

S.F. No. 1831 - State Government Omnibus - 2nd Engrossment

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Article 1 – State Government Appropriations

Section 1 [Appropriations] supplies parameters for the appropriations in Article 1. Appropriations are from the general fund unless another fund is named. Defines “2022” and “2023” as the fiscal years that end on June 30 of those years, respectively. Defines “the first year” as fiscal year 2022, “the second year” as fiscal year 2023, and “biennium” as fiscal years 2022 and 2023.

Sections 2 - 37 appropriate money, as detailed on a spreadsheet prepared by Andrew Erickson of Senate Counsel, Research, and Fiscal Analysis.

Section 38 [Appropriation; Department of Administration] appropriates money from the general fund in fiscal year 2021 to the commissioner of administration to reimburse FEMA for the sale of property at 1415 L’Orient St. in St. Paul. This appropriation is onetime, available until June 30, 2022, and effective the day following final enactment.

Section 39 [Appropriation; Secretary of State] appropriates money from the general fund in fiscal year 2021 to the Secretary of State to implement the provisions of article 4 relating to elections. This appropriation is onetime, available until June 30, 2022, and effective the day following final enactment.

Section 40 [HAVA Appropriations; Modification] modifies previous appropriations from the Help America Vote Act account by requiring that any previously appropriated amounts from the 2018 and 2020 allocations of HAVA funds that remain unobligated be used for election equipment grants. This section is effective the day following final enactment.

Sections 41 and 42 cancel portions of fiscal year 2021 appropriations to state agencies and balances in the information and telecommunications technology systems and services account to the general fund. These sections are effective the day following final enactment.

Article 2 - State Government Operations

Section 1 [Members; duties; 3.30, subd. 2] expands the membership of the Legislative Advisory Council (LAC). Other deleted text is moved to lettered paragraphs in this subdivision but is otherwise unchanged.

Section 2 [Application; 3.3005, subd. 1a] specifies that all expenditures of federal money must follow the requirements of this section unless specifically excluded from the requirements of the section.

Section 3 [Governor's request to legislature; 3.3005, subd. 2] requires specified information in a budget request from the governor to the legislature to expend federal funds. Prohibits a state agency from expending money when the governor was obligated by this section to submit a request to the legislature to expend the money, unless the request has been reviewed by the commission and is clearly identified in the governor's federal funds budget request for review.

Section 4 [Review of federal funds spending request; subd. 3.3005, subd. 2a] conditions an agency's ability to spend federal funds when the regular session of the legislature adjourns for the year on the lack of a negative review by the Legislative Advisory Commission (LAC). Requires the chair of the LAC to call a public meeting within ten days of receiving a request for a hearing from the LAC member who had requested further review of a request to spend federal funds, to review the proposed expenditure. Prohibits an agency from spending federal funds if the LAC gives a negative recommendation at the public meeting. Allows the LAC to revoke its negative recommendation at a subsequent public meeting. If the negative recommendation is revoked, the agency may expend the federal funds after the legislature adjourns for the year.

Section 5 [Interim procedures; urgencies; 3.3005, subd. 4] modifies the process for LAC review of a request to spend federal funds awarded to the state after a day that is 20 days before the deadline for budget committees to act on finance bills or while the legislature is not in session

Section 6 [Legislative Advisory Commission review; 3.3005, subd. 5] modifies the process for LAC review of a request to spend federal funds where the request differs from what the governor had included in the governor's budget request in certain respects.

Section 7 [State documents; 3.302, subd. 3] specifies that the Legislative Reference Library receives documents published by the state at no cost to the library. This section is from S.F. 1831 (Kiffmeyer).

Section 8 [Purpose; 3.303, subd. 1] specifies that a purpose of the Legislative Coordinating Commission is to coordinate joint legislative commissions, committees, offices, and task forces. This section is from S.F. 1948 (Kiffmeyer).

Section 9 [Access to data; treatment; 3.8853, subd. 4] is a conforming change reflecting the expansion of the authority of the Legislative Budget Office (LBO) to prepare fiscal notes in certain

circumstances as provided in a later section in this bill. This section is from SF 2279 (Kiffmeyer), as amended.

Section 10 [Access to employees; 8.8853, subd. 4a] requires agency heads and the supreme court to permit reasonable access to employees with subject matter expertise to assist the Legislative Budget Office (LBO) to prepare and review fiscal notes or enacted legislation. This section is from SF 2279 (Kiffmeyer), as amended.

Section 11 [Legislative Commission on Cybersecurity; 3.888] establishes a Legislative Commission on Cybersecurity. This section is from S.F. 1174 (Koran).

Section 12 [Staff; compensation; 3.971, subd. 2] precludes an employee of the legislative auditor from being a candidate for an elected public officer. Specifies that the legislative auditor serves in the unclassified civil service. Updates the job title for administrative support specialist and removes references to the fiscal oversight officer. This section is from S.F. 1019 (Koran).

Section 13 [Special review; 3.971, subd. 8a] authorizes the legislative auditor to conduct a special review to: (1) fulfill a legal requirement; (2) investigate allegations that someone subject to OLA audit may not have complied with certain legal requirements; (3) respond to a legislative request for a review of an organization or program subject to audit by the legislative auditor; or (4) investigate allegations that an employee has not complied with the code of ethics for employees in the executive branch or has committed a violation of certain other statutes governing the conduct of executive branch employees. This section is from S.F. 1019 (Koran).

Section 14 [Audits of state and semistate agencies; 3.972, subd. 2] modifies requirements for the legislative auditor to conduct audits of financial activities. Makes the requirement subject to availability of resources. Clarifies the entities for which the legislative auditor must conduct financial audits: (1) the departments, offices, and other organizations in the executive branch; (2) courts, offices, and other organizations in the judicial branch; and (3) public boards, associations, societies and other public organizations created by state law or supported, wholly or in part, by state funds. Eliminates requirement that the legislative auditor visit each state department or agency without previous notice once a year to take certain investigatory actions. Makes other technical and clarifying changes. This section is from S.F. 1019 (Koran).

Section 15 [Audits of Department of Human Services; 3.972, subd. 2a] modifies a requirement that the legislative auditor perform certain audits of the Department of Human Services, so that the audits are only required when resources of the OLA permit. Reworks the description of the audit work the legislative auditor is to perform. Under current law, the OLA is required to determine whether the department offered programs, services, and benefits only to eligible organizations and complied with applicable legal requirements. This is replaced with a duty to track and assess expenditures throughout the human service delivery system, from the department to the point of service delivery, as well as determining whether the human services programs, services, and benefits are being provided cost-effectively and only to eligible people and organizations in compliance with applicable laws. Eliminates a requirement that the auditor conduct an assessment of risk by evaluating a sample three times a year of people enrolled in a Medical Assistance program or MinnesotaCare and determining the eligibility of people in the sample, and that the auditor report the results to the legislature. Eliminates a requirement for the legislative auditor to monitor corrective actions and report to the legislature. This section is from S.F. 1019 (Koran).

Section 16 [State Data security; account; appropriation; 3.9741, subd. 5] appropriates money in the data security account in the special revenue fund to the legislative auditor. Eliminates responsibilities of the legislative auditor to audit reports and subscribers to bulk data from drivers and vehicle services records. This section is from S.F. 1019 (Koran).

Section 17 [Inquiry and inspection power; duty to aid legislative auditor; 3.978, subd. 2] allows the legislative auditor access to records and property for inspection on request. Under current law this is allowed as the auditor “may need.” Replaces “aid” with “cooperate with” for a requirement on parties subject to the auditor’s examination. Eliminates a qualifier that the cooperation be required with the auditor “in the performance of duties.” This section is from S.F. 1019 (Koran).

Section 18 [Audit data; 3.979, subd. 3] modifies the definition of audit as relates to data practices requirements to more clearly identify the types of audits conducted by the legislative auditor. Clarifies the data that is private when it contains identifying information. This section is from S.F. 1019 (Koran).

Section 19 [Preparation; duties; 3.98, subd. 1] authorizes the LBO to prepare a fiscal note if an agency does not provide a fiscal note. Specifies that agencies must prepare fiscal notes as assigned by the director the LBO. This section is from S.F. 2279 (Kiffmeyer).

