

Chapter: 201 - VETOED

Session: 2018 Regular Session

Topic: Omnibus Supplemental Appropriations Bill

Analyst: See Articles

Date: June 5, 2018

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Section

Article 1: State Government Appropriations

Analyst: Matt Gehring

- 1 – 5 **Fiscal appropriations.** Funding increases and reductions for each affected agency are specified in the fiscal spreadsheet.
- 6 **Effective date.** Provides that the appropriations in this article are effective the day following final enactment.

Article 2: State Government Operations

Analyst: Matt Gehring

- 1 **Information required.** Requires the commissioner of MMB to submit certain information when the commissioner submits collective bargaining agreements and compensation plans to the LCC for approval.
- 2 **Display of business address on website.** Permits certain small businesses to request that their address not be displayed on the website of the secretary of state, if the business address is the same as the residential address of the business' sole shareholder, member, manager, or owner.
- 3 **CPA firm audit.** Requires the state auditor to provide CPA firms certain rights, including a right to respond, when the auditor conducts additional examinations or requires additional information from the firm.
- 4 **Advisory opinions; data practices and open meetings.** Amends existing statutes to require the commissioner of administration to issue written advisory opinions on data practices and open meetings law questions, including when requested by a member of the legislature. This authority is permissive under existing law.
- 5 **Opportunity to make gifts via website.** Requires the commissioner of management and budget to maintain a website that permits financial gifts to the state to be made online.
- 6 **Additional revenues; priority.** Eliminates a requirement that the commissioner of management and budget deposit certain surplus amounts at the end of the biennium into the Clean Water Fund.
- 7 **State and local government user acceptance testing.** Requires state agencies implementing new information technology business software applications that significantly impact local governments to provide opportunities for local involvement in testing, with certain exceptions.
- 8 **Schedule.** Eliminates a fee for the registration of hair braiders, to reflect changes made later in the bill.

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- 9** **Hair braiders exempt.** Provides that hair braiders are exempt from regulation by the Minnesota Board of Cosmetologist Examiners.
- 10** **Voter records updated due to voting report.** Requires county auditors to use the statewide voter registration system to prepare a report on voting activity following an election. The report must be used to identify and investigate each record challenged as to eligibility, and notify law enforcement if a voter that appears ineligible registered to vote or voted.
- 11** **Inactive voter report.** Requires the secretary of state to develop a report within the statewide voter registration system that provides information on inactive voters who registered on election day and were possibly ineligible to vote. The report must be used to identify and investigate each record challenged as to eligibility, and notify law enforcement if a voter that appears ineligible registered to vote or voted.
- 12** **Racing or gaming-related vendor.** Defines “racing or gaming-related vendor” as a person or entity that manufactures, sells, provides, distributes, repairs, or maintains equipment used at a Class A facility or supplies or provides services to a Class A facility or Class B license holder that are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing.
- 13** **Annual report.** Requires the racing commission to provide a report to the governor and legislature in each odd-numbered year. Currently, the commission must provide a report each year.
- 14** **Revocation and suspension.** Requires a license holder to request a contested hearing under chapter 14 if the commission revokes or suspends a license for more than 180 days and the license holder chooses not to appeal the decision under the commission’s rules. A license holder must make the request in writing and either send the request by certified mail or personally serve the commission within ten days after the license holder receives the revocation or suspension notice. Under current law, a revocation or suspension for more than 90 days is automatically a contested case.
- The commission may also summarily suspend a license for up to 90 days where it is necessary to ensure the integrity of racing or to protect the public health, welfare, or safety. A license holder may appeal the summary suspension within five days of receiving notice of the suspension and the commission must hold a hearing within ten days of receiving the request for an appeal. Under current law, an appeal of a summary suspension is a contested case and must be heard within 30 days of the summary suspension.
- 15** **Payments to state.** Extends the deadline for paying the regulatory fee and breeders fund fee from seven days to 15 days after the end of the month in which the wager was made.
- 16** **Fines.** Clarifies that, in distributing money collected from civil fines to support racehorse adoption, retirement, and repurposing, the racing commission may make the distributions in the form of grants, contracts, or expenditures.
- 17** **Biennial report.** Requires the commissioner of revenue to conduct a study of the distribution of the federal tax burden borne by Minnesota residents.

Section

- 18 Cancellation, suspension, and refusal to renew contracts or locations.** Provides standards for cancelling the contract of a lottery retailer upon multiple violations of certain rules related to retention of certain amounts necessary to pay prizes.
- 19 Valuation method of pipeline operating property.** Requires the commissioner of revenue to amend rules used to value pipeline operating property in Minnesota. The rules must be adopted, using the expedited process, not later than January 1, 2019.
- 20 Valuation method of public utility operation property; report.** Requires the commissioner of revenue to prepare a report on the valuation of public utility operation property. The details required in the report are described in the bill. The report must be submitted to the legislature no later than December 1, 2018.
- 21 Nordic World Cup Ski Championship.** Directs the Amateur Sports Commission to support a bid to host an International Ski Federation Nordic World Cup Ski Championship event in Minnesota.
- 22 Repealer.** Provides a repealer to reflect policy changes made elsewhere in this article related to hair braider registration.

Article 3: Legislative Budget Office**Analyst: Matt Gehring**

- 1 Establishment; duties.** Removes a reference to the Legislative Coordinating Commission, to reflect the changes in this bill that shift oversight of the Legislative Budget Office to a new commission.
- 2 Director; staff.** Provides that the director of the LBO is appointed by the newly created oversight commission, rather than the Legislative Coordinating Commission, and that the oversight commission is responsible for establishing the director's duties.

This section also clarifies certain details of the LBO director's position to more closely reflect that of the nonpartisan Legislative Auditor, including that the LBO director serves in the unclassified service.

This section is effective July 1, 2018.

- 3 Uniform standards and procedures.** Recodifies existing language requiring the LBO to establish certain standards and procedures related to the preparation of fiscal notes.
- New requirements include that the standards and procedures may not take effect until they are approved by the LBO oversight commission, and that they must be published in the State Register.
- This section is effective when the LBO takes on fiscal note duties in September 2019, but provides that the required standards and procedures may be adopted before that date.

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- 4 Access to data; treatment.** Establishes standards related to the LBO's handling of data related to a fiscal note.
- The director of the LBO is permitted to request a state department or agency to promptly supply data used to prepare a fiscal note.
- Data that is not public may only be used by the LBO to review the preparation of a fiscal note, and may not be used or disseminated for any other purpose, including to other legislative branch offices or entities. A violation of this paragraph is subject to penalties similar to those that apply to other government employees under the Minnesota Government Data Practices Act.
- This section is effective when the LBO takes on fiscal note duties in September 2019.
- 5 Fiscal note delivery and posting.** Establishes standards for delivery of a fiscal note, and requires posting of fiscal notes online within 24 hours of completion. An exception is provided for unofficial fiscal notes, which are not public.
- 6 Oversight commission.** Establishes a Legislative Budget Office Oversight Commission to review the work of the office and make recommendations regarding the office's ability to fulfill its duties.
- The oversight commission consists of eight legislators, equally divided by both party and legislative body. Several staff members with expertise in fiscal note issues are nonvoting members of the commission, including the lead nonpartisan fiscal analysts in the House and Senate, the Legislative Auditor, and the commissioner of management and budget. The director of the office serves as executive secretary.
- Standards related to appointments, expense reimbursement, and election of a commission chair are provided.
- 7 Preparation; duties.** Updates language related to the preparation of fiscal notes. Instead of the LBO preparing the notes, this section provides that executive and judicial branch agencies and departments must prepare them. This modification aligns the LBO process more closely with current law and practice.
- This section also contains several conforming changes to eliminate language that is reorganized and recodified earlier in the bill.
- This section is effective when the LBO takes on fiscal note duties in September 2019.
- 8 Public Official.** Provides that the director of the LBO is a public official for purposes of the state's campaign finance and public disclosure laws. This change aligns with language earlier in the bill establishing the basic parameters of the director's nonpartisan legislative staff position. Among other items, a public official designation requires the director to file an annual statement of economic interests.
- 9 Fiscal note data must be shared with Legislative Budget Office.** Requires government entities to provide data requested by the LBO director, regardless of the data's classification. Standards governing the LBO's handling of not public data are provided earlier in the bill.
- The requested data must be supplied to the LBO according to the standards and procedures adopted by the LBO oversight commission, including standards and procedures governing

Section

timeliness. Government entities may not charge a cost for providing data requested under this section.

This section is effective when the LBO takes on fiscal note duties in September 2019.

- 10** **Effective date.** Amends an effective date provided in the 2017 legislation establishing the LBO, to permit the office to be established and begin certain operations prior to the official transfer of fiscal note and local impact note obligations.
- 11** **Effective date.** Amends an effective date provided in the 2017 legislation establishing the LBO, to permit the office to be established and begin certain operations prior to the official transfer of fiscal note and local impact note obligations.
- 12** **Effective date.** Amends an effective date provided in the 2017 legislation establishing the LBO, to permit the office to be established and begin certain operations prior to the official transfer of fiscal note and local impact note obligations.
- 13** **Effective date.** Amends an effective date provided in the 2017 legislation establishing the LBO, to permit the office to be established and begin certain operations prior to the official transfer of fiscal note and local impact note obligations. This updated effective date includes deadlines to facilitate the transfer of MMB's electronic fiscal note tracking system to the LBO.
- 14** **Legislative Budget Office Oversight Commission; first appointments; first chair; first meeting.** Establishes standards for initial activities of the LBO Oversight Commission, including designation of the first chair and a deadline for its first meeting.
- 15** **Legislative Budget Office director orientation and training.** Requires the commissioner of management and budget to provide opportunities for the director of the LBO and designated staff to receive training on use of the fiscal note system, and to learn from the Department of Management and Budget work on fiscal notes during the 2019 legislative session.
- 16** **Repealers.** Repeals obsolete language related to the preparation of fiscal notes, to reflect the changes in this article, and repeals the Legislative Budget Office Transition Planning Task Force. The work of the task force is replaced by the oversight commission established in this article.

Article 4: Information Technology

Analyst: Matt Gehring

- 1** **Evaluation of information technology projects.** Establishes a structure for the Legislative Auditor to review and evaluate information technology projects, based on recommendations of the Legislative Audit Commission.
- 2** **When.** Updates language related to information technology budgeting. This language is recodified later in this article.

Section

- 3 Information technology and cyber security.** Requires state agencies to dedicate at least 3.5 percent of their information technology budget to the enhancement of cyber security. These amounts must be reflected in each agency’s biennial budget recommendations.
- 4 Cyber security systems.** Requires state agencies to dedicate at least 3.5 percent of their information technology budget to the enhancement of cyber security.

Article 5: Energy**Analyst: Bob Eleff**

- 1 [116C.779] Subd. 1. Renewable development account.** Discontinues the calculation of Xcel Energy’s annual contribution to the renewable development account based on the number of casks storing spent nuclear fuel at Prairie Island and Monticello in favor of a flat amount annually: \$23,000,000 2019; \$28,000,000 in 2021; and \$22,000,000 thereafter.
- Specifies cost recovery and true-up mechanisms Xcel can use with respect to its contributions and legislatively-mandated expenditures from the account.
- Provides a mechanism for determining when sufficient funds are in the account to require a grant cycle.
- 2 [116C.7792] Solar energy incentive program.** Increases from 20 kW to 40kW the maximum capacity of a solar energy system eligible to receive a production incentive under Xcel’s Solar Rewards program.
- 3 [116C.7793] Prairie Island net zero project.** Appropriates \$40,000,000 and transfers up to \$5,000,000 through FY 2024 for a grant to the Prairie Island Indian Community to promote the development of renewable energy.
- 4 [216B.16] Subd. 7e. Energy storage system pilot projects.** Allows a public utility to petition the Public Utilities Commission (PUC) to recover costs of an energy storage system pilot project.
- 5 [216B.16] Subd. 13a. Pension rate base.** Requires the commission to allow a public utility to include certain pension and other postemployment benefit costs in its rate base.
- 6 [216B.1641] Community solar garden.** Deletes the requirement that a community solar garden plan approved by the PUC must allow for the financing of such gardens.
- 7 [216B.1691] Subd. 2f. Solar energy standard.** Increases from 20 kW to 40kW the maximum capacity of solar energy projects Xcel Energy can apply toward fulfillment of its small-scale solar energy standard.
- 8 [216B.241] Technical assistance.** Establishes a stakeholder group to direct 50 percent of the expenditures resulting from an assessment on utilities by the Department of Commerce to support a uniform tracking and reporting system for energy conservation improvements.
- 9 [216B.2422] Subd. 1. Definitions.** Defines “energy storage system.”

Section

- 10 **[216B.2422] Subd. 7. Energy storage systems assessment.** Requires a public utility to analyze in its integrated resource plan how the deployment of energy storage systems can satisfy energy demand and evaluate ancillary services.
- 11 **[216B.62] Subd. 3b. Assessment for department regional and national duties.** Extends by one year, to June 30, 2019, the Department of Commerce’s authority to assess utilities up to \$500,000 annually to enable it to represent the interests of Minnesota before regional and national energy regulatory bodies.
- 12 **[216C.417] Subd. 2. Appropriation.** Transfers unexpended funds from the “Made in Minnesota” solar incentive program to the Prairie Island Net Zero Project. (Section 3.)
- 13 **[216D.04] Subd. 5. Contact information required.** Requires an operator of underground utilities to provide contact information to the Gopher State One-Call notification center in order to prevent damage to the utilities during excavation.
- 14 **[Laws 2017, ch. 94, art. 10, § 28] Program administration: “Made in Minnesota” solar thermal rebates.** Technical correction.
- 15 **[Laws 2017, ch. 94, art. 10, § 29] Renewable development account: transfer of unexpended grant funds.** Technical corrections.
- 16 **Biomass business compensation.** Establishes a process administered by an administrative law judge to evaluate claims from and make financial awards to businesses suffering economic losses resulting from the closing of the Benson biomass plant due to termination of the plant’s contract with Xcel Energy under legislation enacted last year.
- 17 **Biomass business compensation account.** Establishes an account from which awards ordered under section 17 will be made.
- 18 **Report; cost-benefit analysis of energy storage/systems.** Requires the commissioner of commerce to contract with an independent consultant to produce a report on the potential costs and benefits of energy storage systems. The report must be submitted to the legislature by May 1, 2019.
- 19 **Repealer.** Repeals section 216B.2423 (Xcel Energy’s wind mandate, achieved in 2002)

Article 6: Jobs and Economic Growth**Analyst: Anna Scholin**

- 1 **Appropriations.** Specifies that these appropriations are in addition to earlier funding under Laws 2017, chapter 94.
- 2 **Department of Employment and Economic Development.** Provides appropriations for the Department of Employment and Economic Development. (See spreadsheet for details.)
- 3 **Department of Commerce.** Provides appropriations for the Department of Commerce. (See spreadsheet for details.)

Section

- 4 Business and community development.** Amends the appropriations in Laws 2017, chapter 94, for the Minnesota investment fund and the Minnesota job creation fund.
- 5 Workforce development.** Amends the appropriations in Laws 2017, chapter 94, for the Bois Forte Tribal Employment Rights Office.
- 6 General support.** Amends the appropriation in Laws 2017, chapter 94, for the youth skills training program.
- 7 Workers' compensation court of appeals.** Amends the appropriation in Laws 2017, chapter 94, for the workers' compensation court of appeals.
- 8 Energy resources.** Amends the appropriation in Laws 2017, chapter 94, for third-party expert evaluations of proposals.
- 9 Public Facilities Authority.** Amends the appropriation in Laws 2017, chapter 94, for the Clear Lake-Clearwater Sewer Authority.

Article 7: Economic Development**Analyst: Anna Scholin**

- 1 [298.227] Taconite economic development fund.** Allows the commissioner to release funds prior to the next board meeting. Deletes obsolete language. Redirects unused matching funds to the taconite environmental protection fund, rather than to other producers. Redirects unused amounts in the taconite economic development fund to the taconite environmental protection fund exclusively, rather than splitting them with the Douglas J. Johnson economic protection trust fund.

Effective date: This section is effective June 1, 2018.

- 2 Taconite economic development fund.** Changes the section to refer to “Minnesota taconite pellet producers” rather than “taconite producer” or “companies.”

Effective date: This section is effective retroactively from December 31, 2016.

- 3 Loan from, secured by U.S. Agriculture Department Agency.** Increases from \$450,000 to \$750,000 the maximum amount a city, county, or town may borrow from USDA grants, or funds guaranteed by the USDA, to acquire or better a city hall, town hall, fire hall or fire or rescue equipment, library, or child care facility. The debt may be secured by the local government's full faith and credit or revenues, is excluded from net debt for the local government, and does not require voter approval.

This law was originally enacted in 1976 and authorized borrowing up to \$100,000. The law was last amended in 2002 when the maximum amount was raised from \$250,000 to \$450,000, and use of the authority was expanded to include city halls, libraries, and child care facilities.

Section

- 4** **Transfer 2018 distribution only.** Directs that in the 2018 distribution only, if there is a balance remaining in the taconite property tax relief account after the required property tax relief payments, ten cents per ton will be sent to the Iron Range resources and rehabilitation account.
- Effective date:** This section is effective for the 2018 distribution, and the transfer must be made within ten days of the August 2018 payment.
- 5** **Dislocated worker rapid response activity.** Reserves at least \$650,000 of the dislocated worker program funding for services for employees who will be affected by the Electrolux plant closure in St. Cloud. Dictates a specific service provider and requires the commissioner to take all necessary steps to begin providing services to affected workers before December 31, 2018.
- 6** **Revisor’s instruction; program name clarification.** Instructs the revisor to rename the “Minnesota investment fund” (i.e. program under Minnesota Statutes, section 116J.8731, subdivisions 8 and 9) the “North Star Disaster Contingency Account.”

Article 8: Labor and Industry**Analyst: Anna Scholin**

- 1** **Grant awards.** Caps grants from the youth skills training program at \$100,000 per grant and allows the agency to use funds for administration of the program.
- 2** **Accessibility. (a) Public buildings.** Clarifies that state building code must require new public buildings and existing public buildings, when remodeled, to be accessible to and usable by persons with disabilities
- 3** **Fees.** Cuts the licensing fee for manufactured home installers from \$300 to \$180.
- 4** **[327B.041] Manufactured home installers.** Removes language stating that licensure as a manufactured home installer is a business license for the purposes of calculating fees under Minnesota Statutes, section 326B.092.

Article 9: Workers Compensation General**Analyst: Ben Weeks**

- 1** **[15A.083, subd. 7] Workers’ Compensation Court of Appeals and compensation judges.** Raises salaries of judges on the Workers’ Compensation Court of Appeals for parity with workers’ compensation judges at the Office of Administrative Hearings who received an increase in 2017.
- 2** **[175A.05] Quorum.** Permits the Workers’ Compensation Court of Appeals to appoint retired judges to hear cases when necessary.

Section

- 3** [176.231, subd. 9] **Uses that may be made of reports.** Makes changes to section addressing access to information and documents in workers' compensation cases to accommodate uses of "worker identification numbers" and electronic signatures.
- 4** [176.2611] **Coordination of the Office of Administrative Hearings' Case Management System and the Workers' Compensation Imaging System.** Addresses coordination of the workers' compensation imaging and the Offices of Administrative Hearings' workers' compensation case management system. The changes are necessitated by the ongoing workers' compensation modernization program, which migrates filings from paper to electronic.
- 5** **Workers' Compensation Court of Appeals.** Appropriates money necessary for raises under section 1.

Article 10: Hospital Outpatient Fee Schedule**Analyst: Ben Weeks**

- 1** [176.1364] **Workers' compensation hospital outpatient fee schedule.** Establishes a workers' compensation hospital outpatient fee schedule for payment of workers' compensation hospital outpatient surgical, emergency room, and clinic services, using Medicare's Outpatient Prospective Payment System as a framework.

Article 11: Outpatient Billing, Payment, and Dispute Resolution**Analyst: Ben Weeks**

- 1** [176.136, subd. 1b] **Limitation of liability.** Eliminates payment at 100% of the hospital's usual and customary charge for noncritical access hospitals with 100 or fewer beds, and provides that all noncritical access hospitals are paid 85% of the usual and customary charges if the charges are not covered by the ambulatory surgical center provisions of this bill. Defines "inpatient" for workers' compensation purposes.
- 2** [176.1365] **Outpatient billing, payment, and dispute resolution.** Provides billing, payment, and dispute resolution mechanisms for ambulatory surgical centers and hospitals under section 176.1364.

Section**Article 12: Ambulatory Surgical Centers****Analyst: Ben Weeks**

- 1 [176.1363] **Ambulatory surgical center payment.** Establishes payments for workers' compensation treatment provided by ambulatory surgical centers.

Article 13: Workers' Compensation Benefits**Analyst: Ben Weeks**

- 1 [176.011, subd. 15] **Occupational disease.** Creates a presumption for certain emergency workers with post-traumatic stress disorder that the disorder is an occupational disease.
- 2 [176.101, subd. 2] **Temporary partial disability.** Increases the maximum number of weeks for a temporary partial workers' compensation benefit from 225 to 275.
- 3 [176.101, subd. 2a] **Permanent partial disability.** Increases the amounts used in calculating permanent partial disability benefits.
- 4 [176.101, subd. 4] **Permanent total disability.** Changes the presumption that permanent total disability payments end at age 67 to a presumption of ending at 72.
- 5 [176.101, subd. 11] **Retraining; compensation.** Makes conforming change to reflect the change in section 2.
- 6 [176.83, subd. 5] **Treatment standards for medical services.** Requires the commissioner of labor and industry to promulgate rules regarding treatment of post-traumatic stress disorder.
- 7 **Effective date.**

Article 14: Unemployment Insurance Advisory Council; Policy**Analyst: Ben Weeks**

- 1 [268.035, subd. 12] **Covered employment.** Makes several changes in the section of law addressing when employers pay Minnesota UI taxes related to employees who work both inside and outside of Minnesota. In particular, the bill replaces the term "primarily" with "50% or more" in the context of employees working both inside and outside Minnesota. The bill also eliminates the concept of employers having a "base of operations" and work being "directed or controlled" from a particular place, and instead focuses on whether an employee lived and worked in Minnesota for certain periods of time. Finally, the bill makes minor clarifying changes to the section.

Section

- 2** **[268.035, subd. 20] Noncovered employment.** Adds work by employees under J-1 visas to the list of noncovered employment. “Noncovered employment” in the context of UI law, means employment for which employees are ineligible for UI benefits and for which employers do not have to pay UI taxes. Adding J-1 visa holders to the definition of noncovered employment will not affect the eligibility of these employees for benefits as they are already ineligible for UI benefits under federal law for an unrelated reason.
- 3** **[268.051, subd. 2a] Unemployment insurance tax limits.** Provides a statutory mechanism to transfer value of a tax reduction, under the UI tax reduction law passed in 2016, when a business is purchased or otherwise reorganized. This section also clarifies the application of the tax reduction for business with the maximum experience rating.
- 4** **Additional unemployment benefits program for workers laid off from International Bildrite, Inc.** Provides 13 additional weeks of unemployment benefits for employees laid off from Bildrite facilities in International Falls.
- 5** **Effective date.**

Article 15: Unemployment Insurance Advisory Council; Interest**Analyst: Ben Weeks**

- 1** **[268.057, subd. 5] Interest paid on past due amounts.** Clarifies assessment of interest on applicant and employer applies to unpaid principal only.
- 2** **[268.18, subd. 2b] Interest.** Same.
- 3** **Effective date.**

Article 16: Unemployment Insurance Advisory Council; Base Periods

The wages an applicant earns in a base period determine whether the applicant had a sufficient employment history to qualify for UI benefits and, if so: (1) the amount of benefits the applicant can be paid per week; and (2) the total amount of benefits the applicant may receive during the benefit year.

Wages for base periods come from “wage detail” reports submitted by all employers one month after the previously completed calendar quarter. Base periods are always four calendar quarters and intended to reflect the most recent work history that is administratively practical. During the first month of each quarter, wages for the most recently completed quarter have not yet been reported by employer and are therefore not available.

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For eight months of the year, Minnesota law automatically assigns each applicant the base period that provides the highest weekly benefit amount. During the first month of each quarter, however, it is not possible to complete this calculation because the most recently completed quarter has not yet been reported by employers.

Analyst: Ben Weeks

- 1 **[268.035, subd. 4] Base period.** Along with section 2, clarifies that the base period for the first month of each quarter does not include the most recently completed calendar quarter.
- 2 **[268.07, subd. 1] Application for unemployment benefits; determination of benefit account.** Along with section 1, clarifies that the base period for the first month of each quarter does not include the most recently completed calendar quarter.
- 3 **Effective date.**

Article 17: Unemployment Insurance Advisory Council; Housekeeping**Analyst: Ben Weeks**

- 1 **[268.035, subd. 15] Employment.** Requested by the federal Department of Labor, clarifies UI coverage for certain travelling salespeople.
- 2 **[268.044, subs. 2 and 3] Failure to timely file report; late fees.** Changes cross reference to reflect current UI practices in reaching compromises in collection of employer fees.
- 3 **[268.047, subd. 3] Exceptions for taxing employers.** Benefits paid to a former employee are not used to calculate an employer's experience rating under a number of conditions. The two most common reasons this occurs: (1) the employee quit the employment for a reason other than a good reason caused by the employer; or (2) the employee was discharged for misconduct. Current law is silent on the duration of this effect, implying the effect is indefinite. This change clarifies that the effect ends if the employee goes back to work with the same employer.
- 4 **[268.059] Garnishments for delinquent taxes and unemployment benefit overpayments.** Clarifies and consolidates existing law regarding garnishments in the context of unemployment insurance.
- 5 **[268.085, subd. 3] Vacation and sick payments that delay unemployment benefits.** Makes stylistic changes for clarity and clarifies when payments that affect unemployment benefits take effect.

Section

- 6 **[268.085, subd. 3a] Workers' compensation and disability insurance offset.** Makes stylistic changes.
- 7 **[268.085, subd. 13a] Leave of absence.** Makes stylistic changes.
- 8 **[268.095, subd. 6] Employment misconduct defined.** Removes one of the two standards for what constitutes employment misconduct for UI purposes. The intent is to clarify and simplify the section for the often pro se appellants of denied benefits.
- 9 **[268.095, subd. 6a] Aggravated employment misconduct defined.** Codifies interpretation of the section under a court decision but does not change current law as applied.
- 10 **Effective date.**

Article 18: Unemployment Insurance Advisory Council; Technical**Analyst: Ben Weeks**

- 1 **[268.044, subd. 3] Missing or erroneous information.** Makes stylistic changes.
- 2 **[268.046, subd. 1] Tax accounts assigned.** Updates cross reference.
- 3 **[268.051, subd. 3] Computation of a taxpaying employer's experience rating.** Makes stylistic changes for consistency.
- 4 **[268.053, subd. 1] Election.** Deletes language considered unnecessary.
- 5 **[268.066] Cancellation of amounts due from an employer.** Adds cross reference.
- 6 **[268.067] Compromise.** Makes clarifying change.
- 7 **[268.069, subd. 1] Requirements.** Updates cross reference.
- 8 **[268.105, subd. 6] Representation; fees.** Makes clarifying change.
- 9 **[268.145, subd. 1] Notification.** Clarifies priority of deductions to payments to benefit applicants.
- 10 **[268.18, subd. 5] Remedies.** Updates cross reference.
- 11 **Revisor's instruction.** Directs a number of stylistic changes.
- 12 **Repealer.** Deletes two unnecessary subdivisions.
- 13 **Effective date.**

Section**Article 19: Environment and Natural Resources Appropriations****Overview**

This article contains supplemental fiscal year 2019 appropriations for the Pollution Control Agency (PCA), the Department of Natural Resources (DNR), and the Board of Water and Soil Resources (BWSR).

Analyst: Janelle Taylor

- 1** **Environment and natural resources appropriations.** Technical.
- 2** **Pollution Control Agency.** Appropriates \$300,000 from the environmental fund to the PCA for an online animal feedlot training curriculum.
- 3** **Natural resources.** Appropriates a total of \$3,934,000 to the DNR for various purposes, including wildlife disease surveillance and enforcement, aquatic invasive species grants, and a number of appropriations for all-terrain vehicle (ATV) and off-road vehicle (ORV) projects.
- 4** **Board of Water and Soil Resources.** Appropriates \$25,000 to BWSR for a grant to the Red River Basin Commission.
- 5** **Natural resources damages account transfer.** Transfers money from the remediation fund dedicated for natural resources damages to the new statutory natural resources damages account established in the next article.
- 6** **Appropriation; Moose Trail.** Amends a prior appropriation for the Moose Trail to remove a requirement that it convert the snowmobile trail and specifies an end date for the appropriation.
- 7** **Parks and trails management.** Extends a previous appropriation for the Prospectors ATV Trail System.
- 8** **Board of Water and Soil Resources.** Extends and expands the purposes of a previous appropriation to the Board of Water and Soil Resources (BWSR) for a working lands watershed restoration program.
- 9** **Fish and wildlife management.** Amends a previous appropriation to the DNR to add a direct appropriation of money in the deer management account due to the elimination of the statutory appropriation of the account in the next article.
- 10** **Board of Water and Soil Resources.** Extends the availability of a previous appropriation to BWSR that provides money for section 404 assumption efforts.

Section**Article 20: Environment and Natural Resources Policy****Overview**

This article contains a number of statutory and other provisions related to the environment and natural resources.

Analyst: Janelle Taylor

- 1 **Account for investment of permit to mine.** Adds § 11A.236. Allows the State Board of Investment, at the request of the DNR, to establish accounts and invest money the department receives for financial assurance required under permits to mine.
- 2 **Aquaculture permits; rules.** Amends § 17.494. Classifies saltwater aquatic farms and processing facilities as agricultural operations for purposes of permits issued by the PCA.
- 3 **Saltwater aquaculture.** Adds § 17.4982, subd. 20a. Defines “saltwater aquaculture.”
- 4 **Saltwater aquatic farm.** Adds § 17.4982, subd. 20b. Defines “saltwater aquatic farm.”
- 5 **Saltwater aquatic life.** Adds § 17.4982, subd. 20c. Defines “saltwater aquatic life.”
- 6 **Transportation or importation of saltwater aquatic life; quarantine requirement.** Adds § 17.499. Establishes transportation and importation requirements for saltwater aquatic life. Requires a transportation permit with certain exemptions and specifies requirements.
- 7 **Legal counsel.** Amends § 84.01, subd. 6. Allows the DNR to appoint attorneys or outside counsel to represent the state in proceedings relating to the vacation of roads.
- 8 **Application.** Amends § 84.0895, subd. 2. Provides a definition of road for purposes of an exemption from certain endangered species protections. Under current law, plants on ditches and roadways are exempt from provisions prohibiting the taking of endangered species. This section would replace “roadway” for purposes of the exemption with “an existing public road right-of way” which is defined as “the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, that is not privately owned” but exclude ground not previously disturbed by construction or maintenance from the exemption.
- 9 **Civil citation; authority to issue.** Amends § 84.775, subd. 1. Technical related to the removal of the ban on snorkel devices for ATVs in section 14.
- 10 **Required rules.** Amends § 84.86, subd. 1. Allows a snowmobile safety education and training instructor to collect a fee for the cost of a person’s online training course in addition to the fee that may be charged for classroom materials and expenses.
- 11 **Acts prohibited.** Amends § 84.91, subd. 1. Requires a person convicted of a DWI in any type of vehicle to lose their operating privileges for snowmobiles and ATVs. Under current law, a person loses their privileges to operate a snowmobile or ATV only when the underlying DWI involves one of those types of vehicles. Changes the administrative and

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judicial review process for the snowmobile and ATV operating privilege prohibition to that applicable to nonrecreational vehicle DWIs.

- 12 Training and certification programs established.** Amends § 84.925, subd. 1. Establishes a voluntary ATV safety and training program for six- to nine-year-olds and their parents/guardians.
- 13 Prohibitions on youthful operators.** Amends § 84.9256, subd. 1. Increases the minimum age a person must be to take the existing ATV training and certification program.
- 14 Operation generally.** Amends § 84.928, subd. 2. Removes the ban on operating an ATV with a snorkel device.
- 15 Bait harvest from infested waters.** Amends § 84D.03, subd. 3. Expands a provision allowing a person to harvest gizzard shad using a cast net in certain infested waters (currently allowed in certain areas of the Mississippi and St. Croix Rivers) to the Minnesota River downstream of Granite Falls and removes the sunset of the provision retroactively (it expired December 1, 2017).
- 16 Restrictions in infested and noninfested waters; commercial fishing and turtle, frog, and crayfish harvesting.** Amends § 84D.03, subd. 4. Modifies tagging requirements that apply to commercial fishing equipment (nets, traps, etc.) used in infested waters by expanding the requirement to waters listed for aquatic plants or aquatic macrophytes, excluding Eurasian watermilfoil, and modifying provisions allowing the tags to be removed if the equipment has been decontaminated according to certain protocols.
- 17 Gull Lake pilot study.** Amends § 84D.108, subd. 2b. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Gull Lake under a permit from the DNR.
- 18 Cross Lake pilot study.** Amends § 84D.108, subd. 2c. Expands to all water access sites, a pilot project allowing service providers (dock installers, etc.) to return zebra mussel infested equipment back to Cross Lake in Crow Wing County under a permit from the DNR.
- 19 Advisory council created.** Amends § 85.0146, subd. 1. Modifies the membership of the Cuyuna Country State Recreation Area Citizens Advisory Council by updating the names and organizations represented and requiring a member from the senate and a member from the house of representatives be included (rather than an elected state official as required under current law).
- 20 Act prohibited.** Amends § 86B.331, subd. 1. Requires a person convicted of a DWI in any type of vehicle to lose their operating privileges for motorboats. Under current law, a person loses their privileges to operate a motorboat only when the underlying DWI involves a motorboat. Changes the administrative and judicial review process for the motorboat operating privilege prohibition to that applicable to nonrecreational vehicle DWIs.
- 21 Wildland firefighters; training and licensing.** Adds § 88.10, subd. 3. Exempts forest officers and wildland firefighters from certain training, education, and certification requirements applicable to firefighters generally.

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- 22 Misdemeanor offenses; damages; injunctive relief.** Amends § 88.75, subd. 1. Allows an attorney licensed in Minnesota that is employed by the DNR to represent the commissioner in proceedings related to violations of certain wildfire provisions that are removed to district court from conciliation court.
- 23 Approved firewood required.** Amends § 89.551. Removes a provision that subjects a firewood dealer possessing firewood that is not DNR approved as required to confiscation and a \$100 penalty for each firewood sale.
- 24 Summary of fish and game laws.** Amends § 97A.051, subd. 2. Removes a requirement that the DNR supply license vendors with one copy of the fishing, hunting, and trapping regulations for each person getting a license.
- 25 Deer, bear, and lifetime licenses.** Amends § 97A.075, subd. 1. Increases the amount of money from each resident and nonresident adult deer hunting license sold that is deposited in the deer management account from \$2 to \$16. Removes the statutory appropriation from the account and formally establish the account in state statute.
- 26 Voter registration information.** Amends § 97A.409. Requires the DNR to include voter registration eligibility requirements and information on how to register on the department's Website for purchasing game and fish licenses and for printing licenses. Also requires printed and digital versions of game and fish regulations to include the information and requires voter registration applications in the printed version.
- 27 Discretionary separate selection; eligibility.** Amends § 97A.433, subd. 5. Allows landowners/tenants of land eligible for a separate selection process for elk hunting licenses to sell the license to any state resident eligible to hunt elk. The license may not be sold for more than the original cost of the license. Removes the requirement that landowners allow public elk hunting on their land in order to be eligible for the separate selection process.
- 28 Mandatory separate selection.** Amends § 97A.433, subd. 5. Requires the DNR to put the name of a person who is unsuccessful in a separate elk license drawing for those who have applied at least ten times without receiving one to be put in the drawing for the remaining licenses.
- 29 Provisional certificate for persons with permanent physical or developmental disability.** Amends § 97B.015, subd. 6. Allows a person with a permanent physical disability to receive a provisional firearms safety certificate when they are unable to pass the firearms safety certificate requirements (a similar provision exists for those with a developmental disability).
- 30 Exceptions.** Amends § 97B.081, subd. 3. Modifies a provision allowing those hunting fox/coyotes to use artificial lights by removing the requirement that they use only a handheld artificial light.
- 31 Hunting by persons with a permanent physical or developmental disability.** Amends § 97B.1055. Defines "permanent physical disability" for purposes of the expanded provisional firearms safety certificate option provided in section 27.

