

Subject Commerce and Energy Omnibus

Authors Stephenson

Analyst Bob Eleff
Larie Ann Pampuch

Date June 15, 2021

Overview

This is the 2021 omnibus commerce and energy finance and policy bill. It appropriates funding in state fiscal years 2022 and 2023.

Article 1: Commerce Finance

Section Description – Article 1: Commerce , Climate, and Energy Finance

- 1 **Appropriations.**
Inserts boilerplate language regarding interpretation of the appropriation format used in this article.
- 2 **Department of Commerce.**
Appropriates general fund and other fund dollars to the Department of Commerce for specific purposes.
 - Subd. 1. Total appropriation.** Denotes the total amount of money, by fund, appropriated to the Department of Commerce.
 - Subd. 2. Financial institutions.** Appropriates general fund money for financial institutions. Appropriates money for grants to Prepare and Prosper and to administer Minnesota Statutes, chapter 58B.
 - Subd. 3. Administrative services.** Appropriates general fund money for administrative services. Appropriates money for unclaimed property compliance, operations, system modernization, IT modernization, and cybersecurity upgrades, and Real Estate Appraisal Advisory Board compensation.
 - Subd. 4. Telecommunications.** Appropriates general fund and telecommunications access fund money. Appropriates money to the commissioner of human services to supplement the operation of the Commission of Deaf, DeafBlind, and Hard-of-Hearing Minnesotans, to the chief information

Section Description – Article 1: Commerce , Climate, and Energy Finance

officer to coordinate technology accessibility, to the Legislative Coordinating Commission to caption legislative coverage, and to MN.IT Services to provide other state agencies with grants or services related to accessibility of web-based services.

Subd. 5. Enforcement. Appropriates general fund, workers' compensation fund, and consumer education account special revenue fund money. Appropriates money for health care enforcement, catalytic converter theft prevention, and transfers money from the consumer education account to the general fund.

Subd. 6. Insurance. Appropriates general fund and workers' compensation fund money. Appropriates money for health insurance rate review staffing, actuarial work to implement principle-based reserves, dues for the National Conference of Insurance Legislators, licensing pharmacy benefit managers, and to evaluate legislation for new mandated health benefits under Minnesota Statutes, section 62J.26.

Subd. 7. Weights and Measures Division. Appropriates general fund money to replace existing equipment and ensure continuity of operations.

Subd. 8. Energy Resources. Appropriates general fund money to remediate vermiculate insulation under the weatherization assistance program, to fund energy regulation and planning unit staff, provide financial assistance for schools and state colleges and universities to purchase and install solar energy generating systems, and to fund activities associated with a utility's implementation of a natural gas innovation plan.

Subd. 9. Petroleum tank release compensation. Appropriates money from the petroleum tank release fund to account for base adjustments needs.

Subd. Landfill bond prepayment; solar pilot project. Transfers general fund money to the commissioner of management and budget to prepay and defease certain outstanding general obligation bonds.

3 Minnesota Management and Budget.

Appropriates money for consultation with the commissioner of commerce to evaluate legislation for new mandated health benefits.

4 Department of Health.

Appropriates money for consultation with the commissioner of commerce to evaluate legislation of new mandated health benefits.

Section Description – Article 1: Commerce , Climate, and Energy Finance

- 5 **Public Utilities Commission.**
Appropriates money for activities associated with a utility’s implementation of natural gas innovation plan.
- 6 **Department of Employment and Economic Development.**
Appropriates money to operate the Energy Transition Office.
- 7 **Department of Education.**
Appropriates money for grants to the Minnesota Council on Economic Education.
- 8 **Cancellation; fiscal year 2021.**
\$1,220,000 of the fiscal year 2021 general fund appropriations under Laws 2019, First Special Session chapter 7, article 1, section 6, subdivision 3, is canceled.

Effective date. This section is effective the day following final enactment.

Article 2: Renewable Development Account Appropriations

Section Description – Article 2: Renewable Development Account Appropriations

- 1 **Renewable development finance.**
Appropriates money from the Renewable Development Account to the Departments of Commerce and Administration, and the University of Minnesota.
- 2 **Department of Employment and Economic Development.**
 Subd. 1. Clean Energy Career Training Pilot Project. Appropriates \$2.5 million in FY 2022 for a program to provide training for technical careers in clean energy.

 Subd. 2. Mountain Iron Solar. Appropriates \$5.5 million in FY 2022 for a grant to the Mountain Iron Economic Development Authority to expand a city-owned solar panel plant.
- 3 **Department of Commerce.**
 Subd. 1. Total appropriation. Appropriates \$4.825 million in FY 2022 and \$1.8 million in FY 2023.

 Subd. 2. “Made in Minnesota” administration. Appropriates \$100,000 each year to administer the MIM solar incentive program.

Section Description – Article 2: Renewable Development Account Appropriations

Subd. 3. Third-party evaluator. Annually appropriates \$500,000 to contract with a third party to evaluate applications for grants under an RDA grant cycle.

Subd. 4. Agricultural weather study. Appropriates \$583,000 in FY 2022 to the University of Minnesota to produce a model that generates weather parameters across the state in areas as small as three square miles.

Subd. 5. Microgrid research and application. Appropriates \$5.4 million in FY 2022-2026 to the University of St. Thomas Center for Microgrid Research to procure equipment, expand partnerships with industry, and provide educational opportunities for students.