Section 20 [Federal funds savings; reports; 4.07, subd. 4] requires periodic reports from state agencies regarding use of federal funds that allows an agency to redirect or reduce the use of state funds. The reports must be quarterly under June 30, 2026, and annually thereafter.

Section 21 [Display of business address on website; 5.42] precludes the secretary of state from displaying on its website the addresses of a business entity that has requested its address to be omitted from display. This option is available to a business that has only one shareholder, member, manager, or owner, who is a natural person and uses a residential address for that person as one of its business addresses. Requires the secretary of state to post a notice on its website about this option and to attach the request form to all business filing forms requiring an address that are provided in paper format. This section does not alter the classification of this data, and addresses must be made available to the public in response to requests for data. This section is from S.F. 1699 (Housley), as amended by the State Government committee.

Section 22 [Declaration of peacetime emergency; 12.31, subd. 2] clarifies that the total number of days that a peacetime emergency can last is 30 days, before legislative approval is required. This initial period includes five days after the governor’s order and an additional 25 days with a resolution of the Executive Council.

Precludes the governor from extending a peacetime emergency beyond 30 days without approval of each house of the legislature.

Permits the governor to propose to extend the peacetime emergency for an additional 30-day period. Each such proposal requires the approval of the legislature for the emergency to be extended.

When the legislature is not in session and the governor proposes to extend the emergency beyond 30 days, or beyond the 30 days approved by the legislature in session, this section requires the governor to give three days’ notice to the majority and minority leaders in both houses of the legislature of an intent to issue a call to convene the legislature.

Precludes the governor from avoiding the requirement of legislative approval, by allowing a peacetime emergency to expire before declaring a new peacetime emergency.

When a peacetime emergency declaration is in effect, and the governor determines a need to declare an additional, separate peacetime emergency, the governor is not required to make an additional declaration, except for purposes of receiving federal aid. A second peacetime emergency is effective for the duration of the first peacetime emergency declaration. An extension either the first or second peacetime emergency declaration, or both, requires legislative approval. This section is from S.F. 4 (Osmek).

Section 23 [Unofficial fiscal note; 13.64, subd. 3] makes an unofficial fiscal note public data unless the request for the note is accompanied by a directive from the requester that the data be classified. Precludes an agency from sharing data that is classified as nonpublic or private data on individuals with another agency without authorization from the bill author, obtained by the LBO. This section supersedes a requirement elsewhere in law to share data with the commissioner of management and budget. Makes other clarifying changes. This section is from SF 2279 (Kiffmeyer), as amended.

Section 24 [Fiscal note data must be shared with the Legislative Budget Office; 13.64, subd. 4] specifies that heads of agencies and the supreme court must provide data to the LBO to review the accuracy of fiscal notes on enacted legislation. This section is from SF 2279 (Kiffmeyer), as amended.

Section 25 [Authority to adopt original rules restricted; 14.05, subd. 1] requires that an agency only adopt rules under specific authority delegated by law. This section is effective July 1, 2021 and applies to rules adopted on or after that date. This section is from S.F. 714 (Utke).

Section 26 [Option; 14.389, subd. 5] lowers the threshold from 100 to 25 for the number of people necessary to request a hearing for an expedited rulemaking process. This section is effective July 1, 2021, and applies to rules proposed on or after that date. This section is from S.F. 714 (Utke).

Section 27 [Initiation; decision; agreement to arbitrate; 14.57] makes a report or order of an administrative law judge in a contested case proceeding the final decision in the case. Under current law, unless the agency or statute specifies that the ALJ's report constitutes a final decision, the agency makes a final decision in a contested case after obtaining the ALJ's report or order. This section is from S.F. 993 (Newman).

Section 28 [Departments of the state; 15.01] adds the Department of Information Technology to the departments listed in statute. This section is from S.F. 353 (Koran).

Section 29 [Geographic distribution of state employee layoffs; 15.442] requires that when making personnel layoffs due to an anticipated budget deficit, an executive branch state agency must make personnel reductions so that the economies of the state outside of the Twin Cities metropolitan area are not disproportionately affected by the layoffs. This section is from S.F. 587 (Tomassoni).

Section 30 [SAVI program; 15.761] re-establishes a program by which an agency may retain savings from certain efficiency and cost-saving measures from money appropriated in one biennium and apply those savings to authorized purposes in the next biennium. This program was first

established in 2011, but expired on June 30, 2018, according to the statutory expiration date in the 2011 law. This section is from S.F. 310 (Senjem), as amended in the State Government committee.

Section 31 [Limiting growth in state employment based on state population; 16A.0465]

precludes the percentage growth in full-time positions in all executive branch state agencies from one fiscal year to the next to exceed population growth. This section is from S.F. 299 (Koran).

Section 32 [Audit of state's use of federal funds; annual appropriation; 16A.06] requires the commissioner of management and budget to contract with a qualified auditor to conduct the annual audit of the use of federal grant money (the "Single Audit") required under federal law.

Appropriates money to the commissioner from the general fund in an amount sufficient to pay the cost of the audit. Directs that amounts paid by state agencies are deposited into the general fund.

This section is from S.F. 974 (Kiffmeyer).

Section 33 [Additional revenue; priority; 16A.152, subd. 2] deletes an obsolete permitted use of a positive forecasted general fund balance, because it is obsolete. This section is from S.F. 1835 (Kiffmeyer).

Section 34 [Lapse; 16A.28, subd. 3] is a conforming and technical change relating to the reestablishment of the SAVI program. This section is from S.F. 310 (Senjem).

Section 35 [Virtual payments authorized; 16A.401] establishes a program for the commissioner of management and budget to make payments from the treasury virtually. This section is from S.F. 974 (Kiffmeyer).

Section 36 [Stadium Payoff Fund] establishes a stadium payoff fund in the state treasury.

Requires the commissioner of management and budget to certify a payoff supplement in a general reserve account established under current law for the professional football stadium, if the general reserve account exceeds specified amounts when the final closing balance of the general fund is determined for a fiscal year. The payoff supplement is the difference between the general reserve account and the greater of stadium-related expenses or \$44,000,000. Requires the commissioner to transfer the payoff supplement to the stadium payoff fund. The commissioner must use the amount in the stadium payoff fund to redeem or defease outstanding debt on the stadium appropriation bonds, after the date that the bonds are callable. Money in the fund is appropriated only for this purpose. Refunding bonds may be issued for debt remaining outstanding after the redemption or defeasement and may be issued as taxable or tax-exempt. With the approval of the majority of senate members and a majority of house members of the Legislative Advisory Commission, the commissioner of management and budget may transfer balances in the stadium payoff fund to the general fund to offset a shortfall in revenue collected from certain sales taxes imposed by the city of Minneapolis. Requires an annual report from the commissioner of management and budget to the legislature on the use of the money in the stadium payoff fund and the amount of the actual and projected payoff balance transfers from the general reserve account. This section is from SF 836 (Bakk).

Section 37 [Operation and maintenance of buildings; 16B.24, subd. 1] modifies the list of buildings the commissioner of administration is responsible to maintain and operate. Deletes the Department of Health building in Minneapolis and the 321 Grove Street Buildings and adds 603 Pine Street in St. Paul, Fleet Surplus Services building in Arden Hills, and the Ely Revenue building. This section is from S.F. 1879 (Kiffmeyer).

Section 38 [Electric vehicle charging; section 16B.24, subd. 13] requires the commissioner of administration to charge electricity costs to users of electric charging stations on the State Capitol complex. This section is from S.F. 948 (Johnson).

Section 39 [Notice to agencies; determination of surplus; 16B.281, subd. 3] requires the commissioner of administration to notify the State Historic Preservation Office if the commissioner proposes to declare as surplus lands any historic place or site. Historic places and historic sites are listed in existing statute. This section is from S.F. 1836 (Kiffmeyer).

Section 40 [Maintenance of land before sale; 16B.281, subd. 6] precludes sale of state-owned historic places and historic sites unless authorized by law. This section is from S.F. 1836 (Kiffmeyer).

Section 41 [Canine management; 16B.2975] authorizes the commissioner of administration to convey title to retired state-owned service dogs to their handlers. The handlers are responsible for costs after the transfer. This section is from S.F. 1879 (Kiffmeyer) with modifications.

Section 42 [Purpose of funds; 16B.48, subd. 2] eliminates two of the obsolete purposes (operating a materials handling service and operating a state recycling center) for which the commissioner of administration is authorized to use money appropriated to the commissioner from the general services revolving fund. This section is from S.F. 1879 (Kiffmeyer).

