

1.1 moves to amend H.F. No. 5, the first division engrossment (DIVH0005-1),
1.2 as follows:

1.3 Page 8, line 14, delete "optometrist,"

1.4 Page 8, line 15, after the first comma, insert "or" and delete ", or podiatrist"

1.5 Page 8, delete subdivision 23 and insert:

1.6 "Subd. 23. **Independent contractor.** (a) If there is an existing specific test or definition
1.7 for independent contractor in Minnesota statute or rule applicable to an occupation or sector
1.8 as of the date of enactment of this chapter, that test or definition will apply to that occupation
1.9 or sector for purposes of this chapter. If there is not an existing test or definition as described,
1.10 the definition for independent contractor shall be as provided in this subdivision.

1.11 (b) An individual is an independent contractor and not an employee of the person for
1.12 whom the individual is performing services in the course of the person's trade, business,
1.13 profession, or occupation only if:

1.14 (1) the individual maintains a separate business with the individual's own office,
1.15 equipment, materials, and other facilities;

1.16 (2) the individual:

1.17 (i) holds or has applied for a federal employer identification number; or

1.18 (ii) has filed business or self-employment income tax returns with the federal Internal
1.19 Revenue Service if the individual has performed services in the previous year;

1.20 (3) the individual is operating under contract to perform the specific services for the
1.21 person for specific amounts of money and under which the individual controls the means
1.22 of performing the services;

2.1 (4) the individual is incurring the main expenses related to the services that the individual
2.2 is performing for the person under the contract;

2.3 (5) the individual is responsible for the satisfactory completion of the services that the
2.4 individual has contracted to perform for the person and is liable for a failure to complete
2.5 the services;

2.6 (6) the individual receives compensation from the person for the services performed
2.7 under the contract on a commission or per-job or competitive bid basis and not on any other
2.8 basis;

2.9 (7) the individual may realize a profit or suffer a loss under the contract to perform
2.10 services for the person;

2.11 (8) the individual has continuing or recurring business liabilities or obligations; and

2.12 (9) the success or failure of the individual's business depends on the relationship of
2.13 business receipts to expenditures.

2.14 (c) For the purposes of this chapter, an insurance producer, as defined in section 60K.31,
2.15 subdivision 6, is an independent contractor of an insurance company, as defined in section
2.16 60A.02, subdivision 4, unless the insurance producer and insurance company agree
2.17 otherwise."