Subd. 6. Solar on state college and university campuses. Appropriates \$1.242 million to provide financial assistance to purchase and install solar systems on schools outside Xcel Energy's electric service territory.

4 University of Minnesota.

Appropriates \$10 million in FY 2022 to the UM West Central Research and Outreach Center to conduct R&D for energy storage systems that utilize hydrogen and ammonia produced from renewable energy sources.

5 Department of Administration.

Subd. 1. State building Energy Conservation Improvement Revolving Loan Account. Appropriates \$5 million in FY 2022 in the account to provide loans to state agencies for energy conservation projects.

Subd. 2. State building Energy Conservation Improvement Revolving Loan Program. Appropriates \$219,000 in FY 2022 and \$88,000 in FY 2023 for software and administrative costs goals; environmental impact study the revolving loan program.

Subd. 3. Construction materials; environmental impact study. Appropriates \$125,000 in FY 2022 to complete the study required under article 8, section 31.

Article 3: Insurance

Section Description – Article 3: Insurance

- 1 Other jurisdictions.**
Adds cross-reference.

Section Description – Article 3: Insurance

Effective date. This section is effective January 1, 2022, and applies to reinsurance contracts entered into or renewed on or after that date.

2 Credit allowed; reciprocal jurisdiction.

(a) Explains the criteria an assuming insurer must meet in order for a ceding insurer to receive credit.

(b) Requires the commissioner of commerce to create and publish a list of reciprocal jurisdictions.

(c) Requires the commissioner of commerce to create and publish a list of assuming insurers that have met the criteria of this subdivision.

(d) Allows the commissioner to revoke or suspend the eligibility of an assuming insurer if the insurer no longer meets the criteria of this subdivision.

(e) Requires the commissioner of commerce to take certain steps before denying statement credit or requiring an insurer to post security.

(f) Allows the commissioner of commerce to obtain an order requiring the assuming insurer to post security for outstanding ceded liabilities if certain events occur.

(g) Clarifies that nothing in this subdivision limits or alters the ability of parties to a reinsurance agreement to agree on other security terms.

(h) Clarifies that credit can be taken under this subdivision only for reinsurance agreements executed, amended, or renewed on or after the effective date and only with respect to losses and reserves that meet certain criteria.

Effective date. This section is effective January 1, 2022, and applies to reinsurance contracts entered into or renewed on or after that date.

3 Certification procedure.

(d)(8) Provides that the commissioner of commerce will review audited financial statements for the last two years, instead of three.

Effective date. This section is effective January 1, 2022, and applies to reinsurance contracts entered into or renewed on or after that date.

4 Duration; fees. Renewable Development Account Appropriations.

Makes technical change.

Section Description – Article 3: Insurance

5 Definitions.

Defines terms including “cybersecurity event,” “multifactor authentication,” “nonpublic information,” and “third-party service provider” as used in the new sections of law.

Effective date. This section is effective August 1, 2021.

6 Information security program.

Subd. 1. Implementation of an information security program. Requires licensees to develop, implement, and maintain a comprehensive written information security program based on the licensee’s risk assessment.

Subd. 2. Objectives of an information security program. Requires an information security program to protect the security and confidentiality of nonpublic information and the information system; protect against threats or hazards to nonpublic information or the information system; protect against unauthorized access to, or use of, nonpublic information; and define and reevaluate a schedule from retention of nonpublic information.

Subd. 3. Risk assessment. Requires licensees to identify a person responsible for the information security program; identify reasonably foreseeable threats; assess the likelihood of, and damage from, those threats; assess the sufficiency of policies, procedures, information systems, and other safeguards; and implement information safeguards to manage identified threats.

Subd. 4. Risk management. Directs licensees to design systems to mitigate identified risks, implement appropriate security measures, include cybersecurity risks in the licensee’s enterprise risk management process, stay informed about possible threats, and provide personnel with cybersecurity awareness training.

Subd. 5. Oversight by board of directors. Directs a licensee’s board of directors to require development and implementation of an information security program and require a report on that program.

Subd. 6. Oversight of third-party service provider arrangements. Requires licensees to exercise due diligence in selecting third-party service providers and directs licensees to require those third-party service providers to implement appropriate safeguards to protect information systems and nonpublic information.

Section Description – Article 3: Insurance

Subd. 7. Program adjustments. Directs licensees to monitor and adjust the information security program consistent with new information or changes in technology.

Subd. 8. Incident response plan. Requires licensees to include an incident response plan as part of their information security programs and establishes minimum requirements for those plans.

Subd. 9. Annual certification to commissioner. Requires insurers domiciled in Minnesota to annually certify in writing that they are in compliance with this section, maintain records for five years, permit inspection of those records, document areas that require improvement, and permit inspection of that documentation.

Effective date. This section is effective August 1, 2021. Licensees have one year from the effective date to implement subdivisions 1 to 5 and 7 to 9, and two years from the effective date to implement subdivision 6.

7 Investigation of a cybersecurity event.

Subd. 1. Prompt investigation. Requires a licensee to perform a prompt investigation after learning that a cybersecurity event may have occurred.

Subd. 2. Investigation of contents. The investigation must determine if an event took place and, if so, identify the nature and scope of the event and whether any nonpublic data was involved. The insurer must perform or oversee reasonable measures to prevent further unauthorized information releases.

Subd. 3. Third-party systems. Further requires a licensee to either perform an investigation or confirm that one has occurred if a cybersecurity event may have occurred in a system maintained by a third-party service provider.