Section 43 [Motor pools; 16B.54, subd. 1] defines “passenger motor vehicle” to mean “on-road vehicle capable of transporting people” in the statute requiring the commissioner of administration to operate a motor pool of passenger motor vehicles for state agencies. This section is from S.F. 1879 (Kiffmeyer).

Section 44 [Vehicles; 16B.54, subd. 2] allows for state vehicles provided to the Department of Corrections inmate community work crew program to not be marked with the state vehicle uniform marking. This section is from S.F. 1879 (Kiffmeyer).

Section 45 [Minnesota Department of Information Technology Services; 16E.01] changes the name of the Office of MN.IT Services to the Minnesota Department of Information Technology Services. Specifies that the department is responsible for executive branch systems. Eliminates certain listed duties. Authorizes the chief information officer to define what constitutes a project. This section is from S.F. 353 (Koran).

Section 46 [Responsibility for information technology services and equipment; 16E.016] is a conforming change. This section is from S.F. 353 (Koran).

Section 47 [Minnesota Department of Information Technology Services; structure and personnel; 16E.02] eliminates permission for the chief information officer to appoint a webmaster. Makes conforming and technical changes. This section is from S.F. 353 (Koran).

Section 48 [Definitions; 16E.03, subd. 1] eliminates a definition of “Information and telecommunications technology project.” This section is from S.F. 353 (Koran).

Section 49 [Chief information officer’s responsibility; 16E.03, subd. 2] eliminates a requirement that the chief information officer design a master plan for information and telecommunications technology systems for use by political subdivisions. Eliminates a requirement that the chief

information officer maintain a library of systems and programs developed by political subdivisions. This section is from S.F. 353 (Koran).

Section 50 [Evaluation and approval; 16E.03, subd. 3] permits written approval of a proposed project by a delegate of the chief information officer. Eliminates a requirement that the commissioner of management and budget cancel the unencumbered balance of an appropriation for a project after the chief information officer notifies the commissioner of management and budget that a proposed project has not been approved by the chief information officer. This section is from S.F. 353 (Koran).

Section 51 [System development methods; 16E.03, subd. 6] eliminates a requirement that development methods enable and require a data processing system to be defined in terms of its computer programs, input requirements, output formats, administrative procedures, and processing frequencies. This section is from S.F. 353 (Koran).

Section 52 [Advisory council; 16E.036] changes the Technology Advisory Committee to an advisory council. Provides for the governor and lieutenant governor to select six members to the council with information technology experience. Adds four legislators as ex officio, nonvoting members. Requires the governor and lieutenant governor to designate a voting member to serve as chair. This section is from S.F. 353 (Koran).

Section 53 [Risk assessment and mitigation; 16E.04, subd. 3] eliminates a requirement that the chief information officer notify the commissioner of management and budget when work has begun on a project and identify the proposed budget for the project. Eliminates a constraint on the commissioner of management and budget to not allow more than ten percent of the proposed budget be spent on a project until the risk assessment and mitigation plan are reported to and approved by the chief information officer. This section is from S.F. 353 (Koran).

Section 54 [Required review and approval; 16E.0465, subd. 2] eliminates the role of the commissioner of management and budget for authorizing an encumbrance or expenditure for information technology projects. This section is from S.F. 353 (Koran).

Section 55 [Duties; 16E.05, subd. 1] eliminates the duty of the department to coordinate statewide efforts by units of state and local government to plan for an develop a system for providing access to government services. This section is from S.F. 353 (Koran).

Section 56 [Private entity services; fee authority; 16E.07, subd. 12] is a conforming change to reflect the repeal of the defunct E-Government Advisory Council in this bill. This section is from S.F. 353 (Koran).

Section 57 [Charges; 16E.21, subd. 2] recodifies a provision from another existing statute section that is repealed in this bill. The provision authorizes unexpended operating balance that was appropriated to a state agency to be transferred to a designated account to be used for the information technology cost of a project, subject to review by the Legislative Advisory Council. This section is from S.F. 353 (Koran).

Section 58 [Procurement of a pharmacy benefit manager and a platform technology vendor; 43A.3165] requires the commissioner of management and budget to use a reverse auction process to select a pharmacy benefit manager to administrate the prescription drug benefits provided to state employees through the State Employees Group Insurance Program (SEGIP). The auction would be

facilitated by a technology platform hosted by a vendor selected through a competitive bidding process. This section is from S.F. 2178 (Benson) as amended by the State Government committee.

Section 59 [Compliance with federal law; 97A.057, subd. 1] eliminates a superfluous statutory reference. This section is from S.F. 353 (Koran).

Section 60 [Department of Administration as agency to accept federal funds; 138.081, subd. 1] is a technical correction. This section is from S.F. 1879 (Kiffmeyer).

Section 61 [Commissioner's responsibilities; 138.081, subd. 2] makes the commissioner of administration the state historic preservation officer. In 2017, when preservation duties were moved from the Historical Society to the department of administration, the role of the state historic preservation officer, filled by the director of the State Historical Society, was deleted. This section restores that role and assigns it to the commissioner of administration. Corrects a cross reference to the federal law for the federal historic preservation program. This section is from S.F. 1879 (Kiffmeyer).

Section 62 [Administration of federal act; 138.081, subd. 3] corrects a cross reference to federal law for the federal historic preservation program. This section is from S.F. 1879 (Kiffmeyer) with modifications.

Section 63 [State Historic Preservation Office; 138.31, subd. 13a] defines the State Historic Preservation Office (SHPO). This section is from S.F. 1879 (Kiffmeyer).

Section 64 [Administration of the Act; 138.34] notes that the state archaeologist shares enforcement duties with SHPO, as well as with the Historical Society. This section is from S.F. 1879 (Kiffmeyer).

Section 65 [Reports of the State Archaeologist; 138.38] adds the State Historic Preservation Office to a list of those that the state archaeologist must keep notified as to significant field archaeology and discoveries. Adds the State Historic Preservation Office to the list of entities that the commissioner of administration must send a report of the activities of the state archaeologist. This section is from S.F. 1836 (Kiffmeyer).

Section 66 [Cooperation of State Agencies; 138.40] adds SHPO to the list of entities that agencies must cooperate with to designate and preserve historic sites and historic places. Changes the person to whom violations of preservation statutes are to be reported, from the director of the Historical Society to the state archaeologist. Changes the entity from the Historical Society to SHPO to whom construction and development plans must be submitted for projects on known or expected significant archaeological or historic sites. (Under current law, these plans must also be submitted to the state archaeologist and that is not changed.) This section is from S.F. 1879 (Kiffmeyer).

Section 67 [Authority for property owned by the Historical Society; 138.661, subd. 2] limits the Historical Society's responsibility for administration and control of historic sites to those sites that are owned by the Historical Society.

Section 68 [Authority for property owned by the state; 138.661, subd. 2a] makes the State Historic Preservation Office responsible for control and operation of historic sites owned by the state. Recodifies a designation of the commissioner of natural resources as responsible to administer and control state parks except for portions designated as historic sites and changes the entity from

the Historical Society to the State Historic Preservation Office responsible for historic sites in state parks.

Section 69 [Mediation; 138.665] requires that an agency consult with the State Historic Preservation Office before conveying state-owned land that is listed or designated as a historic site or historic place. This section is from S.F. 1836 (Kiffmeyer).

Section 70 [Cooperation; 138.666] adds the State Historic Preservation Office to the list of entities that agencies must cooperate with in safeguarding state historic sites and in the preservation of historic and archeological properties. This section is from S.F. 1879 (Kiffmeyer).

Section 71 [Historic properties; changes; 138.667] makes the State Historic Preservation Office (SHPO) responsible, as the Historical Society is, to notify the legislature of the need for changes to properties designated as historic sites or places. Changes the entity from the Historical Society to SHPO that is responsible for standards for documentation of the significance of properties proposed for designation. Makes SHPO responsible for providing an opinion about whether a property meets the criteria to be placed on the state register of historic places. This section is from S.F. 1879 (Kiffmeyer).

Section 72 [United States and Minnesota flags; 138.6675] requires the flags of the United States and the state of Minnesota be flown at state-owned historic sites. This section is effective July 1, 2024, but the State Historic Preservation Office must install flag poles and staffs and display flags as funding becomes available for this purpose.