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- 32 Cast nets for gizzard shad.** Amends § 97C.345, subd. 3a. Makes conforming changes to accommodate the expansion and sunset removal for the gizzard shad provision in section 9 and restricts the cast nets used to those five feet in radius or less and prohibiting more than two cast nets from being used at one time. Removes an obsolete reporting requirement.
- 33 Financial assistance.** Amends § 103B.3369, subd. 5. Expands the types of financial assistance BWSR can provide by allowing contracts and payments, allows the assistance to go to other local units of government (in addition to counties which is allowed under current law), and allows the assistance to be awarded using a watershed-based approach in addition to performance-based as provided under current law.
- 34 Criteria.** Amends § 103B.3369, subd. 9. Allows BWSR to develop and use eligibility criteria to award base amounts of state funding to local governments.
- 35 Red River Basin Commission.** Adds § 103B.3369, subd. 10. Establishes the Red River Basin Commission in statute and specifies duties.
- 36 Program purposes.** Amends § 103B.801, subd. 2. Technical related to the changes in the Clean Water Legacy Act contained later on in the article.
- 37 Timelines; administration.** Amends § 103B.801, subd. 5. Restricts BWSR from amending its transition plan for watershed-based planning to no more than once every two years.
- 38 Legislative intent.** Amends § 103F.361, subd. 2. Technical.
- 39 Generally.** Amends § 103F.363, subd. 1. Applies the Mississippi Headwaters Board management and planning provisions to all zoning authorities.
- 40 Zoning authority.** Adds § 103F.365. Defines “zoning authority” for purposes of the Mississippi Headwaters Board management and planning provisions.
- 41 Responsibilities of other governmental units.** Adds § 103F.371. Makes all zoning authorities subject to the Mississippi Headwaters Board certification requirement with respect to certain land use actions covered by the board’s comprehensive land use plan.
- 42 Purpose.** Amends § 103F.373, subd. 1. Technical.
- 43 Procedure for certification.** Amends § 103F.373, subd. 3. Technical.
- 44 Disapproval of actions.** Amends § 103F.373, subd. 4. Technical.
- 45 Rules.** Amends § 103G.2242, subd. 1. States that wetland banking credits are an acceptable mitigation measure for adverse effects on rare natural communities and allows the DNR to approve wetland replacement plans that include restoration or credits from rare natural communities of substantially comparable character and public value as mitigation for any rare natural community adversely affected by a project.
- 46 Fees established.** Amends § 103G.2242, subd. 14. Requires BWSR to establish fees for single-user or dedicated wetland mitigation banks based on the costs to the agency.
- 47 Comprehensive local water management plan.** Adds § 114D.15, subd. 3a. Defines “comprehensive local water management plan” for purposes of the Clean Water Legacy Act.

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- 48 Comprehensive watershed management plan.** Adds § 114D.15, subd. 3b. Defines “comprehensive watershed management plan” for purposes of the Clean Water Legacy Act.
- 49 Restoration.** Amends § 114D.15, subd. 7. Modifies the definition of “restoration” for purposes of the Clean Water Legacy Act.
- 50 Total maximum daily load (TMDL) implementation plan.** Amends § 114D.15, subd. 7. Adds, if the PCA determines they are sufficient, comprehensive watershed management plans, comprehensive local watershed management plans, and existing statewide or regional strategies published by the PCA to the definition of what a “TMDL implementation plan” can mean for purposes of the Clean Water Legacy Act.
- 51 Watershed restoration and protection strategy or WRAPS.** Amends § 114D.15, subd. 13. Modifies the definition of watershed restoration and protection strategy (WRAPS) to allow the strategy to apply to a more flexible area.
- 52 Goals for implementation.** Amends § 114D.20, subd. 2. Modifies the Clean Water Legacy Act goals.
- 53 Implementation policies.** Amends § 114D.20, subd. 3. Modifies the Clean Water Legacy Act implementation policies.
- 54 Priorities for preparing WRAPSs and TMDL’s.** Amends § 114D.20, subd. 5. Requires the PCA to establish priorities for scheduling and preparing WRAPSs and TMDL’s, in consultation with the Clean Water Council (CWC) and coordination with DNR, Department of Health (MDH), Department of Agriculture (MDA), BWSR, and the Minnesota Forest Resources Council (rather than requiring the CWC to make recommendations on the priorities), and adds groundwater protection and other items to the list of considerations that must be made when doing so.
- 55 Priorities for funding prevention actions.** Amends § 114D.20, subd. 5. Expands the types of water the CWC may provide recommendations for funding for to include waters that have an approved TMDL.
- 56 Alternatives; TMDL, TMDL implementation plan, or WRAPS.** Adds § 114D.20, subd. 8. Allows the PCA to submit a comprehensive watershed management plan or comprehensive local water management plan as an alternative to a TMDL in certain circumstances. States that a TMDL implementation plan or WRAPS is not needed if the PCA determines that a comprehensive watershed management plan, comprehensive local water management plan, or statewide/regional plan published by the agency is sufficient and allows the PCA to request BWSR to evaluate the implementation of these plans and to revoke or amend a determination after the evaluation is conducted.
- 57 Coordinating of municipal and local water quality activities.** Adds § 114D.20, subd. 9. States that certain projects, practices, and programs for water quality improvement or protection may be considered as contributing to the requirements of a storm water pollution prevention plan for purposes of municipal separate storm sewer system (MS4) permits unless already documented as contributing.

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- 58 Watershed restoration and protection strategies.** Amends § 114D.26. Updates WRAPS requirements, including requiring the PCA and BWSR to coordinate the schedule, budget, scope, and use of WRAPS, and requiring completion of WRAPS for the state’s major watersheds by June 30, 2023, unless a comprehensive watershed management plan or comprehensive local water management plan is determined to be sufficient.
- 59 Public and stakeholder participation.** Amends § 114D.35, subd. 1. Requires public agencies and private entities implementing restoration and protection activities identified in comprehensive watershed management plans or comprehensive local water management plans to make efforts to inform, consult, and involve the public and requires the PCA and BWSR to coordinate public and stakeholder participation.
- 60 Education.** Amends § 114D.35, subd. 3. Expands the requirement of the CWC to develop education and engagement strategies to strategies regarding the entire Clean Water Legacy Act.
- 61 Agency authority; national pollutant discharge elimination system.** Amends § 115.03, subd. 5. Exempts an activity that conveys or connects waters of the state without subjecting the water to intervening industrial, municipal, or commercial use from national pollutant discharge elimination (NPDES) permit requirements unless the activity introduces pollutants to the water.
- 62 Sugar beet storage.** Adds § 115.03, subd. 5d. Prohibits the PCA from requiring a beet sugar company with a current permit to install sedimentation pond liners except under certain circumstances.
- 63 External peer review of water quality standards.** Amends § 115.035. Amends peer review requirements for water quality standards to require that new and revised numeric water quality standards be supported by a technical support document providing the scientific basis for the standard and that it has undergone external, scientific peer review. The requirement would not apply when the water quality standard is not changed from a United States Environmental Protection Agency (EPA) criterion that has been through peer review. Requires the technical support document to be released for public comment and external peer review before finalization and details the process and purpose of the review.
- 64 Effluent limitations; compliance.** Adds § 115.455. Exempts, to the extent permitted under federal law, a municipality or an industrial NPDES or state disposal system permit holder that constructs a publicly owned treatment works in order to comply with a new or modified effluent limitation from being required to make additional capital investments to comply with new effluent limits adopted after construction begins for at least 16 years.
- 65 Application requirements.** Amends § 115A.51. Modifies application requirements for PCA’s financial assistance program for solid waste projects to include analysis of whether the proposed facility displaces capacity of existing facilities and how it conforms with existing statutes encouraging private ownership of solid waste facilities.
- 66 Local authority.** Amends § 115A.94, subd. 2. Technical.
- 67 Committee establishment.** Amends § 115A.94, subd. 4a. Technical.

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- 68** **Committee duties.** Amends § 115A.94, subd. 4b. Broadens the options a committee established to examine alternative solid waste collection methods must analyze to include the existing collection system.
- 69** **Governing body; implementation.** Amends § 115A.94, subd. 4c. Technical.
- 70** **Participating collectors proposal requirement.** Amends § 115A.94, subd. 4d. Gives cities the option of extending the present 60-day period during which exclusive negotiations take place with licensed solid waste collectors to examine developing a proposal to divide a city into zones designating for specific collectors.
- 71** **Parties to meet and confer.** Adds § 115A.94, subd. 4e. Requires city officials to meet with existing solid waste collectors prior to the meetings specified in section 68 in order to discuss issues including pricing, street deterioration, and organized collection.
- 72** **Joint liability limited.** Adds § 115A.94, subd. 4f. Provides that an organized collection agreement cannot obligate a collector to be liable for damages to a third party caused by another licensed collector.
- 73** **County organized collection.** Amends § 115A.94, subd. 5. Technical.
- 74** **Natural resources damages account.** Adds § 115B.172. Statutorily creates the natural resources damages account used by the PCA and DNR for purposes of tracking money received from certain natural resource damages related settlements and other actions. Requires the DNR to submit work plans to the commissioner of management and budget on how the funds are spent (similar to current practice). Requires the DNR to report to the legislature by November 1 each year on the expenditures from the account.
- 75** **Water quality and sustainability account.** Adds § 115B.52. Establishes a dedicated account in the remediation fund (water quality and sustainability account) for the money received by the state as a result of a lawsuit the state filed against the 3M Company accusing the company of causing natural resource damages by its manufacture, distribution, disposal and other environmental management of per- and poly-fluorinated chemicals (PFCs). Money in the account is statutorily appropriated to the PCA and DNR.. Requires the PCA and DNR to submit an implementation plan, biannual reports on the expenditures of the fund and an annual report with the expenditures and spending plan to the legislature.
- 76** **Water quality and sustainability stakeholders.** Adds § 115B.53. Requires the PCA and DNR to work with stakeholders to identify and recommend projects to be funded with money in the water quality and sustainability account established in the previous section, including representatives of the PCA, DNR, east metropolitan area municipalities and the 3M Company. Requires the PCA and DNR to establish a process to solicit and evaluate recommendations from certain east metropolitan cities and townships.
- 77** **New open-air swine basins.** Amends § 116.0714. Clarifies that the prohibition on allowing the PCA or a county to permit the construction of a new open-air swine basin does not apply to a storage basin for effluent basins used solely to hold wastewater from a truck-washing facility.
- 78** **Creation.** Amends § 116.155, subd. 1. Technical.

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- 79** **Water quality and sustainability account.** Adds § 116.155, subd. 5a. Adds the new water quality and sustainability account to the list of accounts in the remediation fund.
- 80** **Natural resources damages account.** Adds § 116.155, subd. 5b. Adds the natural resources damages account to the list of accounts in the remediation fund.
- 81** **Eligible borrower.** Amends § 116.993, subd. 2. Modifies the eligibility requirements of the small business environmental-improvement loan program by requiring that the borrower have fewer than 100 FTE employees (the current requirement is fewer than 50 FTE) and eliminating the \$1,000,000 cap on a borrower’s net worth.
- 82** **Loan conditions.** Amends § 116.993, subd. 6. Modifies the conditions of a small business environmental-improvement loan by requiring that the interest rate be at or below one-half the level of the prime interest rate, not to exceed five percent. (The current statute specifies the greater of four percent or one-half the prime rate.) The maximum loan amount is also increased from \$50,000 to \$75,000.
- 83** **Fences.** Amends § 180.03, subd. 2. Clarifies that existing requirements to erect fencing, barriers, and signs when mining operations have ceased apply to fencing, barriers, and signs that are required under law (for example, not those placed voluntarily by recipients of an exemption established later on in the bill).
- 84** **Abandoned mines.** Amends § 180.03, subd. 3. Requires a fee owner of property with an abandoned mine to also maintain fencing, barriers, and signage in addition to the existing requirement to erect it.
- 85** **Exemptions.** Amends § 180.03, subd. 4. Exempts certain property from fencing requirements applicable to closed/abandoned mines, including property owned by the Iron Range Resources and Rehabilitation Board (IRRRB), property used for grant-in-aid trails, property owned by a municipality for park/recreational purposes, and property for certain economic development. Requires the property exempted to be posted with appropriate signs and requires any fencing erected by a recipient of an exemption to be maintained by the recipient. Allows a county mine inspector to inspect the exempted property and make recommendations regarding fencing, barriers, and signage.
- 86** **Removal of fence; guard.** Amends § 180.10. Clarifies that existing provisions establishing a misdemeanor penalty for a person who opens, removes, or disturbs a fence, guard, barrier, or sign required under law and fails to close/replace the fence, guard, barrier, or sign apply to only fences, signs, etc. that are required and not those placed voluntarily by recipients of an exemption established in the previous section.
- 87** **Pipeline.** Amends § 216G.01, subd. 3. Modifies the definition of “pipeline” to narrow it to those owned or operated by a condemning authority for purposes of pipeline routing permit requirements.
- 88** **Discontinuance of Ramsey Soil and Water Conservation District.** Discontinues the Ramsey Soil and Water Conservation District effective July 1, 2018, and transfer all its duties and authorities to the Ramsey County Board. Allows the Ramsey County Board to petition the Board of Water and Soil Resources (BWSR) to reestablish the district or allow BWSR to reestablish the district under certain conditions. Allows BWSR to reestablish the

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district without a referendum. Effective after Ramsey County files its approval of the law with the secretary of state.

- 89 Lake service provider feasibility report.** Gives the DNR an additional year to submit a report to the legislature regarding the feasibility of expanding the service provider permitting program.
- 90 Sunset.** Extends the forest management and other requirements applicable to the Sand Dunes State Forest passed last session an additional year.
- 91 Action to obtain access prohibited; Clearwater County.** Amends a law passed last session that prohibited the DNR from initiating a civil action to obtain access to Island Lake FMHA Wildlife Management Area in Clearwater County to make the prohibition effective an additional year.
- 92 Recreational trails; environmental review; rulemaking.** Requires the Environmental Quality Board (EQB) to adopt rules to exempt certain recreational trails from mandatory environmental assessment worksheet (EAW) requirements and provides the board with a good cause exemption from rulemaking to do so. The new rules would expand existing exemptions, including increasing the total miles certain exempted trails can be from 10 to 25 miles, and providing specific exemptions for motorized trails that use certain existing recreational trails or routes.
- 93 Wetland replacement; frameworks for in-lieu fee program.** Allows BWSR to complete planning frameworks and other application requirements for an in-lieu fee program for wetland replacement.
- 94 Testing for private wells; east metropolitan area.** Requires the PCA to publish the results of PFC groundwater testing on the agency's Web site and submit a report to affected communities and the legislature on the results of private well PFC testing in the east metropolitan area.
- 95 Temporary enforcement of groundwater appropriation permit requirements.** Prohibits the DNR from using funds to take certain enforcement action against a permit holder in the North and East Groundwater Management Area for violating permit requirements established as a result of a 2017 court order.
- 96 Groundwater management area permit requirements.** Allows a permit holder, despite permit requirements established as a result of a 2017 court order, in a groundwater management area within the seven-county metropolitan area to use alternative measures of water use and alternatives to residential irrigation bans and removes a requirement that they have a contingency plan to use surface water.
- 97 Rulemaking; disposal facility certificates.** Requires the commissioner of the PCA to amend Minnesota Rules to reduce from nine to six the number of contact hours of training necessary to renew a certificate for an operator of a facility that disposes on land sewage sludge or semisolid materials from a commercial or industrial process. Authorizes the commissioner to use the good cause exemption to amend the rule, allowing the process to be expedited.

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- 98 Application of storm water rules to townships.** Exempts a township with a population under 5,000 from having to implement Municipal Separate Storm Sewer System (MS4) permit requirements across the entire township until the PCA amends storm water rules. The requirements would still apply to the portions of the township that are urbanized areas as defined by the most recent decennial census.
- 99 Forest inventory recommendations.** Requires the Minnesota Forest Resources Council, in cooperation with the Interagency Information Cooperative and the University of Minnesota, to make recommendations for improving stand-level forest inventories and report those recommendations to the legislature by February 1, 2019.
- 100 Lake Winona management; using offset, adaptive planning.** Allows the Alexandria Lake Area Sanitary District to perform lake management activities in Lake Winona and Lake Agnes in order to comply with water quality standards for phosphorus and the total maximum daily load in Lake Winona.
- 101 Moratorium on muskellunge stocking in Otter Tail County.** Prohibits, until August 1, 2023, the DNR from stocking muskellunge in waters wholly located in Otter Tail County, excluding those located wholly within a state park. Requires the DNR to convene a stakeholder group to examine the effects of muskellunge stocking in Otter Tail County.
- 102 Natural resources youth safety education programs delivery.** Requires the DNR to review and research options for state-delivered online safety training programs for youth and adult students, including off-highway vehicles and hunter education.
- 103 Nonpoint priority funding plan workgroup.** Requires BWSR to convene a workgroup of state agencies, local governments, tribal governments, private and nonprofit organizations, and others and submit a report to the legislature with recommendations to improve the effectiveness of nonpoint priority funding plans.
- 104 Chronic Wasting Disease Task Force.** Establishes a 22-member Chronic Wasting Disease Task Force to provide recommendations to the legislature related to deer and elk farm oversight and chronic wasting disease.
- 105 Board of Animal Health Task Force.** Establishes a 25-member Board of Animal Health Task Force to provide recommendations to the legislature on the effectiveness and other factors related to the Board of Animal Health.
- 106 1837 Ceded Territory Fisheries Technical Committee.** Allows the DNR to invite two fish managers to all meetings of the 1837 Ceded Territory Fisheries Technical Committee.
- 107 Carbon monoxide exposure; fish houses and ice shelters; report.** Requires the DNR to work with fish house and ice shelter manufacturers and others to identify best practices to reduce carbon monoxide exposure of users and to increase outreach and education efforts relating to the dangers of carbon monoxide and submit a report with recommendations to the legislature.
- 108 Hayes Lake State Park recommendations; report.** Requires the DNR in cooperation with the Friends of Hayes Lake, Roseau County and others to develop recommendations for expanding access and recreational opportunities within Hayes State Lake Park and submit those recommendations to the legislature.

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- 109** **Snowmobile trails and enforcement account.** Requires the DNR to work with the Minnesota United Snowmobilers Association to come to an agreement on the use of money in the snowmobile trails and enforcement account and submit a memo of understanding to the legislature.
- 110** **Hill-Annex State Park; management and operation.** Requires the DNR to operate the Hill-Annex State Park through June 30, 2021, and work with stakeholders to review park activities and alternative operation models and submit a report to the legislature with recommendations. Requires the DNR to work with local governments to identify and coordinate volunteer opportunities to supplement park operations.
- 111** **Repealer.** Repeals § 169A.07 (providing reduced penalties to DWI first-time offenders when the offense is committed while operating an off-road vehicle) and § 169A.33, subd. 1 (definition of "motor vehicle" that excludes motorboats and off-road recreational vehicles used in the underage drinking and driving offense also known as the "not a drop" law).

Article 21: Accelerated Buffer Strip Implementation**Overview**

This article makes changes to provisions affecting drainage authorities in response to recommendations of the Drainage Work Group.

Analyst: Janelle Taylor

- 1** **Purpose.** Amends § 17.117, subd. 1. Expands eligibility for the Agricultural Best Management Practices (AgBMP) loan program to include public drainage ditch authorities.
- 2** **Definitions.** Amends § 17.117, subd. 4. Make public drainage ditch authorities eligible for AgBMP loans.
- 3** **Loans issued to borrower.** Amends § 17.117, subd. 11. Expands existing AgBMP loan limits to allow public drainage ditch authorities to receive larger loans when these loans benefit multiple landowners.
- 4** **Incremental establishment of vegetated ditch buffer strips and side inlet controls.** Amends § 103E.021, subd. 6. Authorizes a drainage authority to make findings and order establishment of permanent buffer strips of perennial vegetation, side inlet controls, or both, adjacent to a public drainage ditch. Provides that the drainage authority's finding that these practices are necessary is sufficient to confer jurisdiction to the authority. Under current law, a county, joint county board, or watershed district may serve as a drainage authority.
- 5** **County attorney.** Amends § 103E.071. Provides that a county without a county attorney may hire any competent attorney to represent the county in all drainage proceedings.
- 6** **Conditions to redetermine benefits and damages; appointment of viewers.** Amends § 103E.351, subd. 1. Modifies the conditions that must be met for a drainage authority to appoint viewers to redetermine the benefits and damages of a drainage system by requiring

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the use of benefits or damages of record (rather than the original benefits or damages) and allowing more than 50 percent of the owners of property benefited or damaged by a drainage system to petition for the redetermination.

- 7 Public drainage ditch buffer strip; planting and maintenance.** Provides that until June 30, 2019, with consent of the property owners, a drainage authority may plant and maintain 16-1/2-foot ditch buffer strips of perennial vegetation before acquiring and compensating for the buffer-strip land rights. This section would be effective the day following final enactment.

Article 22: Higher Education

Analyst: Nathan Hopkins

- 1 Appropriations.** Defines terms for sections two and three. Specifies that the amounts appropriated are added to the appropriations in the 2017 higher education omnibus law (Laws 2017, chapter 89, article 1) unless otherwise specified.
- 2 Appropriations to the Office of Higher Education (OHE).** Provides a total of \$500,000 in onetime appropriations to OHE for FY2019. The specific purposes and amounts are as follows:
- State grants: \$300,000
 - Agricultural educators loan forgiveness program: \$100,000
 - Student loan debt counseling grant (see section 18): \$50,000
 - Teacher preparation program design grant (see section 43): \$50,000
- 3 Appropriations to Minnesota State Colleges and Universities (MnState).** Provides a total of \$3,500,000 in onetime appropriations to MnState for operations and maintenance in FY2019. The specific purposes and amounts are as follows:
- Renewal of workforce development scholarships awarded in academic year 2018-2019: \$500,000
 - Campus support: \$3,000,000
- 4 P-20 Education Partnership: powers and duties; report.** The P-20 Education Partnership is an organization led by the statewide education groups in Minnesota. Its purpose is to create an integrated education system, from early childhood through postsecondary education. Clarifying changes in this section relate to the ability to the partnerships assessment of early childhood information contained in the Statewide Longitudinal Education Data System (SLEDS).

From OHE's policy bill, H.F. 3900 (Nornes)

Section

- 5 Sexual assault policies: victims' rights.** Expands the list of provisions that must be included in an institution's sexual assault policy by adding a requirement the policy provide for notice to a sexual assault victim regarding available legal resources.
- From H.F. 3415, as amended (Nornes)*
- 6 Sexual assault policies: data collection and reporting.** Requires the University of Minnesota to collect statistical data on incidents of sexual harassment. The types of data that must be collected are coextensive with the current requirements for sexual assault data. The statistical data on sexual harassment incidents must be reported to the legislature by October 1 of each year.
- From H.F. 2669, the first engrossment (Anderson, S.)*
- 7 Teacher candidate grants: eligibility.** Clarifies how a grant applicant may show intent to teach in a shortage area.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 8 Teacher candidate grants: administration; repayment.** Eliminates the direction to the commission to establish a process for enforcing repayment responsibilities for applicants who do not complete their service requirements.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 9 Eligible student definition.** Moves the definition of "eligible student" from § 136A.1701 and combines it with the existing "eligible student" in § 136A.15, the general definition section for student loan programs.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 10 Designation.** Corrects a cross-reference.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 11 Rules.** Amends the subdivision regarding OHE's rules and policies for administering student loan programs.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 12 - 15 Student loan programs.** Corrects cross-references.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 16 Repayment of loans.** Strikes repayment procedures provided for supplemental loans under § 136A.1701, inserts a cross-reference to OHE's general rules and policies for student loan programs in § 136A.16.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 17 Legislative oversight.** Requires OHE to annually report to the legislature on the balances of the loan forgiveness program accounts in the special revenue fund.
- New language added in House committee*

Section

18 Student loan debt counseling. Establishes a program administered by the Office of Higher Education to provide grants to qualified organizations offering student loan debt repayment counseling.

Subd. 1. Grant. Permits an organization receiving a grant to offer counseling to those capable of being served with available appropriations. Sets a goal that a grantee provide at least two counseling sessions to 75 percent of borrowers receiving counseling. Establishes that the purpose of the counseling is to enable borrowers to understand their loan and repayment options, manage loan repayments, and develop a workable budget.

Subd. 2. Qualified debt counseling organization. Defines a qualified debt counseling organization as one that has experience in student loan counseling, employs certified financial loan counselors, and is based in Minnesota and has offices in multiple rural and metropolitan locations.

Subd. 3. Grant application and award. Requires that applications be made in a form and manner specified by the commissioner. Describes the components that must be included on the application. Requires the commissioner to select one grant recipient every two years. The grant recipient would receive funding for both years of the biennium.

Subd. 4. Program evaluation. Requires a grant recipient to submit a report to the commissioner of higher education every two years. Specifies data elements to be included in the report.

Subd. 5. Report to legislature. Requires the commissioner of higher education to submit a report on the program to the higher education committees of the legislature every two years.

From H.F. 794 (Haley)

19 Creation of account. Specifies that the aviation degree loan forgiveness account is in the special revenue fund.

From H.F. 3051, as amended (Nornes)

20 Account established. Specifies that the teacher shortage loan forgiveness repayment account is in the special revenue fund.

From H.F. 3051, as amended (Nornes)

21 Establishment; administration. Adds statutory language creating a large animal veterinarian loan forgiveness account in the special revenue fund. Minnesota Management and Budget has already established this account under its existing statutory authority.

From H.F. 3051, as amended (Nornes)

Section

- 22 School to provide information.** In the Minnesota Private and Out-of-State Public Postsecondary Education Act, adds a school's required disclosure to students regarding the mandated student complaint process to the list of information that a registered school must provide to OHE.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 23 Additional security.** In the Minnesota Private and Out-of-State Public Postsecondary Education Act, provides a calculation for the amount of a surety bond required for new schools that have been granted conditional approval.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 24 Disclosure.** In the student complaints section of the Minnesota Private and Out-of-State Public Postsecondary Education Act, adds a subdivision requiring a school publish information regarding its mandated student complaint process.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 25 Bond.** Corrects technical accounting terminology.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 26 Catalog, brochure, or electronic display.** In the Private Career School Act, adds the school's required disclosure to students regarding the mandated student complaint process to the list of information that a school must provide to OHE.
- From OHE's policy bill, H.F. 3900 (Nornes)*
- 27 Disclosure.** In the student complaints section of the Private Career School Act, adds a subdivision requiring a school publish information regarding its mandated student complaint process
- 28 Spinal cord injury and TBI research grant program: account created.** Creates a separate account in the special revenue fund for spinal cord and TBI research grants.
- From the Governor's bill, H.F. 4361 (Nornes)*
- 29 - 32 Regent Candidate Advisory Council.** Specifies that the Regent Candidate Advisory Council (RCAC) is created within the legislative branch. Requires geographic balance of RCAC appointees by congressional district. Requires RCAC to report to the legislature regarding the screening procedures it used for regent candidates. Requires the Legislative Coordinating Commission (LCC), under control of the legislature's higher education committees, to collect candidates' application materials and perform background checks prior to forwarding materials to RCAC.

New language added in conference committee

Section

- 33 County Scholarship Endowment Account.** Authorizes counties to establish an endowment account using certain unencumbered revenues, private donations, gifts, or grants. The county board may invest account funds and the account is subject to audit by the state auditor. Income derived from investments must be used for scholarships for students residing in the county and attending a two-year MN State institution.

Senate provision added in conference committee

- 34 MNSCU Two-Year Public College Program.** Reduces by \$1 million the FY2018 appropriation to the MnState two-year public college program grants (a.k.a. the college occupational scholarship pilot program). These are surplus funds which are redistributed in Article 1 of the bill.

From the Governor's bill, H.F. 4361 (Nornes)

- 35 Spinal cord injury and traumatic brain injury research grant program.** Amends the 2017 appropriation for the spinal cord and TBI research grant program so that the funds are transferred into the new special revenue fund account created by section 4 of the bill.

From the Governor's bill, H.F. 4361 (Nornes)

- 36 Emergency assistance for postsecondary students.** Clarifies that the program is limited to Minnesota schools.

From OHE's policy bill, H.F. 3900 (Nornes)

- 37 - 40 Appropriations riders.** Specifies that the 2018 appropriations for the following programs are for transfer to their respective accounts in the special revenue fund:

- the Teacher Shortage Loan Forgiveness Program;
- the Large Animal Veterinarian Loan Forgiveness Program;
- the Agricultural Educators Loan Forgiveness Program; and
- the Aviation Degree Loan Forgiveness Program.

From H.F. 3051, as amended (Nornes)

- 41 Transfers.** Extends the commissioner of OHE's authority to transfer unencumbered balances among certain financial aid appropriations to also include the appropriations for intervention for college attendance program grants, summer academic enrichment program grants, and student-parent information.

Senate provision added in conference committee

- 42 Affordable textbook plan and report.** Requires MnState to develop a plan to increase the use of affordable textbooks and instructional materials. The plan must be submitted to the legislature by January 15, 2020.

From H.F. 3985, as amended (Daniels)

- 43 Teacher Preparation Program Design Grant.** Requires OHE to provide a grant to a higher education institution to design a teacher preparation program for special education teachers instructing blind and visually impaired students. OHE may use up to two percent of the appropriation for administrative costs. The grant recipient must submit a report

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describing the design plan and any potential ongoing costs to the legislature by January 15, 2020.

Senate provision added in conference committee

- 44 Appeal process for sexual misconduct findings involving University of Minnesota employees.** Requests the Board of Regents to update their sexual misconduct policies to provide university employees and their victims a right of appeal from findings of the university's Office of Equal Opportunity and Affirmative Action, and timely notice of those appeal rights.

From H.F. 2669, the first engrossment (Anderson, S.)

- 45 Repealer.** Technical change repealing certain definitions relating to student loan programs.

From OHE's policy bill, H.F. 3900 (Nornes)

Article 23: Transportation Appropriations

Overview

This article contains supplemental appropriations and transfers for transportation. Combined with transfers, supplemental General Fund spending totals \$57.71 million in fiscal year 2019. Other spending includes use of Trunk Highway fund balance as well as appropriations from the State Airports fund and the Minnesota rail service improvement account.

Analyst: Matt Burress

- 1 Transportation appropriations.** Defines terms. Establishes that appropriations are from the general fund, unless another is named, for the agencies and purposes specified.
- 2 Department of Transportation.** Makes supplemental appropriations to MnDOT.
- Subd. 1. Total appropriation.** Summarizes appropriations by fund.
- Subd. 2. Aeronautics.** Appropriates money for a grant for Rochester International Airport to upgrade an instrument landing system.
- Subd. 3. Rail service improvement.** Appropriates money from the rail service improvement account for a grant to the Minnesota Valley Regional Rail Authority for rail track rehabilitation.
- Subd. 4. State roads.** Appropriates additional trunk highway fund money for the state trunk highway system, including: program planning and delivery with funds specified for a grant for utility relocation as well as a bridge project; state road construction for additional general purpose lanes; and Corridors of Commerce.

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Subd. 5. Local roads. Appropriates additional money for local road and bridge assistance, including the Small Cities Assistance program, town roads, and local bridges.

Subd. 6. Transfer; rail service improvement. Transfers funds in fiscal year 2019 from the general fund to the rail service improvement account, which funds the Minnesota Rail Service Improvement (MRSI) program.

3 Metropolitan Council. Allocates funds to suburban transit providers for suburb-to-suburb transit capital improvements.

4 Department of Public Safety. Makes supplemental appropriations and provides for transfers related to the Department of Public Safety. Effective June 1, 2018.

Subd. 1. Minnesota Licensing and Registration System (MNLARS). Appropriates funds for MNLARS for fiscal year 2019, with a base in fiscal year 2020 to be used for the FAST Enterprise contract.

Subds. 2, 3, and 4. Transfers. Transfers Driver and Vehicle Services account balances into equivalent accounts in a new Driver and Vehicle Services fund (being established in the bill).

5 Department of Management and Budget. Appropriates funds to Minnesota Management and Budget for deputy registrar reimbursement aid (see section 10 of this article).

6 Multimodal systems. Modifies a 2017 appropriation for a Civil Air Patrol training and maintenance facility, to add flexibility regarding the facility, eliminate a local match requirement, and extends the availability of funds by one year.

7 Total appropriation. Makes conforming changes.

8 Administration and related services. Eliminates a Highway User Tax Distribution fund appropriation for fiscal year 2019 to the Department of Public Safety for public safety support functions. Makes conforming changes, to update the source of funds for some appropriations.

9 Driver and vehicle services. Makes conforming changes.

10 Deputy registrar reimbursements. Establishes reimbursement aid to deputy registrars, including specifying a formula and calculation methods for aid distribution. Distribution is largely based on proportional shares of transactions handled by the deputy registrars, measured based on instances of filing fees collection:

- ▶ 10 percent of the aid is distributed equally across the office locations.
- ▶ 45 percent of the aid is distributed based on each deputy registrar's proportional share of transactions over most of fiscal year 2018.
- ▶ 45 percent of the aid is distributed based on each deputy registrar's proportional share of transactions over fiscal years 2015-2017. An average share is used for deputy registrars that have not been in operation over that entire time period.

Section**Article 24: Transportation Policy****Overview**

This article contains various transportation policy and finance provisions.

Analyst: Matt Burress

- 1 **Certain transit financial activity reporting.** Changes the frequency (from quarterly to twice a year) of a review of the Metropolitan Council’s transportation financial records by the legislative auditor. Eliminates reporting on the Counties Transit Improvement Board. Has the provision expire in 2023. Effective June 1, 2018.
- 2 **Metropolitan Council special transportation service.** Identifies a cross reference in the Data Practices Act on data sharing between the Department of Human Services and the Metropolitan Council in order to administer and coordinate special transportation services.
- 3 **Motor vehicle registration.** Identifies a cross reference in the Data Practices Act on vehicle registration data.
- 4 **Transportation service data.** Allows disclosure of private data on individuals between the Department of Human Services and the Metropolitan Council in order to administer and coordinate special transportation services between the agencies.
- 5 **Unfair practices by manufacturers, distributors, factory branches.** Prohibits motor vehicle manufacturers and distributors from charging back or withholding payment to a vehicle dealer due to unreasonable Department of Public Safety delays in vehicle registration or transfer. The dealer must give the manufacturer written notice, documentation, and an attestation regarding the delay. This provision expires June 30, 2021.
- 6 **Bikeway.** Centralizes bicycle-related definitions.
- 7 **Powers of political subdivision.** Prevents a local unit of government from creating a bikeway route that eliminates or moves a designated disability parking space. Effective the day after enactment.
- 8 **Rural agricultural business or tourist oriented business.** Broadens the hours of operation conditions under a MnDOT sign program, to authorize signs for a farm winery that provides a staffed food operation and is open at least four hours a day, two days a week.
- 9 **Route No. 180.** Modifies the routing for a legislative route established in state statute through parts of Grant and Otter Tail counties.
- 10 **Trooper Ray Krueger Memorial Highway.** Memorializes Ray Krueger by designating the stretch of Trunk Highway 210 in Cass County as “Trooper Ray Krueger Memorial Highway.”
- 11 **Warrant Officer Dennis A. Groth Memorial Bridge.** Memorializes Warrant Officer Dennis A. Groth by designating a bridge on U.S. Highway 52 in Dakota County as the “Warrant Officer Dennis A. Groth Memorial Bridge.”

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- 12 Specialist Noah Pierce Bridge.** Memorializes Specialist Noah Pierce by designating a bridge on U.S. Highway 53 in Eveleth as “Specialist Noah Pierce Bridge.”
- 13 Direct negotiation.** Raises the limit from \$150,000 to \$250,000 for maintenance or construction contracts in which MnDOT can use direct negotiation instead of being required to use the competitive bidding process.
- 14 Passenger automobile; hearse.** Authorizes a vehicle dealer to determine the value of a new motor vehicle used for registration tax calculation, based on the manufacturer’s suggested retail price. Requires retention of the label or price documentation.
- 15 Listing by dealers.** Permits vehicle dealers to withhold payment on registration tax already due for vehicles that the dealer holds for sale or demonstration, without a lien going onto the vehicle for nonpayment of the tax.
- 16 Collector military vehicle.** Allows for some former military vehicles to be registered and operated as general motor vehicles for on-road use. The provision applies to decommissioned military vehicles for which a civilian model having the same size and weight was also manufactured and sold (which includes a Humvee).
- 17 Failure to submit within ten days.** Makes a conforming and clarifying change, related to deputy registrar authority to accept mailed applications for registration or title transfer.
- 18 Filing registration applications.** Makes a conforming change.
- 19 Fee.** Allows deputy registrars to process fleet registration transactions and collect the filing fee. (The fee amount is unchanged.) Effective July 1, 2019.
- 20 Multiple licenses.** Allows a company that holds multiple types of dealer licenses (for instance, as a new motor vehicle dealer and a used motor vehicle dealer) to hold and sell vehicles across its dealership locations without needing to transfer title or ownership.
- 21 Designated dealer title and registration liaison.** Directs the Department of Public Safety to designate a liaison for vehicle dealers.
- 22 Late fee.** Eliminates a \$2 late fee for title transfers from vehicle dealers.
- 23 Expedited driver and vehicle services; fee.** Directs the Department of Public Safety to implement expedited services and allow deputy registrars and driver’s license agents to handle the requests. Effective November 1, 2019.
- 24 Electronic transmission.** Directs the Department of Public Safety to create standards that allow for vehicle dealers to use third-party software that can electronically submit title transfers and vehicle registrations to the department.
- 25 Transactions by mail.** Authorizes deputy registrars to handle mailed in vehicle registration and titling work. Effective July 1, 2019.
- 26 Lessees; information.** Allows the Department of Public Safety to provide information about vehicle lessees to trade associations for motor fuel retailers, if the association is acting on behalf of a retailer who had fuel taken without payment.
- 27 Vehicle registration data; federal compliance.** Prevents the Department of Public Safety from restricting the sharing of motor vehicle data under some specified situations in which it

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is permitted to be shared under federal law. The ban on restricting data disclosure includes using data in connection to motor vehicle safety, product alterations, performance monitoring, or motor vehicle market research; verifying accuracy of personal information; notifying towed or impounded vehicle owners; and if the subject of the data has provided consent.

