temporary 15 percent PCA rate increase.

Subd. 1. Definitions. Defines “commissioner,” “covered program,” “direct support professional,” and “direct support services.”

Subd. 2. Temporary rates for direct support services. Paragraph (a) requires the commissioner to temporarily increase rates and enhanced rates by 15 percent for covered programs and the PCA program to respond to COVID-19 while this section is effective.

Paragraph (b) requires providers that receive the temporary rate increase to use at least 80 percent of the additional revenue to increase wages, salaries, and benefits for personal care assistants, and to use the remainder of the additional revenue for activities and items necessary to comply with the CDC guidance on sanitation and personal protective equipment.

Subd. 3. Capitation rates and directed payments. Paragraph (a) requires managed care plans and county-based purchasing plans to increase PCA rates and enhanced rates by 15 percent for direct support services.

Paragraph (b) requires the commissioner to adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain expected medical loss ratios.

Paragraph (c) requires contracts between the plans and providers to allow recovery of payments from providers if federal approval is not obtained and the commissioner reduces capitation payments as a result.

Subd. 4. Consumer-directed community supports (CDCS) budgets. Requires lead agencies to temporarily increase the budget for each CDCS recipient to reflect the 15 percent increase for direct support services.

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Subd. 5. Consumer support grants; increased maximum allowable grant.

Requires the commissioner to temporarily increase the maximum allowable monthly grant level for each consumer support grant recipient to reflect the 15 percent increase for direct support services.

Subd. 6. Distribution plans. Paragraph (a) requires provider agencies and individual providers that receive the temporary rate increase to prepare and submit to the commissioner upon request a distribution plan that specifies the additional amount and proposed uses of the additional revenue the provider will receive.

Paragraph (b) requires providers to post the distribution plan and instructions on how to contact the commissioner if the direct support professional does not believe they have received the wage increases or benefits specified in the distribution plan.

Subd. 7. Expiration. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier.

Specifies this section is effective the day following final enactment or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.

15 Appropriation; personal care assistance.

Appropriates \$43,000 in fiscal year 2020 and \$26,170,000 in fiscal year 2021 from the general fund to the commissioner of human services to implement the PCA provisions in this act. Specifies this is a onetime appropriation. Provides an immediate effective date.

16 Appropriation; child care systems.

Provides \$53,000 in fiscal year 2021 from the general fund to DHS for information technology systems costs related to implementing the change in child care assistance rates under Minnesota Statutes, section 119B.13, subdivision 1. Directs DHS to consider specified factors when allocating the additional BSF funds due to the increased rates under Minnesota Statutes, section 119B.13, subdivision 1.

17 Appropriation; self-administered medication-assisted treatment.

Appropriates \$28,909,000 in fiscal year 2021 from the general fund to the commissioner of human services for repayment of overpayments of federal funds to the Leech Lake Band of Ojibwe and White Earth Band of Ojibwe for self-administered medication-assisted treatment. These payments were made based on incorrect

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information, and the tribes are required to repay the federal funds received. Specifies the amount of money that may be appropriated to each tribe, and specifies that this is a onetime appropriation.

18 Appropriation; institutions for mental disease payments.

Appropriates \$8,812,000 in fiscal year 2021 from the general fund to the commissioner of human services to reimburse counties for the statewide county share of costs for which federal funds were claimed in error, for substance use disorder treatment services provided in institutions for mental disease. Specifies date range for the claims paid. Requires the commissioner to allocate the appropriation proportionally, and requires counties to pay any unpaid consolidated chemical dependency treatment fund invoiced county shares in order to receive reimbursement. Specifies that this is a onetime appropriation.

19 Appropriations; direct care and treatment.

Paragraph (a) appropriates \$6,124,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated direct care and treatment forensic services.

Paragraph (b) appropriates \$4,715,000 in fiscal year 2021 from the general fund to the commissioner of human services for the administration of the sex offender program.

Paragraph (c) appropriates \$463,000 in fiscal year 2021 from the general fund to the commissioner of human services for direct care and treatment program operations costs.

Paragraph (d) appropriates \$5,742,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated mental health and substance abuse treatment services.

Paragraph (e) appropriates \$21,066,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated direct care and treatment community-based services.

20 Appropriation; MFIP supplemental payment.

Paragraph (a) appropriates \$13,852,000 in fiscal year 2021 from the TANF fund to the commissioner of human services to provide a onetime cash benefit of up to \$500 for each household enrolled in MFIP or DWP at the time the benefit is distributed. Requires the commissioner to use existing systems to distribute the funds in a manner that minimizes the burden to families. Specifies this is a onetime appropriation.