Section 73 [Contracts for historic site management; 138.669] makes the State Historic Preservation Office responsible for contracting with local governments and historical societies to manage and operate historic sites. Under current law, the Historical Society has this responsibility.

Section 74 [Membership; 138.763] is a clarifying change. This section is from S.F. 1879 (Kiffmeyer).

The following sections transfer the duties of the Board of Cosmetologist Examiners to the commissioner of health and make technical and conforming changes. These sections are from S.F. 691 (Housley).

- **Section 75 [Commissioner; 155A.23, subd. 2a]**
- **Section 77 [Continuing education providers; 166A.271, subd. 2]**
- **Section 79 [Non-health-related licensing board; 214.01, subd. 3]**
- **Section 105 [Transfer from the board of cosmetologist examiners to commissioner of health]; and**
- **Section 106, subd. 3 [Revisor instruction]**

Section 76 [School manager; 155A.23, subd. 16] eliminates a requirement that a school manager be a cosmetologist. This section is from S.F. 1413 (Housley).

Section 78 [Limited by appropriation; 179A.20, subd. 2b] precludes a public employer from contracting to pay more to employees in compensation and benefits than is allowed under a spending plan approved by the commissioner of management and budget. This section is from S.F. 1256 (Kiffmeyer) with modifications.

Sections 80-86 are from SF 2324 (Pratt), relating to the Racing Commission.

Section 80 [Racing meeting; 240.01, subd. 18] modifies the definition of racing meeting to include a series of racing days separated by more than five nonracing days when approved by the Racing Commission.

Section 81 [License suspension and revocation; 240.06, subd. 7] by cross-reference to another section identifies the kinds of circumstances for which a class A license does not need to be revoked due to conducting fewer than the specified number of racing days.

Section 82 [Licenses Nontransferable; 240.11] allows transfer of licenses related to offering advance deposit wagering with approval of the Racing Commission.

Section 83 [Payments to state; 240.131, subd. 7] allows the Racing Commission to use dedicated (statutorily appropriated) funds to offset the costs of regulating card clubs.

Section 84 [Reimbursement; 240.24, subd. 2a] makes permissive, rather than required, the use of receipts from card playing activities to reimburse the Racing Commission for the use of upgraded drug testing.

Section 85 [Fees; 240.24, subd. 3] makes permissive the use of fees imposed by the Racing Commission to recover costs of medical testing of racehorses.

Section 86 [Limitation; 240.30, subd. 5] requires approval of the horseperson's organization for the commission to allow a card club to keep operating when the racetrack hasn't had the requisite amount of racing. Also, adds specificity to the list of circumstances that allow for this.

Section 87 [Available revenues; 297E.021, subd. 3] eliminates the automatic addition of \$20,000,000 in the calculation of "available revenues" for purposes of determining the amount to be deposited in the general reserve account for the professional football stadium. This section is from SF 836 (Bakk).

Section 88 [Revenue dedication; 297E.021, subd. 3a] allows the commissioner of management and budget to add \$20,000,000 to the calculation of "available revenues" when revenues from specified sources are insufficient to cover the specified expenses related to the professional football stadium. This section is from SF 836 (Bakk).

Section 89 [Appropriation; general reserve account; 297E.021, subd. 4] is a conforming change related to the changes to the stadium reserve fund in sections 36, 87 and 88. This section is from SF 836 (Bakk).

Section 90 [Membership; 349.151, subd. 2] allows members of the Gambling Control Board to maintain their seats until a successor is appointed unless the appointing authority notifies the board that the member's appointment may not be extended. This section is from S.F. 756 (Koran).

Section 91 [Second chance drawing; 349A.01, subd. 14] defines "second chance drawing." The definition is used in the changes to section 349A.08, subd. 9, in this bill relating to the privacy of the names of certain prize winners.

Section 92 [Privacy; 349.08, subd. 9] makes the names of certain lottery winners private data on individuals. This section is from S.F. 151 (Kiffmeyer), as amended.

Section 93 [Former MERF members; member and employer contributions; 353.27, subd. 3c] increases by \$10,000,000 per year the contributions into the Public Employees Retirement Association plan required of employers who were formerly members of the Minneapolis Employees Retirement Fund (i.e. the City of Minneapolis, Hennepin County, the Metropolitan Airports Commission, Minneapolis Parks and Recreation, and the Metropolitan Council).

Section 94 [State contribution; former MERF division; 353.505] decreases by \$10,000,000 per year the state's contributions into the Public Employees Retirement Association plan for the former Minneapolis Employees Retirement Fund.

Section 95 [Counties; 477A.03, subd. 2b] makes the Legislative Budget Office the recipient of a statutory transfer of \$207,000 annually for the preparation of local impact notes. Under current law, the commissioner of management and budget receives that transfer. This change reflects the previous shift in the responsibility for preparing local impact notes from MMB to the LBO.

Section 96 [Standard of time; 645.071] places the state on advanced standard time (Daylight Saving Time) year-round after federal law changes to permit states to be on Daylight Saving Time year-round. (Under current federal law, states are not permitted to adopt Daylight Saving Time year-round.) This section is from S.F. 149 (Kiffmeyer).

Section 97 [Federal funds; suspension of statutory appropriation] requires that federal funds received by the state for COVID-19 between March 1, 2021, and June 30, 2022, be spent only through a direct appropriation in law. Specifies that the typical statutory processes for spending federal funds, through approval of the Legislative Advisory Commission, are not applicable to these federal funds. This section does not apply to appropriations of federal funds enacted in 2020, the 7th Special Session. This section is from S.F. 8 (Rosen).

Section 98 [Violations of executive orders during a peacetime emergency] precludes an agency from imposing a penalty for violation of an executive order during the COVID-19 peacetime emergency beyond the penalty specified in the executive order. This section is from S.F. 213 (Abeler).

Section 99 [Reduction in appropriations for unfilled positions] reduces appropriations to agencies for the biennium ending June 30, 2023, by the amount of salaries and benefits for positions that are not filled within 180 days of posting. Certain positions are exempted. This section is from S.F. 411 (Kiffmeyer), with modifications.

Section 100 [Obsolete rules report must describe current grants or rulemaking authority] requires each agency to list current grants of rulemaking authority in its obsolete rules report due December 1, 2021. Specifies required contents. Makes a grant of rulemaking authority presumed invalid for adopting future rules if it is based on rulemaking authority not cited on the report. These requirements are in addition to existing requirements for the obsolete rules report. This section is from S.F. 714 (Utke).

Section 101 [First appointments and first meeting of legislative commission on cybersecurity] specifies a timeline for first appointments and the first meeting of the Legislative Commission on Cybersecurity. Requires two meetings in 2021. This section is from S.F. 1174 (Koran).

Section 102 [Designation and sale of surplus state-owned real property; St. Paul] requires the commissioner of administration to designate the L’Orient Street property as surplus and dispose of it. This section is from S.F. 1836 (Kiffmeyer).

Section 103 [Requiring repair and return of Columbus statue] requires the commissioner of administration to repair and replace the Columbus statue in its former location on the Capitol grounds on the same pedestal with the same signage as before its removal. This section is from S.F. 1913 (Ingebrigtsen).

Section 104 [Conditional repeal] requires the commissioner of management and budget to report to the Revisor within 30 days after general obligation bonds are redeemed or defeased. This is from SF 836 (Bakk).

Section 106 [Revisor’s instruction] directs the Revisor of Statutes to take certain actions as follows:

Subd. 1 [MN.IT] - change the Office of MN.IT Services to the Minnesota Department of Information Technology Services throughout the statutes. This section is from S.F. 353 (Koran).

Subd. 2 [Contested case procedures] - present a bill to the legislature to make conforming statutory changes to incorporate changed to contested case procedures under section 16. This subdivision is from S.F. 993 (Newman).

Subd. 3 [Cosmetology] - change references to the board of cosmetologist examiners to the commissioner of health. This is from S.F. 691 (Housley).

Subd. 4 [Enterprise fleet] - change “central motor pool” to “enterprise fleet” through the statutes. This subdivision is from S.F. 1879 (Kiffmeyer).