Subd. 4. Records. Requires the licensee to maintain records for five years and produce records on demand of the commissioner.

Effective date. This section is effective August 1, 2021.

8 Notification of a cybersecurity event.

Subd. 1. Notification to the commissioner. Requires a licensee to notify the commissioner of commerce or the commissioner of health, as applicable, when a cybersecurity event occurred that involved a reasonable likelihood of material harm to a consumer or the normal operations of a licensee; or the licensee reasonably believes that the nonpublic information involved belongs to 250 or more consumers living in Minnesota and either notice is required under other

Section Description – Article 3: Insurance

provisions or the event has a reasonable likelihood of material harm to a consumer or the normal operations of a licensee.

Subd. 2. Information; notification. The licensee providing notification must do so in electronic form and has a duty to update the information submitted. As applicable, notification should include information in 13 different categories including the date of the event, how the event was discovered, whether any data was recovered, and the results of any internal review.

Subd. 3. Notification to consumers. Requires a licensee to provide notice—in the manner prescribed under the subdivision—to a consumer if, as a result of a cybersecurity event, the consumer’s nonpublic information was compromised in a way that poses a risk of material harm.

Subd. 4. Notice regarding cybersecurity events of third-party service providers. Requires a licensee to treat a cybersecurity event in a system maintained by a third-party service provider as it would treat an event under subdivision 1. Permits licensees to contract with third-party service providers regarding the duty comply with this subdivision.

Subd. 5. Notice regarding cybersecurity events of reinsurers to insurers. Requires a reinsurer to send notice of a cybersecurity event to the commissioner and to the ceding insurer. Directs the ceding insurer to send any relevant notification to the customer.

Subd. 6. Notice regarding cybersecurity events of insurers to producers of record. Requires insurers to notify the producers of record of all affected consumers following a cybersecurity event.

Effective date. This section is effective August 1, 2021.

9 Power of commissioner.

Grants the commissioner of commerce or commissioner of health, as applicable, power to investigate a licensee to determine if the licensee engaged in conduct that violates the new law, and take appropriate enforcement action.

Effective date. This section is effective August 1, 2021.

10 Confidentiality.

Subd. 1. Licensee information. Classifies data in the possession of the commissioner provided pursuant to the new law as confidential, protected

Section Description – Article 3: Insurance

nonpublic, or both, but permits the commissioner to use the data in a regulatory or legal action.

Subd. 2. Certain testimony prohibited. Provides that the commissioner and any other person who received the documents while acting under the authority of the commissioner shall not be required to testify in any civil action concerning confidential documents or information.

Subd. 3. Information sharing. Permits the commissioner to receive and share certain documents and information with other entities including state, federal, and international regulatory agencies and the National Association of Insurance Commissioners.

Subd. 4. No waiver of privilege or confidentiality. Provides that sharing documents or information pursuant to subdivision 3 does not waive any applicable privilege or claim of confidentiality. Requires documents or information disclosed to the commissioner to be retained by the licensee for a certain time period.

Subd. 5. Certain actions public. Permits the commissioner to release final, adjudicated actions that are open to the public pursuant to chapter 13.

Subd. 6. Classification, protection, and use of information by others. Provides that documents and other information in the possession or control of the National Association of Insurance Companies is classified as confidential, protected nonpublic, and privileged.

Effective date. This section is effective August 1, 2021.

11 Exceptions.

Establishes exceptions for a licensee with fewer than 25 employees, licensees subject to other data privacy laws, licensees covered by the information security program of another licensee, and employees of a producer licensee.

Effective date. This section is effective August 1, 2021.

12 Penalties.

Provides that violations of the new sections of law may be penalized in accordance with existing law, as described in section 60A.052, which includes suspension or revocation.

Effective date. This section is effective August 1, 2021.

Section Description – Article 3: Insurance

13 Exclusivity.

Clarifies that sections 60A.985 to 60A.9857 exclusively establish the state standards applicable to licensees for data security, the investigation of cybersecurity events, and notification of a cybersecurity event.

Effective date. This section is effective August 1, 2021.

14 Minimum values.

Changes the minimum interest rate in determining minimum nonforfeiture amounts for annuity contracts from one percent to 0.15 percent.

Effective date. This section is effective the day following final enactment.

15 Restrictions.

Amends § 62J.23, subd. 2. Includes prescription drugs administered through injection, or other parenteral methods, in the definition of “prescription drug” for purposes of the exemption of prescription drug discounts, price reductions, a limited time free supply, or samples, from the state application of the Medicare antikickback law to all persons in the state.

16 Screening and testing for opioids.

Adds § 62Q.497. (a) Prohibits a health plan company from placing lifetime or annual limits on screenings and urinalysis testing for opioids under certain circumstances.

(b) Clarifies that this section does not apply to medical assistance or MinnesotaCare.

Effective date. This section is effective January 1, 2022, and applies to health plans offered, issued, or renewed on or after that date.

17 Duties of commissioner; report.

Adds information relating to worker’s compensation insurers to the report the commissioner provides to the Rate Oversight Commission.

18 Required activity.

Changes the information that must be included in a report by a data service organization.

19 Surety bond requirement.

Changes minimum transaction amount to require a surety bond from \$25,000 to zero.