- 28 Application for certificate of title.** Allows for some former military vehicles to be titled for on-road use. The provision applies to decommissioned military vehicles for which a civilian model having the same size and weight was also manufactured and sold (which includes a Humvee).
- 29 Owner’s interest terminated or vehicle sold by secured party.** Broadens a provision on procedures for changing vehicle ownership due to actions taken by a secured party (i.e., a lender or other party that holds legal rights over the vehicle), to provide for powers of assignees of the secured party.
- 30 Salvage titles.** Broadens the situations when a salvage title must be obtained for a motor vehicle, to apply to all vehicles regardless of age or value. Under current law, a salvage title is only required in some cases involving vehicles classified as “late-model” (vehicles five years old or newer) or “high-value” (vehicles worth over \$9,000 before being damaged, or older vehicles having a gross weight of over 26,000 pounds).
- 31 Notice of perfection by dealer.** Authorizes vehicle dealers to provide a statement to secured parties for a vehicle (such as lenders) that title application with the security interest was properly provided to the Department of Public Safety.
- 32 Motor vehicle title transfer and registration advisory committee.** Creates a Motor Vehicle Title Transfer and Registration Advisory Committee for the Department of Public Safety.

Subd. 1. Establishment; purposes. Creates the advisory committee and outlines its advisory scope.

Subd. 2. Members. Identifies membership on the committee, including four legislators and representatives from dealers and deputy registrars.

Subd. 3. Organization. Provides for convening the committee, requires election of a committee chair, and directs the committee to meet at least twice annually.

Subd. 4. Open meetings. Makes the committee subject to open meeting law. Addresses committee meeting locations and enforcement of open meeting requirements.

Subd. 5. Staff. Directs department staff to support the committee.

Subd. 6. Duties. Identifies committee duties, including advising the department leadership and making recommendations on policy and planning.

Subd. 7. Report and recommendations. Requires an annual legislative report on activities of the committee. The first report is due by February 15, 2019.

Subd. 8. Expiration. Makes the committee expires June 30, 2021.

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- 33 Amounts.** Makes technical changes, to remove language on fees and technology surcharges that have expired.
- 34 Bicycle lane.** Establishes that bicycle lanes are part of the roadway (that is, the main traveled portion of a road) and not a shoulder (the contiguous portion of the road that is not traveled upon).
- 35 Bikeway.** Broadens a definition of “bikeway” for the chapter of statutes on traffic regulations.
- 36 Railroad train.** Broadens a definition of “railroad train” in the chapter of statutes on traffic regulations, to include on-track rail equipment and other rolling stock that activates automatic warning systems. This has the effect (in conjunction with conforming changes) of adding motorist stopping requirements at railroad crossings when some on-track rail equipment is present.
- 37 Zoning within local area.** Allows MnDOT, at the request of a county board, to establish a speed limit in excess of 55 m.p.h., based on an engineering study. The county engineer must erect signs. Effective June 1, 2018.
- 38 Passing.** Requires clearance when passing a bicycle of at least three feet or half of a vehicle’s width, whichever is greater, unless passing in a separate lane. Makes technical changes, to modernize language.
- 39 Laned highway.** Allows semis and other similarly large vehicles to deviate from the driving lane when approaching and going through a roundabout. Makes technical changes.
- 40 Slow-moving vehicle.** Sets a minimum fine of \$100 (in addition to the \$75 court surcharge) for operating a vehicle below the speed of traffic in the left driving lane. This does not apply if the vehicle is passing another vehicle, is preparing for a left turn, or is preparing to exit a controlled access highway via a left side exit, or if a specific lane is designated for a specific type of traffic.
- 41 Passing parked emergency vehicle; citation; probable cause.** Requires a driver to slow down to a reasonable speed while passing a stopped emergency vehicle with its lights on, if it is not possible to move to another lane or when passing the vehicle on a road that only has one lane in the motorist’s direction of travel. Effective August 1, 2018.
- 42 Passing certain parked vehicles.** Requires a driver to slow down to a reasonable speed while passing a stopped some types of official vehicles (including tow trucks, road maintenance, utility, and road construction vehicles) with its lights on, if it is not possible to move to another lane or when passing the vehicle on a road that only has one lane in the motorist’s direction of travel. Effective August 1, 2018.
- 43 Roundabouts.** Provides for right-of-way when two semis or other similarly large vehicles drive through a roundabout at the same time, so that the driver of the vehicle on the right must yield to the vehicle on the left.
- 44 Traffic laws apply.** Clarifies that bicyclists operating on a shoulder have the same rights and duties as when operating on the road generally. Makes a technical change, to reproduce language on sidewalk and crosswalk operating authority that is being moved from another subdivision in the statute.

Section

- 45 Riding rules.** Permits bicyclists to proceed straight through an intersection from a right-hand turn lane, and allows the bicyclist to situate the bike anywhere in the lane (not just farthest to the right). Makes technical changes, including to eliminate language that is being moved to another subdivision in the statute.
- 46 Requirements.** Makes a conforming change on stopping for on-track rail equipment at rail grade crossings.
- 47 Certain vehicles to stop at railroad crossing.** Makes a conforming change on stopping for on-track rail equipment at rail grade crossings.
- 48 Crossing railroad tracks with certain equipment.** Makes a conforming change on stopping for on-track rail equipment at rail grade crossings.
- 49 White strobe lamps on certain buses transporting children.** Makes technical changes.
- 50 Supplemental warning system.** Authorizes school buses to be equipped with supplemental flashing lights or electronic signs that are approved by the Department of Public Safety.
- 51 Restrictions on appearance; misdemeanor.** Makes conforming and technical changes.
- 52 Colors.** Broadens the permissible colors for the rub rails running around a school bus, to allow them to be yellow (which is in addition to black).
- 53 Identification.** Authorizes use of a changeable electronic message sign instead of specified static text on the rear of a school bus, if it is used in conjunction with school bus warning and stop lighting and is an approved supplemental warning system.
- 54 Supplemental warning system; temporary authority.** Permits the Department of Public Safety to approve school buses to be equipped with supplemental flashing lights or changeable electronic message signs. The authority expires August 1, 2021 (buses previously approved to be equipped can continue to use the system). Specifies considerations for granting approval and requires research and consultation with stakeholders.
- 55 Prohibition on use; penalty.** Establishes a \$100 fine with a first offense, and a \$300 fine with subsequent offenses, for violation of the ban on wireless device use (e.g., texting) while driving. Makes it a misdemeanor if the person has three or more violations of the ban within a 5-year period, with a \$500 fine. Makes technical changes. Effective August 1, 2018, for offenses committed on or after that date.
- 56 Lights or reflectors required.** Makes technical changes. (The language being stricken is substantially reproduced in other sections of statutes.)
- 57 Maintenance.** Makes technical changes. (The language being stricken is substantially reproduced in another section of statutes.)
- 58 Flashing lights; glaring lights.** Makes conforming and technical changes, including to centralize restrictions on flashing and glaring lights.
- 59 White light.** Makes conforming, technical, and clarifying changes, to create a centralized provision on when a vehicle can display white lights. (This includes language being reproduced from another section of statutes.)

Section

- 60 Strobe lamp.** Modifies the minimum intensity of authorized strobe lamps on vehicles to be based on an engineering standard produced by SAE International, instead of referencing a candela measure of light output. Makes technical changes.
- 61 Manner of loading.** Establishes that it is not an unsecured load if a vehicle hauling thawing unprocessed sugar beets leaks liquid. Makes technical changes. Effective June 1, 2018.
- 62 Automobile transporter.** Modifies length limits and backhaul authority for vehicles that transport assembled motor vehicles, including allowing loads that extends four feet or less in front of the vehicle and six feet or less in the rear.
- 63 Conditions.** Permits a vehicle operating under an overweight permit for hauling raw or unfinished forest products to operate on a stretch of Interstate 35 between Carlton County and St. Louis County, as authorized under federal law.
- 64 Certain emergency vehicles.** Establishes per-axle and gross vehicle weight limits for emergency vehicles operated on interstates, using limits established in federal law.
- 65 Sewage septic tank trucks.** Provides for some adjusted and exempted motor vehicle weight limits for sewage septic tank trucks that exclusively haul sewage from septic or holding tanks, including a year-round ten percent weight limit increase for single-unit trucks. Allows for operation without a special permit. Effective June 1, 2018.
- 66 Recycling and garbage vehicles.** Broadens an exemption from vehicle weight limits (and associated criminal penalties) imposed (1) by local units of government for roads under their respective jurisdiction, and (2) under spring load restrictions. The exemption applies to sewage septic tank trucks that exclusively haul sewage from septic or holding tanks. Makes technical changes. Effective June 1, 2018.
- 67 Suspension of driver's license.** Prohibits the Department of Public Safety from re-suspending a person's driver's license based on the failure to appear in court after receiving a citation for a petty misdemeanor or for driving after suspension.
- 68 Restricted license for farm work.** Allows an individual to use a restricted license for farm work on any type of farm, regardless of how it is legally established. Expands the allowed operation radius from the farmhouse, to be 40 miles instead of 20 miles. Effective June 1, 2018.
- 69 Fees.** Makes technical changes, to remove language on a technology surcharge that has expired.
- 70 Commissioner shall suspend.** Prohibits the suspension of a person's driver's license following a conviction only for driving after suspension or driving after revocation.
- 71 Failure to pay fine.** Prohibits suspension of a person's driver's license based solely on the fact that the person failed to pay a traffic ticket, parking fine, or surcharge.
- 72 Offenses.** Allows suspension of a person's license when the person has eight unpaid parking tickets within a year, or ten unpaid parking tickets within two years. Prohibits suspending the driver's license of a person who is convicted of driving after suspension or revocation.
- 73 Legislative report.** Removes a directive that MnDOT submit a report on the Transportation Economic Development (TED) program, if no funds were granted in the previous 24 months.

Section

- 74 **[174.13] Tribal training program; costs.** Requires MnDOT to charge other agencies for the costs of that agency's participation in MnDOT's tribal training program.
- 75 **Continuation of carrier rules.** Makes a conforming change.
- 76 **[219.085] Operation of on-track equipment.** Requires operators of equipment running on rail that does not trigger grade crossing warning systems to use due care at the crossing.
- 77 **Hours of service exemptions; agricultural purposes.** Broadens the harvest season to be year-round for an hours of service exemption in *intrastate* transportation of agricultural commodities and farm supplies within a 150-air mile radius. Clarifies that the exemption covers all hours of service regulations (which includes electronic logging device rules).
- 78 **Hours of service exemptions; utility construction.** Creates an exemption from hours of service requirements for *intrastate* transportation of utility construction materials within a 50-air mile radius from a project site.
- 79 **Hours of service of driver.** Incorporates a federal exemption into state statute and establishes a year-round harvest season, which has the effect of applying a federal exemption from federal hours of service rules in Minnesota for *interstate* transportation throughout the year.
- 80 **Order.** Eliminates the authority of MnDOT to issue commissioner's orders regarding tariffs (i.e., lists of rates and terms for specified services) and accounting.
- 81 **Amount of penalty; considerations.** Eliminates the authority of MnDOT to assess administrative penalties for motor carrier violations related to tariffs and accounting requirements. Makes technical changes.
- 82 **Registration, insurance, and filing requirements.** Makes a conforming change.
- 83 **Tariff maintenance and contents.** Narrows a provision on household goods mover tariffs (i.e., lists of rates and terms for specified services) to eliminate a requirement that tariffs must be filed with and reviewed by MnDOT. Identifies required content of the tariff, by reference to federal law.
- 84 **Tariff availability.** Sets requirements on accessing household goods mover tariffs, including maintaining tariffs at places of business and making the tariffs available for public inspection.
- 85 **Compensation fixed by schedule on file.** Makes technical and conforming changes.
- 86 **Highway user tax distribution fund use limitation.** Prohibits the Department of Public Safety from using money from the highway user tax distribution fund to pay for the public information center.
- 87 **[299A.704] Driver and vehicle services fund.** Creates a new Driver and Vehicles Services (DVS) fund in the state treasury that holds the operating and technology accounts related to Driver and Vehicle Services.
- 88 **Driver and vehicle services accounts.** Moves driver and vehicle services operating and technology accounts into the new DVS fund being created. Requires annual reporting on the driver and vehicle services information technology project. Makes technical changes.

Section

- 89 Comprehensive plan.** Defines “comprehensive plan” for the chapter of statutes on aeronautics by cross-reference to county and municipal planning and zoning statutes. Effective August 1, 2018.
- 90 Creation; authorized disbursements.** Allows for state airports fund expenditures for municipal airport planning and permits municipalities to receive assistance from the fund even if its comprehensive plan is incompatible with the state aviation plan. Effective August 1, 2018, for runway-related changes on or after that date.
- 91 Authority to establish.** States that airport operation and maintenance is an essential public service. Allows MnDOT to fund airport safety projects to maintain existing infrastructure regardless of a zoning authority’s efforts to complete zoning, but otherwise requires funds be withheld from the airport unless it is proceeding with or has completed an airport zoning ordinance. Effective August 1, 2018, for runway-related changes on or after that date
- 92 Air transportation service.** Requires MnDOT to charge users of agency provided air transportation services for the capital costs of the aircraft, including for aircraft acquisition, replacement, or leasing. Establishes a new account for the revenue. Makes technical changes.
- 93 Airport hazard prevention; protecting existing land uses.** Narrows provisions on what constitutes airport hazards based on existing land uses around the airport. Modifies prevention of airport hazards and airport lighting to be essential public services, not just public purposes. Effective August 1, 2018, for runway-related changes on or after that date.
- 94 Enforcement under police power.** Provides for municipal zoning regulation in airport hazard areas (that is, areas where an aircraft takeoff or landing hazards might be established), broadening the geographic area that can be regulated by removing the specific distance limitations. Effective August 1, 2018, for runway-related changes on or after that date.
- 95 Joint airport zoning board.** Makes technical and conforming changes, to cross-reference proposed airport zoning regulation standards being established in the bill. Effective August 1, 2018, for runway-related changes on or after that date.
- 96 Comprehensive regulations.** Requires inclusion in the municipal comprehensive plan any airport zoning regulations that apply to the same area as a municipal plan does. It is permissive under current law. Effective August 1, 2018, for runway-related changes on or after that date.
- 97 Notice of proposed zoning regulations, hearing.** Specifies procedures for notice of proposed zoning regulations in newspapers, on websites, and by mail. Effective August 1, 2018, for runway-related changes on or after that date.
- 98 [360.0655] Airport zoning regulations based on commissioner’s standards; submission process.** Establishes a process for political subdivisions to adopt airport zoning regulations using standards prescribed by MnDOT, including specifying MnDOT review and subsequent revision procedures, permitting more stringent local ordinances, preserving substantive rights from before August 1, 2018, and providing for protection of existing uses. Effective August 1, 2018, for runway-related changes on or after that date.
- 99 [360.0656] Custom airport zoning standards.** Provides an alternative zoning process (to the previous section) that allows custom regulations by a local government. Specifies the

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factors that must be addressed in the custom regulations. Effective August 1, 2018, for runway-related changes on or after that date.

- 100 Reasonableness.** Eliminates a nonexclusive list of considerations in determining reasonableness of airport zoning regulations. Effective August 1, 2018, for runway-related changes on or after that date.
- 101 Federal no hazard determination.** Permits a custom regulation to allow a structure or tree higher than otherwise allowed if the Federal Aviation Administration has analyzed it and determined it does not pose a hazard, require a change in operations, or require mitigation that cannot be accomplished. Effective August 1, 2018, for runway-related changes on or after that date.
- 102 Membership.** Allows for staggered initial appointments of a zoning board of adjustments. For the MAC, provides that the commission chair, not the commission as whole, makes the appointments. Effective August 1, 2018, for runway-related changes on or after that date.
- 103 Zoning required.** Similar to a previous section, allows MnDOT to fund airport safety projects to maintain existing infrastructure regardless of a zoning authority's efforts to complete zoning, but otherwise prohibits funding unless the municipality, county, or joint airport zoning board is proceeding on with zoning. Effective August 1, 2018, for runway-related changes on or after that date.
- 104 Airport safety zone (county planning law).** Adds a definition of "airport safety zone" to the county planning and zoning statute.
- 105 Comprehensive plan (county planning law).** Requires a county to consider the location and dimensions of airport safety zones in its comprehensive plans, as well as consider any improvements identified in the airport's layout plan. Effective August 1, 2018, for runway-related changes on or after that date.
- 106 Comprehensive plans in Greater Minnesota; open space (county planning law).** Adds to the goals of county plans in Greater Minnesota, so that the plan encourages land uses in airport safety zones that are compatible with safe airport operation. Effective August 1, 2018, for runway-related changes on or after that date.
- 107 In district zoning, maps (county planning law).** Requires county zoning maps to include airport safety zones. Effective August 1, 2018, for maps created or updated on or after that date.
- 108 Airport safety zone (municipal planning law).** Adds a definition of "airport safety zone" to the municipal planning and zoning statute by cross-reference to the county planning and zoning statute.
- 109 Preparation and review (municipal planning law).** Requires a municipality to consider the location and dimensions of airport safety zones in its plans, as well as to consider any improvements identified in the airport's layout plan. Effective August 1, 2018, for runway-related changes on or after that date.
- 110 Airport safety zones on zoning maps (municipal planning law).** Requires municipal zoning maps to include airport safety zones. Effective August 1, 2018, for maps created or updated on or after that date.

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- 111** **Development goals and objectives** (municipal planning law). Adds to the goals of municipal plans in Greater Minnesota, so that the plan encourages land uses in airport safety zones that are compatible with safe airport operation. Effective August 1, 2018, for runway-related changes on or after that date.
- 112** **Budget changes or variances; reports.** Directs the Metropolitan Council to provide quarterly reports to the legislature on any changes or variances it has from its adopted budget. Effective June 1, 2018.
- 113** **Overview of revenues and expenditures; forecast.** Requires the Metropolitan Council to develop a financial overview and forecast in conjunction with the state forecasts in November and February. Specifies financial overview content. The council must review the information with the legislature within two weeks of each forecast.
- 114** **Budget assumptions.** Directs the Metropolitan Council to do the following as part of its budget submission to the legislature: (1) identify the budget assumptions used to prepare the submission; (2) provide copies of any reports or applications that were submitted to the Federal Transit Administration and identify the assumptions made in those reports and applications; and (3) explain the impact of the identified assumptions on the Council's forecast.
- 115** **Duties of the council.** Modifies the required coverage area for the Metropolitan Council's Metro Mobility service area, which has the effect of adding Lakeville.
- 116** **Data practices.** Specifies what data may be shared between the Department of Human Services and the Metropolitan Council for purposes of administering and coordinating special transportation services. Requires the data subject, when applying for or renewing eligibility to use special transportation services to give consent prior to data sharing. Provides for individual opt-out from the data sharing.
- 117** **Operating costs.** Defines operating costs of light rail transit for a provision on state share of the costs.
- 118** **Capital costs.** Prevents state funds from being used for light rail transit capital costs, which applies for funds encumbered on or after June 1, 2018.
- 119** **Legislative report.** Requires the Metropolitan Council, as part of its legislative report on transit finance in the Twin Cities metropolitan area, to identify and explain assumptions and methodologies used to prepare the report.
- 120** **Employees, others, affirmative action; prevailing wage.** Allows the Metropolitan Airports Commission to set employee and consultant salaries in excess of the general salary limits for political subdivisions.
- 121** **Exemptions; certain manufacturers; commissioner of transportation; road maintenance.** Permits MnDOT to waive payment and performance bond requirements for direct negotiation contracts for construction or maintenance work.
- 122** **Pilot program evaluation.** Modifies the due date and recipients for a legislative report on a pilot program (which is being extended in the next section).

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- 123 Expiration.** Extends an expiration date from 2021 to 2024 for a pilot program that allows for community destination signs in Two Harbors.
- 124 Editing MNLARS transactions.** Requires the Department of Public Safety to ensure that deputy registrars are able to edit specified transactions in MNLARS. Effective July 1, 2019.
- 125 Legislative Route No. 180 turnback; speed limit.** Requires the speed limit to remain at 60 miles per hour on any portion of Trunk Highway 54 in Grant County that MnDOT turns over to become under the jurisdiction of the county. Effective June 1, 2018.
- 126 Legislative Route No. 222 removed.** Provides for a county turnback of Trunk Highway 222 following agreement between MnDOT and Red Lake County.
- 127 Legislative Route No. 253 removed.** Provides for a county turnback of Trunk Highway 253 following agreement between MnDOT and Faribault County.
- 128 Legislative Route No. 254 removed.** Provides for a county turnback of Trunk Highway 254 following agreement between MnDOT and Faribault County.
- 129 Legislative Route No. 277 removed.** Provides for a county turnback of Trunk Highway 277 following agreement between MnDOT and Chippewa County.
- 130 Legislative Route No. 298 removed.** Provides for a county turnback of Trunk Highway 298 in Faribault following agreement between MnDOT and the city of Faribault.
- 131 Legislative Route No. 299 removed.** Provides for a county turnback of Trunk Highway 299 in Faribault following agreement between MnDOT and the city of Faribault.
- 132 Legislative Route No. 323 removed.** Provides for a county turnback of Trunk Highway 323 in Faribault following agreement between MnDOT and the city of Faribault.
- 133 Department of Transportation loan conversion and lien release.** Directs MnDOT to convert the outstanding balance on a loan made to Minnesota Commercial Railway to become a grant, cancel all future payment, and release liens on two locomotives established as part of the loan.
- 134 Northstar corridor extension; negotiations.** Directs MnDOT to contact BNSF Railway to commence negotiations on an extension of the Northstar Commuter Rail line to go to St. Cloud. Specifies conditions and aspects of the negotiations, including on frequency of service, train crews, fare collection, and limitations on use of state funds and state expenditures for operating costs.
- 135 Northstar Commuter Rail operating costs; exception.** Permits the Anoka County Regional Railroad Authority to expend reserve funds on Northstar Commuter Rail operations. The authority expires January 1, 2021.
- 136 Marked Interstate Highway 35 signs.** Instructs MnDOT to post signs on I-35 directing motorists to the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind. Specifies related requirements.
- 137 Motor Vehicle Title and Registration Advisory Committee; First Appointments; First Meeting.** Requires appointments to the Motor Vehicle Title Transfer and Registration

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Advisory Committee to be made by September 15, 2018, and the first meeting to take place by November 1, 2018.

- 138 Public awareness campaign.** Requires the Department of Public Safety to conduct a public awareness campaign to increase knowledge about slow-moving traffic in left-hand lanes.
- 139 Retroactive license reinstatement.** Requires the Department of Public Safety to make an individual's driver's license eligible for reinstatement if that license is suspended based on a conviction for driving after suspension or revocation, failure to pay a fee or fine, or both. Provides a process by which a person may have his or her license reinstated. Effective April 1, 2019.
- 140 Commercial driver's license federal regulation waiver request.** Directs the Department of Public Safety to request a federal waiver from a school bus endorsement requirement on a driver's license in order to deliver a purchased bus.
- 141 Revisor's instructions.** Provides technical direction to the Revisor of Statutes. Paragraph (a) makes a conforming change to centralize bicycle-related definitions. Paragraph (b) makes a conforming change to update references to the driver and vehicle services accounts.
- 142 Repealer.** Repeals various sections in conjunction with other provisions in the bill.
- Paragraph (a) repeals language on technology surcharges that have expired.
- Paragraph (b) repeals provisions on the administrative process for household goods mover tariffs filed with MnDOT.
- Paragraph (c) repeals provisions related to airport zoning and planning, including language being replaced in the bill.

Article 25: Agriculture Appropriations

Overview

This article reallocates fiscal year 2019 general fund appropriations to the Minnesota Department of Agriculture (MDA) and modifies certain other appropriations.

Analyst: Colbey Sullivan

- 1 Board of Animal Health.** Cancels a 2007 appropriation for compensation payments to cattle farmers who destroyed cattle due to a bovine tuberculosis outbreak. The appropriation would cancel on June 30, 2021, and any remaining balance would be transferred to the Agricultural Emergency Account and available to MDA for other agricultural emergencies.

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- 2** **Protection services.** Authorizes MDA to reimburse certain University of Minnesota Extension employees. Reimbursement funding would come from a portion of the money appropriated in the 2017 omnibus agriculture finance law to compensate owners of livestock crippled or killed by wolves.
- 3** **Agriculture, bioenergy, and bioproduct advancement.** Reduces the 2019 appropriation for the Agricultural Growth, Research, and Innovation Program and requires MDA to allocate the reduction among specified activities.
- 4** **Administration and financial assistance.** Increases funding in fiscal year 2019 for farm advocate services and mental health counseling. Modifies the fiscal agent for the mental health counseling funding. Authorizes Second Harvest Heartland to use up to 15 percent of a surplus food distribution grant for administration and transportation costs without spending a like amount to match this allowance.

Article 26: Agriculture Statutory Changes**Overview**

This article modifies various agricultural statutes.

Analyst: Colbey Sullivan

- 1** **Payment of inspection fee.** Extends the Minnesota Agricultural Fertilizer Research and Education Council (AFREC) fertilizer surcharge by ten years, to June 30, 2029.
- 2** **Expiration.** Extends AFREC by ten years, to June 30, 2030.
- 3** **Expiration.** Extends the Agricultural Fertilizer Research and Education Program overseen by AFREC by ten years, to June 30, 2030.
- 4** **Expiration.** Extends until June 30, 2030, the dedicated account that holds AFREC surcharge proceeds.
- 5** **Permits; issuance and revocation.** Lowers the seed permit fee for initial labelers that sell native grass and wildflower seed in commercial or agricultural quantities.
- 6** **Persons selling liquor.** Requires MDA to exclude a liquor store's gross sales of off-sale alcoholic beverages when determining the appropriate food-handler license fee.
- 7** **Biomass.** Defines this term for purposes of the Advanced Biofuel Production Incentive, Renewable Chemical Production Incentive, and Biomass Thermal Production Incentive programs.
- 8** **Renewable chemical.** Modifies the definition of "renewable chemical" for purposes of determining a facility's eligibility for the Renewable Chemical Production Incentive Program.

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- 9 Eligibility.** Modifies eligibility for the Advanced Biofuel Production Incentive Program, including the minimum production level and the requirement to source biomass within a certain distance of the production facility.
- 10 Payment amounts; limits.** Expands eligibility for the Advanced Biofuel Production Incentive Program to include advanced biofuel produced from oil or animal fat.
- 11 Eligibility.** Modifies eligibility for the Renewable Chemical Production Incentive Program, including the minimum production level and the requirement to source biomass within a certain distance of the production facility.
- 12 Eligibility.** Modifies eligibility for the Biomass Thermal Production Incentive Program, specifically the requirement to source biomass within a certain distance of the production facility.
- 13 Definitions.** Expands eligibility for the RFA’s pilot agricultural microloan program by authorizing loans to eligible aquaculturists.

Article 27: Housing**Analyst: Anna Scholin**

- 1 Trailer use.** Allows the towing of a trailer with an overdimensional load if done by a licensed building mover or if the load is a permanent structure, manufactured home, or modular home.
- 2 Modular home.** Defines “modular home” as a building manufactured at an off-site location before final assembly on site where it is attached to a permanent foundation and occupied as a single-family dwelling.
- 3 [327.335] Placement of modular homes.** Allows modular homes to be placed in manufactured home parks. Grants modular homes installed in manufactured home parks the same legal rights, obligations, duties, and tax treatment as manufactured homes.
- 4 Public hearing; relocation compensation; neutral third party.** Specifies that there must be a public hearing on the closure within 60 days of receiving notice of a closure statement. Clarifies that the neutral third party appointed to administer the closure of a manufactured home park must be “qualified,” meaning familiar with manufactured housing and the relevant laws. Allows the municipality to select a neutral third party if the parties cannot. Requires the neutral third party keep a detailed accounting of payments under this section, which must be provided to the park owner, the municipality, and the Minnesota Housing Finance Agency, which must in turn include this information in its yearly report.
- 5 Intent to convert use of park at time of purchase.** Allows an entity to purchase a park during the statutory notice period only if the entity agrees in writing to continue to operate the park for at least six years after the date of closing.
- 6 Payment to the Minnesota manufactured home relocation trust fund.** Requires that the Minnesota manufactured home relocation trust fund must have a balance of at least

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\$3,000,000, rather than \$1,000,000, or an assessment on park owners is triggered. Changes the payment deadline for that assessment from September 15 to November 15. Stipulates that if the commissioner of management and budget fails to notify and assess park owners by August 30 of any given year, the park owners' payment obligations are waived for the year. Specifies that the letter explaining the assessment must be sent with the assessment notice.

- 7** **Change in use, relocation expenses; payments by park owner.** Allows relocation costs within a 50-mile radius rather than 25 miles. Requires the neutral third party to process all relocation expense payments, for completed applications, from the trust fund within 14 days. Changes the deadline for Minnesota Housing Finance Agency's reports from January 15 to October 15, requires the report be posted to its website as well, and, starting in 2019, specifies many more details this report must include. Makes technical corrections.
- 8** **Reporting of licensed manufactured home parks.** Adds a new subdivision requiring the Department of Health (and local governments it has delegated to) to provide the Department of Management and Budget license information for each manufactured home park by March 31 each year so invoices for assessments can be sent.
- 9 & 10** Alters the manufacture home park redevelopment grants program to allow funds to be used for the acquisition of manufactured home parks as well.
- 11** **Created.** Expands the economic development and housing challenge program to include manufactured home parks.
- 12** **Eligible recipients.** Includes manufactured home parks on the list of entities eligible to receive grants or loans under the economic development and housing challenge program.
- 13** **Definitions.** Adds definitions for "senior," "senior housing," and "supportive housing."
- 14** **Authorization.** Allows housing infrastructure bonds to be used for either grants or loans to finance affordable manufactured home parks. Adds senior housing to the list of purposes housing infrastructure bonds can be used to provide loans for.
- 15** **Aggregate bond limitation.** Defines "aggregate bond limitation" as up to 55 percent of the reasonably expected aggregate basis of a residential rental project and the land on which the project is or will be located.
- 16** **AMI.** Defines "AMI" as the area median income for the applicable county or metropolitan area as published by the Department of Housing and Urban Development, as adjusted for household size.
- 17** **LIHTC.** Defines "LIHTC" as low-income housing tax credits under section 42 of the Internal Revenue Code.
- 18** **Preservation project.** Defines "preservation project" as a residential rental project (including age-restricted projects) which is expected to generate federal low-income housing tax credits and either (1) receives federal project-based rental assistance or (2) is funded through a loan from or guaranteed by the federal rural development program. The project must also not request an amount of bonds that would exceed the aggregate bond limitation.
- 19** **30 percent AMI residential rental project.** Defines "30 percent AMI residential rental project" as a residential rental project which (1) is not a preservation project, (2) is expected

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to generate federal low-income housing tax credits from all of its residential units, (3) either (i) reserves all residential units for at least 30 years for tenants with incomes of 30 percent of AMI or less, or (ii) is located outside of the seven-county metropolitan area and in an area where the median gross income is less than the statewide median, (4) has all residential units rent-restricted for at least 30 years, and (5) does not request an amount of bonds that would exceed the aggregate bond limitation.

- 20** **50 percent AMI residential rental project.** Defines “50 percent AMI residential rental project” as a residential rental project which (1) is not a preservation project or 30 percent AMI residential rental project, (2) is expected to generate federal low-income housing tax credits from all of its residential units, (3) reserves all residential units for at least 30 years for tenants with incomes of 50 percent of AMI or less, (4) has all residential units rent-restricted for at least 30 years, and (5) does not request an amount of bonds that would exceed the aggregate bond limitation.
- 21** **100 percent LIHTC project.** Defines “100 percent LIHTC project” as a residential rental project which (1) is not a preservation project, 30 percent AMI residential rental project, or 50 percent AMI residential rental project, (2) is expected to generate federal low-income housing tax credits from all of its residential units, and (3) does not request an amount of bonds that would exceed the aggregate bond limitation.
- 22** **20 percent LIHTC project.** Defines “20 percent LIHTC project” as a residential rental project which (1) is not a preservation project, 30 percent AMI residential rental project, 50 percent AMI residential rental project, or 100 percent LIHTC project, (2) is expected to generate federal low-income housing tax credits from at least 20 percent of its residential units, and (3) does not request an amount of bonds that would exceed the aggregate bond limitation.
- 23** **Under federal tax law; allocations.** Removes the reservation of 31 percent of the housing pool for single family housing programs in calendar years 2019 and 2020 only.
- 24** **Entitlement reservations.** Modifies dates related to reallocation of bonds.
- 25** **Eligibility.** Removes language requiring the Minnesota Housing Finance Agency to certify that the project reserves will be maintained at certain levels before residential rental bonds can be used on the project. Instead the owner must enter a binding agreement with the issuer obligating the owner to extend any existing income restrictions or agreement for rental assistance payments for the maximum term permitted.
- 26** **15-year agreement.** Adds to the agreement a developer must enter before being issued residential rental bonds. Stipulates that the developer must also agree to maintain the project as the type of project an application was made for.
- 27** **[474A.061] Manufacturing, housing, and public facilities pools.**

Subd. 1. Allocation application; small issue pool and public facilities pool.

Divides the existing subdivision into allocations from the small issue and public facilities pools (still subdivision 1) and allocations from the housing pool (now subdivision 1a). Makes conforming changes in line with limiting this subdivision to

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only the small issue and public facilities pools. Modifies the application deposit timeline. Allows payment of deposit by wire transfer as well as check.

Subd. 1a. Allocation application; housing pool. Adds a subdivision outlining applications for allocation from the housing pool. Increases the application deposit to two percent of the requested application regardless of when the deposit is paid. Requires two new application items: (1) a sworn statement identifying the type of project and (2) a certification of whether the requested allocation exceeds the aggregate bond limitation. Removes the prior requirement that an application state whether the project preserves existing federally subsidized housing for residential rental project applications and whether the project is restricted to seniors. Allows payment of deposit by any means, not just by check.

Subd. 2a. Housing pool allocation. Replaces existing preference for projects that preserve existing federally subsidized housing and are not age-restricted with a new order of priority. Prioritizes applications in this order: (1) preservation projects; (2) 30 percent AMI residential rental projects; (3) 50 percent AMI residential rental projects; (4) 100 percent LIHTC projects; (5) 20 percent LIHTC projects; (6) single-family housing programs after June 1 in calendar years 2018, 2019, and 2020, and after January 1 starting in calendar year 2021; and (7) other residential rental projects that do not request an amount of bonds that exceeds the aggregate bond limitation. Stipulates that if there are multiple applications at the same priority level and insufficient bonding authority to make full allocations to all of them, that projects will be selected by lot until the remaining authority is insufficient to fulfill a selected project's request, at which point all remaining authority shall be allocated to that project and if that project applies for an allocation again in the same calendar year or in the next successive housing pool, the project shall get the lesser of the available bonding authority or the remainder of its full allocation request before any new projects with equal or lower priority, with that process continuing until the project receives its full allocation request. Requires that issuers must, by the last business day in December, either issue obligations or elect to carry forward an allocation by submitting notice to the commissioner and paying an additional application deposit of one percent of the allocation. Modifies various timelines.

Subd. 2b. Small issue pool allocation. Modifies allocation timelines.

Subd. 2c. Public facilities pool allocation. Modifies allocation timelines.

Subd. 4. Return of allocation; deposit refund for small issue pool or public facilities pool. Divides the existing subdivision into deposit refunds for the small issue and public facilities pools (still subdivision 4) and deposit refunds for the housing pool (now subdivision 4a). Makes conforming changes in line with limiting this subdivision to only the small issue and public facilities pools. Modifies the allocation cancellation timeline.

Subd. 4a. Return of allocation; deposit refund for housing pool. Adds a subdivision outlining deposit refunds for the housing pool. Makes conforming changes to keep the process the same as under subdivision 4, but limited to the housing pool and adapted to its new timeline under subdivision 2a.

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28 [474A.062] **Minnesota Office of Higher Education issuance exemption.** Exempts the Minnesota Office of Higher Education from any time limit on the issuance of bonds under this chapter.

29 [474A.091] **Allocation of unified pool.**

Subd. 1. Unified pool amount. Modifies the timeline for transfer of bonding authority to the unified pool.