Section 107 [Repealer] contains the following repealers:

Paragraph (a): 3.972, subs. 2c and 2d – repeals requirements for the Office of Legislative Auditor to audit the programs and services of the departments of transportation and public safety. This section is from S.F. 1019 (Koran).

Paragraph (b):

- Section 16E.0466, subd. 1 – repeals requirement that agencies consult with MN.IT Services to determine the cost of an information technology project and that, upon agreement between the agency and the chief information officer, the agency must transfer the cost of the project to MN.IT. Requires that service level agreements document project-related transfers. Paragraph (b) of this section is replicated in another section of statute in this bill.
- Section 16E.05, subd. 3 – repeals a preclusion on a state agency proposing or implementing a capital investment plan for a state office building unless specified conditions are met.
- Section 16E.071 – repeals the enabling statute for the E-Government Advisory Council.

- Section 16E.145 – repeals requirements that an appropriation for an information technology project be made to the chief information officer; that the chief information officer manage and disperse the appropriation on behalf of the sponsoring state agency; that appropriations made to a state agency for an information technology project be transferred to the chief information officer.

•This paragraph is from S.F. 353 (Koran).

Paragraph (c): 155A.23, subd. 2 - relates to the transfer of the regulation of cosmetology to the board of health. This paragraph is from S.F. 691 (Housley).

Article 3 – Campaign Finance

Article 3 amends several provisions relating to campaign finance and public disclosure laws.

Section 1 [Noncampaign disbursement; 10A.01, subd. 26] allows a candidate to make noncampaign disbursements of up to \$2000 in a two-year period for security expenses. This section is from S.F. 603 (Koran).

Section 2 [Public Official; 10A.01, subd. 35] amends the definition of “public official” in chapter 10A to include the chancellor and members of the Board of Trustees of the Minnesota State Colleges and Universities. This section is from S.F. 1714 (Kiffmeyer).

Section 3 [Time for filing; 10A.09, subd. 1] strikes the reference to filing a statement of economic interest with the Board. A later subdivision of the same law specifies where the form must be filed. This section is from S.F. 1714 (Kiffmeyer).

Section 4 [Notice to board; 10A.09, subd. 2] eliminates the requirement that local governments notify the board when the local government hires or appoints a local official that is required to file a statement of economic interest. This section is from S.F. 1714 (Kiffmeyer).

Section 5 [Form; general requirements; 10A.09, subd. 5] strikes two paragraphs relating to original statements of economic interest and replaces it with a new subdivision created in section 6. This section is from S.F. 1714 (Kiffmeyer).

Section 6 [Original statement; reporting period; 10A.09, subd. 6] creates a new subdivision that applies to the original statement of economic interest. The statement must cover the calendar month before the month in which the filer became a public official, local official, assumed office, or filed an affidavit of candidacy, as applicable. Sections 5 and 6 together provide a more uniform approach to the reporting period. This section is from S.F. 1714 (Kiffmeyer).

Section 7 [Annual statement; 10A.09, subd. 6] increases the amount of honorarium that must be reported from \$50 to \$250. This section also strikes two paragraphs relating to what months must be included in the statement. By eliminating these two paragraphs, the annual statement must include information for the previous period through December 31. This section is from S.F. 1714 (Kiffmeyer).

Section 8 [Alternate contact information; form; 10A.14, subd. 2a] allows a candidate, treasurer, or chair to file alternate contact information with the Campaign Finance Board. The Board may use this information to contact the candidate, treasurer, or chair for purposes of administering campaign

finance laws. The information is private data on individuals. This section is from S.F. 1714 (Kiffmeyer).

Section 9 [Third-party reimbursement; 10A.20, subd. 13] corrects two cross-references. This section is from S.F. 1714 (Kiffmeyer).

Section 10 [Unregistered association limit; statement; penalty; 10A.27, subd. 13] allows an unregistered association to provide disclosure statements through a government website address where the disclosure report for the association may be viewed. This section eliminates the requirement to disclose in-kind contributions from a federal committee of a political party to the committee's state committee or party organization of a legislative house. This section is from S.F. 1714 (Kiffmeyer).

Section 11 [Exceptions; 10A.275, subd. 1] says that expenditures by a party for voicemail, text messages, multimedia messages, internet chat messages, or emails that include the name of three or more candidates are not contributions to a candidate or an independent expenditure. This section is from S.F. 1714 (Kiffmeyer).

Section 12 [Distribution of general account; 10A.31, subd. 7] amends the amount of public subsidy a candidate will receive if the candidate's opponent is not eligible for the subsidy. In this case, the candidate will receive both the candidate's subsidy and the opponent's subsidy. This section is from S.F. 1907 (Osmeck).

Section 13 [Affidavit of contributions; 10A.323] corrects a cross-reference. This section is from S.F. 1714 (Kiffmeyer).

Section 14 [Repealer] repeals two subdivisions require the president and directors of Enterprise Minnesota, Inc. to file statements with the Board disclosing contributions made to public official, political committee, political fund, or political party made within the past four years that were subject to the reporting requirements of chapter 10A. This section is from S.F. 1714 (Kiffmeyer).

Article 4 – Elections

Article 4 includes provisions relating to election administration, including a prohibiting the use of public funds to advocate for or against ballot questions; amending requirements for in-person absentee polling places; allowing for redesignating polling places after redistricting; requiring election judge party affiliation lists; prohibiting the use of ranked-choice voting; allowing a candidate to receive a copy of the summary statement or tape; requiring tabulators to maintain audit logs; amending the process for electing presidential electors; requiring an audit of election equipment; requiring notice of a change in voter registration status and a process to appeal that change; and various other technical and policy provisions.

One concept in the bill requires election day registrants to cast provisional ballots. The registrant completes a voter registration application at the polling place instead of following the current method of proving residency in the precinct. The registration application applications are processed during the week after the election to determine if the voter is eligible to vote. If so, the provisional ballot is accepted. The canvassing deadlines are delayed by one week to allow for the processing of the registration applications.

Another concept in the bill requires all voters whose registration status is challenged to cast challenged ballots. There are two types of challenged ballots. Administrative challenged ballots are reviewed by election judges after the election using data maintained by the state and accepted or rejected on that basis. Verification challenged ballots require the voter to appear before election judges during the week after the election to prove eligibility. The type of challenge determines which type of ballot is given to the voter.

Section 1 [Use of public funds; ballot questions; 5.385] prohibits the secretary of state from spending public funds or use the inherent prestige of the office for the purpose of promoting or defeating a ballot question. The secretary of state may spend public funds to provide impartial and balanced information on ballot questions that does not have the effect of promoting or defeating a ballot question. This section is from S.F. 995 (Newman).

Section 2 [Use of public funds; ballot questions; 10A.52] prohibits public officials from spending public funds for the purpose of promoting or defeating a ballot question. This section applies only after final enactment of legislation that places a ballot question on the ballot. This section is from S.F. 995 (Newman).

Section 3 [Incomplete registration by mail; 201.061, subd. 1a] amends the process the county auditor follows if an incomplete voter registration application is received by mail. If the auditor is unable to verify whether the voter is eligible to vote, the auditor must notify the voter that the registration is incomplete and the voter must submit a completed voter registration application more than 20 days before the election, register in-person before or on election day, or register when submitting an absentee ballot. This section is from S.F. 179 (Kiffmeyer).

Section 4 [Election day registration; 201.061, subd. 3] amends election day voter registration. A voter must complete a voter registration application and then cast a provisional ballot. The current process for verifying eligibility is stricken. This section is from S.F. 179 (Kiffmeyer).

Section 5 [Registration by election judges; procedures; 201.061, subd. 4] strikes language relating to vouching, which is eliminated by section 4. This section is from S.F. 179 (Kiffmeyer).

Section 6 [Public information lists; 201.091, subd. 4] requires the public voter information list to indicate each voter whose status is challenged at the time the list was prepared and the history of each change in status. The list must also include individuals who were removed or made inactive in the statewide voter registration system. This section is from S.F. 1422 (Kiffmeyer).

Section 7 [Entry of registration information; 201.121, subd. 1] requires voter registration applications completed on election day to be entered into the statewide voter registration system no later than three days after the election. Within three days of entering information on election day registrants into the statewide voter registration system, the county auditor or municipal clerk must compare the voter's information with the information in the Department of Public Safety database. For the six days following an election, the secretary of state must provide reports at least daily on voters whose information could not be verified. This section is from S.F. 1422 (Kiffmeyer).