Section Description – Article 3: Insurance

- 20 **Notification to commissioner.**
Requires a gold bullion dealer to notify the commissioner of commerce if a dealer representative is terminated based in whole or in part due to a violation of chapter 80G.
- 21 **Amounts.**
Makes technical changes.
- 22 **Initial license expiration; fee reduction.**
Makes technical changes.
- 23 **Timely renewals.**
Makes technical changes.
- 24 **Fraudulent, deceptive, and dishonest practices.**
Makes technical changes.
- 25 **Licensed real property appraiser.**
Changes the value range a licensed real property appraiser can appraise.
- 26 **Licensed residential real property appraiser.**
Changes the value range a licensed residential real property appraiser can appraise.
- 27 **Laboratory and x-ray services.**
Provides that medical assistance must cover screenings and urinalysis tests for opioids without lifetime or annual limits.

Effective date. This section is effective January 1, 2022.
- 28 **Expedited rulemaking authorized.**
Allows the commissioner to amend certain rules as necessary to permit a data service organization to collect loss adjustment expense data and to consider and include it in its ratemaking report losses. Allows the commissioner to use the expedited rulemaking procedures under Minnesota Statutes, section 14.389.
- 29 **Repealer.**
Repeals Minnesota Statutes, sections 45.017, 60A.98, 60A.981, and 60A.982.

Article 4: Mandated Health Benefit Proposals Evaluation

Section	Description – Article 4: Mandated Health Benefit Proposals Evaluation
---------	---

- | | |
|---|---|
| 1 | Commissioner.
Clarifies that “commissioner” means the commissioner of health unless another commissioner is specified. |
| 2 | Definitions.
Defines “enrollee” and adds additional circumstances that are considered a mandated health benefit proposal. |
| 3 | Evaluation process and content.
Makes technical changes, requires proposals to include certain information. |
| 4 | Requirements for evaluation.
Requires a legislator who is planning on proposing a bill or amendment that contains a mandated health benefit proposal to notify the chair of the standing legislative committee with jurisdiction over the proposal. Requires the chair of the committee to notify the commissioner that an evaluation is required. |
| 5 | Sources of funding.
Prohibits the commissioner from using funds other than those allowed under this subdivision for the purposes of this section. |
| 6 | Report to the legislature.
Requires the commissioner to submit a written report on the evaluation to the author of the proposal and the chairs and ranking minority members of the legislative committees with jurisdiction over health insurance policy and finance no later than 180 days after the commissioner receives the notification under section 4. |

Article 5: Collection Agencies and Debt Buyers

Section	Description – Article 5: Collection Agencies and Debt Buyers
---------	--

- | | |
|---|---|
| 1 | Collection agency.
Adds “debt buyer” to definition of collection agency or licensee.

Effective date. This section is effective August 1, 2021. |
|---|---|

Section Description – Article 5: Collection Agencies and Debt Buyers

- 2 Collector.**
Adds “debt buyer” to definition of collector.

Effective date. This section is effective August 1, 2021.
- 3 Debt buyer.**
Defines “debt buyer” as a business engaged in the purchase of indebtedness whether the business collects or hires another to collect or litigate.

Effective date. This section is effective August 1, 2021.
- 4 Affiliated company.**
Defines “affiliated company.”

Effective date. This section is effective August 1, 2021.
- 5 Transfer of administrative functions.**
Adds the term “debt buyer.”

Effective date. This section is effective August 1, 2021.
- 6 Exclusions.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 7 Requirement.**
Requires debt buyers to be licensed under this chapter and submit an application for a license if in current operation by January 1, 2022.

Effective date. This section is effective August 1, 2021.
- 8 Penalty.**
Adds the term “debt buyer.”

Effective date. This section is effective August 1, 2021.
- 9 License rejection.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.

Section Description – Article 5: Collection Agencies and Debt Buyers

- 10 Individual collector registration.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 11 Changes; notice to commissioner.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 12 Screening process requirement.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 13 Affiliated companies.**
Requires the commissioner to allow affiliated companies to operate under a single license under certain circumstances.

Effective date. This section is effective August 1, 2021.
- 14 Bond.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 15 Segregated accounts.**
Clarifies that this section does not apply to debt buyers unless they engage in third party debt collection for others.

Effective date. This section is effective August 1, 2021.
- 16 Agency responsibility for collectors.**
Makes clarifying changes.

Effective date. This section is effective August 1, 2021.
- 17 Prohibited practices.**
(a) Adds the term “debt buyer” and makes clarifying changes.

(b) Clarifies that certain clauses do not apply to debt buyers unless they engage in third party debt collection for others.

Section Description – Article 5: Collection Agencies and Debt Buyers

- Effective date. This section is effective August 1, 2021.
- 18 **Notification to commissioner.**
Adds the term “debt buyer” and makes clarifying changes.
Effective date. This section is effective August 1, 2021.
- 19 **Commissioner’s powers.**
Adds the term “debt buyer.”
Effective date. This section is effective August 1, 2021.
- 20 **Verified financial statement.**
Makes clarifying changes.
Effective date. This section is effective August 1, 2021.
- 21 **Record keeping.**
Adds the term “debt buyer” and requires debt buyers to reserve records of final entry used in their business for five years after final collection.
Effective date. This section is effective August 1, 2021.