Subd. 2. Application for residential rental projects. Divides the existing subdivision into applications for residential rental projects (still subdivision 2) and applications for all other types of qualified bonds (now subdivision 2a). Makes conforming changes in line with limiting this subdivision to only residential rental projects. Removes the prior requirement that an application state whether the project preserves existing federally subsidized housing for residential rental project applications and whether the project is restricted to seniors. Adds two new application items: (1) a sworn statement identifying the type of project, and (2) a certification of whether the requested allocation exceeds the aggregate bond limitation. Forbids applications requesting in excess of the aggregate bond limitation from applying or being allocated bonding authority until after September 1 each year. Allows payment of application deposits by any means, not just check. Requires that issuers must, by the last business day in December, either issue obligations or elect to carry forward an allocation by submitting notice to the commissioner and paying an additional application deposit of one percent of the allocation.

Subd. 2a. Application for all other types of qualified bonds. Adds a subdivision outlining applications for all types of qualified bonds other than residential rental projects. Makes conforming changes to keep the process the same as it had been under subdivision 2, but limited to non-housing bonds.

Subd. 3. Allocation procedure. Modifies the allocation timeline. Replaces existing preference for projects that preserve existing federally subsidized housing and are not age-restricted with a new order of priority. Prioritizes applications in this order: (1) preservation projects; (2) 30 percent AMI residential rental projects; (3) 50 percent AMI residential rental projects; (4) 100 percent LIHTC projects; (5) 20 percent LIHTC projects; (6) other residential rental projects that do not request an amount of bonds that exceeds the aggregate bond limitation; and (7) other residential rental projects which apply after September 1 and do not request an amount of bonds that exceeds the aggregate bond limitation. Stipulates that if there are multiple applications at the same priority level and insufficient bonding authority to make full allocations to all of them, that projects will be selected by lot until the remaining authority is insufficient to fulfill a selected project's request, at which point all remaining authority shall be allocated to that project and if that project applies for an allocation again in the same calendar year or in the next successive housing pool, the project shall get the lesser of the available bonding authority or the remainder of its full allocation request before any new projects with equal or lower priority, with that process continuing until the project receives its full allocation request.

Subd. 3a. Mortgage bonds. Modifies the allocation timeline.

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Subd. 5. Return of allocation; deposit refund. Modifies the allocation cancellation timeline. Sets up a different schedule of application deposit returns and amounts for residential rental bond projects from that which applies to all other types of bonds.

Effective date: This section is effective January 1, 2019, except for subdivision 3, paragraph (g), which is effective the day following final enactment.

30 [474A.131] Notice of issue and notice of carryforward.

Subd. 1. Notice of issue. Makes technical conforming changes. Sets up a different schedule of application deposit returns and amounts for residential rental bond projects from that which applies to all other types of bonds.

Subd. 1b. Deadline for issuance of qualified bonds. Includes the election to carry forward an allocation of residential rental project bonds to the list of things an issuer must notify the department of before the last business day in December.

Subd. 4. Allocation plan. Adds a subdivision requiring the Minnesota Housing Finance Agency to prepare an annual tax-exempt bond allocation plan which must be available for public comment for at least two weeks. Forbids the Minnesota Housing Finance Agency from filing Internal Revenue Service Form 8328 until the public comment period on that plan is closed, unless required by federal law.

31 [474A.14] Notice of available authority. Modifies the date for the Minnesota Housing Finance Agency to post notice on its website of the amount of bonding authority available for allocation in the unified pool to make the deadline “as soon after July 1 as possible.”

32 [474A.21 Appropriation; receipts. Makes conforming changes.

33 – 35 These sections create a statutory form that a homeowner could record with the county to discharge restrictive covenants affecting protected classes. Those restrictive covenants are already prohibited, and have been found to be unconstitutional and therefore unenforceable. But in the abstract system, the covenants remain in the historical record. This form would allow a form recorded related to the title of the property to clarify the restrictive covenant is ineffective and is legally discharged from the property. The county recorders office could charge a fee for recording the document.

36 Assigned risk transfer. Transfers money to the manufactured home relocation trust fund if there is an excess surplus in the assigned risk plan. This transfer takes place before any similar transfer to the Minnesota minerals 21st century fund. This section expires once a total of \$3,000,000 has been transferred to the rural policy and development center fund.

37 Advances to the Minnesota manufactured home relocation trust fund. Allows, until June 30, 2010, the Minnesota Housing Finance Agency to advance up to \$400,000 from its available resources to the Minnesota manufactured home relocation trust fund if necessary to pay claims on the trust fund. States that the agency will be reimbursed from the trust fund for any such advances.

38 Housing affordability fund; 2019 allocations. Allows the option of creating a 10 percent set aside from allocations from the housing affordability fund, pool 3, in 2019, for development of single-family homeownership, small rental housing projects in less

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populated areas, and manufactured housing projects. Any such set aside only lasts until June 1, 2019, after which any remaining money is available to all eligible projects.

- 39 Repealer.** Repeals the exception to the prohibition on rent control ordinances. Currently, cities, towns, and counties can pass local rent control measures if the measure is approved in a general election and allowed by special legislation.
- 40 Effective date.** Sections 15 to 32 are effective January 1, 2019, except as otherwise specified.

Article 28: Public Safety Appropriations**Overview**

This article contains appropriations for the following: GAL Board, Department of Public Safety, Department of Human Services, and Department of Corrections, and transfers money to the peace officer training account and disaster contingency account.

Analysts: Ben Johnson and Jeff Diebel

- 1 Appropriations.** Summarizes direct appropriations by fund.
- 2 Guardian ad litem board.** Appropriates an additional \$2,940,000 in FY19 to the GAL board to hire additional staff. [**H.F. 4399/S.F. 3961**]
- 3 Public Safety.** Appropriates an additional \$423,000 in FY19. Of this amount, \$48,000 is for the task force on missing and murdered indigenous women [**H.F. 4273**]; \$100,000 from the driver services operating account is for ignition interlock [**H.F. 3276**] and \$275,000 is for two forensic scientists and laboratory supplies for the Bureau of Criminal Apprehension.
- 4 Corrections.** Appropriates an additional \$6,600,000 in FY19 to the department of corrections for the inmate healthcare contract. [**S.F. 3656**]
- 5 Human Services.** Appropriates \$12,000 in FY19 to the Department of Human Services to update a paternity training video. [**H.F. 1719/S.F. 3574**]
- 6 Transfer; peace officer training account deficiency.** Transfers \$125,000 in fiscal year 2019 only from the general fund to the peace officer training account to pay for a projected deficiency in that account.
- 7 Transfer; federal disaster, DR-4069.** Requires the commissioner of management and budget to transfer any unexpected balance appropriated to the Department of Public Safety for Federal Disaster DR-4069 to the disaster contingency account. This is a onetime transfer.

Section**Article 29: Courts****Overview**

This article contains provisions relating to the courts.

Analysts: Ben Johnson and Jeff Diebel

- 1** **Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c).** Changes when an action for nonpaternity can be brought in cases where the parents are married from two years after the father had a reason to believe he is not the father to three years. Removes the bar to bringing an action from three years after the child’s birth. [H.F. 1719/S.F. 3574]
- 2** **Actions under other paragraphs of section 257.55, subdivision 1.** Creates a limit to the time in which an action for nonpaternity can be brought after a father starts holding a child out as his own without paternity being established under any other section. [H.F. 1719/S.F. 3574]
- 3** **Nonexistence of father-child relationship.** Provides what should be in a petition for nonpaternity, what factors the court should consider in determining nonpaternity, what the court order must contain if the court grants the relief requested, and requires the proof to declare nonpaternity be proven by clear and convincing evidence. Current law does not provide a specific procedure for declaring nonpaternity. [H.F. 1719/S.F. 3574]
- 4** **Action to vacate a recognition.** Allows an action to vacate a recognition of paternity to be brought within three years of the time the person believes the father listed on the recognition of parentage is not the father of the child. This section is effective on July 1, 2018, and applies to recognition of parentage signed on or after that date. [H.F. 1719/S.F. 3574]
- 5** **Court technology fund.** Extends the sunset of the Court Technology Fund to June 30, 2023, and requires continuing reports to the Legislature regarding fund activity. The 2013 Legislature established the Court Technology Fund to develop, support, maintain, and upgrade court and court-related computer systems and initiatives. A \$2 technology fee, which pays for the projects, is collected on court filings and motions and deposited in the court technology account in the special revenue fund. Under current law, the fund sunsets June 30, 2018. [S.F. 3656/H.F. 3231]
- 6** **Reopening.** Provides that in actions to review a divorce decree for issues of mistake, fraud, or other reasons, when the basis of the action is to declare the nonexistence of the father and child relationship then the action must be brought within a reasonable time and within three years of the time the person has reason to believe the father is not the father of the child. Current law for all motions under this section is that the action must be brought within one year of the entry of the judgment and decree. [H.F. 1719/S.F. 3574]
- 7** **Definition.** Amends the definition of “exonerated” to mean either:
 - a court vacated or reversed a judgment of conviction on grounds consistent with innocence and either (a) there are no remaining felony charges in effect against the

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petitioner arising from the same behavioral incident or (b) if there are remaining felony charges arising from the same behavioral incident, the prosecutor dismissed those charges; or

- a court ordered a new trial on grounds consistent with innocence and either (a) the prosecutor dismissed all felony charges against the petitioner that arose from the same behavioral incident or (b) the petitioner was found not guilty of all felony charges that arose from the same behavioral incident.

Further amends the definition to apply only to situations where 60 days have passed since the court reversed or vacated the judgment of conviction and either (a) the prosecutor has not filed new felony charges arising out of the same behavioral incident or (b) any newly filed felony charges were dismissed or resulted in a not guilty verdict at trial. Defines “on grounds consistent with innocence” as either exonerated through (1) a pardon based on factual innocence or (2) the vacation or reversal of a judgment of conviction based on evidence of factual innocence. [H.F. 3677/S.F. 2778]

- 8 Procedure.** Eliminates a deadline for individuals exonerated before the law went into effect in 2014 which required those individuals to file a petition for compensation based on exoneration by July 1, 2016. Permits a person who did not meet both requirements of subdivision 1, clause (1), item (i) before July 1, 2018 to file a petition for compensation based on exoneration at any time between July 1, 2018 and July 1, 2020. [H.F. 3677/S.F. 2778]
- 9 Elements.** Removes references to “in prison” and “imprisonment” and inserts the term “incarceration.” Expands the category of individuals permitted to file a petition for compensation despite serving a term of incarceration for another crime to include those sentenced to additional executed sentences that had been stayed, but were executed as a result of the conviction that is the basis of the petition. [H.F. 3677/S.F. 2778]
- 10 Order.** Replaces the term “imprisonment” with “incarceration.” [H.F. 3677/S.F. 2778]
- 11 Common law crimes abolished.** Amends the statute abolishing common law crimes to clarify that the common law doctrine known as amelioration does not apply unless a statute specifically states otherwise. The amelioration doctrine arises from common law. Under the doctrine, an act mitigating or otherwise reducing the punishment for an offense applies to all cases that were not final at the time the new law took effect, even if the offense took place earlier. [H.F. 2855/S.F. 2756]
- 12 Reimbursement; monetary damages; attorney fees.** Permits a person to apply for actual damages in addition to statutory damages for each year of incarceration. [H.F. 3677/S.F. 2778]
- 13 Limits on damages.** Replaces the term “imprisonment” with “incarceration.” [H.F. 3677/S.F. 2778]
- 14 Compensating exonerated persons; appropriations.** Removes the requirement that consideration of an appropriation for the amount of any award to an exonerated person take place during the next legislative session. [H.F. 3677/S.F. 2778]

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- 15** **Short title.** Amends the title of provisions related to compensation based on exoneration from the “Imprisonment and Exoneration Remedies Act” to the “Incarceration and Exoneration Remedies Act.” [H.F. 3677/S.F. 2778]
- 16** **Application and orders.** Amends the statute concerning the sealing and disclosure of a warrant for wire, electronic, or oral communications to distinguish and exempt location-tracking warrants from the general requirements. Location-tracking warrants have unique restrictions and requirements under statute. [H.F. 2309/S.F. 1589]
- 17** **Nondisclosure of existence of pen register, trap and trace device, or mobile tracking device.** Amends the statute concerning the sealing of a warrant for a pen register, trap-and-trace device, or mobile tracking device to distinguish and exempt location-tracking warrants from the requirements. [H.F. 2309/S.F. 1589]

Article 30: Public Safety, Corrections, and General Crime**Overview**

This article contains provisions relating to public safety and corrections, and provisions modifying existing criminal penalties and creating new penalties.

Analysts: Ben Johnson and Jeff Diebel

- 1** **Violations; driving without valid license.** Enhances the penalties for driving without a valid license under some circumstances. Under current law, it is generally a misdemeanor to drive after a license has been suspended, revoked, or canceled, or after the person is disqualified for or denied a commercial driver’s license. The bill makes it a gross misdemeanor if the person drives after loss of driving privileges and:
- causes a crash resulting in substantial bodily harm or death; or
 - commits the violation for a third or subsequent time within ten years and, at the time of the current violation, the loss of driving privileges was due to (1) committing one of the listed driving offenses, (2) being an habitual offender, (3) having been found to be incompetent or unsafe to drive a motor vehicle, or (4) being classified as legally blind or having a vision impairment.
- [H.F. 192/S.F. 1097]
- 2** **Cancellation for disqualifying and other offenses.** Requires the Commissioner of Public Safety to cancel the school bus driver’s endorsement for a person who receives a stay of adjudication for a disqualifying offense. [H.F. 2934]
- 3** **Background check.** Prohibits the Commissioner of Public Safety from issuing or renewing a school bus driver’s endorsement to a person who receives a stay of adjudication for a disqualifying offense. [H.F. 2934]

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- 4** **Charges to counties.** Removes the requirement that expenses and revenue balance over a two-year period from the formula used to calculate the per diem cost of confinement for juveniles committed to the commissioner or corrections. **[H.F. 3554/S.F. 3216]**
- 5** **Annual transfer.** Directs the commissioner of management and budget to make an annual transfer of \$461,000 to the community justice reinvestment account. **[S.F. 3656]**
- 6** **Prohibition on disarming local law enforcement officers.** Requires law enforcement agencies to allow peace officer's employed by the agency who are in good standing to carry firearms while on duty. **[H.F. 3611/S.F. 3794]**
- 7** **Certified copy of disqualifying offense convictions sent to public safety and school districts.** Requires a criminal court to notify the Department of Public Safety and relevant school districts if the court grants a stay of adjudication for a disqualifying offense to an offender who has a school bus driver's endorsement. **[H.F. 2934]**
- 8** **Task force on missing and murdered indigenous women.** Creates a task force to address violence against indigenous women and defines the standards and requirements for the task force.
- Subd. 1. Creation and duties.** Creates a task force effective September 1, 2018 and directs that the task force examine and report on five specific subjects addressing the systemic causes behind violence against indigenous women, appropriate methods for tracking and collecting data, government policies and institutions that impact violence against indigenous women, and appropriate measures to address the violence and assist victims and their families.
- Subd. 2. Membership.** Identifies multiple categories of individuals to serve on the task force including legislators, representatives from law enforcement, prosecutors or judges, the Department of Health, tribal governments, and nongovernment agencies who work with indigenous women and girls.
- Subd. Officers; meetings.** Directs the task force to elect a chair and vice-chair from its legislative members and meet at least quarterly. Further directs the task force to enlist the cooperation of experts and hold open meetings.
- Subd. 4. Report.** Requires a report to the legislature by June 30, 2020.
- Subd. 5. Expiration.** States that the task force expires on June 30, 2020.
- [H.F. 3375]**
- 9** **Superseding amendment.** States that the amendment to section 631.40, subdivision 1a, in section 7, supersedes any other amendment to that section that is enacted in this act.
- 10** **Revisor's instruction.** Directs the revisor to make cross-referencing changes to statutes and rules relating to 2016 changes to the criminal vehicular operation crime. **[S.F. 3656]**
- 11** **Repealer.** Repeals section 401.13 which directs the commissioner to charge the Community Corrections Act (CCA) counties the full per diem cost for juveniles confined in a state correctional facility. This change treats CCA counties in the same manner as other counties from which the commissioner of corrections charges 65 percent of the per diem cost of confinement of juveniles. **[H.F. 3354/S.F. 3216]**

Section**Article 31: Sex Offender****Overview**

This article contains a variety of provisions that either modify existing penalties or create new penalties for sex offenses.

Analysts: Ben Johnson and Jeff Diebel

- 1** **Duty to ensure placement prevention and family reunifications; reasonable efforts.** Provides that family reunification efforts otherwise required under the CHIPS law are not required when a parent receives a stay of adjudication for an offense that constitutes sexual abuse. [H.F. 2934/S.F. 2669]
- 2** **Limits of sentences.** Requires a sentencing judge to justify in writing a stay of adjudication for felony criminal sexual conduct offenses. [H.F. 2906]
- 3** **Current or recent position of authority.** Broadens the definition of “position of authority” in the criminal sexual conduct statutes. Currently, felony penalties apply to an adult who sexually penetrates or contacts a 16 or 17 year old juvenile when the adult is in a position of authority over the juvenile. This section:
 - Extends the definition so that an adult who was recently (*i.e.*, within the past 120 days) in a position of authority over a 16 or 17 year old is also subject to criminal penalties for having a sexual relationship with the juvenile. [H.F. 3260]
 - Extends the definition of position of authority to cases where an adult “assumed” authority over a victim. Currently, the provision only applies when the adult is “charged” with providing some parental obligation to the juvenile. [H.F. 3260]
- 4** **Crime defined.** Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 3. [H.F. 3260/S.F. 2864]
- 5** **Crime defined.** Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 3. [H.F. 3260/S.F. 2864]
- 6** **Crime defined.** Contains two changes to the offense of 3rd degree criminal sexual conduct:
 - Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 3. [H.F. 3260/S.F. 2864]
 - Creates a new criminal sexual conduct offense specific to peace officers. Prohibits a peace officer from sexually penetrating a person who is restrained by the peace officer or otherwise does not reasonably feel free to leave the officer’s presence. A peace officer would not be entitled to assert victim consent as a defense. Provides an exception for lawful searches. [H.F. 3371/S.F. 3291]

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- 7 **Crime defined.** Contains three changes to the offense of 4th degree criminal sexual conduct:
- Updates a reference to “position of authority” to reflect changes made to the definition of the term in section 3. [H.F. 3260/S.F. 2864]
 - Strikes language related to the marital rape exception which is repealed in section 18. [H.F. 3465/S.F. 3139]
 - Creates a new criminal sexual conduct offenses specific to peace officers. Prohibits a peace officer from sexually contacting a person who is restrained by the peace officer or otherwise does not reasonably feel free to leave the officer’s presence. A peace officer would not be entitled to assert victim consent as a defense. [H.F. 3371/S.F. 3291]
- 8 **Crime defined.** Eliminates the exclusion to fifth degree criminal sexual conduct—a first-time violation of which is a gross misdemeanor—for intentionally touching the clothing covering the immediate area of the buttocks. [H.F. 2800/S.F. 3425]
- 9 **Surreptitious intrusion; observation device.** Creates a new enhanced felony penalty (statutory maximum sentence of up to four years imprisonment and/or \$5,000 fine) for a violation of section 609.746, subdivision 1 (surreptitious intrusion), if the offense involved use of a recording device, the victim was a minor, the offender was more than 36 months older than the victim, the offender knew or had reason to know of the minor’s presence, and the offense was committed with sexual intent. A person convicted under this provision must also register as a predatory offender. (See Article 5 summary.) [S.F. 2699]
- 10 **Use of minor.** Increases the statutory maximum penalty for using a minor in a sexual performance or pornographic work if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender. [S.F. 2699]
- 11 **Operation or ownership of business.** Increases the statutory maximum penalty for a business owner who shows a pornographic work involving a minor if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender. [S.F. 2699]
- 12 **Dissemination.** Increases the statutory maximum penalty for dissemination of child pornography for a profit to 15 years if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender. [S.F. 2699]
- 13 **Conditional release term.** Increases the conditional release term for offenders convicted of child pornography for profit from ten years to 15 years for repeat offenders. [S.F. 2699]
- 14 **Dissemination prohibited.** Increases the statutory maximum sentence for dissemination of child pornography to 15 years for offenses that have a victim under the age of 13. [S.F. 2699]
- 15 **Possession prohibited.** Increases the statutory maximum sentence for possession of child pornography to ten years for offenses that have a victim under the age of 13. [S.F. 2699]
- 16 **Conditional release term.** Increases the conditional release term for offenders convicted of child pornography from 10 years to 15 years for repeat offenders. [S.F. 2699]

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- 17 Sentencing Guidelines Modification.** Directs the Sentencing Guidelines Commission to comprehensively review the issue and consider modifications of the sex offender grid for the offenses of manufacturing, disseminating, and possessing child pornography. [S.F. 2699]
- 18 Repealer.** Repeals the shield to prosecution for certain criminal sexual conduct offenses granted to participants in designated voluntary relationships, commonly referred to as the marital rape exception. [H.F. 3465/S.F. 3139]

Article 32: Predatory Offender**Overview**

This article contains a variety of provisions modifying the process of predatory offender registration.

Analysts: Ben Johnson and Jeff Diebel

- 1 Filing photograph or image.** Authorizes the use of an offender's driver's license photograph to locate a non-compliant predatory offender. [H.F. 3578/S.F. 3604]
- 2 Registration required.** Adds the new enhanced felony surreptitious intrusion crime involving a minor to the list of crimes that require predatory offender registration. [S.F. 2699]
- 3 Notice.** Provides the correct name for a court form and directs that local law enforcement with jurisdiction over an offender provide notice of the registration requirements to the offender, if the offender does not have an assigned corrections agent. [H.F. 3578/S.F. 3604]
- 4 Contents of registration.** Requires collection of a DNA sample as part of registration. Authorizes a corrections agent or law enforcement authority to determine if an individual is in compliance with the registration requirements chosen by the agent or authority. Establishes the protocol that existing registrants who do not already have a DNA sample on file will comply with the new DNA requirement. [H.F. 3578/S.F. 3604]
- 5 Notices in writing; signed.** Defines a signature to include ink, electronic means established by the BCA, or biometrics established by the BCA. [H.F. 3578/S.F. 3604]
- 6 Criminal penalty.** Amends the knowledge requirement in the criminal penalty section of the predatory offender statute to say that a person who was given notice, knows, or reasonably should know of the duty to register is guilty of a felony if that person commits an act, or fails to fulfill a requirement, in violation of the registration requirements. This change is in response to *State v. Mikulak*, a recent Minnesota Supreme Court decision which overturned a conviction for failing to register as a predatory offender because the defendant claimed he did not know about the specific registration requirement that he was convicted of violating. [H.F. 3578/S.F. 3604]

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- 7 **Registration period.** Provides that if an individual is not in compliance with his registration requirement at the end of his registration period, the offender is required to register for an additional two years. [H.F. 3578/S.F. 3604]
- 8 **Use of data.** Authorizes corrections agents to share predatory offender data with child protection services as required under section 244.057. (See also section 10.) [H.F. 3578/S.F. 3604]
- 9 **Availability of information on offenders who are out of compliance with registration law.** Authorizes the BCA to disclose to the public that an offender—who is over 16 years old and out of compliance for 30 days or more—is out of compliance because the offender absconded. [H.F. 3578/S.F. 3604]
- 10 **Database of registered predatory offenders.** Authorizes corrections agents to share predatory offender data with child protection services as required under section 244.057. [H.F. 3578/S.F. 3604]

Article 33: DWI**Overview**

This article contains provisions allowing the use of an out-of-state conviction for criminal vehicular homicide or injury to be used to enhance a DWI charge in Minnesota and expanding the required use of ignition interlock.

Analysts: Ben Johnson and Jeff Diebel

- 1 **Degree described.** Expands the list of prior convictions that enhance an offense to first-degree driving while impaired by including convictions for a felony in another state for criminal vehicular homicide and injury committed while under the influence of a substance when the other state's statute is in conformity with Minnesota law. Under current law, a person who drives while under the influence commits a first-degree offense if the person:
- commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;
 - has previously been convicted of a first-degree driving while impaired offense; or
 - has previously been convicted of a felony under Minnesota statutes addressing criminal vehicular homicide and injury committed while under the influence of a substance.

A qualified prior impaired driving incident can take place under Minnesota law or under the law of another state that is in conformity with Minnesota law. [H.F. 2856/S.F. 2755]

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- 2 Reinstatement of driving privileges; multiple incidents.** Requires certain DWI offenders to either (1) participate in the ignition interlock program or (2) not own or lease a vehicle and have no DWI or driver's license violations before the person's driver's license may be reinstated.
- For a person who uses ignition interlock, that person must comply with the program for one year if the individual's license was revoked for (1) a second qualified prior impaired driving incident in ten years or more, or (2) a third qualified prior impaired driving incident in the person's lifetime. The provision requires two years of ignition interlock for a person whose license was revoked for either of those reasons and the person either (1) had an alcohol concentration of twice the legal limit or (2) refused to submit a required breath, blood, or urine sample. Under current law, offenders with fewer than three DWIs may either: (1) go on ignition interlock to be able to drive during their revocation period; or (2) not drive and "wait out" the revocation period. At the end of the revocation period, the offender can seek reinstatement of full driving privileges regardless of which option was chosen.
- Requires the commissioner of public safety to follow the full rulemaking process in establishing performance standards and a process for certifying chemical monitoring devices. Under current law, those standards and procedures are exempt from rulemaking requirements. **[H.F. 3726/S.F. 3300]**
- 3 Conditions of issuance.** Allows limited licenses for DWI offenders with drug-related offenses. Restricts limited licenses under the ignition interlock program to DWI offenders with alcohol-related offenses. **[H.F. 3726]**
- 4 Other waiting periods.** Reinstates pre-2011 hard revocation periods that apply before a DWI offender with a drug-related offense can receive a limited license. **[H.F. 3726]**
- 5 Definitions.** Limits participation in the ignition interlock program to DWI offenders with alcohol-related offenses. **[H.F. 3726]**
- 6 Performance standards; certification; manufacturer and provider requirements.** Requires contracts between ignition interlock manufacturers and program participants to include a provision requiring the manufacturers to pay any towing or repair costs caused by device failure or malfunction, or by damage caused during device installation, servicing, or monitoring.

Section**Article 34: Health Care****Overview**

This article contains provisions related to the administration of the medical assistance and MinnesotaCare programs. The article also establishes the Minnesota Health Policy Commission to make recommendations to the legislature on health care policy and financing.

Analyst: Randall Chun

- 1 **Request contents.** Amends § 3.3005, subd. 8. Requires state agencies, when making a request to the Legislative Advisory Commission to spend federal funds, to provide with the request a narrative description of the commitments required that includes whether continuation of any FTE positions will be a condition of receiving the federal funds.
- 2 **Classifications.** Amends § 13.69, subd. 1. Requires the Department of Public Safety to provide the last four digits of drivers' Social Security numbers to DHS for purposes of recovery of Minnesota health care program benefits paid. Provides a July 1, 2018 effective date.
- 3 **Minnesota health policy commission.** Adds § 62J.90. Establishes the Minnesota Health Policy Commission to make recommendations to the legislature on changes in health care policy and financing. The commission is required to: (1) compare private market health care costs and public health care program spending to that of other states; (2) compare the private health care market care costs and public health care program spending in any given year to its costs and spending in previous years; (3) identify factors that influence and contribute to Minnesota's ranking for private market health care costs and public health care program spending; (4) monitor efforts to reform the health care delivery and payment system to understand emerging trends in the health insurance market; and (5) make recommendations for health care reform. This commission expires June 15, 2024.
- 4 **Eligibility verification.** Adds § 256.0113.
 - Subd. 1. Verification required; vendor contract.** (a) Requires the commissioner to ensure that MA, MinnesotaCare, child care assistance programs under chapter 119B, and Supplemental Nutrition Assistance Program (SNAP) eligibility determinations include the verification of income, residency, identity, and when applicable, assets and compliance with SNAP work requirements.
 - (b) Requires the commissioner to contract with a vendor to verify the eligibility of MA, MinnesotaCare, child care assistance program, and SNAP enrollees during a specified audit period.
 - (c) Specifies the vendor to comply with data privacy requirements and to use encryption. Requires penalties for noncompliance.

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- (d) Requires the contract to include a data sharing agreement, under which vendor compensation is limited to a portion of the savings.
- (e) Requires the commissioner to use existing resources to fund agency administrative and technology-related costs.
- (f) Requires state savings, after vendor payment, to be deposited into the health care access fund.

Subd. 2. Verification process; vendor duties. (a) Specifies requirements for the verification process, which includes data matches against federal and state data sources.

(b) Requires the vendor, upon preliminary determination that an enrollee is eligible or ineligible, to notify the commissioner. Requires the commissioner to accept or reject this determination within 20 days. States that the commissioner retains final authority over eligibility determinations. Requires the vendor to keep a record of all preliminary determinations.

(c) Requires the vendor to recommend to the commissioner a process that allows ongoing verification of enrollee eligibility under MNsure and other agency eligibility determination systems.

(d) Requires the commissioner and the vendor to jointly submit an eligibility verification audit report to legislative committees. Specifies requirements for the report.

(e) Requires the vendor contract to be awarded for a one-year period, beginning January 1, 2019. Allows renewal for up to three years and additional verification audits, if the commissioner or legislative auditor determines that state eligibility determination systems cannot effectively verify MA, MinnesotaCare, child care assistance program, and SNAP enrollee eligibility.

- 5** **Disproportionate numbers of low-income patients served.** Amends § 256.969, subd. 9. Requires the commissioner, for discharges between January 1, 2019 through June 30, 2019, to provide an additional payment adjustment for hospitals with high levels of administering high-cost drugs to MA fee-for-service enrollees. Requires the commissioner to consider factors such as fee-for-service utilization and payments for 340B drugs. Limits payments above the disproportionate share hospital (DSH) limit to the nonfederal share. Limits the nonfederal share to \$1.5 million.
- 6** **Competitive bidding.** Amends § 256B.04, subd. 14. Prohibits the commissioner from utilizing volume purchasing through competitive bidding for incontinence products and related supplies.
- 7** **Provider enrollment.** Amends § 256B.04, subd. 21. Exempts a rehabilitation agency from termination or denial as an MA provider, if the agency is unable to retain Medicare certification and enrollment solely due to a lack of Medicare billing, and other criteria are met.
- 8** **Telemedicine services.** Amends § 256B.0625, subd. 3b. Provides an exception to the MA limit on telemedicine services of three services per enrollee per calendar week, if the

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telemedicine services are: (1) provided by the licensed health care provider for the treatment and control of tuberculosis; and (2) provided in a manner consistent with the recommendations and best practices specified by the Centers for Disease Control and Prevention and the commissioner of health. Adds community paramedics to the list of licensed health care providers eligible to provide telemedicine services under MA.

- 9** **Drugs.** Amends § 256B.0625, subd. 13. Strikes language relating to the quantity of over-the-counter medications that may be dispensed (conforming change to the amendment to § 256B.0625, subd. 13e).
- 10** **Payment rates.** Amends § 256B.0625, subd. 13e. Makes a variety of changes to MA payment methods for outpatient prescription drugs. These changes include:
- setting payment based on the ingredient cost of the drugs plus a professional dispensing fee
 - defining usual and customary price
 - setting the dispensing fee for drugs meeting the federal definition of “covered outpatient drugs” at \$10.48 and specifying dispensing fees for other types of drugs
 - requiring dispensing fees to be pro-rated based upon the quantity of a drug dispensed
 - requiring the National Average Drug Acquisition Cost (NADAC) to be used to determine the ingredient cost of a drug
 - directing the commissioner to estimate the ingredient cost at wholesale acquisition cost (WAC) minus two percent, for drugs for which a NADAC is not reported
 - setting the ingredient cost for 340B drugs at the 340B pricing program maximum allowable cost, instead of WAC minus 40 percent as under current law
 - modifying the method used to calculate the maximum allowable cost of multisource drugs
 - eliminating add-ons to the dispensing fee for certain drugs dispensed to long-term care facility residents using a unit dose blister card system
 - making additional changes related to payment for drugs
- 11** **Prior authorization.** Amends § 256B.0625, subd. 13f. Eliminates the prohibition on use of prior authorization for certain antihemophilic factor drugs.
- 12** **Transportation services oversight.** Amends § 256B.0625, by adding subd. 17d. Requires the commissioner to contract with a vendor or dedicate staff for the oversight of providers of nonemergency medical transportation services.
- 13** **Transportation provider termination.** Amends § 256B.0625, by adding subd. 17e. (a) States that a terminated NEMT provider, including related individuals and affiliates, is not eligible to enroll as a NEMT provider for five years following termination.
- (b) Requires terminated providers who reenroll to be placed on a one-year probation period, during which the commissioner shall complete unannounced site visits and request documentation to review compliance with program requirements.
- Provides that the section is effective July 1, 2018.

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- 14** **Transportation provider funding.** Amends § 256B.0625, by adding subd. 17f. Requires the commissioner to provide training materials to NEMT providers and drivers.
- 15** **Reimbursement for doula services.** Adds § 256B.758. Increases the MA reimbursement rate for doula services to \$47 per prenatal or postpartum visit up to a total of six visits; and \$488 for attending and providing doula services at a birth, beginning July 1, 2018.
- 16** **Covered outpatient drug rule.** Requires the commissioner of human services, in collaboration with specified entities, to assess the impact of implementing the federal Covered Outpatient Drug Rule and develop a proposal to minimize negative impacts on providers and enrollees. Requires the commissioner to report the proposal to the legislature by February 15, 2019.
- 17** **Pain Management.** Requires the Health Services Policy Committee, established by the Commissioner of Human Services, to evaluate and make recommendations on the integration of nonpharmacologic pain management. Requires the commissioner to consult with specified health practitioners and report final recommendations to the legislature by August 1, 2019. The final report to the legislature must include recommendations for a pilot program to assess integrated nonpharmacologic, multidisciplinary treatments for managing musculoskeletal pain.
- 18** **Contract to recover third-party liability.** Requires the commissioner to contract with a vendor to implement a health insurance third-party liability recovery program for MA and MinnesotaCare. Provides that the vendor is to be reimbursed using a percentage of the money recovered. States that all money recovered, after reimbursement of the vendor and return of any federal funds, is for the operation of the MA and MinnesotaCare programs, and that the use of this money must be authorized in law by the legislature. Provides a July 1, 2018 effective date.
- 19** **Minnesota Health Policy Commission; first appointments; first meeting.** Requires the Legislative Coordinating Commission shall make the first appointments to the Minnesota Health Policy Commission by January 15, 2019. Specifies related requirements.
- 20** **Repealer.** Repeals § 256B.0625, subd. 31c (preferred incontinence product program for volume purchase of incontinence products and related supplies).

Section**Article 35: Health Department****Overview**

This article contains provisions relating to the Health Department and public health. It makes changes to a chapter governing wells and borings; establishes an advisory council on rare diseases; requires the commissioner to develop a strategic plan on congenital CMV; directs the commissioner to regulate security screening systems; modifies provisions governing home care providers; authorizes the commissioner to fund a suicidal crisis telephone counseling service; modifies supervision requirements for body artists; requires certification of unlicensed personnel performing cremations; requires a plan to reconstitute an autism spectrum disorder task force; and requires a study on the Minnesota Health Records Act.

Analyst: Elisabeth Klarqvist

- 1 **Boring.** Amends § 103I.005, subd. 2. Amends the definition of boring in chapter 103I (which covers wells, borings, and underground uses), to specify it includes temporary borings.
- 2 **Environmental well.** Amends 103I.005, subd. 8a. In the definition of environmental well, clarifies that an exploratory boring is not an environmental well.
- 3 **Temporary boring.** Amends § 103I.005, subd. 17a. Defines temporary boring for chapter 103I. This term will be used instead of temporary environmental well.
- 4 **Notification required.** Amends § 103I.205, subd. 1. Provides that a person is not required to notify the commissioner before constructing a temporary boring (instead of temporary environmental well as in current law).
- 5 **License required.** Amends § 103I.205, subd. 4. Allows a person who is a professional engineer, hydrologist or hydrogeologist, professional geoscientist, or geologist, or who meets qualifications in rule, to construct, repair, and seal a temporary boring. Removes language authorizing a licensed plumber who does not have a well or boring contractor's license under chapter 103I to repair submersible pumps or water pipes connected to well water systems if the repair location is in an area with no licensed well contractors within 50 miles, provided the plumber complies with the plumbing code.
- 6 **Report of work.** Amends § 103I.205, subd. 9. Modifies the deadline for submitting a report to the commissioner of health related to well or boring construction or sealing to within 60 days, rather than 30 days, of completing the work.
- 7 **Well notification fee.** Amends § 103I.208, subd. 1. Makes an existing \$75 fee apply to the sealing of borings, and exempts temporary borings less than 25 feet in depth from the notification and fee requirements in chapter 103I. Changes a term used, from temporary environmental well to temporary boring.