Section 8 [Postelection sampling; 201.121, subd. 3] requires postelection sampling reports to be done annually. The report must include all elections held in the previous year. This section is from S.F. 1878 (Kiffmeyer).

Section 9 [Notice of challenge; contest; 201.146] requires the county auditor or municipal clerk to mail a notice of a change voter registration status to the person within one week of the change in status. The person whose status was challenged in the statewide voter registration system has the right to contest the challenge by filing a contest petition with the state agency that provided the basis for the challenge. This section is from S.F. 1422 (Kiffmeyer).

Section 10 [Technology requirements; 201.225, subd. 2] requires an electronic roster to be able to print voter registration applications that can be affixed to a provisional ballot envelope. This section is from S.F. 179 (Kiffmeyer).

Section 11 [Election day; 201.225, subd. 5] strikes the requirement to review election day registrations when processing electronic records in the statewide voter registration system. This is replaced by requirements elsewhere to process voter registration requirements within the week after the election. This section is from S.F. 179 (Kiffmeyer).

Section 12 [Military; 203B.01, subd. 3] amends the definition of “military” in the absentee voting chapter to also include Minnesota residents enrolled at the nation’s official military academies. This will allow these students to use the UOCAVA voting procedures. This section is from S.F. 1878 (Kiffmeyer).

Section 13 [Application procedures; 203B.04, subd. 1] requires the list of people applying for an absentee ballot to be available to the public in the same manner as the public information lists. This section is from S.F. 1878 (Kiffmeyer).

Section 14 [Registration at time of application; 203B.04, subd. 4] amends the process for registering to vote when submitting an absentee ballot. The registration application must be placed into the return envelope so it may be removed and processed upon receipt. The reference to proving residency is stricken. This section is from S.F. 179 (Kiffmeyer).

Section 15 [Eligibility certificate; 203B.07, subd. 3] strikes the requirement to prove residency to an absentee ballot witness. This section is from S.F. 179 (Kiffmeyer).

Section 16 [Procedures on receipt of ballots; 203B.08, subd. 3] requires the county auditor to open absentee ballot return envelopes to determine if a registration application is included. If so, the application must be removed, and the envelope must be resealed. The county auditor must immediately process the voter registration application. This section is from S.F. 179 (Kiffmeyer).

Section 17 [Location; timing; 203B.081, subd. 1] requires the county auditor to designate any additional in-person absentee polling places as part of the annual process for establishing polling places. Polling places must be open for in-person absentee voting for the entire absentee voting period. Further, the polling places must be open for the same days and hours as the county or city office that serve as in-person absentee polling places. This section is from S.F. 651 (Kiffmeyer).

Section 18 [Town elections; 203B.081, subd. 2] strikes a reference to the county auditor setting polling locations for in-person absentee voting 14 weeks before the election. This is replaced with language in section 17. This section is from S.F. 1878 (Kiffmeyer).

Section 19 [Alternative procedure; 203B.081, subd. 3] allows only pre-registered voters to place absentee ballots into a ballot box during the week before an election. This section is from S.F. 179 (Kiffmeyer).

Section 20 [Names of persons; rejected absentee ballots; 203B.12, subd. 7] requires the list of voters who have submitted absentee ballots that have not been accepted to be made available to the public in the same manner as the public information lists. This section is from S.F. 1878 (Kiffmeyer).

Section 21 [Duties of ballot board; absentee ballots; 2003B.121, subd. 2] corrects terminology to refer to the proper type of absentee ballot envelope. In determining whether to accept an absentee ballot envelope, the ballot board must determine if the voter is registered and eligible to vote in the precinct. This section is from S.F. 179 (Kiffmeyer) and S.F. 1878 (Kiffmeyer).

Section 22 [Opening of envelopes; 203B.121, subd. 4] corrects terminology to refer to the proper type of absentee ballot envelope. This section is from S.F. 1878 (Kiffmeyer).

Section 23 [Check of voter eligibility; proper execution of certificate; 203B.24, subd. 1] corrects terminology to refer to the proper type of absentee ballot envelope. This section is from S.F. 1878 (Kiffmeyer).

Section 24 [Write-in candidate; 204B.09, subd. 3] requires candidates for president and vice-president and candidates for governor and lieutenant governor to jointly file a request to have write-in votes counted. This section is from S.F. 1878 (Kiffmeyer).

Section 25 [Boundary changes; prohibitions; exceptions; 204B.14, subd. 3] requires municipalities to designate polling places after redistricting is completed and precincts are established.

Section 26 [Authority; location; 204B.16, subd. 1] allows municipalities to designate polling places after the December 31 deadline as provided in section 25.

Section 27 [Election judge list; party affiliation; 204B.21, subd. 4] requires each municipal clerk and county auditor to submit to the secretary of state a list of each person who served as election judges at an election. The secretary of state must compile the lists into lists for each major political party and provide the list to the respective party chairs. The information on the lists must be used only for purposes related to elections or political activity. This section is from S.F. 652 (Kiffmeyer).

Section 28 [Candidates and offices; 204B.36, subd. 2] requires ballots for a special election to include a space for write-in votes. This section is from S.F. 1878 (Kiffmeyer).

Section 29 [Ranked-choice voting; prohibitions; 204B.50] prohibits political subdivisions from adopting or using ranked-choice voting for local offices. Any charter provision or ordinance that allows for the use of ranked-choice voting is void. This section is from S.F. 708 (Koran).

Section 30 [Elections; organized town; 204C.05, subd. 1a] requires the town clerk to notify the secretary of state if voting hours in the town will start later than required elsewhere. This section is from S.F. 1878 (Kiffmeyer).

Section 31 [Elections; unorganized territory; 204C.05, subd. 1b] requires an unorganized territory to notify the secretary of state if the voting hours will be shorter in the territory than required elsewhere. This section is from S.F. 1878 (Kiffmeyer).

Section 32 [Polling place roster; voter signature certificate; voter receipt; 204C.10] requires an election judge to confirm the voter's name, address, and date of birth before the voter may sign the polling place roster or voter signature certificate. A voter whose registration status is challenged must cast an administrative challenged ballot or a verification challenged ballot, depending on the basis of the challenge. The polling place roster must include challenged status of voters and the basis for the challenge. This section is from S.F. 1422 (Kiffmeyer).

Section 33 [Statement of grounds; oath; 204C.12, subd. 2] eliminates the oath that a person takes to overcome a challenge in the polling place. This section is from S.F. 1422 (Kiffmeyer).

Section 34 [Provisional ballots; 204C.135] allows a voter who registers on election day to cast a provisional ballot as provided in this section. This section is from S.F. 179 (Kiffmeyer).

Subdivision 1 [Casting provisional ballots] provides that a voter seeking to cast a provisional ballot must sign a provisional ballot roster, complete a voter registration application, and swear that the voter is eligible to vote. The voter must complete a provisional ballot envelope that includes identifying information. The voter then marks a ballot, puts the ballot into a secrecy envelope, and the secrecy envelope into the provisional ballot envelope. Provisional ballot envelopes must be kept separate from other ballots.

Subd. 2 [Accepting or rejecting provisional ballot envelopes] requires election judges with different major party affiliations to process voter registration applications within 7 days of the election. If the applicant is registered to vote and is not challenged, the provisional ballot is accepted. If the applicant is registered but is challenged, then the ballot is handled as a challenged ballot under section 35. If the applicant is not registered, the ballot is rejected. The county auditor or municipal clerk must mail notice to each voters whose ballot was rejected.

Subd. 3 [Provisional ballots; reconciliation] requires election judges with different major party affiliations to reconcile the number of provisional ballots. This is done by comparing the number of ballots and the number of signatures on the roster. If there are excess ballots, ballots must be randomly withdrawn.

Subd. 4 [Counting provisional ballots] requires election judges to open envelopes and deposit the ballots into the ballot box.

Section 35 [Challenged ballots; 204C.136] allows a voter whose registration status was challenged to cast a challenged ballot as provided in this section. This section is from S.F. 1422 (Kiffmeyer).

Subd. 1 [Casting provisional ballots] specifies when a voter must cast an administrative challenged ballot or a verification challenged ballot; this is based on the type of challenge. The voter must sign a challenged ballot roster, swear the voter is eligible to vote, and complete a challenged ballot envelope. The voter then marks a ballot, puts the ballot into a secrecy envelope, and the secrecy envelope into the challenged ballot envelope. Challenged ballot envelopes must be kept separate from other ballots.