Article 6: Consumer Protection

Section Description – Article 6: Consumer Protection

- 1 **Student loan servicers.**
States that data under chapter 58B is governed by section 58B.10.
- 2 **[58B.01] Title.**
This chapter may be cited as the “Student Loan Borrower Bill of Rights.”
Effective date. This section is effective August 1, 2021.
- 3 **[58B.02] Definitions.**
Provides definitions for borrower, financial institution, student loan, and student loan servicer.
Effective date. This section is effective August 1, 2021.

Section Description – Article 6: Consumer Protection

4 **[58B.03] Licensing of student loan servicers.**

Subd. 1. License required. Requires student loan servicers to obtain a license from the commissioner.

Subd. 2. Exempt persons. Exempts certain persons from the requirements of this chapter.

Subd. 3. Application for licensure. Requires an application for a student loan servicer license to be filed with the commissioner, contain certain financial and legal information, and such fees as the commissioner establishes. Allows the commissioner to conduct a state and national criminal history check for each applicant and persons in control of an applicant.

Subd. 4. Issuance of license. Allows the commissioner to issue a license if the applicant meets certain financial and business requirements. Prohibits a license from being transferred or assigned.

Subd. 5. Notification of change in status. Requires an applicant or student loan servicer to notify the commissioner of any change from their initial or most recent renewal application.

Subd. 6. Term of license. Provides that a license expires on December 31 and is renewable on January 1.

Subd. 7. Exemption from application. (a) Provides a person servicing student loans in this state pursuant to a contract awarded by the United States Secretary of Education an exemption from the requirements of subdivision 3.

(b) Requires the commissioner to issue a license to a person exempt under paragraph (a).

Subd. 8. Notice. (a) Requires a person issued a license under subdivision 7 to notify the commissioner if their contract with the United States Secretary of Education expires, is revoked, or terminated.

(b) Provides a person issued a license under subdivision 7 with 30 days to complete the requirements of subdivision 3 if their contract with the United States Secretary of Education expires, is revoked, or terminated.

Effective date. This section is effective August 1, 2021.

Section Description – Article 6: Consumer Protection

- 5 **[58B.04] Licensing multiple places of business.**
Requires a student loan servicer to service loans under one name and one location.
Requires the servicer to notify the commissioner if their place of business changes.
Allows the commissioner to issue a servicer more than one license.

Effective date. This section is effective August 1, 2021.
- 6 **[58B.05] License renewal.**
 Subd. 1. Term. Provides that licenses are renewable on January 1.

 Subd. 2. Timely renewal. (a) Provides the requirements for filing a timely license renewal.

 (b) Provides that person who does not timely file a license renewal is unlicensed until a renewal license is issued by the commissioner.

 Subd. 3. Contents of renewal application. Requires certain information be submitted with the renewal application.

 Subd. 4. Cancellation. Allows a student loan servicer that no longer wants to be licensed to inform the commissioner and surrender the license. A servicer must submit a plan for the withdrawal from student loan servicing.

 Subd. 5. Renewal fees. Requires fees, as established by the commissioner, to be paid with a renewal application.

Effective date. This section is effective August 1, 2021.
- 7 **[58B.06] Duties of student loan servicers.**
 Subd. 1. Response requirements. Requires a student loan servicer to acknowledge receipt of a written communication from a borrower in less than ten days and provide information to the borrower regarding how/if the servicer can correct the borrower's issue in less than 30 days.

 Subd. 2. Overpayments. Requires a student loan servicer to apply overpayments as instructed by the borrower.

 Subd. 3. Partial payments. Requires a student loan servicer to apply partial payments in a way that minimizes late fees and the negative impact on the borrower's credit history. Requires partial payments, where a borrower has multiple loans, to be applied to satisfy as many individual loan payments as possible.

Section Description – Article 6: Consumer Protection

Subd. 4. Transfer of student loan. (a) Requires a student loan servicer that sells, assigns, or transfers servicing of a loan to require the new servicer to provide all benefits that were available to the borrower from the original servicer and transfer all information regarding the borrower to the new servicer.

(b) Requires a student loan servicer to complete the transfer of borrower information in less than 45 days from the date of the sale, assignment, or transfer.

(c) Requires a sale, assignment, or transfer of servicing to be completed no less than seven days from the date the next payment is due on the student loan.

(d) Requires a new student loan servicer to adopt policies and procedures to verify the original servicer meets the requirements of paragraph (a).

Subd. 5. Income-driven repayment. Requires a student loan servicer to evaluate a borrower for eligibility for an income-driven repayment program before placing a borrower in forbearance or default.

Subd. 6. Records. Requires a student loan servicer to maintain adequate records of a student loan for two years following the last payment on the student loan or the sale, assignment, or transfer of the student loan.

Effective date. This section is effective August 1, 2021, and applies to student loan contracts executed on or after that date.

8 **[58B.07] Prohibited conduct.**

Subd. 1. Misleading borrowers. Prohibits a student loan servicer from directly or indirectly attempting to mislead a borrower.

Subd. 2. Misrepresentation. Prohibits a student loan servicer from engaging in unfair or deceptive practices or misrepresenting or omitting any material information relating to servicing. This includes misrepresenting the amount, nature, or terms of fees, payments due, terms and conditions, or the borrower's obligation.

Subd. 3. Misapplication of payments. Prohibits a student loan servicer from knowingly or negligently misapplying payments.

Subd. 4. Inaccurate information. Prohibits a student loan servicer from knowingly or negligently providing inaccurate information to a consumer reporting agency.