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- 8 Temporary boring and unsuccessful well exemption.** Amends § 103I.235, subd. 3. Exempts temporary borings that were sealed by a licensed contractor (rather than temporary environmental wells as in current law), from requirements to disclose to a buyer the location of wells on the property.
- 9 Notification required.** Amends § 103I.301, subd. 6. Prohibits a person from sealing a boring until a notification is filed with the commissioner, except that temporary borings less than 25 feet in depth are exempt from this notification requirement.
- 10 Notification and map of borings.** Amends § 103I.601, subd. 4. Provides that one site fee of \$275 must be submitted for all exploratory borings marked on the proposed boring map submitted to the commissioner of health, not \$275 per exploratory boring. Also requires maps of proposed borings to be submitted on an 8-1/2 x 11-inch sheet of paper.
- 11 Advisory council on rare diseases.** Adds § 137.68. Requests the establishment of an advisory council on rare diseases at the University of Minnesota.
- Subd. 1. Establishment.** Requests that the Board of Regents establish a Chloe Barnes Advisory Council on Rare Diseases at the University of Minnesota. Defines rare disease as any disease (1) that affects less than 200,000 people in the U.S., or (2) that affects more than 200,000 people in the U.S. and for which the cost of developing and making available a drug for that disease would not be recovered from the U.S. sales of that drug.
- Subd. 2. Membership.** Lists suggested advisory council membership.
- Subd. 3. Meetings.** Requests the first meeting of the advisory council to occur by September 1, 2018, and requires it to meet at the call of the chair or the request of a majority of the council members.
- Subd. 4. Duties.** Lists permitted duties for the advisory council. Directs the advisory council to collect additional topic areas for study and evaluation from the general public.
- Subd. 5. Conflicts of interest.** Makes advisory council members subject to the Board of Regents policy on conflicts of interest.
- Subd. 6. Annual report.** Requires the advisory council to annually report to certain legislative committees on the council's activities and other issues on which it chooses to report.
- 12 Fees for ionizing radiation-producing equipment.** Amends § 144.121, subd. 1a. Adds security screening systems to the types of ionizing radiation-producing equipment that must be registered with the commissioner of health, and establishes registration fees for these systems. Defines security screening system as radiation-producing equipment designed and used for security screening of humans in custody at a correctional or detention facility, and used to image and identify contraband items concealed within or on those persons. Defines correctional or detention facility as a facility licensed by the commissioner of corrections under section 241.021 and operated by the state or a political subdivision.
- 13 Exemption from examination requirements; operators of security screening systems.** Adds subd. 9 to § 144.121. Exempts an employee of a correctional or detention facility who

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operates a security screening system, and the correctional or detention facility, from the examination requirements that otherwise apply to persons who operate x-ray equipment and the inspection requirements that otherwise apply to facilities. Until the commissioner adopts rules governing security screening systems, these employees and facilities must meet the requirements to obtain a variance from the commissioner from the rules governing general use of ionizing radiation, shielding requirements, dose levels, and radiation safety.

- 14** **Expansion grant program.** Amends § 144.1506, subd. 2. Under current law a primary care residency program is eligible for a training grant for a residency slot for a three-year period. If a residency program has a longer duration than three years, this allows training grants to be awarded for the duration of the residency, but prohibits training grants from exceeding an average of \$100,000 per residency slot per year.
- 15** **Data about births.** Amends § 144.225, subd. 2. Amends a subdivision governing access to birth data, to allow:
- a tribal health department to obtain (1) contact information for a mother who was not married to a child’s father when the child was conceived and born and (2) the child’s date of birth (current law allows this information to be disclosed to a county social services department or a public health member of a family services collaborative); and
 - a tribal child support program to access birth records for child support enforcement purposes.
- 16** **Health data associated with birth registration.** Amends § 144.225, subd. 2a. Allows the commissioner to disclose to a tribal health department, health data associated with a birth registration that identifies a mother or child at high risk for serious disease, disability, or delay (current law allows the commissioner to disclose this information to a community health board).
- 17** **Certified birth or death record.** Amends § 144.225, subd. 7. Directs the state or local office of vital records to issue a certified birth or death record or statement of no vital record found to any tribal governmental agency upon request, if the certified vital record is needed for the governmental agency to perform its duties (current law allows local, state, and federal governmental agencies to obtain certified vital records needed to perform their duties).
- 18** **Statewide tobacco cessation services.** Directs the commissioner of health to administer or contract for the administration of statewide tobacco cessation services to help Minnesotans quit using tobacco products. Also requires the commissioner to conduct statewide public awareness activities to inform the public about the services and encourage their use. Specifies services that may be provided, requires them to be evidence-based best practices, and requires coordination of services.
- 19** **Medication administration.** Amends § 144A.43, subd. 11. Modifies the definition of medication administration in statutes governing home care providers.

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- 20 Medication reconciliation.** Adds subd. 12a to § 144A.43. For statutes governing home care providers, defines medication reconciliation as the process of identifying the most accurate list of all medications a client is taking by comparing the client record to an external list of medications.
- 21 Service agreement.** Amends § 144A.43, subd. 27. Changes a term used in home care provider statutes, from service plan to service agreement. This term is changed throughout the home care provider statutes.
- 22 Standby assistance.** Amends § 144A.43, subd. 30. Modifies the definition of standby assistance in statutes governing home care providers.
- 23 Change in ownership.** Amends § 144A.472, subd. 5. Amendments to paragraph (a) clarify what constitutes a change of ownership for a home care provider business. New paragraphs (b) and (c) provide that when a change in ownership occurs, employees of the business under the old owner who continue employment with the business under the new owner are not required to undergo new training, except on policies of the new owner that differ from those of the old owner.
- 24 Fees; application, change of ownership, and renewal.** Amends § 144A.472, subd. 7. Adds a penalty of \$1,000 for a home care provider with a temporary license that fails to notify the commissioner of health within five days after it begins providing services to clients.
- 25 Issuance of temporary license and license renewal.** Amends § 144A.473.
- Subd. 1. Temporary license and renewal of license.** Exempts temporary licenses from the requirement that home care provider licenses are valid for up to a year from the date of issuance, because temporary licenses can be extended in certain circumstances.
- Subd. 2. Temporary license.** Adds a reference that temporary licenses can be extended according to subdivision 3. Requires the commissioner to survey temporary licensees with 90 calendar days after the provider begins providing services. Also changes terminology from license year to license period.
- Subd. 3. Temporary licensee survey.** Modifies steps the commissioner may take if a temporary licensee is not in substantial compliance with a survey: in addition to not issuing a license as provided in current law, the commissioner may terminate the temporary license, or extend the temporary license and apply conditions. Establishes a deadline by which the commissioner must receive a reconsideration request and supporting documentation from a temporary licensee. Lists the circumstances under which a temporary licensee whose license is denied may continue operating.
- 26 Types of home care surveys.** Amends § 144A.474, subd. 2. In a subdivision governing home care provider surveys, defines change in ownership survey, and requires such surveys to be completed within six months after the commissioner issues a new license due to a change in ownership.
- 27 Conditions.** Amends § 144A.475, subd. 1. Permits the commissioner to refuse to grant a license as a result of a change in ownership, if a home care provider, owner, or managerial official engages in certain conduct.

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- 28** **Terms to suspension or conditional license.** Amends § 144A.475, subd. 2. Provides that a home care provider operating under a suspended or conditional license according to this subdivision may continue to operate while home care clients are being transferred to other providers.
- 29** **Plan required.** Amends § 144A.475, subd. 5. Provides that a home care provider whose license is being suspended or revoked according to this subdivision may continue to operate while home care clients are being transferred to other providers.
- 30** **Prior criminal convictions; owner and managerial officials.** Amends § 144A.476, subd. 1. Requires the commissioner to conduct a background study on owners and managerial officials of a home care provider before issuing a license due to a change in ownership.
- 31** **Employee records.** Amends § 144A.479, subd. 7. Makes a technical change.
- 32 & 33** Amends § 144A.4791, subs. 1 and 3. Clarifies that a home care provider client must receive certain notices and statements before the date that services are first provided to clients, rather than before the initiation of services to clients.
- 34** **Initiation of services.** Amends § 144A.4791, subd. 6. Clarifies that if a client receives services before the client receives a review or assessment, a licensed health professional or registered nurse must complete a temporary plan and orient staff to deliver services.
- 35 & 36** Amends § 144A.4791, subs. 7 and 8. Requires an initial review, initial assessment, and client monitoring and reassessment to be completed within specified periods after the dates that home care services are first provided, rather than after the initiation of home care services.
- 37** **Service agreement, implementation, and revisions to service agreement.** Amends § 144A.4791, subd. 9. Changes a term used from service plan to service agreement, and requires a service agreement to be finalized within 14 days after the date home care services are first provided, rather than after the initiation of home care services. Modifies what the service agreement must include regarding staffing and supervision.
- 38** **Medication management services; comprehensive home care license.** Amends § 144A.4792, subd. 1. Requires a comprehensive home care provider to have policies to ensure security and accountability for management, control, and disposition of controlled substances, if the provider manages, stores, and secures controlled substances.
- 39** **Provision of medication management services.** Amends § 144A.4792, subd. 2. Requires an assessment conducted before a home care provider provides medication management services, to include providing instructions to the client or a representative on interventions to manage medications and prevent medication diversion.
- 40** **Individualized medication management plan.** Amends § 144A.4792, subd. 5. Requires medication reconciliation to occur as part of medication management.
- 41** **Medication management for clients who will be away from home.** Amends § 144A.4792, subd. 10. Modifies requirements for medication management for clients who will be away from home:

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- for unplanned time away, limits the amount of medication a client may receive to the amount needed for seven calendar days (rather than 120 hours [five calendar days] as in current law); and
- requires written procedures that apply during unplanned time away when a registered nurse is not available, to specify how unlicensed staff must document unused medications that are returned to the provider.

- 42 **Treatment and therapy orders.** Amends § 144A.4793, subd. 6. Requires treatment and therapy orders to be renewed at least every 12 months, and requires these orders to include information on the duration of the treatment or therapy.
- 43 **Content.** Amends § 144A.4796, subd. 2. Makes a technical change to a subdivision governing what must be covered in home care provider employee orientation.
- 44 **Supervision of staff providing delegated nursing or therapy home care tasks.** Amends § 144A.4797, subd. 3. Clarifies when supervision must take place for staff performing delegated tasks.
- 45 **Disease prevention and infection control.** Amends § 144A.4798. Consolidates and updates disease prevention and infection control requirements for home care providers.
- 46 **Membership.** Amends § 144A.4799, subd. 1. Allows persons who have received home care services within the past five years to be members of the home care and assisted living program advisory council.
- 47 **Duties.** Amends § 144A.4799, subd. 3. Clarifies the topics on which the home care and assisted living program advisory council may provide advice to the commissioner.
- 48 **Integrated licensing established.** Strikes an obsolete paragraph.
- 49 **Community-based programs.** Amends § 145.56, subd. 2. As part of the commissioner of health's existing suicide prevention program, directs the commissioner to distribute a grant to a nonprofit organization to provide crisis telephone counseling services statewide to people in suicidal crisis or emotional distress.
- 50 **Supervisors.** Adds subd. 7a to § 146B.03. Authorizes a body piercing technician who has been licensed for at least one year in Minnesota or a jurisdiction with reciprocity, to supervise a temporary body piercing technician. (Under current law, a body piercing technician must have been licensed for at least two years in order to supervise a temporary technician.) Also allows a body piercing technician to supervise up to four temporary technicians, rather than two temporary technicians as in current law, without providing the commissioner with a supervisory plan. The supervision requirements for tattoo technicians are existing law and are being moved from section 146B.02, subd. 7a, which is being repealed in this article.
- 51 **Continuing education.** Amends § 149A.40, subd. 11. Amends continuing education requirements to renew a license to practice mortuary science, to require continuing education on cremations. Makes this requirement effective January 1, 2019, and applicable to mortuary science licenses renewed on or after that date.

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- 52 Unlicensed personnel.** Amends § 149A.95, subd. 3. Establishes qualifications that unlicensed personnel must meet, in order to perform cremations at a licensed crematory: completion of a certified crematory operator course approved by the commissioner; obtaining crematory operator certification; public posting of the certification at the licensed crematory where cremations are performed; and maintenance of crematory operator certification. Makes this section effective January 1, 2019, and applicable to unlicensed personnel performing cremations on or after that date.
- 53 Autism spectrum disorder task force plan.** Directs the commissioner of health to submit a plan to the legislative committees with jurisdiction over health care, human services, and education, by January 15, 2019, to reconstitute the autism spectrum disorder task force originally established in 2011.
- 54 Variance to requirements for sanitary dumping station.** Requires the commissioner of health to provide a variance to the requirement in Minnesota Rules, part 4630.0900 that a resort must provide a sanitary dumping station, for a resort in Hubbard County that is located on an island and for which it is impractical to build a sanitary dumping station on the resort property.
- 55 Direction to commissioner of health; strategic plan regarding CMV.** Directs the commissioner of health to develop a strategic state plan for providing information about human herpes virus cytomegalovirus (CMV) to health care practitioners, women who are pregnant or may become pregnant, and parents of infants, and to identify resources and follow-up for children born with congenital CMV and their families.
- 56 Legislative Commission on Data Practices; health records act study and recommendations.** Directs the Legislative Commission on Data Practices to study and make recommendations on amendments to the Minnesota Health Records Act to improve the provision of coordinated health care in Minnesota. Lists items the study and recommendations must address, and requires a report to the legislative committees with jurisdiction over data practices and health care by January 15, 2019.
- 57 Revisor's instructions.** Directs the revisor of statutes to modify terms in specified statutes.
- 58 Repealer.** Paragraph (a) repeals obsolete provisions regarding tuberculosis prevention and control and the transition to a new licensing structure for home care providers. Paragraph (b) repeals requirements for body artists to supervise temporary artists; these requirements are being modified in part and moved to another statutory section.

Section**Article 36: Health Coverage****Overview**

This article contains provisions related to the regulation of private insurance coverage, establishes a prescription drug repository program, establishes requirements related to pharmacy contracts, requires a study of insurance rate disparities, and makes other changes.

Analyst: Randall Chun

- 1 Mammograms.** Amends § 62A.30, by adding subd. 4. (a) Provides that required insurance coverage of preventive mammogram screenings includes digital breast tomosynthesis if the enrollee is at risk for breast cancer. Requires this to be covered as a preventive item or service.
- (b) Digital breast tomosynthesis is a radiologic procedure that produces cross-sectional three-dimensional images of the breast. To be at risk for breast cancer means having a family history or relative with breast cancer, testing positive for BRCA1 or BRCA2 mutations, having dense breasts based on criteria established by the American College of Radiology, or having previously had breast cancer.
- (c) States that the subdivision does not apply to coverage provided through MA or MinnesotaCare.
- (d) States that the subdivision does not limit coverage of digital breast tomosynthesis in effect prior to January 1, 2019.
- (e) States that the subdivision does prohibit coverage of digital breast tomosynthesis for an enrollee not at risk of breast cancer.
- Effective date.** This section is effective January 1, 2019, and applies to health plans issued, sold, or renewed on or after that date.
- 2 Facility fee disclosure.** Adds § 62J.824. (a) Requires a provider-based clinic that charges a facility fee to provide notice to a patient that states that the clinic is a part of a hospital and the patient might receive a separate charge or billing for the facility component which may result in a higher out-of-pocket expense.
- (b) Requires a health care facility to prominently post a statement that the provider-based clinic is part of a hospital and the patient may receive a separate billing for the facility.
- (c) Exempts laboratory services, imaging services, and other ancillary services that are provided by staff who are not employed by the health care facility or clinic.
- (d) Defines “facility fee” and “provider-based clinic.”
- 3 Point of sale allowable cost.** Adds § 62Q.48. (a) Prohibits a health plan company or a pharmacy benefits manager from requiring an enrollee to pay, for a covered prescription

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medication at the point of sale, an amount greater than the allowable cost to consumers as defined in paragraph (b).

(b) Defines “allowable cost to consumers” as the lowest of: (1) the applicable copayment; or (2) the cost of the medication if purchased without using a health plan benefit. Also defines “pharmacy benefit manager.”

4 **No prohibition on disclosure.** Amends § 151.214, subd. 2. States that no contract between a health plan company or a pharmacy benefits manager and a pharmacy may prohibit a pharmacist from informing a patient when the amount the patient may be required to pay under the patient’s health plan for a particular drug is greater than the amount the patient would be required to pay if purchased out-of-pocket at the pharmacy’s usual and customary price.

5 **Prescription drug repository program.** Adds § 151.555.

Subd. 1. Definitions. Defines the following terms: central repository, distribute, donor, drug, health care facility, local repository, medical supplies, and practitioner.

“Central repository” means a wholesale distributor that meets certain requirements and enters into a contract with the Board of Pharmacy.

“Donor” means a health care facility, skilled nursing facility, assisted living facility meeting certain requirements, pharmacy, drug wholesaler, or drug manufacturer.

“Health care facility” means a physician’s office or health care clinic, hospital, pharmacy, or nonprofit community clinic.

“Local repository” means a health care facility that elects to accept donated drugs and meets certain requirements.

Subd. 2. Establishment. Requires the Board of Pharmacy to establish, by January 1, 2019, a drug repository program through which donors may donate a drug or medical supply, to be used by eligible individuals. Requires the board to contract with a central repository to implement and administer the program.

Subd. 3. Central repository requirements. Requires the board to select a wholesale drug distributor to act as central repository using a request for proposal process. Specifies related requirements.

Subd. 4. Local repository requirements. In order to serve as a local repository, requires a health care facility to agree to comply with all federal and state requirements related to the drug repository program, drug storage, and dispensing, and maintain any required state license or registration. Specifies application requirements. Provides that participation as a drug repository is voluntary and specifies the process to be used to withdraw from participation.

Subd. 5. Individual eligibility and application requirements. (a) In order to participate in the program, requires an individual to submit an application form to the local repository that attests that the individual: (1) is a state resident; (2) is uninsured, has no prescription drug coverage, or is underinsured; (3) acknowledges that the drugs or medical supplies received may have been donated; and (4) consents to a waiver of child resistant packaging requirements. Requires the local repository to issue eligible

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individuals with an identification card that is valid for one year, can be used at any local repository, and may be reissued upon expiration. Requires the local repository to send a copy of the application form to the central repository. Requires the board to make available on its Web site an application form and the format for the identification card.

Subd. 6. Standards and procedures for accepting donations of drugs and supplies. (a) Allows a donor to donate to the central repository or a local repository prescription drugs and medical supplies that meet specified requirements.

(b) Specifies requirements for prescriptions drugs to be eligible for donation.

(c) Specifies requirements for medical supplies to be eligible for donation.

(d) Requires the board to develop a drug repository donor form, which must accompany each donation. Specifies requirements for the form and requires the form to be available on the board's Web site.

(e) Allows donated drugs and supplies to be shipped or delivered to the central repository or a local repository. Requires the drugs and supplies to be inspected by the pharmacist or other practitioner designated by the repository to accept donations. Prohibits the use of a drop box to deliver or accept donations.

(f) Requires the central repository and local repository to inventory all drugs and supplies that are donated, and specifies related requirements.

Subd. 7. Standards and procedures for inspecting and storing donated prescription drugs and supplies. (a) Specifies requirements for the pharmacist or authorized practitioner to follow when inspecting all donated drugs and supplies.

(b) Specifies storage requirements for donated drugs and supplies.

(c) Requires the central repository and local repositories to dispose of all drugs and supplies not suitable for donation in compliance with applicable federal and state requirements related to hazardous waste.

(d) Requires shipments or deliveries of controlled substances or drugs that can only be dispensed to a patient registered with the drug's manufacturer to be documented by the central or local repository, and returned immediately to the donor or donor's representative that provided the drugs.

(e) Requires each repository to develop drug and medical supply recall policies and procedures, and specifies related requirements.

(f) Specifies record keeping requirements related to donated drugs and supplies that are destroyed.

Subd. 8. Dispensing requirements. (a) Allows donated drugs and supplies to be dispensed if they are prescribed by a practitioner for the eligible individual. Specifies a priority order for dispensing and other requirements.

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(b) Requires the visual inspection of a drug or supply for adulteration, misbranding, tampering, and expiration, and prohibits dispensing or administering of drugs meeting these criteria.

(c) Requires individuals to sign a drug repository recipient form and specifies form requirements.

Subd. 9. Handling fees. (a) Allows a repository to charge an individual receiving a drug or supply a handling fee of no more than 250 percent of the MA dispensing fee.

(b) Prohibits a repository from receiving MA or MinnesotaCare reimbursement for a drug or supply provided through the program.

Subd. 10. Distribution of donated drugs and supplies. (a) Allows the central repository and local repositories to distribute donated drugs and supplies to other repositories.

(b) Requires a local repository that elects not to participate to transfer all donated drugs and supplies to the central repository, and provide copies of the donor forms at the time of the transfer.

Subd. 11. Forms and record-keeping requirements. (a) Specifies forms that must be available on the board's Web site.

(b) Requires all records to be maintained by a repository for at least five years, and maintained pursuant to all applicable practice acts.

(c) Requires data collected by the program from local repositories to be submitted quarterly or upon request of the central repository.

(d) Requires the central repository to submit reports to the board as required by contract or upon request.

Subd. 12. Liability. (a) Provides that manufacturers are not subject to criminal or civil liability for causes of action related to: (1) alteration of a drug or supply by a party not under the control of the manufacturer; or (2) failure of a party not under the control of the manufacturer to communicate product or consumer information or the expiration date of a donated drug or supply.

(b) Provides civil immunity for a health care facility, pharmacist, practitioner, or donor related to participation in the program and also prohibits a health-related licensing board from taking disciplinary action. States that immunity does not apply if the act or omission involves reckless, wanton, or intentional misconduct, or malpractice unrelated to the quality of the drug or supply.

Subd. 13. Sunset. Provides that this section expires July 1, 2022.

- 6 Synchronization of refills.** Amends § 151.71, by adding subd. 3. Requires a contract between a pharmacy benefits manager and a pharmacy to permit for the synchronization of prescription drug refills for a patient on at least one occasion per year if the following conditions are met:

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- (1) the drugs are covered under the patient's health plan or have been approved by a formulary exceptions process;
- (2) the drugs are maintenance medications and have one or more refills available at time of synchronization;
- (3) the drugs are not Schedule II, III or IV controlled substances;
- (4) the patient meets all utilization management criteria;
- (5) the drugs are of a formation that can be safely split into short fill periods; and
- (6) the drugs do not have special handling or sourcing needs that require a single designated pharmacy to fill or refill the prescription.

7 Testimony on use of digital breast tomosynthesis by members of state employee group insurance program. Directs the director of the state employee group insurance program to prepare and submit written testimony to legislative committees by March 1, 2020, on the impact of coverage of digital breast tomosynthesis, and specifies requirements for the testimony.

8 Study and report on disparities between geographic rating areas in individual and small group market health insurance rates.

Subd. 1. Study and recommendations. (a) Requests a study from the OLA to examine the differences between the geographic rating areas for individual and small group health insurance rates. The report should examine the factors that cause higher rates in certain geographic areas, the impact referral centers have on rates in southeastern Minnesota, and the extent that those located in a geographic area with higher rates have obtained health insurance from a lower-cost area. The report should also develop at least three options to redraw the geographic boundaries, at least one of which must reduce the number of rating areas. Specifies other requirements for these options.

(b) Allows the OLA to secure de-identified data necessary to complete the study directly from health carriers. Defines "de-identified" and provides that data classified as nonpublic data or private data on individuals retains these classifications.

(c) Permits the OLA to recommend one or more proposals for redrawing the geographic boundaries, if the proposals will eliminate differences in rating areas and provide stability to the market.

Subd. 2. Contract. Allows the OLA to contract with another entity for technical assistance in conducting the study and developing recommendations.

Subd. 3. Report. Requests that the OLA complete the study and recommendations by January 1, 2019, and submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over health care and health insurance.

9 Mental health and substance use disorder parity work group.

Subd. 1. Establishment; membership. Establishes a mental health and substance use disorder parity work group and specifies membership and related requirements.

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Subd. 2. First appointments; first meeting; chair. Requires appointments to be made by July 1, 2018. Requires the commissioner of commerce or a designee to convene the first meeting by August 1, 2018, and to act as chair.

Subd. 3. Duties. Requires the work group to develop recommendations on the most effective approach to determine and demonstrate mental health and substance use disorder parity, in accordance with state and federal law for individual and group plans, and report recommendations to the legislature.

Subd. 4. Report. Requires the work group to submit recommendations to the legislative committees with jurisdiction over health care policy and finance by February 15, 2019. Specifies requirements for the report.

Subd. 5. Expiration. States that the work group expires February 16, 2019, or the day after submitting the required report, whichever is earlier.

- 10 Provider grants for administration of peripheral nerve blocks.** (a) Allows the commissioner of human services, within the limits of funding provided for the substance use disorder provider capacity grant program, to design and implement a grant program to assist providers in purchasing devices for administering continuous peripheral nerve blocks to treat, reduce, or prevent substance use disorder for MA enrollees.
- (b) If the commissioner implements the program, requires grants to be distributed between July 1, 2018 and June 30, 2019. Requires the commissioner to conduct outreach to providers and provide technical assistance. Also requires the commissioner to report on the grant program to the legislature by September 1, 2019.
- 11 Repealer.** Repeals § 151.55 (cancer drug repository program).

Article 37: Health-Related Licensing Boards**Overview**

This article establishes the health services executive license, establishes birth month licensure renewal for allied health professions, modifies Board of Optometry and Board of Social Work fees, creates emeritus dental licenses, adds provisions modifying pharmacy practice and licensure, modifies temporary license suspensions and background checks for certain health-related professions, adds continuing education requirements for opioid prescribing best practices, and requires Emergency Medical Services Regulatory Board guidelines authorizing patient-assisted medication administration.

Analyst: Sarah Sunderman

- 1 Reciprocity with other states and equivalency of health services executive.** Adds subd. 2 to § 144A.26. Authorizes the Board of Examiners for Nursing Home Administrators to issue a health services executive license to a person who (1) is validated by the National Association

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of Long Term Care Administrator Boards as a health services executive; and (2) has met the education and practice requirements to be qualified as a nursing home administrator, assisted living administrator, and home and community-based services provider.

- 2 - 29 & 31** These sections convert the allied health professionals regulated by the Board of Medical Practice (physician assistants, acupuncture practitioners, respiratory care practitioners, traditional midwives, registered naturopathic doctors and genetic counselors) to a licensure renewal cycle that is based on birth month. These sections do the following for each occupation:
- Specify that a licensee whose license has lapsed before January 1, 2019, shall be treated as a first-time licensee for purposes of establishing a license renewal schedule, and not subject to the license cycle conversion provisions.
 - Require a licensee to maintain a correct mailing address with the board and specify what constitutes valid service. Specify that failure to receive renewal documents does not relieve a licensee of the obligation to comply with this section.
 - Specifies that a licensee that fails to comply with renewal requirements will be removed from the list of individuals authorized to practice during the renewal period, until reinstated.
 - Convert the license renewal cycle to an annual cycle where renewal is due on the last day of a licensee's month of birth beginning for licensees, beginning January 1, 2019, for licensees who are licensed before December 31, 2018. Specifies the conversion of license renewal cycle for current licenses and for noncurrent licenses. Specifies that after the conversion renewal cycle, subsequent renewal cycles are annual and begin on the last day of the month of the licensee's birth.
 - Establish and adjust licensing fees for the conversion license period.
- 30** **License renewal; license and registration fees.** Amends § 148.59. Increases annual licensure renewal fee for the Board of Optometry and adds fees for jurisprudence state examination, Optometric Education Continuing Education data bank registration, and data requests and labels.
- 32** **Fee amounts.** Amends § 148E.180. Implements Board of Social Work fee increases for applications, licenses, and renewals, and specifies that all Board of Social Work fees are nonrefundable.
- 33** **Faculty dentists.** Amends § 150A.06. Adds dental therapy lists of programs in schools, relating to faculty dentist requirements. Modifies circumstances under which the Board of Dentistry may issue a full faculty license to faculty members.
- 34** **Emeritus inactive license.** Amends § 150A.06 by adding subd. 10. Establishes an emeritus inactive license for a licensed dental professional who retires from active practice. Specifies that the emeritus inactive licensee may not practice in a dental profession, and that the license is a formal recognition of the completion of the licensee's career in good standing.

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- 35 Emeritus active license.** Amends § 150A.06 by adding subd. 11. Establishes an emeritus active license for a licensed dental professional who retires, to practice only on a pro bono or volunteer basis, or limited paid consulting or supervision practice. Specifies practice limitations and renewal requirements.
- 36 Emeritus inactive license.** Amends §150A.091 by adding subd. 19. Adds application fee for emeritus inactive dental license.
- 37 Emeritus active license.** Amends §150A.091 by adding subd. 20. Adds application fees for emeritus active licenses in dentistry, dental therapy, dental hygiene, and dental assisting.
- 38 Receipt of emergency prescription orders.** Amends § 151.15 by adding subd. 5. Adds subdivision allowing a pharmacist to accept a prescription drug order when not present in a pharmacy, in specified circumstances.
- 39 Processing of emergency prescription orders.** Amends § 151.15 by adding subd. 6. Adds subdivision outlining the required processes for accepting and filling a prescription under subdivision 5, in emergency circumstances.
- 40 Pharmacy licensure requirements.** Amends § 151.19, subd. 1. Specifies that pharmacy licensing requirements do not apply to manufacturers, wholesale drug distributors, and logistics providers who distribute home dialysis supplies and devices, if:
- the manufacturer leases or owns the licensed manufacturing or wholesaling facility from which the dialysate or devices will be delivered;
 - the dialysis supplies meet certain specifications;
 - the supplies are only delivered pursuant to physician's order by a Minnesota licensed pharmacy;
 - the entity keeps records for at least 3 years, available to the board upon request; and
 - the entity delivers the supplies directly to a patient with end-stage renal disease or the patient's designee, for dialysis, or to a health care provider or institution, for the same purpose.
- 41 Prohibited drug purchases or receipt.** Amends § 151.46. Provides exception to prohibition on licensed wholesale drug distributors that are not pharmacies directly dispensing or distributing drugs, for home dialysis supplies under section 3.
- 42 Applications.** Amends § 214.075, subd. 1. (a) Requires the health-related licensing boards to conduct a state criminal records check and a national criminal history (FBI) check for:
- (1) applicants for initial licensure or licensure by endorsement, except for an applicant who has had the same check by the same board;
 - (2) applicants for reinstatement or relicensure, if the license has been expired for more than one year; or
 - (3) licensees applying to participate in an interstate licensure compact.
- (b) Specifies that the background check results are valid for one year after receipt.
- 43 Refusal to consent.** Amends § 214.075, subd. 4. Removes 90-day timeframe to submit fingerprints for a health-related licensing board background study.

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- 44** **Submission of fingerprints to the Bureau of Criminal Apprehension.** Amends § 214.075, subd. 5. Modifies terminology for health-related licensing board national criminal history record checks.
- 45** **Alternatives to fingerprint-based criminal background checks.** Amends § 214.075, subd. 6. Allows a health-related licensing board to require an alternative background check for an applicant or licensee who has submitted at least two unreadable sets of fingerprints.
- 46** **Temporary license suspension; imminent risk of serious harm.** Amends § 214.077. Modifies time requirements for a health-related licensing board final order on a temporary suspension after a contested case hearing.
- 47** **Special requirements for health-related licensing boards.** Amends § 214.10, subd. 8. Specifies that the health-related licensing boards will not exchange criminal history record information.
- 48** **Opioid and controlled substances prescribing.** Amends § 214.12 by adding subd. 6. Requires the Boards of Medical Practice, Nursing, Dentistry, Optometry, and Podiatric Medicine to require that licensees with prescribing authority obtain at least two hours of continuing education credit on best practices in prescribing opioids and controlled substances by the expiration date of the section, January 1, 2023. Specifies that licensees shall not be required to complete more than two credit hours before the subdivision expires.
Makes the section effective January 1, 2019.
- 49** **Exceptions.** Amends § 364.09. Provides that chapter 364, governing rehabilitation and employment of criminal offenders, does not apply to the licensing or registration process for health licensing boards.
- 50** **Guidelines authorizing patient-assisted medication administration.** Adds subd. 9 to § 144E.16. Requires the Emergency Medical Services Regulatory Board (EMSRB) to propose guidelines authorizing EMTs, AEMTs, and paramedics to assist a patient in emergency situations with administering certain prescription medications. Requires the board to submit the proposed guidelines to the legislature by January 1, 2019.
- 51** **Repealer.** Repeals § 214.075, subd. 8 (planning for health board criminal background checks) and Minnesota Rules, part 5600.0605, subparts 5 and 8 (obsolete rules associated with license renewal).

Article 38: Opioids and Prescription Drugs**Overview**

This article contains provisions related to the prevention and treatment of opioid addiction and substance user disorders. The article sets time limits for filling controlled substance prescriptions, requires certain prescribers to access the prescription monitoring program database, increases payment rates for chemical dependency services, funds various opioid-related initiatives, establishes additional

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quantity limits for controlled substance prescriptions, and makes other related changes.

Analyst: Randall Chun

- 1 **Sheriff to maintain collection receptacle.** Amends § 152.105, subd. 2. Allows county sheriffs to implement a medicine disposal program as an alternative to maintaining a collection receptacle for the disposal of controlled substances and other drugs. Defines “medical disposal program” as providing educational information and making materials available for safely destroying unwanted drugs, including but not limited to drug destruction bags or drops. Also defines “collection receptacle.”
- 2 **Prescription requirements for Schedule III or IV controlled substances.** Amends § 152.11, subd. 2. Makes a conforming change related to § 152.11, subd. 5.
- 3 **Limitations on the dispensing of opioid prescription drug orders.** Amends § 152.11 by adding subd. 5.
 - (a) Prohibits a pharmacist or dispenser from filling a prescription drug order for an opioid drug listed in Schedule II more than 30 days after the date on which the prescription drug order was issued.
 - (b) Prohibits a pharmacist or dispenser from filling a prescription drug order for an opioid drug listed in Schedule III through V more than 30 days after the date on which the prescription drug order was issued and prohibits a pharmacist or dispenser from refilling the drug more than 45 days after the previous date on which it was dispensed.
 - (c) Provides a definition of “dispenser.”
- 4 **Prescription electronic reporting system.** Amends § 152.125, subd. 2. Requires the Board of Pharmacy, before entering into a new contract or renegotiating a contract with a vendor for the operation of the prescription monitoring program, to: (1) ensure that the vendor complies with the National Institute of Standards and Technology standards for interoperability, security, and support; and (2) provide at least 30 days’ notice to the Legislative Advisory Commission. Allows the board to enter into or renegotiate the contract only if the LAC provides a positive recommendation or no recommendation.
- 5 **Access to reporting system data.** Amends § 152.126, subd. 6. A new paragraph (d) requires, beginning January 1, 2020, prescribers in an emergency department, urgent care clinic, or walk-in health clinic to access the data of the prescription monitoring program (PMP) to the extent the data relates to the patient, before prescribing a Schedule II through IV opiate controlled substance to the patient.

A new paragraph (e) provides that paragraph (d) does not apply if: (1) it is not possible for the prescriber to review the data before issuing the prescription, due to a medical emergency; or (2) the prescriber is unable to access data due to operational or other technological failure of the PMP, as long as the failure is reported to the board.

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The amendment to paragraph (l) requires the board to submit annual reports to the legislature on prescribing trends for opiates.

Also makes a technical change.

- 6 Funding.** Amends § 152.126, subd. 10. Authorizes the Board of Pharmacy to modify its contract with its vendor for the PMP to allow the vendor to provide a service to prescribers and pharmacies that allows them to access the PMP data from within the electronic health records system or pharmacy software used by those prescribers or pharmacies. Requires the board to ensure that integration of access does not modify the information that must be reported, who can access the database and for what purpose, the data classification of information, and does not require a prescriber to access the database, other than as provided under subdivision 6. Also requires the board to ensure that the vendor complies with data encryption requirements and the time limit on data retention. Also authorizes the board to collect an annual fee from each prescriber or pharmacist who accesses the PMP through the service offered by the vendor, not to exceed \$50 per user. This fee is to be deposited in the special government special revenue fund and is appropriated to the board.
- 7 Comprehensive assessment.** Amends § 245G.05, subd. 1. Allows a residential or other substance use disorder treatment program to permit a licensed staff person who is not qualified as an alcohol and drug counselor to interview a client in areas of the comprehensive assessment that are within the competencies and scope of practice of the licensed staff person. Requires the alcohol and drug counselor to review and confirm the information in the comprehensive assessment.
- 8 Rules for substance use disorder care.** Amends § 254A.03, subd. 3. Allows a Rule 25 assessor employed by a county on July 1, 2018, to qualify to perform a comprehensive assessment if:
- (1) the individual is exempt from licensure under current statute;
 - (2) the individual is qualified as a Rule 25 assessor under Minnesota Rules; and
 - (3) the individual has been an assessor for three years or is supervised by an alcohol and drug counselor supervisor.
- Requires that beginning July 1, 2020, an individual who is qualified to perform a comprehensive assessment under this paragraph complete specified coursework.
- 9 Chemical dependency provider rate increase.** Amends § 254B.12, subd. 3. Increases payments rates for chemical dependency services by 1.74 percent, effective for services provided on or after July 1, 2018.
- 10 Opiate epidemic response account.** Adds § 256.043.