Subd. 2 [Accepting or rejecting challenged ballot envelopes] requires election judges with different major party affiliations to process challenged ballot envelopes. Before the meeting of the canvassing board, the county auditor or municipal clerk must accept or reject each administrative challenged ballot. This is accomplished by reviewing information in the

statewide voter registration system for the date of the election. If information shows that the voter was not challenged or should not have been challenged on the date of the election, the voter's challenged ballot envelope must be accepted. If the information shows that the voter was challenged, the challenged ballot envelope must be rejected.

Voters who cast verification challenged ballots must appear at the county auditor or municipal clerk's office within 7 days after the election to prove they are eligible to vote. Election judges with different major political party affiliations must review the proof and determine eligibility. If the proof is satisfactory, the election judges must accept the ballot envelope. If the proof is not satisfactory, the election judges must reject the ballot envelope.

The county auditor or municipal clerk must mail notice to each voters whose ballot was rejected.

Subd. 3 [Provisional ballots; reconciliation] requires election judges with different major party affiliations to reconcile the number of challenged ballots. This is done by comparing the number of ballots and the number of signatures on the roster. If there are excess ballots, ballots must be randomly withdrawn.

Subd. 4 [Counting challenged ballots] requires election judges to open envelopes and deposit the ballots into the ballot box.

Section 36 [Provisional and challenged ballots; public information lists; 204C.137] requires lists of voters who cast provisional and challenged ballots to be made public after the election. Similarly, lists of voters whose ballots were rejected must be made public after the election.

Section 37 [Method; 204C.21] allows election judges to presume the total count provided for sealed prepackaged ballots is correct when counting blank ballots after the election. This section is from S.F. 1878 (Kiffmeyer).

Section 38 [Copy to candidate; 204C.24] requires an election judge to provide a copy of the summary statement or printed tape results to a candidate or candidate's representative upon request.

Section 39 [Delivery of returns to county auditors; 204C.27, subd. 27] requires election judges in each precinct to deliver one set of summary statements to the county auditor or municipal clerk, instead of the two sets required by current law. This section is from S.F. 1878 (Kiffmeyer).

Section 40 [Canvass of state primaries; 204C.32] requires the county canvassing board to meet on the 10th day after the state primary. The State Canvassing Board must meet 14 days after the state primary. This section is from S.F. 179 (Kiffmeyer).

Section 41 [County canvass; 204C.33, subd. 1] requires the county canvassing board to meet between the 10th and 17th day after the state general election. This section is from S.F. 179 (Kiffmeyer).

Section 42 [Publicly funded recounts; 204C.36, subd. 1] specifies that a request for a recount may be filed starting after the close of the canvass of the special or primary election. This section is from S.F. 1878 (Kiffmeyer).

Section 43 [County Canvass; return of reports to secretary of state; 204C.37] provides that if a copy of the canvassing board report is not received by the secretary of state within 17 days of a

primary or 24 days of a general election, the secretary of state must notify the county auditor, who must send another copy. This section is from S.F. 1878 (Kiffmeyer).

Section 44 [State partisan primary ballot; party columns; 204D.08, subd. 4] specifies that when there is a special election to fill a vacant office on the state partisan primary ballot, that office must be listed after other offices for that type for which a candidate will be elected for a full term. This section is from S.F. 1878 (Kiffmeyer).

Section 45 [Order of offices; 204D.13, subd. 1] specifies that when there is a special election to fill a vacant office on the general election ballot, that office must be listed after other offices for that type for which a candidate will be elected for a full term. This section is from S.F. 1878 (Kiffmeyer).

Section 46 [Date of special election; certain times prohibited; 204D.195] prohibits holding a special election on a holiday or during the four days before or after a holiday. This section is from S.F. 1878 (Kiffmeyer).

Section 47 [Canvass; special primary; state canvassing board; contest; 204D.27, subd. 5] provides that in case of a contest of a special primary for a legislative office, the notice of contest must be filed within two days after the canvass is completed. This section is from S.F. 1878 (Kiffmeyer).

Section 48 [Filing by candidate; 204D.28] provides that when both US senator offices are to be on the ballot and one of them is for a special election to fill a vacancy for the remainder of the term, the affidavit of candidacy must specify which of the offices the candidate is seeking. This section is from S.F. 1878 (Kiffmeyer).

Section 49 [United States senator; candidates; designation of term; 204D.28, subd. 10] provides that when both US senator offices are on the ballot, the expiration date of each term of office must be printed in the office heading. This section is from S.F. 1878 (Kiffmeyer).

Section 50 [Results; 205.065, subd. 5] requires municipalities to canvass returns on the 10th day after a primary. This section is from S.F. 179 (Kiffmeyer).

Section 51 [Canvass of returns, certificate of election, ballots, disposition; 205.185, subd. 3] requires a city to conduct canvassing between the 10th and 17th day after an election. A town board must conduct canvassing in a March election within 9 days after the election. This section is from S.F. 179 (Kiffmeyer).

Section 52 [Results; 205A.03, subd. 4] requires school boards to canvass election results on the 10th day after the primary. This section is from S.F. 179 (Kiffmeyer).

Section 53 [Canvass of returns, certificate of election, ballots, disposition; 205A.10, subd. 3] requires school boards to canvass election results between the 10th and 17th day after the election. This section is from S.F. 179 (Kiffmeyer).

Section 54 [Contracts required; 206.805, subd. 1] strikes a cross-reference to a repealed subdivision. This section is from S.F. 1878 (Kiffmeyer).

Section 55 [Standard of acceptable performance by voting system; 206.89, subd. 4] establishes the thresholds for determining acceptable performance by a voting system. This section is from S.F. 1878 (Kiffmeyer).

Section 56 [Additional review; 206.89, subd. 5] provides that if the thresholds in section 55 are exceeded, then additional review of the election results is required. This section is from S.F. 1878 (Kiffmeyer).

Section 57 [Ballots; 206.90, subd. 6] requires the ballot title in elections where both municipal and school district candidates or question appear on the ballot to be the same, regardless of whether the election is in an odd- or even-numbered year. This section is from S.F. 1878 (Kiffmeyer).

Section 58 [Audit logs; 206.93] requires all ballot tabulators to maintain audit logs. The audit logs must be printed after the election and retained with other election materials. County auditors and municipal clerks must provide copies of audit logs to the secretary of state, who compiles them and provides them to the legislature.

Section 59 [Form of ballots; candidates on ballot; 207A.13] specifies that certain requirements for the presidential nomination primary only apply to participating parties. This section is from S.F. 1878 (Kiffmeyer).

Section 60 [Notice of primary to public 207A.14, subd. 3] eliminates the requirement that the notice of a presidential nomination primary state that party choice is public information. A change made in 2019 classifies this data as private, so this change conforms with the 2019 change. This section is from S.F. 1878 (Kiffmeyer).

Section 61 [Nomination of presidential electors and alternates; 208.03] requires each major political party must nominate one presidential elector from each congressional district and two electors from the state at-large. This section is from S.F. 429 (Benson).

Section 62 [State Canvassing Board; 208.05] requires the State Canvassing Board to prepare a statement with the total number of votes for each presidential candidate in each congressional district and statewide. The two at-large electors are elected based on which party received the highest number of votes statewide in the presidential race. Each elector that is representing a congressional district is elected based on which party received the highest number of votes in that district in the presidential race. This section is from S.F. 429 (Benson).

Section 63 [Requirement, fee; 367.25, subd. 1] requires a person elected at a town special election to take the oath of office within 10 days after receiving a certificate of election or appointment. This section is from S.F. 1878 (Kiffmeyer).

Section 64 [Vacancy; 412.02, subd. 2a] specifies that election laws apply to elections to fill a vacancy in a city council office. This section is from S.F. 1878 (Kiffmeyer).

Section 65 [Audit of election equipment] requires the legislative auditor to conduct an audit of election equipment and related software. The audit must review policies and practices for selecting, procuring, maintaining, and updating election equipment and software. The auditor must examine election equipment and related software that was used in the 2020 election. For each piece of equipment that is capable of connecting to the internet, the auditor must review audit logs to determine each time the equipment was connected to the internet since the fall of 2020. The auditor must finally examine ballot tabulators or central count machines to determine accuracy of the machine.