Section Description – Article 6: Consumer Protection

Subd. 5. Reporting of payment history. Requires a student loan servicer to report both favorable and unfavorable payment histories of a borrower to a consumer reporting agency at least annually, if the servicer regularly reports such information.

Subd. 6. Refusal to communicate with a borrower’s representative. Prohibits a student loan borrower from refusing to communicate with a properly authorized borrower representative. A servicer may adopt reasonable verification procedures for representatives.

Subd. 7. False statements and omissions. Prohibits a student loan servicer from knowingly or negligently making any false statements or omissions of material fact in connection with an application, information, or reports filed with the commissioner or other government agency.

Subd. 8. Noncompliance with applicable law. Prohibits a student loan servicer from violating other laws, including those related to fraud, or coercive or dishonest practices.

Subd. 9. Incorrect information regarding student loan forgiveness. Prohibits a student loan servicer from misrepresenting the availability of student loan forgiveness.

Subd. 10. Compliance with servicer duties. Requires a student loan servicer to comply with the duties and obligations under section 58B.06.

Effective date. This section is effective August 1, 2021.

9 **[58B.08] Examinations.**

Provides the commissioner with the same powers to examine student loan servicers that the commissioner has under section 46.04.

Effective date. This section is effective August 1, 2021.

10 **[58B.09] Denial, suspension, revocation of licenses.**

Subd. 1. Powers of commissioner. Allows the commissioner to take action against a licensee, including barring a person from servicing loans, denying, suspending, or revoking a license, censuring a servicer, revoking an exemption, order restitution, and imposing civil penalties. Requires the commissioner to ensure that before an action is taken the order is in the public interest and the servicer, applicant, person in control, employee, or agent has violated a

Section Description – Article 6: Consumer Protection

requirement of this chapter, a standard of conduct, or engaged in any of the listed prohibited behaviors.

Subd. 2. Orders of the commissioner. Requires the commissioner, to begin a proceeding, to issue an order requiring the subject to show cause why an action should not be taken. Provides requirements relating to the order, suspension, and hearing.

Subd. 3. Actions against lapsed license. Allows the commissioner to institute a proceeding within two years of a license lapsing, being surrendered, withdrawn, or terminated and impose a civil penalty under this section or section 45.027, subdivision 6.

Effective date. This section is effective August 1, 2021.

11 **[58B.10] Data practices.**

Subd. 1. Classification of data. States that data collected by the Department of Commerce under this chapter is governed by section 46.07.

Subd. 2. Data sharing. Clarifies that not public data under this chapter can be shared with certain parties.

Effective date. This section is effective August 1, 2021.

12 **Grounds and notice.**

Clarifies that use of a private passenger vehicle when used by a volunteer driver is not an automobile for hire or compensation.

13 **Commercial vehicle.**

Clarifies that a private passenger vehicle driven by a volunteer driver is not a commercial vehicle.

14 **Definitions.**

(b) Clarifies that a private passenger vehicle driven by a volunteer driver is not a transportation network company vehicle.

(h) Defines volunteer driver.

15 **Definition.**

Adds a cross-reference to volunteer driver for purposes of special transportation service.

Section Description – Article 6: Consumer Protection

- 16 **Applicability.**
Adds a cross-reference to volunteer driver for purposes of special transportation service.
- 17 **Background studies.**
Adds a cross-reference to volunteer driver for purposes of special transportation service.
- 18 **Passenger transportation; exemption.**
Adds a cross-reference to volunteer driver for purposes of special transportation service.
- 19 **Transportation costs.**
Adds a cross-reference to volunteer driver for purposes of medical assistance coverage of nonemergency medical transportation.
- 20 **Definitions.**
Defines commissioner as the commissioner of commerce.
- 21 **Purchase or acquisition record required.**
Requires any person who purchases or receives a catalytic converter to record any numbers, bar codes, stickers, or other unique markings that result from the below program under section 22 and the name of the person who removed the converter.
- 22 **Catalytic converter theft prevention pilot project.**
Directs the commissioner of commerce to establish a pilot project to place unique identification numbers on catalytic converters. Requires the commissioner to establish a procedure to mark catalytic converters, work with law enforcement agencies and scrap metal dealers to identify the types of vehicles most at risk for theft of catalytic converters, prioritize distribution of materials to areas with the highest rates of theft, make educational materials available, and report on the pilot project. Establishes that materials purchased under the program may be distributed to dealers, repair shops, and community organizations to assist in marking catalytic converters with unique identifiers. Requires the commissioner to make education information resulting from the pilot program available to law enforcement agencies and scrap metal dealers. Requires the commissioner to report on the progress of the pilot project.

Section Description – Article 6: Consumer Protection

- 23 **Enforcement.**
Adds cross-references allowing the commissioner of commerce to enforce certain sections.
- 24 **Enforcement.**
Adds cross-references allowing the commissioner of commerce to enforce certain sections.
- 25 **Enforcement.**
Adds § 325F.179. Adds cross-references allowing the commissioner of commerce to enforce certain sections.
- 26 **Denial of Access.**
Removes existing statutory language related to denying a person renting a storage unit access to the unit.
- 27 **Access to certain items.**
This section amends the items and process under existing law allowing a person to gain access to certain items in their storage space. This section allows a person renting a self-storage unit to remove specific items including personal papers and health aids from a storage unit. When the person is a recipient of government benefits, this section also allows them to remove tools of the trade and personal clothing worth less than \$125. This section also contains provisions related to enforcement of this section and costs and attorneys fees for a person who has to sue to enforce this provision.
- 28 **Contents of notice.**
Adds requirements to the existing notice an owner must send to a person renting a storage space when the person is in default.
- 29 **Sale of property.**
Provides that the description of the property in published notice of sale must be a general description.
- 30 **Addition notification requirements.**
Removes a provision from existing statute saying a notice must include that a person cannot access their personal property after default.
- 31 **Additional remedies.**
Amends the process to remove a person from a storage unit that has failed to make payments or for other breaches of contract. This section provides that if a person has