Subd. 1. Establishment. Establishes the opiate epidemic response account in the special revenue fund in the state treasury.

Subd. 2. Proposed grants. Requires the commissioner of human services, in consultation with the commissioners of health, education, and public safety, to present to the legislature proposals for projects to address the opioid addiction and overdose epidemic, by February 15 or each year, beginning February 15, 2019.

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Subd. 3. Use of account funds. (a) For FY 2019, appropriates \$213,000 from the account to the commissioner of management and budget for evaluation activities, and appropriates \$384,000 to the commissioner of public safety for Bureau of Criminal Apprehension drug scientists and lab supplies. Appropriates the remaining money to the commissioner of human services to be allocated as grants as specified by the legislature or as otherwise appropriated by the legislature.

Subd. 4. Evaluations. Requires the commissioner of human services, in consultation with the commissioner of management and budget and within available appropriations, to evaluate specific grant projects.

- 11 Opioid abuse prevention pilot projects.** Amends Laws 2017, 1st Spec. Sess. ch. 6, art. 10, § 144. Extends opiate abuse prevention pilot project reporting requirements to future funding years.
- 12 Limit on quantity of opiates prescribed.** Amends Laws 2017, 1st Spec. Sess. ch. 6, art. 12, § 2, subd. 4. Sets quantity limits on opioid prescriptions to treat acute pain. The limits are: (1) for practitioners in an emergency department, urgent care clinic, or walk-in clinic, a three-day supply; (2) for practitioners treating acute dental pain or acute pain associated with refractive surgery, a four-day supply (these are the limits that apply in current law to these situations); and (3) for other situations, a seven-day supply for adults and a five-day supply for minors under age 18. Allows a practitioner, using professional clinical judgment, to override these limits.
- 13 Opioid overdose reduction pilot program.** Requires the commissioner of health to provide grants to ambulance services to connect community paramedic teams with patients who have been discharged from a hospital or emergency room following an opioid overdose episode, develop personalized care plans for those patients, and provide follow up services. Specifies priority areas and services. Requires the commissioner to develop evaluation measures and reporting timelines for ambulance services. Requires the commissioner to submit summary information to the legislature by December 1, 2019.

Article 39: Eldercare and Vulnerable Adult Protections**Overview**

This article establishes protections for older adults and vulnerable adults, including:

- modifying provisions in the health care bill of rights;
- prohibiting deceptive marketing and business practices;
- amending the commissioner's enforcement authority regarding nursing facilities;
- modifying the home care bill of rights and regulatory requirements for home care providers;
- changing the powers and duties of the Office of Health Facility Complaints;

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- modifying regulatory requirements for housing with services establishments and assisted living services;
- expanding a supplemental civil penalty for deceptive acts or fraud, to apply to deceptive acts or fraud committed against vulnerable adults;
- eliminating the demonstrable bodily harm requirement in the crime of fourth degree assault against a vulnerable adult;
- modifying requirements for reporting maltreatment of vulnerable adults;
- requiring the commissioner of health to submit reports;
- establishing task forces and a working group; and
- directing the commissioner of health to perform specific functions.

Analyst: Elisabeth Klarqvist

- 1 Citation.** Provides that sections 1 to 61 may be called the Eldercare and Vulnerable Adult Protection Act of 2018.
- 2 Contracts of admission.** Amends § 144.6501, subd. 3. Requires a contract for admission to a nursing facility to include the name, address, and contact information of the current owner, manager, and license holder; and the name and mailing address of a person authorized to accept service of process.
- 3 Changes to contracts of admission.** Adds subd. 3a to § 144.6501. Requires a nursing facility to provide nursing facility residents or their legal representatives with written notice of a change in the facility's ownership, management, license holder, or person authorized to accept service of process.
- 4 Authorized electronic monitoring in certain health care facilities.** Adds § 144.6502. Establishes procedures for residents of certain health care facilities to use electronic monitoring.
- Subd. 1. Definitions.** Defines terms: authorized electronic monitoring, commissioner, department, electronic monitoring device, facility, legal representative, and resident.
- Subd. 2. Authorized electronic monitoring.** Allows a resident or legal representative to conduct authorized electronic monitoring of a resident's room or private living space by using electronic monitoring devices.
- Subd. 3. Consent to electronic monitoring.** Requires a resident to consent in writing to electronic monitoring in the resident's room or private space, using a notification and consent form developed by the ombudsman for long-term care. Specifies circumstances and procedures for a resident's legal representative to consent for the resident. Requires a resident to obtain consent for electronic monitoring from the resident's roommate, and allows a resident or roommate to place conditions on the use of electronic monitoring. Prohibits a resident from implementing electronic monitoring if the roommate does not consent.
- Subd. 4. Withdrawal of consent; refusal of roommate to consent.** Allows a resident or roommate to withdraw consent to electronic monitoring at any time, and prohibits the use of electronic monitoring if consent is withdrawn. Requires a nursing home or boarding care home to make a reasonable attempt to accommodate a resident who wants to use electronic monitoring if the resident's roommate does not consent to electronic

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monitoring, by offering to move the resident who wants to use electronic monitoring to another available room.

Subd. 5. Notice to facility; form requirement. Requires a resident to complete a notification and consent form before electronic monitoring may begin, and requires a facility to maintain the form in the resident's record. Lists what the form must include. Requires a resident who is conducting electronic monitoring before the effective date of this section to comply with this section by January 1, 2019.

Subd. 6. Cost and installation. Requires a resident to pay the costs of conducting electronic monitoring, including contracting with an Internet service provider if necessary. Requires a facility to make reasonable attempts to accommodate installation.

Subd. 7. Notice to visitors. Requires a facility to post a sign at each entrance accessible to visitors stating that security cameras and audio devices may be in use.

Subd. 8. Obstruction of electronic monitoring devices. Prohibits a person from knowingly hampering or preventing the use of an electronic monitoring device.

Subd. 9. Dissemination of recordings. Prohibits a facility from accessing any audio or video recording created through electronic monitoring without written consent of the resident or the resident's representative. Allows recordings to be disseminated only to address health, safety, and welfare concerns.

Subd. 10. Admissibility of evidence. Allows any recording created through electronic monitoring to be admitted into evidence in a civil, criminal, or administrative proceeding if the contents have not been edited or artificially enhanced, and if the video recording includes the date and time.

Subd. 11. Liability. Provides that a facility is not civilly or criminally liable for inadvertent or intentional disclosure of a recording by a resident or representative; or violating a resident's right to privacy arising out of electronic monitoring conducted according to this section.

Subd. 12. Resident protections. Prohibits a facility from:

- refusing to admit a potential resident or removing a resident if the facility disagrees with the resident's decision regarding electronic monitoring;
- intentionally retaliating or discriminating against a resident for consenting or refusing to consent to electronic monitoring; or
- preventing the use or installation of an electronic monitoring device.

Makes this section effective January 1, 2019.

- 5** **Legislative intent.** Amends § 144.651, subd. 1. Amends the legislative intent section of the health care bill of rights, by moving a sentence, specifying that a health care facility cannot ask a patient to waive a right, and prohibiting waiver of a right at any time or for any reason.
- 6** **Definitions.** Amends § 144.651, subd. 2. Amends definitions in the health care bill of rights. The amendments to paragraphs (b) and (c) are technical and intended to clarify the definitions of patient and resident. A new paragraph (d) defines health care facility.
- 7** **Information about rights.** Amends § 144.651, subd. 4. In the health care bill of rights, provides that the statement of patient and resident rights provided to patients and residents must be written

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in plain language and terms patients and residents can understand, must be developed by the commissioner in consultation with stakeholders, and must include the name and contact information for the state or county agency the patient or resident may contact for additional information.

- 8** **Appropriate health care.** Amends § 144.651, subd. 6. In the health care bill of rights, provides that patients and residents have the right to medical and personal care provided by persons who are properly trained and competent to perform their duties.
- 9** **Freedom from maltreatment.** Amends § 144.651, subd. 14. In a subdivision in the health care bill of rights providing that patients and residents shall be free from maltreatment, provides that when the Department of Health is the lead investigative agency, patients and residents shall receive notification from the department regarding a report of maltreatment, disposition, and appeal rights, as provided in section 626.557, subd. 9c.
- 10** **Confidentiality of records.** Amends § 144.651, subd. 16. In the health care bill of rights, provides that the financial records of patients and residents shall be treated confidentially, and states that patients and residents have a right to access their own records and written information from those records.
- 11** **Disclosure of services available.** Amends § 144.651, subd. 17. Provides that a resident has the right to 30 days' advance notice of changes in charges that are unrelated to a resident's change in condition or change of care needs. Prohibits certain facilities from collecting nonrefundable deposits, and prohibits facilities and providers from charging fees because a resident refuses treatment or medication, or when a resident chooses health professionals other than the ones selected or preferred by the facility or provider.
- 12** **Grievances.** Amends § 144.651, subd. 20. Amends a subdivision on grievances in the health care bill of rights, to authorize patients and residents to personally assert the rights granted under the health care bill of rights and to recommend changes in policies and services free from retaliation. A new paragraph (b) gives patients and residents the right to complain about services provided or not provided and a lack of courtesy or respect to the patient, resident, or property. Requires a facility to investigate and try to resolve complaints and grievances. A new paragraph (c), regarding posting of grievance procedures, contains language similar to language that was stricken in paragraph (a).
- 13** **Communication privacy.** Amends § 144.651, subd. 21. Clarifies that patients and residents must obtain communication tools such as writing instruments and Internet service at their own expense, unless provided by the facility.
- 14** **Retaliation prohibited.** Adds subd. 34 to § 144.651. Adds a subdivision to the health care bill of rights prohibiting a facility or person from retaliating against a patient, resident, employee, or interested person who in good faith files a complaint or grievance, asserts patient or resident rights, submits a maltreatment report, advocates on behalf of a patient or resident, or contracts to receive services from a service provider of the resident's choice. States that adverse action may be considered retaliation, and lists actions that are considered an adverse action.
- 15** **Electronic monitoring.** Adds subd. 35 to § 144.651. Adds a subdivision to the health care bill of rights, providing that a resident has the right to install and use electronic monitoring.
- 16** **Deceptive marketing and business practices.** Adds § 144.6511. Prohibits deceptive marketing and business practices by housing with services establishments, assisted living settings, home

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care providers, and certain health care facilities. Provides that the following are deceptive practices:

- making false, fraudulent, deceptive, or misleading statements in marketing, advertising, or written description or representation of care or services;
- arranging for or providing services other than those contracted for;
- failing to deliver care or services that were promised;
- failing to inform a patient or resident in writing of limitations to care, before executing an admission contract;
- discharging or terminating a lease or services of a patient or resident who converts from private pay to elderly waiver, if the facility has promised in writing to continue the same services after the conversion;
- failing to disclose in writing the purpose of nonrefundable community fees or other fees before contracting for services;
- advertising or representing in writing that the facility has a special care unit, without complying with training and disclosure requirements that apply to such units; or
- defining the listed terms to mean anything other than the definitions in section 144.6501.

- 17** **Fines.** Adds subd. 3 to § 144.652. Amends a section on enforcement of the health care bill of rights, to allow the commissioner of health to impose a fine if a facility retaliates against a patient, resident, employee, or interested person.
- 18** **Enforcement authority.** Amends § 144A.10, subd. 1. In a subdivision specifying the commissioner of health's enforcement authority over nursing facilities, provides that the commissioner is authorized to issue correction orders and impose fines. Makes a facility's refusal to cooperate in providing lawfully requested information, grounds for a correction order, fine, or both.
- 19** **Statement of rights.** Amends § 144A.44, subd. 1. Amends the home care bill of rights, to provide that a person receiving home care services has the right to recommend changes in policies and services free from retaliation; the right to notification from the Department of Health regarding a maltreatment report; the right to Internet service at the person's own expense unless provided by the provider, and the right to use electronic monitoring in compliance with other law. Also gives a person who receives home care services the right to receive written information in plain language about rights before receiving services, and requires the commissioner to develop and make available a standard form explaining rights in plain language.
- 20** **Assisted living bill of rights addendum.** Amends § 144A.441. Modifies circumstances under which a home care provider is not required to provide reasonable, advance notice of changes in services or charges or termination of services, by requiring a home care provider to document that a service recipient has created an abusive or unsafe work environment, and requiring one of the listed health care professionals to document that an emergency or change in the recipient's condition resulted in service needs that exceed the current service agreement and cannot be met by the provider. Also requires a provider to notify a participant's case manager of a termination of services if the participant is receiving MA waiver services.
- 21** **Arranged home care provider responsibilities; termination of services.** Amends § 144A.442.

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Subd. 1. Definition. Defines coordinated transfer for this section.

Subd. 2. Permissible reasons to terminate services; notice required. Paragraphs (a) and (b) allow an arranged home care provider to terminate home care services provided to an assisted living client if the client:

- engages in conduct that significantly alters the terms of the service agreement and does not significantly alter that conduct within 30 days (30 days notice of terminating services must be provided if terminating services for this reason); or
- fails to pay the provider for services agreed to in the service agreement (ten days notice of terminating services must be provided if terminating services for this reason).

Paragraph (c) allows a home care provider to terminate services with no notice if the client creates an abusive or unsafe environment or if a change in the client's condition exceeds the current service agreement and cannot be met by the home care provider (service termination under this paragraph may occur only after the provider has assisted the client with a coordinated transfer).

Paragraph (d) requires a provider to notify a participant's case manager of a termination of services if the participant is receiving MA waiver services.

Subd. 3. Contents of service termination notice. Requires a service termination notice to include:

- a statement that a client has the right to avoid a termination of services by paying past due charges or curing the alteration of the terms of the service agreement before the effective date of the service termination;
- a statement that the recipient of the notice may contact the Office of Ombudsman for Long-Term Care for assistance; and
- a statement of the client's right to appeal the service termination.

Subd. 4. Right to appeal service termination. Allows a client to appeal a service termination by requesting a hearing with the Office of Administrative Hearings. Prohibits appealing a service termination if the client failed to pay for services. Allows appeals for service terminations caused by the client engaging in conduct that significantly alters the terms of the service agreement beginning July 1, 2018. Allows appeals for service terminations caused by the client creating an abusive or unsafe environment for the provider, or by a change in the client's condition that results in service needs that cannot be met by the provider, beginning January 1, 2020. Prohibits a provider from discontinuing services for a client who appeals the termination, until the Office of Administrative Hearings makes a final determination. Lists circumstances in which the commissioner of health may order the provider to rescind the service termination.

Subd. 5. Assistance with coordinated transfer. Requires a client's housing with services establishment and the client's arranged home care provider to assist the client with a coordinated transfer.

Makes this section effective for contracts entered into or renewed on or after July 1, 2018.

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- 22 Regulations.** Amends § 144A.45, subd. 1. In a subdivision authorizing the commissioner of health to regulate home care providers, authorizes the commissioner to issue penalties and fines to enforce home care statutes and the home care bill of rights.
- 23 Regulatory functions.** Amends § 144A.45, subd. 2. Adds sections 144A.474 (surveys and investigations) and 144A.475 (enforcement) to the list of sections that authorize the commissioner of health to issue correction orders and assess civil penalties against home care providers.
- 24 Correction orders.** Amends § 144A.474, subd. 8. Allows the commissioner to impose an immediate fine on a home care provider that is not in compliance with home care statutes. Requires a home care provider to keep on file the amount of any immediate fine issued and the provider's correction plan.
- 25 Follow-up surveys.** Amends § 144A.474, subd. 9. Provides that if a surveyor of a home care provider identifies a new violation as part of a follow-up survey, the surveyor shall issue a correction order for the new violation and may impose an immediate fine (current law prohibits a surveyor from issuing a fine for a new violation identified in a follow-up survey, unless the new violation is not corrected by the next follow-up survey).
- 26 Fines.** Amends § 144A.474, subd. 11. In a subdivision on fines that may be imposed on home care providers, clarifies that the commissioner may impose an additional fine for noncompliance with a correction order, and requires the notice of noncompliance to list any additional fines imposed. Also clarifies that the commissioner may issue late payment fines or additional fines for noncompliance with a notice of noncompliance with a correction order, or suspend a license until the license holder pays all outstanding fines, and clarifies procedures for the license holder to notify the commissioner when a violation is corrected.
- 27 Deceptive marketing and business practices.** Adds subd. 2a to § 144A.479. Amends a section governing the business operations of home care providers, to prohibit a home care provider from engaging in deceptive marketing and business practices as listed in the new section 144.6511.
- 28 Termination of service plan.** Amends § 144A.4791, subd. 10. In a subdivision governing a home care provider's termination of a client's service plan, provides that terminations of services by an arranged home care provider providing services to clients in assisted living settings, is governed by section 144A.442.
- 29 Powers.** Amends § 144A.53, subd. 1. Amends a subdivision governing the powers of the director of the Office of Health Facility Complaints, to authorize the director to issue correction orders and assess civil fines for violations of the health care bill of rights, nursing home licensing statutes and rules, home care provider licensing statutes, hospice and supervised living facility rules, and the maltreatment of vulnerable adults act. Strikes references to residential care homes (a facility license that was repealed in 1997). Allows the director to use an existing home care provider statute to calculate fine amounts.
- 30 Referral of complaints.** Amends § 144A.43, subd. 4. The amendment to paragraph (a) requires the Office of Health Facility Complaints to forward complaints to law enforcement if those complaints are in the jurisdiction of law enforcement. The amendment to paragraph (c) requires the Office of Health Facility Complaints to refer suspected criminal activity or action warranting disciplinary action by a client or resident to the appropriate authority or agency. Also strikes a reference to residential care home.

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- 31 Safety and quality improvement technical panel.** Adds subd. 5 to § 144A.53. Directs the Office of Health Facility Complaints to establish a safety and quality improvement technical panel to examine and make recommendations on how to apply safety and quality improvement practices and infrastructure to long-term services and supports. Lists who the technical panel must include, and requires it to periodically provide recommendations to the legislature on changes needed to promote safety and quality improvement practices in long-term care settings and with long-term care providers.
- 32 Training and operations panel.** Adds subd. 6 to § 144A.53. Directs the Office of Health Facility Complaints to establish a training and operations panel to examine and make recommendations on how to improve office operations. Lists who the panel must include, and lists panel duties:
- developing training processes for investigators;
 - developing clear, consistent policies for conducting investigations;
 - developing quality control measures for the intake and triage processes;
 - developing systems and procedures to determine office jurisdiction;
 - developing procedures to audit investigations;
 - developing procedures to communicate appeal or review rights to all parties; and
 - upgrading information on the office’s Web site.
- 33 Posting maltreatment reports.** Adds subd. 7 to § 144.53. Paragraph (a) requires the director of the Office of Health Facility Complaints to post the following information for the past five years on the Department of Health Web site: the public portions of all substantiated maltreatment reports for which the Department of Health is the lead investigative agency; and whether the facility or provider has appealed the substantiated report.
- Paragraph (b) requires the posted information to be updated following an appeal.
- Paragraph (c) requires this information to be posted in a nonduplicative manner, in coordination with other divisions at MDH, and in a format that allows consumers to search for information by facility or provider name and by a facility’s physical address or a provider’s local business address.
- 34 Scope.** Amends § 144D.01, subd. 1. Makes a technical change to a subdivision specifying the scope of definitions in chapter 144D (a chapter governing housing with services establishments), to make them apply to the entire chapter.
- 35 Registration required.** Amends § 144D.02. Requires housing with services establishments to comply with all requirements in chapter 144D in order to operate as a housing with services establishment.
- 36 Contents of contract.** Amends § 144D.04, subd. 2. In a subdivision listing the required content of a housing with services establishment contract, requires the contract to include the physical mailing address of a person authorized to accept service of process; a statement that the resident has the right to request reasonable accommodation; and a statement describing how the contract may be amended.

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- 37** **Changes to contract.** Adds subd. 2b to § 144D.04. Requires a housing with services establishment to provide prompt written notice to a resident or legal representative of a new owner, manager, or person authorized to accept service of process.
- 38** **Deceptive marketing and business practices.** Adds § 144D.041. Adds a reference in the housing with services chapter to the section prohibiting deceptive marketing and business practices; that section also applies to housing with services establishments.
- 39** **Information required to be posted.** Adds § 144D.044. Requires a housing with services establishment to post a notice with the following, in a public place:
- the name, mailing address, and contact information of the current owners;
 - the name, mailing address, and contact information of the managing agent;
 - the name and contact information of any on-site manager; and
 - the name and mailing address of a person authorized to accept service of process.
- 40** **Termination of lease.** Amends § 144D.09. Modifies requirements for a housing with services establishment to terminate a lease.
- Subd. 1. Notice required.** If a housing with services establishment terminates a resident's lease, requires the establishment to give the resident notice of the termination. Lists what the notice must include.
- Subd. 2. Transfer of information to new residence.** Before a resident is involuntarily relocated because of lease termination, requires the housing with services establishment to provide the resident's new facility or establishment with the information needed to ensure continuity of care, if the resident consents to the transfer of information. Lists the information that must be transferred.
- 41** **Termination of services.** Adds § 144D.095. Specifies that a termination of services initiated by an arranged home care provider is governed by section 144A.442.
- 42** **Scope; other definitions.** Clarifies that the definitions in chapter 144G (a chapter governing assisted living) and the definitions in chapter 144D (a chapter governing housing with services establishments) apply to all of chapter 144G.
- 43** **Termination of lease.** Adds § 144G.07. Specifies that a lease termination initiated by a housing with services establishment that uses the term assisted living, is governed by section 144D.09.
- 44** **Termination of services.** Add § 144G.08. Specifies that a termination of services initiated by an arranged home care provider is governed by section 144A.442.
- 45** **Senior citizens, vulnerable adults, and persons with disabilities; additional civil penalty for deceptive acts.** Amends § 325F.71.
- Subd. 1. Definitions.** Changes a term defined, from disabled person to person with a disability; and defines vulnerable adult.
- Subd. 2. Supplemental civil penalty.** Expands the supplemental civil penalty that applies to deceptive trade practices, false advertising, or consumer fraud committed against a senior citizen or a person with a disability, to also apply to those acts if committed against a vulnerable adult.

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- 46** **Vulnerable adults.** Amends § 609.2231, subd. 8. Amends the crime of fourth degree assault against a vulnerable adult, to eliminate the requirement that demonstrable bodily harm must have been inflicted on the vulnerable adult. Provides that a person who uses restraints on a vulnerable adult is not violating this subdivision, if the person complies with state and federal laws regarding the use of restraints and any force applied in imposing restraints is reasonable.
- 47** **Timing of report.** Amends § 626.557, subd. 3. Modifies the timeframe within which a mandated reporter must report maltreatment of a vulnerable adult to the common entry point, from immediately as in current law, to as soon as possible but in no event longer than 24 hours.
- 48** **Reporting.** Amends § 626.557, subd. 4. In a subdivision governing maltreatment reports made to the common entry point, requires the common entry point to provide a way to record that the reporter has electronic evidence to submit. Also requires all reports to be directed to the common entry point, including reports from federally licensed facilities. (Prior to this, a federally licensed facility had to submit two reports, one to the commissioner of health and one to the common entry point.)
- 49** **Evaluation and referral of reports made to common entry point.** Amends § 626.557, subd. 9a. Requires the common entry point to notify the appropriate law enforcement agency about a report that indicates an immediate need for response by law enforcement.
- 50** **Response to reports.** Amends § 626.557, subd. 9b. Requires a law enforcement agency to obtain the results of any investigation conducted by a lead investigative agency, to determine if criminal action is warranted.
- 51** **Lead investigative agency; notifications, dispositions, determinations.** Amends § 626.557, subd. 9c. A new paragraph (b) lists information the Department of Health, when it is the lead investigative agency, must provide to the vulnerable adult or a guardian or health care agent, within five days after initiation of an investigation.
- A new paragraph (c) requires the Department of Health, when it is the lead investigative agency, to provide maltreatment information, at the request of the vulnerable adult who is the subject of the maltreatment report, or that person’s guardian or health care agent.
- A new paragraph (d) directs the lead investigative agency to seek to receive any electronic evidence the reporter has, before making a determination to investigate or not investigate.
- New paragraphs (e) and (f) permit the lead investigative agency to assign multiple reports of maltreatment related to the same vulnerable adult to the same investigator, and requires cross-referencing of reports related to the same vulnerable adult, the same incident, or the same alleged perpetrator, facility, or licensee.
- In paragraph (k), requires the lead investigative agency to provide the public investigation memorandum to law enforcement and the county attorney, as appropriate.
- 52** **Data management.** Amends § 626.557, subd. 12b. Modifies data classifications for data maintained by the common entry point. Allows investigation data (other than data on the reporter) to be shared with the vulnerable adult or a guardian or health care agent if the lead investigative agency determines such data sharing is necessary to protect the vulnerable adult. Directs the commissioner of health and commissioner of human services, on a biennial basis, to provide recommendations on preventing, addressing, and responding to substantiated maltreatment (current law requires such recommendations only if there are upward trends for types of substantiated maltreatment). Allows a lead investigative agency to share common entry

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point or investigative data and notify other affected parties, if the lead investigative agency believes such information sharing or notice is necessary to safeguard the wellbeing of affected parties or dispel rumors or unrest.

- 53 Abuse prevention plans.** Amends § 626.557, subd. 14. Requires the commissioner of health to issue a correction order, and allows imposition of an immediate fine, if the commissioner finds that a facility failed to establish and enforce an abuse prevention plan.
- 54 Retaliation prohibited.** Amends § 626.557, subd. 17. In a subdivision prohibiting retaliation against a person who reports suspected maltreatment or against a vulnerable adult who is a subject of a report, provides that any restriction of a right specified in the Home Care Bill of Rights or in the Assisted Living Addendum by a facility or provider against the reporter or vulnerable adult within 90 days after the report, is an adverse action and presumed to be retaliatory conduct.
- 55 Assisted living licensure and dementia care task force.** Establishes an assisted living licensure and dementia care task force of 15 members to consider and make recommendations on a new regulatory framework for assisted living establishments and dementia care.
- Subd. 1. Establishment; membership.** Establishes the task force and lists membership. Requires appointments to be made by July 1, 2018.
- Subd. 2. Duties; recommendations.** Requires the task force to consider and make recommendations on a new regulatory framework for assisted living and dementia care, and lists items the framework must address. Also directs the task force to develop standards for dementia care certification. Provides that facilities and providers licensed by the commissioner of human services are exempt from assisted living licensing requirements recommended by this group.
- Subd. 3. Meetings.** Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.
- Subd. 4. Compensation.** Provides that public members of the task force shall serve without compensation or reimbursement for expenses.
- Subd. 5. Administrative support.** Requires the commissioner of health to provide administrative support to the task force.
- Subd. 6. Report.** Requires the task force to submit an interim report by February 1, 2019, and a final report by January 15, 2020, with findings, recommendations, and draft legislation to health and human services policy and finance committees in the legislature.
- Subd. 7. Expiration.** Makes the task force expire January 16, 2020, or the day after submitting its final report, whichever is later.
- 56 Assisted living report card working group.** Establishes an assisted living report card working group to develop and make recommendations on an assisted living report card.
- Subd. 1. Establishment; membership.** Establishes the working group and lists membership. Requires appointments to be made by July 1, 2018.
- Subd. 2. Duties.** Requires the working group to consider and make recommendations on the development of an assisted living report card, and lists quality metrics that must be considered.

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Subd. 3. Meetings. Establishes requirements for the first meeting and electing a chair. Provides that meetings are open to the public.

Subd. 4. Compensation. Provides that members of the working group shall serve without compensation or reimbursement for expenses.

Subd. 5. Administrative support. Requires the commissioner of human services to provide administrative support to the working group.

Subd. 6. Report. By January 15, 2019, requires the working group to submit a report, recommendations, and draft legislation to the health and human services policy and finance committees in the legislature.

Subd. 7. Expiration. Makes the working group expire January 16, 2019, or the day after it submits its report, whichever is later.

57 Crimes against vulnerable adults advisory task force. Establishes a task force to evaluate laws relating to crimes against vulnerable adults

Subd. 1. Task force established; membership. Establishes the task force and lists its membership. Allows the task force to appoint additional members, and requires members to be appointed by July 1, 2018.

Subd. 2. Duties; recommendations and report. Directs the task force to review and evaluate laws relating to crimes against vulnerable adults. By December 1, 2018, directs the task force to submit a report to the legislative committees with jurisdiction over health and human services policy and criminal policy with findings, recommendations, and proposed changes.

Subd. 3. Administrative provisions. Directs the commissioner of human services to provide meeting space and administrative support, and requires the commissioner of human services, commissioner of health, and attorney general to provide technical assistance. Provides that task force members shall serve without compensation or reimbursement for expenses.

Subd. 4. Expiration. Makes the task force expire May 20, 2019.

58 Direction to commissioner of health; progress in implementing recommendations of legislative auditor. By March 1, 2019, requires the commissioner of health to submit a report to legislative committees regarding the commissioner's progress toward implementing the changes to the Office of Health Facility Complaints with which the commissioner agreed in a March 1, 2018, letter to the Office of the Legislative Auditor.

59 Reports; Office of Health Facility Complaints' response to vulnerable adult maltreatment allegations. On a quarterly basis until January 2021, and annually thereafter, requires the commissioner of health to publish on the Department of Health web site, a report on how the Office of Health Facility Complaints is responding to allegations of vulnerable adult maltreatment. Lists information each report must include, and requires the commissioner to maintain reports for the past three years on the department's Web site.

60 Report; safety and quality improvement practices. By January 15, 2019, requires the safety and quality improvement technical panel to provide recommendations to the legislature on:

- implementing an adverse health events reporting system for long-term care settings; and

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- interim actions for analysis of reports and complaints submitted to the Office of Health Facility Complaints, to identify common themes and key prevention opportunities.

61 Repealer. Repeals a subdivision prohibiting home care providers from engaging in false or fraudulent advertising in the marketing of services (this subdivision is replaced by another section prohibiting deceptive marketing and business practices).

Article 40: Children and Families; Licensing**Overview**

This article contains provisions related to child care assistance program federal compliance, child care and foster care licensing and operations, American Indian child welfare initiatives, stable housing and support services for vulnerable youth, child support, a homeless youth report, state agency operations, childhood trauma-informed policy and practices, and updating SNAP terminology.

Analysts: Sarah Sunderman and Danyell Punelli

- 1 Homeless.** Amends § 119B.011, by adding subd. 13b. Defines “homeless” under the child care assistance program statutes. Makes this section effective August 12, 2019.
- 2 Provider.** Amends § 119B.011, subd. 19. Modifies the definition of “provider” in the child care assistance program statutes. Makes this section effective September 24, 2018.
- 3 Transition year families.** Amends § 119B.011, subd. 20. Modifies the definition of “transition year families” by modifying the eligibility of families who have received Diversionary Work Program (DWP) assistance for transition year assistance. Makes this section effective October 8, 2018.
- 4 Child care market rate survey.** Amends § 119B.02, subd. 7. Changes the frequency in which the child care market rate survey must be conducted from once every two years to once every three years beginning in state fiscal year 2021.
- 5 Applications.** Amends § 119B.025, subd. 1. Specifies the process counties must follow when handling applications of families who meet the definition of homeless. Makes this section effective August 12, 2019.
- 6 Portability pool.** Amends § 119B.03, subd. 9. Modifies the portability pool by requiring families who are receiving basic sliding fee child care assistance and move from one county to another to notify the family’s previous county of residence of the move (under current law, families must notify the new county of residence within 60 days of moving and submit information to the new county of residence to verify eligibility for the basic sliding fee program). Removes the six-month time limit on receipt of portability pool assistance. Makes this section effective October 8, 2018.
- 7 Commissioner to administer block grant.** Amends § 119B.06, subd. 1. Requires the commissioner to ensure that certain federal discretionary funds that are reserved for quality

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activities are prioritized to increase the availability of training and business planning assistance for child care providers.

- 8 Administration of additional funds.** Amends § 119B.06, by adding subd. 4. Specifies how the commissioner shall allocate additional federal child care development block grant funds in federal fiscal years 2018 and 2019. Requires the commissioner to administer funding for child care programs to ensure that the amount of general fund money allocated to child care programs does not increase to replace a reduction in federal child care development block grant funds if those funds are less than the amount received in federal fiscal year 2017.
- 9 General eligibility requirements.** Amends § 119B.09, subd. 1. Specifies a family remains eligible for child care assistance until the redetermination if the child turns 13 years of age or the child has a disability and turns 15 years of age. Makes this section effective October 8, 2018.
- 10 Maintain steady child care authorizations.** Amends § 119B.095, subd. 2. Specifies the amount of child care authorized for a family continues at the same number of hours or more hours until redetermination when a child reaches 13 years of age or a child with a disability reaches 15 years of age. Makes this section effective October 8, 2018.
- 11 Assistance for persons who are experiencing homelessness.** Amends § 119B.095, by adding subd. 3. Makes homeless applicants for child care assistance eligible for 60 hours of child care assistance per service period for three months from the date the county receives the application. Allows additional hours to be authorized as needed based on the applicant's participation in employment, education, or MFIP or DWP employment plan. Requires the parent to verify that the parent meets eligibility and activity requirements for child care assistance to continue receiving assistance after the initial three months. Makes this section effective August 12, 2019.
- 12 Subsidy restrictions.** Amends § 119B.13, subd. 1. Modifies the child care assistance program maximum rates to be based on the most recent child care provider rate survey. Gives the commissioner the authority to calculate maximum rates, not to exceed the 25th percentile of market rates. Makes this section effective for child care provider payments beginning February 22, 2019.
- 13 Requirement to post conditional license.** Amends § 245A.06, subd. 8. Removes requirement for licensed child care providers and centers to post correction orders, and removes paragraphs (b) and (c), which apply to the posting of correction orders. Does not remove posting requirements for conditional licenses.
- 14 Child foster care training requirement; mental health training; fetal alcohol spectrum disorders training.** Amends §245A.175. Modifies the child foster care licensing training requirements by requiring at least one hour of training on fetal alcohol spectrum disorders per year, which must be counted towards the 12 hours of annual training required.
- 15 Training requirements for family and group family child care.** Amends § 245A.50, subd. 7. Modifies family and group family child care training requirements by allowing approved trainers who teach training courses through the Minnesota Center for Professional Development in the required topic areas to count the hours spent conducting training toward their annual child care training hour requirements. Makes the section effective July 1, 2018.

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- 16** **Membership terms, compensation, removal and expiration.** Amends § 254A.035, subd. 2. Extends the American Indian Advisory Council from June 30, 2018, to June 30, 2023.
- 17** **American Indian child welfare projects.** Amends § 256.01, subd. 14b. Requires the commissioner and the Red Lake Nation, in consultation with Beltrami, Clearwater, and Lake of the Woods Counties, to develop a proposal, due by January 15, 2019, to transfer responsibility to the tribe for child protection services provided to tribal members.
- 18** **Homeless youth report.** Amends § 256K.45, subd. 2. Exempts the commissioner from preparing the biennial homeless youth report in 2019 and requires the commissioner to update the 2007 report on homeless youth.
- 19** **Stable housing and support services for vulnerable youth.** Proposes coding for § 256K.46.

Subd. 1. Definitions. Defines terms, for the purposes of this section.

Subd. 2. Grants authorized. Allows the commissioner of human services to award grants to programs licensed to provide transitional housing and supportive services to vulnerable youth, for two-year periods. Specifies that the commissioner shall determine the number of grants awarded and that the commissioner may reallocate underspending.

Subd. 3. Program variance. Specifies that the commissioner may grant a variance allowing a program licensed to provide transitional housing and support services to 16- and 17-year-olds, to serve 13- to 17-year-olds under this grant program.

Subd. 4. Allocation of grants. (a) Specifies the information that must be included in the grant applications.

(b) Specifies the purposes of the grants, including, but not limited to, the following:

(1) transitional housing, meals, and living essentials to vulnerable youth and their children;

(2) support services;

(3) mental health and substance use disorder counseling;

(4) staff training;

(5) case management and referral services;

(6) aftercare and follow-up services.

(c) Requires the commissioner to establish criteria for grants; specifies some criteria. Allows commissioner to request additional information.

Subd. 5. Awarding of grants. Establishes dates by which the commissioner must notify grantees and disburse funds.

Subd. 6. Update. Requires the commissioner to consult with providers serving vulnerable youth and older youth, to make recommendations to resolve conflicting licensing and program requirements and foster best practices. Specifies that recommendations may include the development of additional certifications. Requires

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the commissioner to provide an update on these tasks to the legislature by January 15, 2019.

20 Expiration. Amends § 260.835, subd. 2. Extends the American Indian Child Welfare Advisory Council from June 30, 2018, to June 30, 2023.

21 Foster care sibling bill of rights. Proposes coding for § 260C.008.

Subd. 1. Statement of rights. Lists the rights of siblings placed in foster care, and the right of adult siblings of children in foster care to be considered as foster care providers and relative custodians for their siblings.

Subd. 2. Interpretation. Specifies the interpretation of the rights in subdivision 1; provides that the rights do not replace or diminish other rights, liberties, and responsibilities that may exist for children in foster care.