Section 66 [Public awareness campaign; Secretary of State] requires the secretary of state to contract with a vendor to conduct a public awareness campaign to encourage people to register to vote prior to election day. This section is from S.F. 179 (Kiffmeyer).

Section 67 [Repealer] repeals section 135A.17, subd. 2, which is a requirement for postsecondary institutions to provide residential housing lists for election day registration purposes. This section also repeals 201.061, subd. 7, which requires an election judge to keep track of attempted election day registrations that could not provide proof of residency. Finally, this section repeals 204C.12, subd. 3, which has to do with overcoming a residency challenge in the polling place by swearing an oath that the voter is eligible to vote in that precinct. This section is from S.F. 179 (Kiffmeyer) and S.F. 1422 (Kiffmeyer).

Section 68 [Effective date] provides that the article is generally effective on July 1, 2021. The provisions relating to challenged voters in S.F. 1422 are generally effective on January 1, 2022.

Article 5 - Veterans and Military Affairs Policy

Section 1 (10.578) clarifies the name of the Veterans Suicide Prevention *and Awareness Day* and requires the Commissioner of Veterans Affairs (hereinafter commissioner) to coordinate activities on the day of observance in October to raise awareness of, and promote the prevention of, veteran suicides. This section is from S.F. 1511 (Eichorn).

Section 2 (15.057) adds the Department of Veterans Affairs to the list of agencies that are exempt from the prohibition on using funds to pay the salary or expenses of a publicity representative. This section is from S.F. 364 (Cwodzinski).

Section 3 (16B.276, subdivision 1) defines the following terms for purposes of the Capitol flag program: “active service,” “eligible family member,” “killed in the line of duty,” and “public safety officer.”

Subdivision 2 establishes the Capitol flag program in the Department of Administration, which provides Minnesota and American flags that were flown over the Minnesota State Capitol to families of public safety officers killed in the line of duty or members of the armed forces who died while in active service. In addition to any appropriations, Minnesota Management and Budget (MMB) may receive gifts to support the program, and the program will operate to the extent that sufficient funds are available.

Subdivision 3 provides that a request may only be made by a legislator or state constitutional officer on behalf of an eligible family to the Commissioner of Administration.

Subdivision 4 requires the legislative bodies and constitutional officers to adopt procedures for the administration of flag requests, including verifying eligibility.

Subdivision 5 allows for the distribution of flags for deaths that occurred prior to the effective date of this section for a fee unless donated funds are available. For deaths on or after August 1, 2021, flags are provided to eligible families free of charge.

This section is effective August 1, 2021. This section is from S.F. 485 (Lang).

Section 4 (190.07) makes changes to the adjutant general section of the military forces chapter of law.

Subdivision 1 requires the Governor to appoint an adjutant general within 120 days of vacancy, strikes language restricting candidates to members of the National Guard in this state, and requires that the adjutant general hold the rank of colonel or above.

Subdivision 2 requires that the adjutant general be promoted, if necessary, to the rank of major general on the date of the Governor's appointment.

Subdivision 3 specifies that the adjutant general serves a single term of seven years.

Subdivision 4 is a new subdivision specifying protocols when there is a vacancy. The Governor may appoint a person as acting adjutant general, and if the Governor does not appoint a person, the deputy adjutant general becomes the temporary adjutant general. This section is from S.F. 722 (Lang).

Section 5 (196.081) allows the commissioner to establish a veterans stable housing initiative, to provide resources and support to homeless veterans. Private data on individuals maintained in the Homeless Veteran Registry may be shared with members of the Minnesota Interagency Council on Homelessness and Homeless Veteran Registry partners to expedite the coordination of homeless efforts. This section is from S.F. 363 (Cwodziński).

Sections 6 to 9 (197.791, subs. 4, 5, 5a, 5b) make technical changes and restructures subdivisions for clarity related to Minnesota GI postsecondary educational assistance, apprenticeship and on-the-job training benefits, and other professional and educational benefits. These sections are from S.F. 92 (Anderson).

Section 10 (198.006) amends supplemental programs for veterans.

New paragraph (b) allows the commissioner to work with federal, state, local, and private entities to expand the availability of dental services for veterans home residents. This subdivision is from S.F. 91 (Lang).

New paragraph (c) allows the commissioner to provide adult day care center programs and collect fees from program participants. The commissioner is authorized to apply for and accept federal funding for purposes of providing adult day care center programs. This subdivision is from S.F. 93 (Lang).

Section 11 (609.1056, subdivision 1), paragraph (a) requires the court to, prior to entering a plea of guilty for a person charged with certain criminal offenses who alleges that the offense was committed as a result of a service-related disorder, make a determination as to whether the defendant is a member of the United States Military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions as a result of the person's service. This subdivision does not apply to offenses under subdivision 2, paragraph (f).

Paragraph (b) requires a defendant who requests to be sentenced under this section to release or authorize access to military service reports and records relating to the alleged conditions stemming from service, and specifies how the records will be used in the court proceedings. Based on the record, the court shall make a finding on whether the defendant suffers from a diagnosable condition and whether the condition stems from service in the United States Military.

Requires the court to order a Rule 25 assessment or a mental health assessment under certain circumstances.

Paragraph (c) provides that if a defendant under this subdivision pleads guilty, the court shall defer further proceedings, without entering a judgment of guilty with the consent of the defendant, prosecutor, and victim, and place the defendant on probation. If the veteran previously received a stay of adjudication for a felony under this section, the court is given discretion to impose a sentence consistent with this section or deny the use of this section.

Paragraph (d) provides that if probation is violated, the court may enter an adjudication of guilt.

Paragraph (e) allows the court to order the defendant to attend a treatment program for a period not to exceed the time that the defendant would have served in a correctional facility or jail, however, the court may extend the probation in order to complete court-ordered treatment

Paragraph (f) provides guidance to the court in choosing a treatment program. If an appropriate treatment provider is not available in the offender's county, the Minnesota Department of Veterans Affairs (MDVA) shall coordinate with the United States Department of Veterans Affairs to locate a treatment program and sources to fund the treatment.

Paragraph (g) requires the court and treatment program, when available, to collaborate with MDVA and the United States Department of Veterans Affairs to maximize benefits and services.

Paragraph (h) allows the defendant to be supervised by a veterans treatment court program, if one is available, or the supervision may be transferred to the county in which the defendant resides or works. Specifies jurisdiction of a veteran who successfully or unsuccessfully completes treatment.

Paragraph (i) provides that sentencing under this section results in the defendant waiving the right to subsequent administrative and judicial reviews.

Subdivision 2, paragraph (a) states that it is in the interest of justice to restore a defendant who acquired a criminal record due to a mental health condition stemming from service in the military to the community of law-abiding citizens. This paragraph provides that restorative justice under this section applies if the court finds by clear and convincing evidence at a public hearing that the defendant satisfies the criteria in this paragraph.

Paragraph (b) allows the court to consider the factors under this paragraph when determining whether to grant restorative justice under this subdivision.

Paragraph (c) requires the court to discharge the person and dismiss the proceedings if certain requirements are met, without an adjudication of guilt. Requires the court to maintain a public record of the discharge and dismissal.

Paragraph (d) requires the court to enter an adjudication of guilt if the court finds that the defendant does not satisfy the requirements under paragraph (a).

Paragraph (e) allows the court in certain circumstances to use the factors in paragraph (a) to justify a dispositional departure. If the court finds that the defendant meets the factors in paragraph (a), it is presumed that the defendant is amenable to probation.

Paragraph (f) states that this subdivision does not apply to offenses for which registration as a predatory offender is required, a crime of violence, or a gross misdemeanor or felony-level domestic violence offense.

Subdivision 3 allows a veterans treatment court to supervise probation using the county veterans service officers, United States Department of Veterans Affairs veterans justice outreach specialist, probation agents, and other rehabilitation resources. Defines the term “veterans treatment court program.”

Subdivision 4 authorizes a county or city to establish and operate a veterans pretrial diversion program for persons under subdivision 1.

This bill is effective August 1, 2021. This section is from S.F. 1633 (Rarick).

Section 12 is a technical revisor instruction to renumber subdivisions. This section is from S.F. 92 (Anderson).