Section Description – Article 6: Consumer Protection

defaulted on their rent for their storage unit, the owner can start an action to remove the person's belonging from the storage unit using a summons and requires the court to grant a hearing between seven and 14 days after the action is filed. This section also allows for an expedited hearing in certain cases and provides procedural requirements for the answer, trial, and judgment.

Article 7: Miscellaneous Commerce Policy

Section Description – Article 7: Miscellaneous Commerce Policy

1 Abandoned underground storage tanks.

Adds to the definition of “abandoned underground petroleum storage tank” one that was taken out of service and is located on property that is being held by the state in trust for local taxing districts under section 281.25. Provides that if at the time this type of property is forfeited the owner repurchases the property under section 282.241, the board's contracted cost for removal must include a special assessment and be returned to the board upon the sale of the property.

2 Electric cooperative powers.

(c) and (d) Allows an electric cooperative, an affiliate of the cooperative formed to provide broadband, or another entity pursuant to an agreement, to use electric transmission or distribution easements for broadband infrastructure under certain circumstances and with the specified notice provided.

(e), (f), (g) Provides information regarding property owners' rights regarding legal action, damages, and claims.

(h) and (i) Provides definitions and clarifies that this section does not limit a cooperative's existing easement rights.

(j) Clarifies that placement of broadband infrastructure is subject to local government permitting and right-of-way management. Requires the cooperative to coordinate with relevant local government units and notify them prior to placing infrastructure that is in or adjacent to a right-of-way.

3 Minnesota Council on Economic Education.

Requires the Minnesota Council on Economic Education (MCEE) to use grants from the commissioner of education to provide professional development for K-12 teacher's relating to economic education, support direct to student economic and personal finance programs, and support higher education based centers for

Section Description – Article 7: Miscellaneous Commerce Policy

economic education. Requires the MCEE to submit a report to the commissioner of education on these efforts and provide fiscal reports as well.

Effective date. This section is effective the day following final enactment.

4 Collection agency employees; work from home.

Allows employees of a collection agency to work at a location other than the licensee's business if other requirements are met.

Effective date. This section expires May 31, 2022.

5 Repealer.

Repeals section 115C.13.

Article 8: Energy Policy

Section Description – Article 8: Energy Policy

1 [16B.86] State building energy conservation improvement revolving loan account.

Establishes an account managed by the commissioner of administration that provides revolving loans for energy conservation in state-owned buildings.

2 [16B.87] Award and repayment of state building energy improvement conservation loans.

Describes the content of a loan application. Requires loans to be made at or below the market interest rate, including zero interest, with a term no longer than seven years.

3 [115B.431] Closed landfill solar development and reuse account.

Establishes an account in the remediation fund in which revenues from lease payments from a lessor of a portion of closed landfill site managed by the Pollution Control Agency on which the lessor has installed a solar energy generating system are to be deposited.

4 [116.155] Closed landfill solar development and reuse account.

Provides that the account in section 3 is managed under section 115B.431.

Section Description – Article 8: Energy Policy

- 5 **[116C.7792] Solar energy production incentive program.**
Extends Xcel’s Solar Rewards program with allocations of \$5 million from the renewable development account in both 2023 and 2024.
- 6-8 **[116J.5491-116J.5493] Energy Transition Office.**
Establishes an Energy Transition Office in the Department of Employment and Economic Development to assist communities and workers experiencing economic dislocation as a result of the retirement of an electric generating plant. Establishes an advisory committee to develop a statewide energy transition plan.
- 9-15 **[216B.096 – 216B.0976] Cold weather rule.**
Extends the Cold weather rule period, during which utilities may not disconnect customers who enter into and are compliant with an agreement with the utility to pay arrearages. The new period begins two weeks earlier (October 1) and ends two weeks later (April 30). Permits remote disconnections using advanced metering infrastructure. Requires utilities to send disconnection notices to the Department of Commerce.
- 16 **[216B.1691] Renewable energy objectives.**
 Subd. 2f. Solar energy standard. Strikes obsolete language.
- 17 **[216B.241] Energy conservation improvement.**
 Subd. 14. Minnesota efficient technology accelerator. Authorizes a nonprofit organization to file a proposal with the commissioner of commerce to collaborate with technology manufacturers to accelerate the development of energy efficient technologies whose deployment will result in cost-efficient energy savings for Minnesota consumers. Public utilities with more than 30,000 customers must make annual contributions to the program’s budget, capped at 2 percent of the utility’s CIP spending in the program’s first two years, 3.5 percent in the program’s third and fourth years, and 3.5 percent thereafter.
- 18 **[216B.2412] Decoupling of energy sales from revenues.**
 Subd. 3. Pilot programs. Strikes language requiring the Public Utilities Commission (PUC) to report to the legislature annually on decoupling pilot plans.
- 19 **[216B.2422] Resource planning; renewable energy.**
 Subd. 2d. Plan to minimize impacts to workers due to facility retirement.
Requires integrated resource plans to contain a narrative describing a utility’s efforts to minimize worker dislocations arising from facility retirements.