2.18 Page 11, line 9, delete everything after the period

2.19 Page 11, delete lines 10 to 23

2.20 Page 12, line 9, before the period, insert ", including outreach required under section
2.21 268B.15"

2.22 Page 13, line 9, after "individual" insert "or independent contractor"

2.23 Page 17, delete line 21

2.24 Page 17, line 23, delete "An" and insert "Ninety calendar days from the date of hire, an"

2.25 Page 27, line 20, delete "of labor and industry"

2.26 Page 27, line 23, delete "of labor and industry"

2.27 Page 28, delete line 3

2.28 Page 28, line 4, after "SELF-EMPLOYED" insert "AND INDEPENDENT
2.29 CONTRACTOR"

2.30 Page 28, line 5, after "individual" insert "or independent contractor"

- 3.1 Page 28, line 7, delete "eligible for" and insert "entitled to"
- 3.2 Page 28, line 9, delete "covered as an employee" and insert "entitled to benefits"
- 3.3 Page 28, line 11, before the period, insert "or independent contractor" and delete
- 3.4 "covered" and insert "entitled to benefits"
- 3.5 Page 29, line 33, delete "..." and insert "0.65"
- 3.6 Page 30, line 2, delete "..." and insert "0.5265"
- 3.7 Page 30, line 4, delete "..." and insert "0.1235"
- 3.8 Page 30 line 6, delete "2024, except calendar year 2025" and insert "2023"
- 3.9 Page 30, delete lines 19 to 21
- 3.10 Page 30, line 22, delete "(d)" and insert "(c)"
- 3.11 Page 30, delete subdivision 6
- 3.12 Renumber the subdivisions in sequence
- 3.13 Page 32, line 31, delete everything before "and" and insert "From July 1, 2021, through
- 3.14 December 31, 2021, the commissioner may spend up to seven percent of premiums collected
- 3.15 under section 268B.13 for administration of this chapter. Beginning January 1, 2022,"
- 3.16 Page 33, line 5, delete "2021" and insert "2022"
- 3.17 Page 35, line 10, delete "2020" and insert "2021"
- 3.18 Page 35, line 15, after "individuals" insert "or independent contractors"
- 3.19 Page 35, line 27, delete "2021" and insert "2022"
- 3.20 Page 38, after line 21, insert:
- 3.21 "(h) The commissioner may award grants under this section only up to a maximum of
- 3.22 \$5,000,000 per calendar year."
- 3.23 Page 38, delete section 31, and insert:
- 3.24 "Sec. 31. **EFFECTIVE DATES.**
- 3.25 (a) Benefits under Minnesota Statutes, chapter 268B, shall not be applied for or paid
- 3.26 until January 1, 2022, and thereafter.
- 3.27 (b) Sections 1, 2, 4, 5, and 6 are effective July 1, 2019.
- 3.28 (c) Section 15 is effective July 1, 2020.

4.1 (d) Sections 3, 17, 18, 22, 23, 24, and 26 are effective January 1, 2021.

4.2 (e) Sections 19 and 20 are effective July 1, 2021.

4.3 (f) Sections 7, 8, 9, 10, 11, 12, 13, 14, 21, 25, 27, 28, 29, and 30 are effective January
4.4 1, 2022."

4.5 Page 39, delete section 1 and insert:

4.6 "Section 1. **FAMILY AND MEDICAL BENEFIT APPROPRIATIONS.**

4.7 \$10,549,000 in fiscal year 2020 and \$21,442,000 in fiscal year 2021 are appropriated
4.8 from the general fund to the commissioner of employment and economic development for
4.9 the purposes of Minnesota Statutes, chapter 268B. Unexpended funds appropriated in fiscal
4.10 year 2020 are available in fiscal year 2021. The general fund base amount for fiscal year
4.11 2022 is \$16,096,000 and for fiscal year 2023 is \$15,181,000. The general fund base amount
4.12 in fiscal year 2024 and beyond is \$0.

4.13 \$533,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
4.14 of employment and economic development for the purpose of outreach, education, and
4.15 technical assistance for employees and employers regarding Minnesota Statutes, chapter
4.16 268B. Of the amount appropriated at least half must be used for grants to community-based
4.17 groups providing outreach, education, and technical assistance for employees, employers,
4.18 and self-employed individuals regarding Minnesota Statutes, chapter 268B. This outreach
4.19 must include efforts to notify self-employed individuals of their ability to elect coverage
4.20 under Minnesota Statutes, section 268B.11, and provide them with technical assistance in
4.21 doing so. The general fund base amount for fiscal year 2022 and beyond is \$0.

4.22 \$214,000 in fiscal year 2020 and \$377,000 in fiscal year 2021 are appropriated from the
4.23 general fund to the commissioner of labor and industry for the purpose of outreach, education,
4.24 and technical assistance for employees, employers, and self-employed individuals regarding
4.25 Minnesota Statutes, chapter 268B. This outreach must include efforts to notify self-employed
4.26 individuals of their ability to elect coverage under Minnesota Statutes, section 268B.11,
4.27 and provide them with technical assistance in doing so. Unexpended amounts appropriated
4.28 in fiscal year 2020 may be spent in fiscal year 2021. The general fund base amount for fiscal
4.29 year 2022 and beyond is \$0.

4.30 \$382,000 in fiscal year 2020 and \$1,101,000 in fiscal year 2021 are appropriated from
4.31 the general fund to the commissioner of labor and industry for the department's enforcement
4.32 duties and related administration under chapter 268B. The general fund base amount in
4.33 fiscal year 2022 and beyond is \$0.

5.1 **EFFECTIVE DATE.** This section is effective July 1, 2019."

5.2 Page 42, after line 13, insert:

5.3 **"EFFECTIVE DATES.** Sections 1 to 4 are effective January 1, 2022."