Subd. 3. Disclosure. Requires child welfare agency staff to provide a copy of the rights in subdivision 1 to: a child with a sibling at the time the child enters foster care, any known adult siblings, and the foster care provider. Requires that the copy contain contact information for the Office of Ombudsman for Families and instructions on how to file a complaint.

Makes the section effective for children entering foster care on or after August 1, 2018, and makes subdivision 3 effective and apply to all children in foster care on August 1, 2018.

22 Parent not considered voluntarily unemployed, underemployed, or employed on a less than full-time basis. Amends § 518A.32, subd. 3. Modifies the circumstances in which a parent is not considered to be voluntarily unemployed, underemployed, or employed on a less than full-time basis for child support calculation purposes.

Makes this subdivision applicable to all incarcerated parents by removing the exception for parents incarcerated due to nonpayment of child support.

Makes this subdivision applicable to a parent who has been determined to be eligible for general assistance or Supplemental Security Income payments. Specifies that any income that is not from public assistance payments may be considered in calculating child support.

23 Consumer reporting agency; reporting arrears. Amends § 518A.685. Removes the requirement that the public authority inform the consumer reporting agency if an obligor is currently paying child support, if an obligor has paid the arrears in full or is making the obligated monthly payments with added arrearage payments.

24 2018 Report to the legislature on homeless youth.

Subd. 1. Report development. In lieu of the biennial homeless youth report under the Homeless Youth Act, requires the commissioner of human services to update the information in the 2007 legislative report on runaway and homeless youth. Allows the commissioner to use existing data, studies, and analysis provided by state, county, and other listed entities.

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Subd. 2. Key elements; due date. Paragraph (a) allows the commissioner to include in the report three key elements where significant learning has occurred in the state since the 2007 report.

Paragraph (b) lists information the report must include.

Paragraph (c) allows the commissioner of human services to consult with community-based providers of homeless youth services and other expert stakeholders to complete the report; and requires the commissioner to submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over youth homelessness by February 15, 2019.

25 Department of investigation, compliance, and eligibility. Requires the commissioners of human services and health to consider the benefits of consolidating licensing, background study, and oversight functions into a single agency. Requires the revisor to draft legislation consolidating these functions for the relevant legislative committees by July 1, 2019

26 Commissioner of human services child care licensing rulemaking authority. Prohibits the commissioner of human services from adopting rules under Minnesota Statutes, chapter 14, that modify Minnesota Rules, chapters 9502 and 9503, or from adopting additional rules relating to child care licensing, unless otherwise expressly authorized by law enacted on or after the effective date. Makes the section effective July 1, 2018.

27 Task force on childhood trauma-informed policy and practices.

Subd. 1. Establishment. Requires the commissioner of human services to establish and appoint a task force on trauma-informed policy and practice, and reduce children's exposure to ACEs. Lists the members of the task force.

Subd. 2. Staff. Requires the commissioner of human services to provide meeting space, support staff, and administrative services.

Subd. 3. Duties. Requires the task force to: (1) engage the human services, education, public health, and justice systems to create trauma-informed policy and practices, prevent and reduce ACEs, and support family health and well-being; and (2) identify social determinants of family health and well-being, and recommend solutions to eliminate racial and ethnic disparities in Minnesota.

Subd. 4. Report. Requires the task force to submit a report on its results and policy recommendations to the relevant legislative committees, by January 15, 2019.

Subd. 5. Expiration. Specifies that the task force expires when the report is submitted.

Makes this section effective the day following final enactment.

28 Revisor's instruction. Instructs the Revisor of Statutes, in consultation with the Department of Human Services, House Research Department, and Senate Counsel, Research and Fiscal Analysis to change the terms "food support" and "food stamps" to "Supplemental Nutrition Assistance Program" or "SNAP" in Minnesota Statutes and Rules when appropriate. Allows the revisor to make technical and other necessary changes to sentence structure to preserve the meaning of the text.

Section**Article 41: State-Operated Services; Chemical and Mental Health****Overview**

This article establishes mental health screening and data procedures for inmates, modifies human services program licensing provisions, provides set-asides for disqualified individuals in the chemical dependency field, modifies chemical dependency fund transfer provisions, modifies provisions governing post-arrest community-based service coordination, modifies billing for psychiatric residential treatment facility services, changes effective dates for provisions governing state-only MA funding payments for services provided in children's residential facilities, and establishes a student health initiative to limit opioid harm.

Analyst: Sarah Sunderman

- 1 **Mental health screening.** Amends § 13.851. Specifies that the treatment of data collected by a sheriff or corrections agency for individuals who may have a mental illness is governed by § 641.15, subd. 3a.
- 2 **Grant of license; license extension.** Amends § 245A.04, subd. 7. Allows the commissioner of human services to issue a temporary change of ownership license or provisional license. Prohibits commissioner from issuing or reissuing a license if the applicant had been denied a license, including a license following expiration of a provisional license, within the past two years.
- 3 **Notification required.** Amends § 245A.04, adding subd. 7a. Paragraph (a) requires a license holder to notify the commissioner and obtain approval before making any changes that would alter the license information.

Paragraph (b) requires a license holder to notify the commissioner at least 30 days before the change is effective, in writing, of certain listed changes.

Paragraph (c) requires a license holder to provide amended articles of incorporation or other documents reflecting a change to business structure or services. Makes this section effective August 1, 2018.
- 4 **License application after a change of ownership.** Proposes coding for § 245A.043.
 - Subd. 1. Transfer prohibited.** Specifies that a license is not transferable or assignable.
 - Subd. 2. Change of ownership.** Requires submission of a new license application when the commissioner determines that a change in ownership will occur. Specifies what constitutes a change in ownership.
 - Subd. 3. Change of ownership requirements.** Paragraph (a) requires written notice to the commissioner of any proposed sale or change of ownership at least 60 days prior to the anticipated change, when the new owner intends to assume operation without interruption.

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Paragraph (b) requires a prospective new owner or operator to submit a license application at least 30 days prior to the change, and comply with all statutory requirements.

Paragraph (c) allows the commissioner to develop application procedures for when the applicant is a current license holder, and the program is currently licensed by DHS and in substantial compliance.

Paragraph (d) specifies that the existing license holder is responsible for operating the program until a license is issued to the new owner or operator.

Paragraph (e) allows the commissioner to waive a new owner or operator's licensing inspection, under certain circumstances.

Paragraph (f) requires a new owner or operator to submit a letter identifying how and when they will resolve any outstanding correction orders, if applicable.

Paragraph (g) specifies that any licensing actions taken against the existing license holder when the new owner or operator is applying for a license will remain in effect until the grounds for the action are corrected or no longer exist.

Paragraph (h) requires the commissioner to evaluate a license application according to statute.

Paragraph (i) allows the commissioner to deny an application according to statute, and allows for appeals.

Paragraph (j) specifies that this subdivision does not apply to a home-based program or service.

Subd. 4. Temporary change of ownership license. Establishes a temporary change of ownership license for a new owner or operator while the commissioner evaluates the new owner or operator's license application. Allows commissioner to establish criteria for issuing such licenses.

Makes this section effective August 1, 2018.

- 5 Risk of harm; set aside.** Amends § 245C.22, subd. 4. Requires the commissioner to set aside a disqualification for an individual in the chemical dependency field if:
- (1) the individual is a nonviolent controlled substance offender;
 - (2) the individual is disqualified for one or more listed controlled substance offenses;
 - (3) the individual provides documentation of successful completion of treatment at least one year prior;
 - (4) the individual provides documentation of abstinence from controlled substances for at least one year prior; and
 - (5) the individual is seeking employment in the chemical dependency field.
- 6 Scope of set-aside.** Amends § 245C.22, subd. 5. Provides an exception for a set-aside for a person in the chemical dependency field, under subd. 4.

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- 7** **Chemical dependency treatment allocation.** Amends § 254B.02, subd. 1. Removes language allowing transfer of funds from the chemical dependency fund for administrative purposes. Makes this section effective July 1, 2018.
- 8** **Chemical dependency fund payment.** Amends § 254B.03, subd. 2. Removes provision requiring prior approval from the commissioner for chemical dependency services. Allows the commissioner to deny a license if the services in the local area are sufficient to meet local need, and the addition of new services would be detrimental.
- 9** **State collections.** Amends § 254B.06, subd. 1. Removes language allowing transfer of funds from the chemical dependency fund for administrative purposes. Makes this section effective July 1, 2018.
- 10** **State agency hearings.** Amends § 256.045, subd. 3. Permits a state agency hearing for a county that disputes the cost of care for a client in a state-operated facility, when discharge is delayed and the county has developed a viable discharge plan.
- 11** **Officer-involved community-based care coordination.** Amends § 256B.0625, subd. 56a. Updates terminology related to post-arrest community-based service coordination for individuals with mental illness or substance use disorder. Adds language including Indian health service facilities, and adds qualified alcohol and drug counselors and recovery peer specialists to those who may provide care coordination under this section. Strikes provision requiring counties to pay the nonfederal share of the cost for services under this section.
- 12** **Per diem rate.** Amends § 256B.0941, subd. 3. Modifies required billing procedures for psychiatric residential treatment facility services for persons under age 21.
- 13** **Intake procedure; approved mental health screening.** Amends § 641.15, subd. 3a. Allows a sheriff or local corrections staff to share certain mental health data and other private data on inmates, and to refer an offender to the local county social services agency in order to arrange services for the following services after the inmate is released:
- (1) assist the inmate in applying for medical assistance of MinnesotaCare;
 - (2) refer the inmate for case management by a county;
 - (3) assist the inmate in obtaining state photo identification;
 - (4) secure an appointment with a mental health provider;
 - (5) obtain necessary medications; or
 - (6) provide behavioral health service coordination.
- 14** **Effective date.** Amends Laws 2017, First Special Session chapter 6, article 8, § 71. Extends provision governing state-only MA funding payments for mental health services provided in children’s residential facilities that have been determined by the federal Centers for Medicare and Medicaid Services to be institutions for mental disease, until July 1, 2019.
- 15** **Effective date.** Amends Laws 2017, First Special Session chapter 6, article 8, § 72. Extends provision governing state-only MA funding payments for mental health services provided in children’s residential facilities that have been determined by the federal Centers for Medicare and Medicaid Services to be institutions for mental disease, until July 1, 2019.

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- 16 Children’s mental health report and recommendations.** Amends Laws 2017, First Special Session chapter 6, article 8, § 74. Extends the deadline for the children’s mental health report until January 15, 2019.
- 17 Student health initiative to limit opioid harm.**
- Subd. 1. Grant awards.** Directs the commissioner of human services, in consultation with the commissioner of education, the Board of Trustees of Minnesota State Colleges and Universities, the Board of Directors of the Minnesota Private College Council, and the regents of the University of Minnesota, to develop and administer a grant program for secondary school students in grades 7 to 12 and undergraduate students, to conduct opioid awareness and opioid abuse prevention activities. Requires grant proposals with more than one community partner to designate a primary community partner. Requires grant applications to be submitted by, and any grant awards managed by, the primary community partner. Provides that grants are for a fiscal year and are one-time.
- Subd. 2. Grant criteria.** (a) Allows grant dollars to be used for opioid awareness, education on addiction and abuse, initiatives to limit inappropriate prescriptions, peer education, and other initiatives as approved by the commissioner. Requires grant projects to include one or more of the following components: high-risk populations, law enforcement, education, clinical services, or social services.
- (b) Directs the commissioner to seek to provide grant funding for at least one proposal that addresses opioid abuse in the American Indian community.
- Subd. 3. Community partners.** Provides a partial listing of the entities that may serve as community partners.
- Subd. 4. Report.** Requires the commissioner to report to the chairs and ranking minority members of specified legislative committees, by September 1, 2019, on implementation of the grant program and the grants awarded.
- Subd. 5. Federal grants.** (a) Requires the commissioner of human services to apply for any federal grant funding that aligns with the purposes of this section. Requires the commissioner to submit to the legislature any changes to the program established under this section necessary to comply with the terms of the federal grant.
- (b) Requires the commissioner to notify the chairs and ranking minority members of specified legislative committees of any grant applications submitted, and federal actions taken related to the applications.
- 18 Repealer.** Repeals Minnesota Rules, parts 9530.6800 and 9530.6810.

Section**Article 42: Community Supports and Continuing Care****Overview**

This article modifies: the corporate foster care moratorium; adult foster care and community residential setting license capacity; service plan review and evaluation and various behavioral professional qualifications under the home and community-based services standards; long-term care consultation services assessments; the Disability Waiver Rate System (DWRS); terminology related to the home and community-based services (HCBS) innovation pool; housing support services; and the electronic visit verification system. This article also adds a new category of care to the PCA program, called enhanced PCA services; provides an ICF/DD rate increase for a facility located in Steele County; and directs the commissioner of human services to transfer service capacity of a housing with services establishment to no more than three new housing with services establishments located in Hennepin County.

Analyst: Danyell Punelli

- 1 **Licensing moratorium.** Amends § 245A.03, subd. 7. Extends the sunset date for an exception to the corporate foster care moratorium and adds a new exception to the moratorium. Makes this section effective June 29, 2018.
- 2 **Adult foster care and community residential setting license capacity.** Amends § 245A.11, subd. 2a. Paragraph (f) broadens the corporate adult foster care or community residential settings that may be issued a license for five beds (as opposed to four beds). Currently, in order to be eligible for a fifth bed, a facility must have been licensed for adult foster care before March 1, 2011. The bill allows facilities licensed before June 30, 2016, to be licensed for five beds.

Paragraph (g) extends the sunset date on the commissioner’s authority to issue licenses for five beds from June 30, 2019, to June 30, 2021.
- 3 **Applicability.** Amends § 245D.03, subd. 1. Corrects inconsistent terminology and broadens the applicability of certain basic support services and intensive support services under the home and community-based service standards to more of the home and community-based service waivers.
- 4 **Service plan review and evaluation.** Amends § 245D.071, subd. 5. Makes technical and conforming changes and adds paragraph (b). Paragraph (b) requires the license holder, in coordination with others, to meet with the person, the person’s legal representative, and the case manager at least once per year to discuss how technology might be used to meet the person’s desired outcomes. Requires the coordinated service and support plan or support plan addendum to include a summary of this discussion. Specifies the information that must be included in the summary. Specifies the use of technology is not required to be used for the provision of services.

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- 5 Positive support professional qualifications.** Amends § 245D.091, subd. 2. Modifies terminology (changes behavior support to positive support) and the requirements a positive support professional providing positive support services must meet.
- 6 Positive support analyst qualifications.** Amends § 245D.091, subd. 3. Modifies terminology and the requirements a positive support analyst providing positive support services must meet.
- 7 Positive support specialist qualifications.** Amends § 245D.091, subd. 4. Modifies terminology and the requirements a positive support specialist providing positive support services must meet.
- 8 Assessment; defined.** Amends § 256B.0659, subd. 3a. Allows a certified assessor to complete an in-person PCA assessment during the transition to MnCHOICES.
- 9 Personal care assistant; requirements.** Amends § 256B.0659, subd. 11. Lists the qualifications a personal care assistant must meet to qualify for an enhanced rate for PCA services.
- 10 Enhanced rate.** Amends § 256B.0659, by adding subd. 17a. Establishes an enhanced rate of 105 percent of the rate paid for PCA services to be paid for PCA services provided to persons who qualify for 12 or more hours of PCA service per day when provided by a PCA who meets certain requirements. Specifies this rate increase is inclusive of any rate increases implemented on July 1, 2018, for the self-directed workforce.
- 11 Requirements for provider enrollment of personal care assistance provider agencies.** Amends § 256B.0659, subd. 21. Modifies the list of information and documentation a PCA provider agency must provide to the commissioner to include documentation that the agency staff meet the enhanced PCA services requirements if enhanced PCA services are provided and submitted for payment.
- 12 Personal care assistance provider agency; general duties.** Amends § 256B.0659, subd. 24. Removes an obsolete date. Adds a new duty to PCA provider agencies related to documenting the use of any additional revenue due to the enhanced PCA rate.
- 13 Personal care assistance provider agency; required documentation.** Amends § 256B.0659, subd. 28. Modifies the list of required documentation PCA agencies must keep to add a requirement related to the PCA enhanced rate.
- 14 Definitions.** Amends § 256B.0911, subd. 1a. Modifies the definition of “long-term care consultation services” by removing from the MnCHOICES assessment process home care nursing, certain case management services, and eligibility determinations for family support grants.
- 15 Assessment and support planning.** Amends § 256B.0911, subd. 3a. Makes conforming changes removing home care nursing from the MnCHOICES assessment process; removes obsolete language; requires the MnCHOICES assessment to be conversation-based; removes the requirements that the person’s legal representative be present at the assessment in order to provide input into the process; modifies timelines for the assessor to complete the community support plan and for the case manager to complete the coordinated service and support plan; modifies the list of information the lead agency must give the person receiving

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assessment or support planning, or the person's legal representative, to include verbally communicating appeal rights and visually pointing out where in the document the right to appeal is stated; and allows a MnCHOICES assessment to be used to establish service eligibility for DD waiver services for up to 60 days from the date of the assessment.

- 16 Long-term care reassessments and community support plan updates.** Amends § 256B.0911, subd. 3f. Requires the assessor to review the person's most recent assessment prior to a face-to-face reassessment, requires the commissioner to establish timelines for assessors to complete the updated community support plan and for case managers to complete the updated coordinated service and support plan, and requires the commissioner to develop mechanisms for providers and case managers to share information with the assessor to facilitate a reassessment and support planning process.
- 17 Administrative activity.** Amends § 256B.0911, subd. 5. Adds paragraph (c), which requires the commissioner to: (1) work with lead agencies responsible for conducting long-term care consultation services to develop a set of measurable benchmarks to demonstrate quarterly improvement in the average time per assessment and other measures of efficiency; and (2) collect data on these benchmarks to provide lead agencies and the legislature with an annual trend analysis of the data in order to demonstrate the commissioner's compliance with creating a more efficient and streamlined assessment process.
- 18 Elderly waiver cost limits.** Amends § 256B.0915, subd. 3a. Requires the commissioner to approve an exception to the elderly waiver monthly case mix budget cap to pay for the PCA enhanced rate. Prohibits the exception from exceeding 105 percent of the budget otherwise available to the person. Makes this section effective July 1, 2018, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor when federal approval is obtained.
- 19 Implementation of coordinated service and support plan.** Amends § 256B.0915, subd. 6. Removes the ten day timeline for case managers to complete coordinated service and support plans under the elderly waiver program, requires the commissioner to establish a new timeline, but the total time for the assessor to complete a community support plan and the case manager to complete the coordinated service and support plan is 56 calendar days from the assessment date.
- 20 Coordinated service and support plan.** Amends § 256B.092, subd. 1b. Removes the ten day timeline for case managers to complete coordinated service and support plans under the DD waiver program, requires the commissioner to establish a new timeline, but the total time for the assessor to complete a community support plan and the case manager to complete the coordinated service and support plan is 56 calendar days from the assessment date.
- 21 Conditions not requiring development of coordinated service and support plan.** Amends § 256B.092, subd. 1g. Adds paragraph (b), which allows DD waiver recipients who are only receiving certain case management services to make an informed choice to decline a MnCHOICES assessment. Requires the case manager to develop a person-centered service plan based on the person's assessed needs and preferences and requires the person-centered plan to be reviewed annually.

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- 22 Home and community-based services innovation pool.** Amends § 256B.0921. Modifies terminology.
- 23 Case management.** Amends § 256B.49, subd. 13. Removes the ten-day timeline for case managers to complete coordinated service and support plans under certain home and community-based waiver programs, requires the commissioner to establish a new timeline, but the total time for the assessor to complete a community support plan and the case manager to complete the coordinated service and support plan is 56 calendar days from the assessment date.
- 24 Definitions.** Amends § 256B.4914, subd. 2. Defines “direct care staff” under the DWRS and makes technical and conforming changes.
- 25 Applicable services.** Amends § 256B.4914, subd. 3. Makes a conforming change to terminology and alphabetizes clauses in the list of services to which the disability waiver rate system applies.
- 26 Data collection for rate determination.** Amends § 256B.4914, subd. 4. Makes conforming changes.
- 27 Base wage index and standard component values.** Amends § 256B.4914, subd. 5. Paragraphs (h) and (i) modify the automatic inflationary adjustments to the base wage index and certain framework components that are included in the DWRS. The modifications include: (1) increasing the frequency of the adjustments from every five years to every two years; and (2) clarifying the manner in which the adjustments are calculated.
- Paragraph (k) requires the commissioner to update the base wage index with a competitive workforce factor. The competitive workforce factor is: (1) 8.35 percent beginning on January 1, 2019, or upon federal approval; (2) 4.55 percent beginning on July 1, 2019; and (3) 5.55 percent beginning on July 1, 2022. Specifies the manner in which lead agencies must implement the competitive workforce factor.
- Makes the amendments to paragraphs (h) and (i) effective July 1, 2022, or upon federal approval, whichever is later. Makes paragraph (k) effective January 1, 2019, or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 28 Payments for residential support services.** Amends § 256B.4914, subd. 6. Removes the regional variance factor from the DWRS rate calculations. Makes this section effective July 1, 2022.
- 29 Payments for day programs.** Amends § 256B.4914, subd. 7. Removes the regional variance factor from the DWRS rate calculations. Makes this section effective July 1, 2022.
- 30 Payments for unit-based services with programming.** Amends § 256B.4914, subd. 8. Removes the regional variance factor from the DWRS rate calculations. Makes this section effective July 1, 2022.
- 31 Payments for unit-based services without programming.** Amends § 256B.4914, subd. 9. Removes the regional variance factor from the DWRS rate calculations. Makes this section effective July 1, 2022.

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- 32 Updating payment values and additional information.** Amends § 256B.4914, subd. 10. Adds direct care staff labor market measures to the list of items DHS must review and evaluate under the DWRS.
- 33 Reporting and analysis of cost data.** Amends § 256B.4914, subd. 10a. Adds paragraph (f), which requires providers enrolled to provide services with rates determined under DWRS to submit labor market data to the commissioner annually beginning November 1, 2018. Lists data providers must submit to the commissioner.
- Adds paragraph (g), which requires the commissioner to publish annual reports on provider and state-level labor market data, beginning February 1, 2019. Lists data the commissioner must publish in the annual report.
- 34 ICF/DD rate increase effective July 1, 2018; Steele County.** Amends § 256B.5012, by adding subd. 18. Effective July 1, 2018, sets the daily rate for an ICF/DD located in Steele County that is classified as a class B facility and licensed for 16 beds at \$400. Specifies this increase is in addition to any other increase that is effective on July 1, 2018.
- 35 Supplementary services.** Amends § 256I.03, subd. 8. Modifies the definition of “supplementary services” in the housing support services statute by requiring providers to provide certain required services.
- 36 Housing support agreements.** Amends § 256I.04, subd. 2b. Modifies the list of minimum requirements housing support providers must verify in the housing support agreement to include confirmation that the provider will not limit or restrict the number of hours an applicant or recipient chooses to be employed.
- 37 Required supplementary services.** Amends § 256I.04, by adding subd. 2h. Requires housing support providers of supplementary services to ensure that recipients have assistance with services identified in the recipient’s professional statement of need. Requires providers of supplementary services to maintain case notes with the date and description of services provided to individual recipients.
- 38 Employment.** Amends § 256I.04, by adding subd. 5. Prohibits housing support services providers from limiting or restricting the number of hours an applicant or recipient is employed.
- 39 Limits on rates.** Amends § 256I.05, subd. 3. Allows housing support providers to charge a lower rate to individuals who do not qualify for housing support.
- 40 Nursing facilities in border cities.** Amends § 256R.53, subd. 2. Adds nonprofit nursing facilities in Moorhead to the nursing facility payment rate exemption that already exists for Breckenridge. Requires the commissioner to make a comparison of rates by November 1 of each year and apply it to the rates to be effective on the following January 1. Exempts facilities under this subdivision from rate limits if the adjustments under this subdivision result in a rate that exceeds the limits. Makes this section effective for rate increases for facilities in Moorhead for rate years beginning January 1, 2020, and annually thereafter.
- 41 Disability waiver reimbursement rate adjustments.** Amends Laws 2014, ch. 312, art. 27, § 76.

Subd. 1. Historical rate. Makes no changes.

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Subd. 2. Residential support services. Removes this subdivision.

Subd. 3. Day programs. Removes this subdivision.

Subd. 4. Unit-based services with programming. Removes this subdivision.

Subd. 5. Unit-based services without programming. Removes this subdivision.

42 Electronic visit verification. Amends Laws 2017, 1st Spec. Sess. ch. 6, art. 3, § 49.

Subd. 1. Documentation; establishment. Modifies terminology.

Subd. 2. Definitions. Modifies terminology and expands the definition of “service” to include home health services and other medical supplies and equipment or home and community-based services that are required to be electronically verified by the federal 21st Century Cures Act.

Subd. 3. System requirements. Modifies terminology, removes obsolete language, requires the commissioner to make a state-selected electronic visit verification system available to providers of services.

Subd. 3a. Provider requirements. Paragraphs (a) and (b) allow providers of services to select their own electronic visit verification system that meets the requirements established by the commissioner and require providers to provide data to the commissioner in a format and at a frequency to be established by the commissioner.

Paragraph (c) specifies the timeline for providers to implement the electronic visit verification systems required in this section and defines “personal care services” and “home health services” for purposes of this paragraph.

Subd. 4. Legislative report. Repeals this subdivision.

43 Direction to commissioner; BI and CADI waiver customized living services provider located in Hennepin County. Paragraph (a) directs the commissioner of human services to allow a BI and CADI waivers customized living services provider located in Minneapolis to transfer capacity to up to three new housing with services settings located in Hennepin County.

Paragraph (b) requires the commissioner to determine whether the new housing with services establishments meet the BI and CADI waiver customized living size limitation exception for clients receiving those services at the new establishments.

44 Direction to commissioner. Paragraph (a) requires the commissioner to ensure that the MnCHOICES 2.0 assessment and support planning tool incorporates a qualitative approach with open-ended questions and a conversational, culturally sensitive approach to interviewing that captures the assessor’s professional judgment based on the person’s responses.

Paragraph (b) requires the commissioner of human services to include certain persons if the commissioner convenes a working group or consults stakeholders for the purposes of modifying the assessment and support planning process or tool.

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- 45** **Direction to the commissioner; DWRS.** Paragraph (a) requires the commissioner of human services to continue to reimburse CMS for the disallowed share of the seven percent rate increase between July 1, 2018 and December 31, 2018. Makes this section effective July 1, 2018.
- Paragraph (b) requires the commissioner to submit to CMS any HCBS waivers or plan amendments necessary to implement the DWRS changes no later than July 1, 2018. Lists priorities for submittal to CMS.
- 46** **Revisor’s instruction.** Paragraph (a) instructs the revisor of statutes to codify the electronic visit verification law, as amended in this act, in Minnesota Statutes, chapter 256B.
- Paragraph (b) instructs the revisor of statutes to correct inconsistent terminology related to the DD waiver.
- 47** **Repealer.** Repeals Minnesota Statutes, section 256B.0705 (PCA mandated service verification). Makes this section effective January 1, 2019.

Article 43: Miscellaneous**Overview**

This article makes changes to statutes governing MNsure operations, prohibits the commissioner of human services from bearing insurance risk for certain health coverage, and requires notice of a predatory offender’s status to home care providers.

Analyst: Elisabeth Klarqvist

- 1** **Health carrier and health plan requirements; participation.** Amends § 62V.05, subd. 5. Provides that a health plan that meets the minimum requirements in state and federal law for certification as a qualified health plan, is deemed to be in the interests of qualified individuals and employers. Strikes language listing elements the MNsure board may consider when determining the interests of qualified individuals and employers for purposes of certifying qualified health plans, and prohibits the MNsure board from establishing additional requirements for certifying health carriers and health plans to be offered through MNsure. Also prohibits the board from establishing costs, cost-sharing elements, or benefits for health plans sold through MNsure. Updates references to federal law and strikes outdated language.
- 2** **Limitations; risk-bearing.** Amends § 62V.05, subd. 10. Prohibits the commissioner of human services from bearing insurance risk or entering into any agreement to pay claims for health coverage for a state health care program available for purchase through the MNsure Web site, as an alternative to purchasing an individual health plan. Specifies that this subdivision does not prohibit the commissioner from administering MA or MinnesotaCare, as long as health coverage under MA or MinnesotaCare is not purchased by an individual

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through MNSure’s Web site. Also provides that this subdivision does not prohibit employees of DHS from obtaining insurance coverage through the state employee group insurance program.

- 3 Health care facility; notice of status.** Amends § 243.166, subd. 4b. Amends the predatory offender registration statute, to require that the predatory offender notice of status required in this subdivision be provided to licensed home care providers in the same manner that health care facilities receive notice. Home care providers will be required to distribute a fact sheet with a risk level classification to any individual who will provide direct services to the offender, before beginning to provide services.

Article 44: Human Services Forecast Adjustments**Overview**

This article adjusts appropriations for fiscal years 2018 and 2019 for forecasted programs administered by the Department of Human Services.

Analyst: Elisabeth Klarqvist

Article 45: Health and Human Services Appropriations**Overview**

This article appropriates money for fiscal year 2019 for the Department of Human Services, Department of Health, health-related licensing boards, and the Legislative Coordinating Commission. It also modifies certain 2018 appropriations.

Analyst: Elisabeth Klarqvist

Article 46: School Safety

Analysts: Tim Strom and Cristina Parra

- 1 School safety assessment.**

Subd. 1. School safety assessment. Defines “school safety assessment.”

Subd. 2. Policy. Requires a school board to adopt a policy to establish safety assessment teams consistent with district policies on student bullying and crisis management and with guidance from the school safety center. Requires policy to

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include procedures for referrals to community mental health centers or health care providers for evaluation or treatment and notice to the parent of a student that is the subject of an assessment.

Subd. 3. Oversight committees. Requires a superintendent to establish a committee or individual to oversee the safety assessment teams.

Subd. 4. Safety assessment teams. (a) Requires a superintendent to establish a safety assessment team for each school. Requires team to include school officials with certain expertise.

(b) Specifies duties of safety assessment team.

(c) Requires safety assessment team to report determination that a student poses a threat of violence or physical harm to self or others to the superintendent or superintendent's designee, who must immediately attempt to notify the student's parent or legal guardian. Requires safety assessment team to consider services for student.

(d) Requires safety assessment team to follow suicide prevention policy or protocol, or make referral when student exhibits suicidal ideation or self-harm.

(e) Affirms that school district personnel may act immediately to address an imminent threat.

Subd. 5. Redisclosure. Prohibits safety assessment team or school district employee member from redisclosing educational records or using the record of an individual beyond the purpose for which the disclosure was made to the safety assessment team. Affirms that educational records may be disclosed in health, including mental health, and safety emergencies in accordance with state and federal law.

Effective date. This section is effective for the 2019-2020 school year and later.

- 2 Expulsion for making a threat of violence.** Allows a school board to expel a student who threatens gun violence or intends to cause evacuation for at least one year. Allows board to modify expulsion on case-by-case basis.

Effective date. This section is effective for the 2018-2019 school year and later.

- 3 Long-term facilities maintenance revenue.** Authorizes a school district to amend its ten year facilities plan to include provisions enhancing school safety through security modifications to the building, including remodeling and new construction for fiscal years 2020 and 2021 only. Projects authorized by July 1, 2021, may be included until they are complete.
- 4 Purchase of certain equipment.** School districts may issue bonds backed by operating capital revenue and safe schools revenue for certain equipment purchases. Clarifies that the allowable equipment purchases include communications systems and other equipment designed to increase student and staff security.
- 5 Safe schools revenue.** Provides state aid for student and staff safety through the safe schools revenue program. For fiscal year 2019 only, establishes aid payments of \$18 per pupil unit

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for school districts and charter schools, \$7.50 for school districts that are members of cooperative units other than intermediate school districts, and \$6 for school district members of intermediate school districts.

For fiscal year 2020 and later, sets the ongoing additional aid amounts at \$5.50 for school districts and charter schools and \$3.50 for districts that are members of cooperative units other than intermediate school districts.

For fiscal year 2019 and later, all school districts are eligible for a minimum of \$30,000 per year in safe schools revenue.

For fiscal year 2020 and 2021 only, equalizes the existing safe schools revenue of \$36 per pupil unit. Sets the equalizing factor equal to 68.5 percent of the statewide adjusted net tax capacity per pupil unit.

Allows a school district to transfer its safe schools revenue into the debt redemption fund so that certain school safety physical improvements can be made through local bonding. Requires school districts and charter schools to report safe schools expenditures by functional area and any new staff positions hired. Requires a school that receives safe schools revenue to report its expenditures by functional area such that the spending aligns with the statutorily specified uses.

- 6 **Mental health grants, establishment, and authority.** Requires grantee to obtain all available third-party reimbursement sources. Conformity changes.
- 7 **School-linked mental health services grants.** Establishes eligibility for grants. Allows grant expenses to include transportation, and certain costs associated with telemedicine.
- 8 **Sanneh Foundation.** Appropriates an additional \$250,000 in fiscal year 2019 for grants to the Sanneh Foundation. Provides up to three percent of grant funds for administrative purposes.
- 9 **Appropriations.** Appropriates funds for safe schools aid, school-linked mental health grants, physical security audits, school resource officer training, safety assessment grants, suicide prevention training, and character development grants. Provides funding for administrative purposes. See fiscal worksheet for details.

Article 47: General Education

Analysts: Tim Strom and Cristina Parra

- 1 **Textbook.** Expands the definition of textbooks to include teacher materials that accompany materials used by a pupil. To the extent that state funds are available, Minnesota Statutes require districts to provide nonpublic schools pupils with textbooks, individualized instructional materials, and standardized tests, all of which must be secular in nature and cannot be used for religious instruction or worship. The state reimburses districts for the costs of providing these materials to nonpublic pupils up to the dollar cap set in statute. The current definition of textbook that governs provision of these materials to nonpublic pupils is

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limited to texts used by a pupil and excludes textbooks or textbook orders that include a teacher's guide.

- 2 Individualized instructional or cooperative learning materials.** Expands definition of individualized instructional or cooperative learning materials to include teacher materials that accompany the materials used by a pupil.
- 3 Cost; limitation.** Strikes obsolete language related to the calculation of nonpublic aids for fiscal years 2015 and 2016 only.
- 4 Definitions.** Strikes an obsolete reference to a defunct accrediting agency and allows opportunities industrialization centers accredited by an accreditor recognized by the United States Department of Education to continue to provide postsecondary enrollment options courses.
- 5 Alternative pupil; PSEO.** Authorizes 10th grade nonpublic pupils to participate in career and technical PSEO coursework in the same manner as public school pupils.
- 6 Eligible pupils.** Extends, for fiscal year 2019 only, the eligibility of certain English learner students with an interrupted formal education to participate in the graduation incentives program and in concurrent enrollment courses. Makes the section effective July 1, 2018.
- 7 - 9 Local optional revenue and referendum revenue.** Simplifies the calculation of referendum and local optional revenue and makes the calculations more transparent by eliminating the annual recalculation of referendum allowances based on the amount of LOR a district receives, and moving the \$300 per pupil of referendum revenue available to districts by board resolution to LOR, so that all of the \$724 available to districts by board action is in LOR and all of the referendum revenue is voter approved. To ensure that all districts receive the same amount of aid and levy as under current law, establishes a two-tiered equalization formula for LOR, reduces the number of tiers for referendum equalization from 3 to 2, and reduces the referendum cap by \$300.
- 10 Annual expenditure report.** Requires school districts to submit to the commissioner of education a functional description of how the school is spending its compensatory revenue. Adds the requirement that the report must address whether the increased expenditures raised student achievement levels and includes the report in the district's World's Best Workforce plan.
- 11 Commissioner's report.** Requires the commissioner to compile and summarize district compensatory revenue reports and submit the consolidated report to the Legislature by February 15th of each year.
- 12 - 17 Local optional revenue and referendum revenue.** Simplifies the calculation of referendum and local optional revenue and makes the calculations more transparent by eliminating the annual recalculation of referendum allowances based on the amount of LOR a district receives, and moving the \$300 per pupil of referendum revenue available to districts by board resolution to LOR, so that all of the \$724 available to districts by board action is in LOR and all of the referendum revenue is voter approved. To ensure that all districts receive the same amount of aid and levy as under current law, establishes a two-

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tiered equalization formula for LOR, reduces the number of tiers for referendum equalization from 3 to 2, and reduces the referendum cap by \$300.