Section Description – Article 8: Energy Policy

- 20 **[216B.2427] Natural gas utility innovation plans.**
Authorizes a natural gas utility to file a plan with the PUC to obtain innovative resources that displace conventional natural gas, including renewable natural gas, power-to-hydrogen, power-to-ammonia, carbon dioxide capture, strategic electrification, and others. Programs must be cost-effective and reduce greenhouse gas emissions. Plans have a term of five years. Sets caps on annual plan costs. The initial innovation plan must include programs to provide audits to small- and medium-sized businesses, target industrial facilities that cannot easily electrify, conduct deep energy retrofits and install cold-climate electric air-source heat pumps in residences, and expand district heating systems. In the absence of plan, a utility may deliver innovative resources to customers who elect to consume them under a commission-approved green tariff program, and may recover costs for those resources that are up to five percent higher than the cost of conventional natural gas.
- 21 **[216B.2418] Lifecycle greenhouse gas emissions accounting framework; cost benefit test for innovative resources.**
Requires the PUC to develop frameworks that natural gas utilities operating under an approved natural gas innovation plan must use to calculate greenhouse gas emissions intensities of individual innovative resources and to measure their cost-effectiveness.
- 22 **[216B.62] Regulatory expenses.**
Subd. 3b. Assessment for regional and national duties. Allows the Department of Commerce to assess utilities for its costs to analyze energy grid reliability at the state, regional, and national levels and requires the department to report on those efforts to the legislature by February 1, 2023.
- 23 **[216C.375] Solar for schools program.**
Establishes a program in the Department of Commerce to award grants to schools (K-12 and state colleges and universities) that install solar energy generating systems on or adjacent to school buildings. Systems may not exceed the smaller of 40 kw or 120 percent of the school’s annual electricity consumption, and must be located outside the electric service territory of the public utility that owns a nuclear generating plant in the state. Requires annual reports to the legislature on program activities.
- 24 **[216C.376] Solar for schools program for certain utility service territory.**
Authorizes the public utility that owns a nuclear generating plant in the state to file a plan with the PUC by October 1, 2021, to provide financial assistance to schools (K-12 and state colleges and universities) that install solar energy generating systems on or adjacent to school buildings. No more than 60 percent of grants may be awarded to

Section Description – Article 8: Energy Policy

- schools where the proportion of students eligible for free and reduced-price lunches is less than 50 percent. Requires annual reports to the legislature on program activities.
- 25 **[216F.012] Size election.**
Strikes language requiring the PUC to report to the legislature annually on variances not granted for small wind energy conversion systems.
- 26 **[216F.084] Wind turbine lighting systems.**
Requires a wind energy generating system issued a site permit or site permit amendment after July 1, 2021, to install a light-mitigating technology that minimizes the duration or intensity of the lighting system and that meets Federal Aviation Administration requirements, unless doing so is technically infeasible, imposes a significant financial burden on the applicant, or the technology cannot be delivered by the vendor within a reasonable amount of time.
- 27 **Public Utilities Commission; evaluation of the role of natural gas utilities in achieving state greenhouse gas reduction goals.**
Requires the commission to initiate a proceeding no later than August 1, 2021, assessing the need to amend natural gas regulatory policies in order to facilitate achieving the state’s greenhouse gas emissions reduction goals.
- 28 **Department of Administration; master solar contract program.**
Requires the Department of Administration to announce an open request for proposals for a new solar-photovoltaic statewide master contract by February 21, 2022.
- 29 **Agricultural weather study.**
Requests University of Minnesota trustees to conduct a study that generates weather model projections for a variety of weather parameters across the state, at a geographical level as small as three square miles.
- 30 **Clean energy careers pilot project.**
Requires the commissioner of employment and economic development to award a grant for a pilot project to provide training pathways to clean energy technical careers.
- 31 **Construction materials; environmental impact study.**
Requires the commissioner of the Department of Administration to contract with the University of Minnesota’s Center for Sustainable Building Research to examine the feasibility and economic and environmental costs and benefits of requiring vendors

Section Description – Article 8: Energy Policy

of certain construction materials used to construct state-owned buildings to provide information estimating their products' lifecycle environmental impacts.

Article 9: Law Enforcement Salaries

Section Description – Article 9: Law Enforcement Salaries

- 1 Law enforcement salary increases.**
Increases salaries to commerce insurance fraud specialists.

Effective date. This section is effective retroactively from October 22, 2020.
- 2 Law enforcement salary supplement for fiscal year 2020.**
Supplements salaries to commerce insurance fraud specialists.

Effective date. This section is effective the day following final enactment.
- 3 Law enforcement salary supplement for a portion of fiscal year 2021.**
Supplements salaries to commerce insurance fraud specialists.

Effective date. This section is effective the day following final enactment.
- 4 Appropriations; Salary increases.**
Appropriates money from the general fund for salary increases under section 1.

Effective date. This section is effective the day following final enactment.
- 5 Appropriations; Salary supplements from July 1, 2019, to October 21, 2020.**
Appropriates money from the general fund for salary increases under section 2 and 3

Effective date. This section is effective the day following final enactment.



**MN HOUSE
RESEARCH**

Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155