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Paragraph (b) appropriates \$92,000 in fiscal year 2021 from the general fund to the commissioner of human services for administrative costs associated with distributing the cash benefit in paragraph (a). Specifies this is a onetime appropriation.

Paragraph (c) appropriates \$6,000 in fiscal year 2021 from the general fund to the commissioner of human services for information technology to administer the cash benefit in paragraph (a). Specifies this is a onetime appropriation.

Provides an immediate effective date.

21 Department of Natural Resources; appropriations.

Appropriates the following to the Department of Natural Resources (DNR): \$1,500,000 from the general fund and \$672,000 from the game and fish fund for various activities to address chronic wasting disease; \$5,000,000 for activities to address aquatic invasive species; and \$4,000,000 for legal costs, of which \$2,000,000 may be transferred to the Pollution Control Agency (PCA).

22 Minnesota Zoo; appropriation.

Appropriates \$6,000,000 from the general fund to the Minnesota Zoo.

23 Veterans Affairs; appropriations.

Appropriates funds to the Department of Veterans Affairs for a Veterans Suicide Office and for the provision of housing vouchers and other services dedicated to alleviating homelessness for veterans and former service members in Minnesota.

24 Appropriation; Department of Corrections.

Appropriates \$1,208,000 in fiscal year 2020 and \$17,338,000 in fiscal year 2021 to the Department of Corrections. The appropriation funds increased compensation costs including overtime, increased funding for community services, and staffing for the procedure permitting early conditional release.

25 Appropriation; Department of Public Safety; Bureau of Criminal Apprehension.

Appropriates \$4,482,000 in fiscal year 2021 for testing and storage of sexual assault kits, developing an informational website for sexual assault survivors to learn the status of the testing of that person's individual sexual assault examination kit, and enhancing laboratory capacity for forensic testing to combat violent crime.

26 Appropriations given effect once.

Provides that if an appropriation in this act is also enacted in another act, the appropriation must be given effect only once.

Section Description – Article 2: Supplemental Budget

- 27 Repealer.**
Repeals Minnesota Statutes, section 119B.125, subdivision 5, relating to a county's ability to issue provisional authorization to operate and provide payment to child care providers.

Article 3: COVID-19 Appropriations; Cancellations

This article would use federal aid—rather than state dollars—to pay for certain recently-enacted COVID-19 expenditures.

Beginning in March of this year, the legislature appropriated money from the state general fund and a newly-created COVID-19 Minnesota fund in response to the infectious disease COVID-19 and the corresponding peacetime emergency declared by Governor Tim Walz.

In late March, the United States Congress passed, and President Donald Trump signed, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136. Among other things, the CARES Act established a Coronavirus Relief Fund to provide aid to state and local governments for necessary expenditures that are incurred due to the COVID-19 public health emergency.

Among other items, this article would use federal dollars to fund livestock disposal efforts by the Minnesota Department of Agriculture that were previously funded from the COVID-19 Minnesota fund (i.e., Action Order 11). This article would also use the federal money to provide health care response grants to eligible providers to plan for, prepare for, and respond to the COVID-19 outbreak and to establish temporary testing, treatment, and isolation and quarantine sites (Laws 2020, chapter 70, article 2, section 2). A portion of these grants are still funded from the general fund.

Article 4: State lands

This article contains a number of provisions that pertain to the administration of state lands.

Section Description – Article 4: State Lands

- 1 Conveyance of interests in lands to state, federal, and tribal governments.**
Allows the DNR to convey easements on state-owned lands to federally recognized Indian tribe for trails, highways, flowage for development of fish/game resources, stream protection, and flood control.

Section Description – Article 4: State Lands

- 2 Lease of tax-forfeited and state lands.**
Allows the DNR to assess applicants for a lease of state land for a recreational trail or facility a monitoring fee to cover the reasonable costs of monitoring the construction and preparing the terms and conditions. Requires the DNR to provide the applicant an estimate of the fee before requiring it to be submitted.
- 3 Addition to state park.**
Adds land to the statutory boundaries of Fort Snelling State Park.
- 4 Addition to state recreation area.**
Adds land to the statutory boundaries of the Iron Range Off-Highway Vehicle Recreation Area.
- 5 Deletions from state parks.**
Removes land from the statutory boundaries of Fort Snelling State Park and William O’Brien State Park.
- 6 to 8 Private sales of surplus state land.**
Allows the DNR to sell certain surplus state lands by private sale in Cass, Lake of the Woods, and St. Louis Counties.
- 9 Private sale of tax-forfeited lands; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited land by private sale.
- 10 Public sale of surplus state land bordering public water; Wadena County.**
Allows the DNR to sell surplus state lands bordering public water in Wadena County.



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