- 18 Payment percentage for reimbursement aids.** Strikes an obsolete reference to a repealed aid program for special education litigation costs. This program was repealed by Laws 2005.
- 19 Payment of aids and credits to school districts; payments to third parties.** Eliminates references to payments procedures for certain cooperative units repealed in this article.
- 20 Agreement; joint powers.** Includes a service cooperative as a “governmental unit” in the list of governmental units authorized to participate in joint powers agreements.
- 21 General education appropriation.** Increases the general education appropriation to pay for provisions in this article and adjusts the aid to match the February 2018 Forecast. See fiscal worksheet for details.
- 22 Consolidation transition aid appropriation.** Redirects unneeded consolidation transition aid for fiscal year 2019 to grants for character development education and a grant to the Waconia school district for a vocational education pilot program. Provides up to three percent of grant funds for administrative purposes.
- 23 Fund transfers.**
- Subd. 1. Minnetonka school district.** Authorizes the Minnetonka school district to transfer up to \$2.4 million from its community education reserve account to its reserved for operating capital account for the construction costs associated with the district’s early childhood spaces.
- Subd. 2. Ivanhoe school district.** Authorizes the Ivanhoe school district to transfer up to \$79,000 from its community education reserve account to its undesignated general fund.
- Subd. 3. Minneapolis school district.** Authorizes the Minneapolis school district to transfer up to \$5.5 million from its community education reserve account to its undesignated general fund for school district support personnel, including mental health professionals.
- Subd. 4. Hopkins school district.** Authorizes the Hopkins school district to transfer up to \$500,000 from its community education reserve account to its reserved for operating capital account for the construction costs associated with the district’s early childhood spaces.
- Subd. 5. Fund balance policy.** Requires each district making a transfer to abide by its school board’s policy, to the extent practicable, unless the funds are transferred for use allowed under learning year statute.
- 24 School revenue generation and spending; legislative auditor study.** Requests that the legislative auditor conduct a program evaluation of how school districts and charter schools allocate revenue and expenditures across school sites.
- 25 Pupil transportation working group.** Establishes a pupil transportation working group. Defines members, requires a report.

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- 26** **Appropriation.** Appropriates \$300,000 in fiscal year 2019 from the general fund to the commissioner of education for a grant to the St. Cloud school district for an English language academy operated in the summer. Makes the one-time funding available for three years. Requires a report. Appropriates \$41,000 in fiscal year 2019 for a school bus safety campaign. See fiscal worksheet for details.
- 27** **Appropriation; Office of the Legislative Auditor.** Appropriates \$200,000 in fiscal year 2019 from the general fund to the Office of the Legislative Auditor the for the program evaluation required in section 13. See fiscal worksheet for details.
- 28** **Repealer.** (a) July 1, 2018:
- section 123A.26, subdivision 3 – Repeals authority for a district to request payment of certain aids to a cooperative unit; this payment authority has never been requested by a district.
 - section 125A.75, subdivision 9 – Repeals an annual district and department report of district special education litigation costs; these costs are already reported and available in district and agency accounting systems.
- (b) July 1, 2018:
- section 126C.16, subdivisions 1 and 3 – Referendum revenue conversion procedures now obsolete.
- (c) July 1, 2020:
- section 126C.17, subdivision 9a – Outlining the process for board-approved referendum allowance, now “first-tier local optional revenue.”

Article 48: Education Excellence**Analysts: Tim Strom and Cristina Parra**

- 1** **Education records.** Includes pupil withdrawal records in the records sent when a student is transferring to another district, charter school, or nonpublic school. Requires the student’s records to include a list of the services a pupil needs.
- Effective date.** Makes the section effective for the 2018-2019 school year and later.
- 2** **Legitimate exemptions.** Allows a student to be excused from school for up to three days to participate in any activity necessary to join a branch of the United States armed forces.
- 3** **Required academic standards.** Allows a district to include child sexual exploitation prevention instruction in the health curriculum.
- (e) Allows a district to include instruction on substance misuse prevention in the health curriculum starting in grade 5.
- Effective date.** Makes the section effective immediately.

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- 4** **Graduation requirements.** Requires a student beginning 9th grade in the 2020-2021 school year and later to take a government and citizenship course for credit in 11th or 12th grade.
- 5** **World’s Best Workforce; definitions.** Defines certain terms.
- (e) “State plan” means the plan submitted by the commissioner of education under ESSA and approved by the U.S. Department of Education.
- (f) “Ineffective teacher” means a teacher whose most recent summative teacher evaluation resulted in placing or otherwise keeping the teacher on an improvement process.
- (g) “Inexperienced teacher” means a licensed teacher who has been employed as a teacher for three years or less.
- (h) “Out-of-field teacher” means a licensed teacher who is providing instruction in an area in which the teacher is not licensed.
- 6** **World’s Best Workforce; performance measures.** Amends performance measures by basing the academic achievement gap on the Minnesota Comprehensive Assessments (MCA), specifies that student performance is based on the reading and math MCAs, and measures college and career readiness by student performance on the high school MCAs in reading and math and successful completion of rigorous coursework that is part of a well-rounded education. Adds performance measures from state plan to World’s Best Workforce performance measures.
- 7** **World’s Best Workforce; adopting plans and budgets.** Adds statewide goals in reference to benchmarks required in district plan.
- 8** **World’s Best Workforce; report.** Eliminates the requirement that school boards publish a school performance report in the local newspaper. Requires the commissioner to include student performance on performance measures under subdivision 1a in school performance reports. A school board must publish the school performance report for the district and each school site on the district’s website or link to the reports on the Department of Education website.
- 9** **World’s Best Workforce; annual evaluation.** Amends the requirement that the commissioner identify districts not making sufficient progress by requiring the commissioner to use performance measures for identification, requiring identification of school sites in addition to school districts, modifying the three-year performance period reviewed, and substituting performance goals for teaching and learning.
- Requires identified districts to implement evidence-based strategies and best practices.
- Modifies the commissioner’s report to the legislature by substituting progress toward meeting World’s Best Workforce goals for the district’s performance goals.
- 10** **Reading proficiently no later than end of grade 3.** Includes dyslexia training in staff development needs and allows district to use literacy aid for staff development needs. Makes technical changes.
- 11** **Duties.** Requires the dyslexia specialist to provide guidance to school districts and charter schools on accessing screening tools, implementing screening, and participating in professional development opportunities on intervention strategies and accommodations for

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students with dyslexia. Requires the specialist to give guidance to the Professional Educator Licensing and Standards Board (PELSB) on developing license renewal requirements on dyslexia.

- 12 Secondary students personal learning plans.** Amends the secondary student personal learning plan statute to:
- require that plans help students access armed forces career options;
 - require school districts to grant military recruiters (this provision is duplicated Federal law) the same access to students that they grant to colleges and employers; and
 - encourage school districts to sponsor an Armed Forces Career Opportunity Day each fall.
- 13 Jake’s Law; substance misuse prevention.** Encourages school districts to integrate substance misuse prevention instruction into existing programs, curriculum, or school environment.
- 14 Proficiency.** Amends the definition of proficiency by eliminating references to low, medium, and high growth.
- 15 Statewide testing.** Requires the commissioner of education to administer the MCAs as late as possible each school year. Currently, students take the MCAs in March, April, and May. Requires commissioner to publish testing schedule at least two years in advance. Eliminates obsolete language. Eliminates benchmarks for career and college readiness for students in grades 3 through 5 on MCAs.
- 16 State growth target; other state measures.** Corrects a reference to “Asian and Pacific Islander” to align with the federal race definitions. Strikes the requirement that the commissioner implement a value-added growth model and requires the commissioner to report on academic growth, as defined in the state plan. Clarifies graduation rate reporting requirements.
- 17 Academic achievement rating system.**
- Subd. 1. Rating system.** Requires the commissioner to develop a rating system that assigns to each school and district a summative rating based on a score of zero to 100. The summative rating must be based on the accountability indicators used in the state ESSA plan. The rating and score must be reported annually on school performance reports, starting by September 1, 2020.
- Subd. 2. Report.** Requires the commissioner to report to the legislature on progress toward developing the rating system by February 1, 2020.
- 18 School performance reports and public reporting.** Requires the commissioner to report the school and district ratings, growth rates as required by ESSA, and civics test performance. Requires school performance report to include summative ratings and scores, achievement rates, and progress toward statewide goals.
- 19 Student progress and other data.** Includes data used to set goals for expectations under the state plan in the category of nonpublic data until the commissioner publicly releases the data.

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- 20 National motto.** Allows a school district or charter school to display a copy of the national motto "In God We Trust" in each school.
- 21 Applicability.** Requires a parent to inform the school if their student's drugs or medication that is stored and administered at school is a controlled substance. For drugs or medications that are not controlled substances, requires the written permission to administer the medication to include a provision authorizing the school district to transport the medication for purposes of destruction if any unused medication is left at the school. When the district requests, the parent is required to retrieve the medication if it's a controlled substance.
- 22 Unclaimed drugs or medications.** Requires a school district to adopt a procedure for the collection and transport of any unclaimed or abandoned prescription drugs or over-the-counter medication left with school personnel. Allows the school district to designate an individual to transport over-the-counter medications and prescription drugs that are not a controlled substance to a designated drop-off box or collection bin. The district may request a law enforcement agency to transport the drugs or medication. Prohibits school districts or school personnel from transporting unclaimed or abandoned prescription drugs that are controlled substances.
- 23 School counselors.** Encourages school counselors to present and explain armed forces career options and benefits to students and inform parents and students of the military enlistment exam. Allows counselors to consult with the Department of Labor and Industry on resources for students interested in careers in the skilled trades and manufacturing. Prohibits a counselor from interfering with a student's enlistment in the armed forces.
- 24 Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.** Defines the term as policies and practices that are alternatives to removing a pupil from class or dismissing pupil from school. Affirms that definition does not diminish teacher's authority to remove a student from class.
- 25 Grounds for dismissal.**
- Subd. 1. Provision of alternative programs.** Requires a school to consider using nonexclusionary disciplinary practices before dismissal proceedings.
- Subd. 2. Grounds for dismissal.** Provides technical changes.
- Subd. 3.** Strikes the subdivision.
- Effective date.** Makes the section effective for the 2018-2019 school year and later.
- 26 Administrator notifies pupil of grounds for suspension.** Clarifies that the administrator must inform the pupil that they are not required to present their version of the facts and ask questions at the informal administrative conference before a suspension.
- Effective date.** Makes the section effective for the 2018-2019 school year and later.
- 27 Written notice of grounds for suspension.** Clarifies what is contained in a written notice of grounds for suspension and how it is to be served on the pupil and their parents or guardian. Requires the notice include documents indicated the nonexclusionary disciplinary policies

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and practices used with the pupil, the length of the suspension, and a request for a meeting with the pupil's parent or guardian consistent with subdivision 3a.

Effective date. Makes the section effective for the 2018-2019 school year and later.

- 28 Parent notification and meeting; suspension; mental health screening.** (a) Requires a school official to make reasonable attempts to convene a meeting with the pupil and their parent or guardian within 30 days of a suspension. States the purpose of the meeting as engaging the pupil's parent or guardian in developing a plan to help the pupil succeed in school by addressing the behavior that led to the dismissal.

(b) If a pupil's total days of removal from school exceeds ten cumulative days, the school district must attempt to convene a meeting with the pupil and their parent or guardian to arrange for a mental health screening for the pupil if the parent consents.

Effective date. Makes the section effective for the 2018-2019 school year and later.

- 29 Minimum education services.** Requires a school official to give a suspended pupil the opportunity to complete all school work assigned during the pupil's suspension and to receive credit for satisfactorily completing the assignments. Encourages the school principal to designate a liaison to work with the pupil's teachers to allow the suspended pupil to receive timely course materials and complete daily and weekly assignments and receive teachers' feedback.

Effective date. Makes the section effective for the 2018-2019 school year and later.

- 30 Written notice.** Makes technical changes and requires the written notice of expulsion to explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices.

Effective date. Makes the section effective for the 2018-2019 school year and later.

- 31 Admission or readmission plan.** Requires an admission or readmission plan to include measures to improve pupil behavior and parental involvement in process.

- 32 Policies to be established.** Makes technical changes. Requires a district to review the expelled or excluded pupil's school work and grades on a quarterly basis to ensure they are on track for readmission. Requires a district to continue to provide school-linked mental health services to an expelled or excluded student in the manner determined by the district until the pupil is enrolled in a new district. Requires the district to provide the pupil's parent with a list of mental health and counseling services available to the pupil after expulsion. Requires the district to report on its policy on the appropriate use of school resource officers.

Effective date. Makes the section effective for the 2018-2019 school year and later.

- 33 Discipline and removal of pupils from class.** Makes technical changes. Amends the requirement that the district discipline policy includes potential consequences for violations of the rules to require that potential consequences are included in the policy. Requires the policy to include parental notification requirements. Requires a meeting with a pupil's parent or guardian to discuss the problem causing the pupil's removal from class after the pupil has been removed from class more than five, instead of ten, times in one school year.

Effective date. Makes the section effective for the 2018-2019 school year and later.

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- 34 Parent notification.** Requires a school administrator to make and document efforts to immediately contact the parent or guardian of a pupil removed from a school building or school grounds by a peace or school resource officer unless the notice is specifically prohibited by law. Requires school administrator to make reasonable efforts to notify a parent if a student is secluded.
- Effective date.** Makes the section effective for the 2018-2019 school year and later.
- 35 Essential data.** Reassigns a requirement that the Minnesota Department of Education maintain a list of licensed and non-licensed staff members for each school district to PELSB. This data is collected through Staff Automated Report (STAR), which was transferred to PELSB last session.
- 36 Clerk records.** Deletes a report required under section 123B.14, subdivision 7.
- 37 Resolution of concurrence.** Clarifies that a resolution of non-concurrence by the American Indian education parent advisory committee and recommendations on educational programs for American Indian students must be submitted directly to the school board.
- 38 Literacy incentive aid.** Amends the measure of growth for purposes of growth aid.
- 39 Department duties; essential data.** Eliminates the requirement that Department of Education maintain essential data on school district licensed and nonlicensed staff members. PELSB will maintain the essential data.
- 40 Limitations of order.** Eliminates reference to MDE licensing division.
- 41 Definitions.** Adds a cross-reference to the definition of “sexual abuse” under the Maltreatment of Minors Act to allow the Department of Education to investigate behaviors that fall under that statute for maltreatment.
- 42 Certification incentive revenue.** Reduces incentive funding from \$1,000,000 to \$400,000, clarifies time when funding may be used, and extends reporting requirement.
- 43 Certification incentive funding.** Reduces appropriation. Provides \$3,000 for agency report. See fiscal worksheet.
- 44 Museums and education centers.** Appropriates \$31,000 in fiscal year 2019 only for the Judy Garland Museum for the Children’s Discovery Museum of Grand Rapids. Provides up to three percent of grant for administrative purposes.
- 45 Singing-based pilot program.** Allows fiscal year 2018 funding for the singing-based pilot program to carry over to fiscal year 2019.
- 46 Paraprofessional pathway to teacher licensure.** Allows charter schools to receive grants for Grow Your Own programs. Clarifies eligibility for grants.
- 47 Appropriations.** See fiscal worksheet for details. Provides up to three percent of grant funds for administrative purposes.
- 48 Revisor’s instruction.** Recodifies intermediate school district provisions within K-12 education code.

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- 49 Repealer.** Repeals definitions of low growth, medium growth, high growth, and growth toward proficiency. Repeals vision therapy pilot project.

Article 49: Teachers**Analysts: Tim Strom and Cristina Parra**

- 1 Code of ethics.** Codifies the code of ethics, which is currently in rule, in statute. Adds prohibition on discriminating on basis of political, ideological, or religious beliefs, and engaging in sexual contact with a student.
- 2 Public employer compensation reduction prohibited.** Prohibits a public employer of a PELSB member from reducing the member’s compensation or benefits for their absence from employment due to engaging in the business of the board.
- 3 PELSB and code of ethics.** Adds reference to new statute codifying code of ethics. Requires board to develop a process for school districts to receive complaints about teacher code of ethics violations, and forward complaints to board. Requires school board to inform parents of ability to submit complaint to school board.
- 4 Teacher background checks.** Eliminates the option for PELSB to issue a teacher license while a background check is pending.
- 5 “Professional growth;” continuing education in armed forces career options.** Authorizes school employees who provide career advice to students to partly satisfy their professional continuing education requirements by attending training in armed forces career options or careers in the skilled trades and manufacturing.
- 6 Teacher background check.** Requires PELSB to request a background check from the Bureau of Criminal Apprehension (BCA) on a licensed teacher applying for a renewal license if the teacher has not had a background check within the last five years. Allows the board to request payment from a teacher renewing a license to cover the cost of the background check.
- 7 Grounds for revocation, suspension, or denial.** Adds to the list of grounds on which PELSB and Board of School Administrators (BOSA) must refuse to issue, refuse to renew, or automatically revoke a teacher’s license without the right to a hearing. Allows board to take licensing action when there is a stay of adjudication for any offense.
- Requires PELSB or BOSA to refuse to issue, refuse to renew, or revoke a teacher’s license to teach if the teacher has engaged in sexual penetration with a student.
- Requires reversal of licensing decision based on background check if applicant is not subject of background check. Provides that a licensing action under this subdivision is not subject to review.
- Requires PELSB or BOSA to review, allows board to renew, or revoke a teacher’s license to teach if the teacher is convicted of certain offenses. Allows a teacher to initiate a contested case under chapter 14 if license is revoked, not renewed or not issued.

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Allows PELSB or BOSA to suspend a license while an investigation into grounds for revocation is pending.

- 8 **PELSB; mandatory reporting.** Clarifies responsibilities of BOSA for reporting maltreatment. Requires PELSB and BOSA to report maltreatment to a welfare agency and law enforcement authorities.
- 9 **Immediate discharge.** Adds cross-reference to section 122A.20, subdivision 1, paragraph (b), in list of grounds on which a school board must immediately discharge a teacher and adds to list of grounds to match list in section 122A.20.
- 10 **Immediate discharge; first class city schools.** Adds cross-reference to section 122A.20, subdivision 1, paragraph (b), in list of grounds on which a school board must immediately discharge a teacher and adds to list of grounds to match list in section 122A.20.
- 11 **General control of schools.** Requires school district to notify teachers of authority to remove students from class.
- 12 **Responsibility.** Substitutes PELSB for Board of Teaching in statute relating to evaluating programs to prepare teachers.
- 13 **Background check required.** Requires the school hiring authority to request a new criminal history background check on all employees every five years. Allows the school hiring authority to decide not to request a criminal background check on an employee who provides a copy of a background check conducted within the previous 60 months. Allows a school hiring authority to pay the costs of conducting the background check.
- 14 **Effect of background check or PELSB action.** Eliminates the option for a district to hire an individual while a background check is pending.
- 15 **Report by court administrator.** Requires the superintendent of the BCA to require court administrators to report stays of adjudication for an offense that would require predatory offender registration if convicted.
- 16 **Background checks; additional disclosure.** Requires the superintendent of the BCA to disclose stays of adjudication granted to the subject of a statutorily required or authorized background check.
- 17 **Limits of sentences.** Requires that a stay of adjudication be reported to the superintendent of the Bureau of Criminal Apprehension.
- 18 **Persons mandated to report; persons voluntarily reporting.** Adds the member of a board whose licensees perform work within a school facility to the list of mandated reporters.
- 19 **Law enforcement duties.** Requires law enforcement to notify PELSB or BOSA of a report of maltreatment by a licensee.
- 20 **Determinations.** Requires the commissioner of education to inform an appropriate licensing entity that a report of maltreatment was received, the subject of the report, the date of the initial report, the category of maltreatment, the fact that maltreatment was not determined, and a summary of the reasons for the determination.
- 21 **Certified copy of disqualifying offense convictions sent to public safety and school districts.** Requires a court administrator to send a copy of a school bus driver's stay of

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adjudication for offenses requiring predatory offender registration to the Department of Public Safety and to the school districts in which the offender drives a school bus within ten days of the stay of adjudication.

- 22 – 36** **Effective date.** Extends the effective date for the teacher licensure rules and the repeal of the current licensure rules from July 1, 2018, to October 1, 2018.
- 37** **Survey of teacher preparation programs.** Requires PELSB to survey board-approved teacher preparation programs on programs' dyslexia instruction offerings.
PELSB may consult with the dyslexia specialist at MDE. PELSB must report to the legislature on survey findings.
- 38** **Tiered licensure rules.** Requires PELSB to adopt in rule sections 39 to 56 as temporary rules that must expire on the adoption of new rules if the board has not adopted tiered licensure rules by October 1, 2018.
- 39** **Definitions and general rules for teaching licenses.**
- Subd. 1. Definitions.** Defines terms.
- Subd. 2. Teaching licenses, in general.** Requires licenses to be granted to applicants that meet all requirements. Provides expiration dates. Requires criminal history background checks.
- Subd. 3. Addition to Tier 3 or 4 license.** Sets expiration date when licensure area is added.
- Subd. 4. Movement between tiers.** Allows teachers to obtain higher tier license. Limits when teacher may obtain license in lower tier.
- Subd. 5. Multiple expiration dates.** Allows consolidation of expiration dates.
- Subd. 6. Appeal.** Allows applicant denied a license to appeal.
- Subd. 7. Licenses issued in error.** Requires license issued in error to be corrected without change and without a hearing.
- Subd. 8. Report.** Requires annual report by September 1.
- Subd. 9. Fees.** Requires applicants to pay fees.
- 40** **Tier 1 license.** Provides requirements for a tier 1 license.
- 41** **Tier 2 license.** Provides requirements for a tier 2 license.
- 42** **Tier 3 license.** Provides requirements for a tier 3 license.
- 43** **Tier 4 license.** Provides requirements for a tier 4 license.
- 44** **Out-of-field permission.** Provides requirements for a teacher with a tier 3 or 4 license to teach out of field.
- 45** **Innovative program permissions.** Provides requirements for innovative program permissions.

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- 46 Short-call substitute license.** Provides requirements for substitute license for holder to replace teacher of record for up to 15 consecutive school days.
- 47 Lifetime substitute license.** Provides requirements for lifetime substitute license issued to retired teacher, who can replace teacher of record on approved leave of absence.
- 48 Teachers of reading.** Requires candidate for reading teacher license to hold or qualify for license to teach elementary, middle, or secondary school.
- 49 Reading leader.** Requires candidate for reading teacher license to hold or qualify for license to teach elementary, middle, or secondary school.
- 50 Speech-language pathologist.** Provides requirements for speech-language pathologist license.
- 51 School nurse.** Provides requirements for school nurse license.
- 52 School psychologist.** Provides requirements for school psychologist license.
- 53 School social worker.** Provides requirements for school social worker license.
- 54 School counselor.** Provides requirements for school counselor license.
- 55 Duty of license to renew.** Requires person seeking to renew tier 3 or 4 license to comply with renewal requirements and submit required application and materials.
- 56 Career pathways teacher.** Provides requirements for career pathways teacher.
- 57 Repealer.** (a) Repeals PELSB rules replaced by rule adopted under section 38.
(b) Repeals statute requiring PELSB to adopt a code of ethics, and the rule with the code of ethics.

Article 50: Special Education**Analysts: Tim Strom and Cristina Parra**

- 1 Education, residence, and transportation of homeless.** Provides that, for homeless pupils with an individualized education program (IEP) enrolled in a program authorized by an intermediate district or other cooperative unit, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting the pupil for the remainder of the school year, unless the initial serving district and current serving district mutually agree that the current serving district will be responsible for providing transportation.
Effective date. This section is effective July 1, 2018.
- 2 Intermediate school district mental health innovation grant program; appropriation.** Clarifies that a mental health provider that is in enrolled as a mental health or substance use disorder provider in Minnesota's medical assistance program and that employs at least two full-time equivalent mental health professionals is eligible to receive a grant under this section.

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- 3 Special education adjustment; Monticello school district.** Converts a one-year delay in repayment due to an adjustment to the Monticello school district's special education revenue amounts to forgiveness of \$800,000 of the outstanding adjustment. Makes this a one-time adjustment in fiscal year 2019 only.
- 4 Appropriation; special education aid.** Matches the fiscal years 2018 and 2019 special education aid appropriations to the February 2018 forecast. Increases special education aid by \$800,000 in for fiscal year 2019 for the Monticello adjustment. See fiscal worksheet for details.
- 5 Special Education Legislative Working Group.**
- Subd. 1. Duties.** Establishes a special education legislative working group to review special education delivery and cost in Minnesota, to consult with stakeholders, and to submit a written report and recommendations to the legislature. Requires the working group to examine certain aspects of the special education system.
- Subd. 2. Membership.** Provides that the working group consists of twelve members, including three members appointed by the speaker of the house, three appointed by the house minority leader, three appointed by the senate majority leader, and three appointed by the senate minority leader. Requires that the chairs of the house and senate committees with jurisdiction over education finance and policy be appointed to the working group. Requires that only duly elected and currently serving members of the house or senate be members of the working group.
- Subd. 3. Organization; process; administrative and technical support.** Requires that working group appointments be made by July 1, 2018. Requires caucus leaders to fill vacancies in working group membership. Requires that the senate education policy chair convene the first meeting and serve as a co-chair of the working group together with the house education policy chair. Requires that working group meetings be held periodically be open to the public. Directs the Legislative Coordinating Commission to provide administrative assistance. Requires the Department of Education to provide technical assistance.
- Subd. 4. Consultation with stakeholders.** Requires the working group to consult with stakeholders in developing its recommendations.
- Subd. 5. Report.** Requires the working group to submit its report the legislature no later than January 15, 2019.
- Subd. 6. Expiration.** Provides that the working group expires on January 16, 2019, unless extended by law.

Article 51: Facilities, Technology, Libraries, and Nutrition**Analysts: Tim Strom and Cristina Parra**

- 1 Frequency of testing; lead in school drinking water.** Requires the commissioner of education, in consultation with the commissioner of health, to set the maximum acceptable

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level of lead in school drinking water. Requires any water source that exceeds this level to be immediately shut off until lead levels are remediated.

2 Reporting; lead in school drinking water. Requires a school to immediately notify parents any time that lead is detected at a level exceeding the standard established by the commissioner. The school must also notify parents of the test results and any remediation activities.

3 Disposing of surplus school computers. Allows a school district to sell or give used computers or tablets to students.

4 Food service contracts. Clarifies a cross-reference that allows a contract between a school board and a food service management company that complies with federal regulations governing summer food service programs and the Child and Adult Care Food Program to be renewed for up to four years.

5 Allocation from districts participating in agreements for secondary education or interdistrict cooperation. Allows districts participating in a pairing agreement to allocate long-term facilities maintenance revenue for large indoor air quality, fire safety and asbestos projects among the participating district to provide an equitable distribution of the levy impact of the projects.

6 School meals policies; lunch aid; food service accounting.

Subd. 1. School meals policies. Requires each Minnesota participant in the national school lunch program to adopt and publish a written school meals policy. Requires certain policy components. Requires the policy to apply to contracts with third-party meal service providers.

Subd. 5. Respectful treatment. Requires the participant to provide meals to students in a respectful manner. Prohibits the participant from dumping meals, withdrawing served meals, publicly listing the names of students with meal debt, identifying students with meal debt with stickers, stamps, or pins, or other demeaning actions. Prohibits participants from restricting students with outstanding debt from participation in any school activity for which a fee is otherwise prohibited under section 123B.37. Prohibits participants from limiting a student from participating in school activities, graduation ceremonies, and other activities or access to materials because of outstanding debt. Requires the commissioner to communicate with noncompliant participants. Requires noncompliant participants to respond to commissioner communications and to remedy noncompliant practices.

7 District aid. For a district that is not a member of an organized telecommunications access cluster, eliminates the \$16 per pupil local effort required before the district is eligible for state aid.

Effective date. This section is effective for revenue in fiscal year 2019 and later.

8 Award of funds; regional library telecommunications access aid. Redirects unspent regional library telecommunications aid to grants to regional public library systems for equipment and other uses designed to expand access to high speed Internet, including providing portable hot spots to library patrons for fiscal years 2019 through 2021. Requires

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the commissioner to report to the legislature regarding the effectiveness and fiscal need of the regional library telecommunications access aid program.

- 9 Sample ballot, posting.** For proposed capital projects requiring review and comment, requires that the summary of the commissioner’s review and comment and other supplemental information be posted in the school district’s administrative office four days before an election to issue bonds to finance the project. Requires that the same be posted in the polling place on Election Day.
- Effective date.** This section is effective for elections held on or after August 1, 2018.
- 10 Duties of fire marshal.** Requires that, of the five school fire drills required each year, at least three drills must require an evacuation.
- 11 Fire drill.** Authorizes a public or private school or educational institution to implement an alternative fire drill that does not require evacuation. Requires a school or educational institution to work with the local fire chief and law enforcement chief or their designees in developing and implementing the alternative drills. Requires a school to keep records of fire drills, including information about the type of drill and evacuation.
- 12 Proper use of bond proceeds.** Clarifies that bond elections issued after approval of the electors must be used for the purposes stated on the ballot.
- 13 Generally; notice.** Requires that the ballot language for a school district bond issue state the name of the plan or plans being proposed by the district as submitted to the commissioner for review and comment.
- Effective date.** This section is effective for elections held on or after August 1, 2018.
- 14 Equity in telecommunication access; appropriation.** Appropriates an additional \$200,000 in fiscal year 2019 only for equity in telecommunications access aid.
- 15 Regional library telecommunications aid.** Authorizes carry forward authority from fiscal year 2018 to fiscal year 2019 for any balance in the regional library telecommunications aid program.
- 16 Appropriations.** Appropriates \$362,000 in fiscal year 2019 only for the additional telecommunications access aid.

Article 52: Early Education, Self-Sufficiency, and Lifelong Learning

Analysts: Tim Strom and Cristina Parra

- 1 Voluntary prekindergarten; program requirements.** Clarifies that the cognitive and social skills formative measure administered to prekindergarten pupils must be age-appropriate.
- 2 Voluntary prekindergarten; application process; priority for high poverty schools.** Splits the Minneapolis and St. Paul school districts into two separate regions for purposes of allocating voluntary prekindergarten funds.

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- 3 Participation limits.** Removes obsolete language.
- 4 Family eligibility; early learning scholarships.** Eliminates the need for parents to verify income for homeless children or children in need of protective services.
- 5 Administration; early learning scholarships.** Clarifies that children receiving early learning scholarships are required to receive an early learning developmental screening within 90 days of their third birthday, but not before, for those children who receive a scholarship at an earlier age.
- 6 Early childhood program eligibility.** Strikes an obsolete provision that allowed the early learning scholarship pilot sites to participate in the statewide program prior to becoming rated through the state’s quality rating and improvement system.
- 7 Commissioner-selected high school equivalency tests.** Clarifies that the commissioner may select more than one high school equivalency test.
- 8 Administration; design.** Requires that the commissioner’s education partnership program requirements align with programs that collect and utilize data to improve student outcomes; share disaggregated performance data with the community to set community-level outcomes; employ continuous improvement processes; have an anchor entity to manage the partnership; convene a cross-sector leadership group and have a documented accountability structure; and demonstrate use of non-state funds, from multiple sources, including in-kind contributions, among other requirements. Requires a grant recipient’s supportive services programming also address middle school mathematics and postsecondary enrollment and completion.
- 9 Grants.** Requires that, for Education Partnership Tier 2 grants authorized in fiscal year 2020 and later, priority must be given to past grant recipients. (As of fiscal year 2018, past Tier 2 grant recipients include the Northfield Healthy Community Initiative in Northfield; the Jones Family Foundation for the Every Hand Joined program in Red Wing; and the United Way of Central Minnesota for the Partners for Student Success program.)
- 10 Application; high school equivalency tests.** Clarifies that the commissioner may select more than one high school equivalency test.
- 11 Minnesota state authorization; high school equivalency tests.** Clarifies a reference to high school equivalency tests in the cosmetology license statute.
- 12 National criminal history record check.** Defines the term “national criminal history record check” to mean a fingerprint-based check of records conducted by the BCA through the databases maintained by the Federal Bureau of Investigation.
- 13 Background study; tribal organizations.** Authorizes tribal organizations to contract with the commissioner of human services to conduct background studies of individuals affiliated with a child care program sponsored, managed, or licensed by a tribal organization.
- 14 Background study; Head Start programs.** Authorizes Head Start programs to contract with the commissioner of human services for background studies. Exempts a Head Start program that does not contract with the commissioner, is not licensed, and is not registered for funding under chapter 119B from chapter 245C.

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- 15 Tier 2 Implementing grants; appropriation.** Increase the fiscal year 2019 appropriation for the Education Partnership Tier 2 implementing grants by \$73,000 and awards this amount as a grant to the Promise Neighborhood of Central Minnesota.

Article 53: State Agencies

Analysts: Tim Strom and Cristina Parra

1 Minnesota State High School League eligibility bylaws, policies, and procedures.

Subd. 1. Public input and access to proposed eligibility bylaws, policies, and procedures. Clarifies the requirements for public notice and public hearings of proposed changes to league eligibility bylaws, policies, and procedures. Reduces the number of parent/guardian requests necessary to require that a hearing be conducted by an administrative law judge or a person contracted by the Office of Administrative Hearings. Requires the league to maintain a public docket of historical and proposed changes to eligibility bylaws, policies, and procedures. Requires the league to post notice and proposed changes to eligibility bylaws, policies, and procedures no later than 30 days prior to board meetings. Requires the league to indicate publication dates on the league handbook and other advisory documents concerning eligibility and remove duplicate policies and procedures.

Subd. 2. Eligibility review process. Requires the league to establish a process for student eligibility review that provides students and parents an opportunity to present information. Requires the league to publish general criteria by which a request for a review may qualify for a review by the league's eligibility committee or further review by an independent hearing officer and the conditions, timelines, and procedures for such reviews. Requires the league to provide specific reasons for denying a request for review when a request is denied. Provides that the eligibility review process does not create a property right or liberty interest in extracurricular varsity athletic competition.

- 2 League information review and report; commissioner recommendations.** Transfers responsibility for annual information review from the commissioner to the league. Requires that the league annually evaluate current and proposed bylaws, procedures, policies, and definitions for compliance with Minnesota Department of Education programs and state and federal law. Requires that the league annually review any recent or proposed changes to eligibility bylaws, policies, and procedures. Requires that the league post its review on the league website and deliver a copy to the commissioner and the legislature.

- 3 Department.** Increases the Minnesota Department of Education's fiscal year 2019 appropriation by \$185,000 for the Turnaround Arts program. Sets the agency's fiscal year 2020 base budget at \$22,139,000. Provides that any unspent amount from the fiscal year 2018 appropriation for legal fees be reallocated for additional character development incentive grants, a grant to the For Jake's Sake Foundation, and a grant to the Mind Foundry Learning Foundation for fiscal year 2019.

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- 4 Appropriation; PELSB.** Adds \$25,000 to the fiscal year 2019 appropriation to PELSB for developing a process to submit ethics complaints.
- 5 Appropriation; Perpich Center for Arts Education.** Reduces the portion of the appropriation for the Perpich Center set aside for potential severance costs for Crosswinds employees from \$1.2 million to \$400,000.
- 6 Crosswinds disposition costs.** Cancels the unspent portion the Crosswinds disposition costs associated with the sale of the Crosswinds facility by reducing the appropriation from \$162,000 to \$21,000.
- 7 Repealer.** Repeals section 128C.02, subdivision 6, a duplicative annual high school league reporting requirement.

Article 54: Forecast Adjustments**Overview**

Article 11 adjusts all appropriations for formula-driven school funding to match the February 2018 forecast. These changes conform the appropriations to the forecast and have no fiscal effect when measured against the forecast.

Analysts: Tim Strom and Cristina Parra

Article 55: Miscellaneous Finance**Overview**

This article modifies various statutes related to state budget forecasts and finances and repeals two outdated sections that pertain to the 2011 issuance of Tobacco Securitization Bonds.

Analysts: Colbey Sullivan

- 1 State revenue and expenditures.** Modifies the deadline for Minnesota Management and Budget (MMB) to deliver the November budget forecast from “the end of the first week of December” to December 6.
- 2 Forecast variable.** Modifies which Senate committee MMB must consult regarding certain forecast variables.

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- 3** **Budget close report.** Requires MMB to prepare a detailed general fund balance analysis for the prior biennium by October 15 (i.e., prior to the November forecast) of each odd-numbered year. MMB would provide this report to the chairs and ranking minority members of Ways and Means and Senate Finance and post it on the agency's website.
- 4** **Authority.** Technical – eliminates a cross-reference to a statute (§ 16A.97) that would be repealed in section 8.
- 5** **Refunding bonds.** Technical – eliminates a cross-reference to a statute (§ 16A.98) that would be repealed in section 8.
- 6** **Prohibited activities.** Prohibits funding projects that promote domestic terrorism or criminal activities with money from the Arts and Cultural Heritage Fund. The Arts and Cultural Heritage is one of the four Legacy funds.
- 7** **Appropriation; fire remediation grants.** Reallocates a FY 2018 Melrose fire remediation grant appropriation to provide an additional \$84,800 of funding to the city of Melrose, and a corresponding reduction of \$84,800 to the other specified grant recipient, Stearns County. Extends the availability of this appropriation by one year, to June 30, 2019.
Effective date: Effective the day following final enactment.
- 8** **Repealer.** Eliminates two sections (16A.97 and 16A.98) that refer to the short-lived Tobacco Securitization Bonds issued in 2011. After the state Supreme Court ruled that MMB could sell Tobacco Appropriation Bonds (at a lower cost to the state) for the same purposes, MMB extinguished the Tobacco Securitization Bonds.