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State of Minnesota

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HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 14

07/13/2020 Authored by Carlson, L., and Moller
The bill was read for the first time and referred to the Committee on Ways and Means
07/14/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to state government finance; establishing a supplemental state budget;
1.3 appropriating money, transferring money, and reducing appropriations to support
1.4 state government activities; making various policy changes to conform with the
1.5 supplemental budget; authorizing the sale of surplus state lands; making conforming
1.6 changes; amending Minnesota Statutes 2018, sections 84.63; 92.502; 245A.16, by
1.7 adding a subdivision; 245C.02, by adding a subdivision; 245C.05, subdivisions
1.8 2c, 2d; 245C.14, subdivision 1; 245C.15, by adding a subdivision; 245C.24,
1.9 subdivision 4, as amended, by adding a subdivision; Minnesota Statutes 2019
1.10 Supplement, sections 245A.05; 245A.07, subdivision 1; 245C.05, subdivision 4,
1.11 as amended; 245C.08, subdivision 3; 245C.24, subdivisions 1, 2, 3; 256B.0659,
1.12 subdivision 11, as amended; 256B.85, subdivision 16; Laws 2014, chapter 211,
1.13 section 13, as amended.

1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.15 ARTICLE 1
1.16 APPROPRIATIONS

1.17 Section 1. APPROPRIATION; PERSONAL CARE ASSISTANCE.

1.18 \$13,066,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
1.19 of human services to implement the personal care assistance provisions in this act. The
1.20 appropriation under this section includes federal financial participation of \$29,000 in fiscal
1.21 year 2021.

1.22 EFFECTIVE DATE. This section is effective the day following final enactment.

2.1 Sec. 2. **APPROPRIATIONS; DIRECT CARE AND TREATMENT.**

2.2 (a) \$2,730,000 in fiscal year 2021 is appropriated from the general fund to the
2.3 commissioner of human services for forensic services programs. This is a onetime
2.4 appropriation.

2.5 (b) \$2,102,000 in fiscal year 2021 is appropriated from the general fund to the
2.6 commissioner of human services for the sex offender program. This is a onetime
2.7 appropriation.

2.8 (c) \$207,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
2.9 of human services for direct care and treatment program operations costs. This is a onetime
2.10 appropriation.

2.11 (d) \$2,560,000 in fiscal year 2021 is appropriated from the general fund to the
2.12 commissioner of human services for direct care and treatment mental health and substance
2.13 abuse treatment services. The commissioner must transfer \$547,000 in fiscal year 2021 to
2.14 the enterprise fund for the Community Addiction Recovery Enterprise program. This is a
2.15 onetime appropriation.

2.16 (e) \$17,698,000 in fiscal year 2021 is appropriated from the general fund to the
2.17 commissioner of human services for direct care and treatment community-based services.
2.18 The commissioner must transfer \$20,582,000 in fiscal year 2021 from the general fund to
2.19 the enterprise fund for Minnesota State Operated Community Services. This is a onetime
2.20 appropriation.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.22 Sec. 3. **APPROPRIATIONS; MFIP SUPPLEMENTAL PAYMENT.**

2.23 (a) \$13,852,000 in fiscal year 2021 is appropriated from the TANF fund to the
2.24 commissioner of human services to provide a onetime cash benefit of up to \$500 for each
2.25 household enrolled in the Minnesota family investment program or diversionary work
2.26 program under Minnesota Statutes, chapter 256J, at the time that the cash benefit is
2.27 distributed. The commissioner shall distribute these funds through existing systems and in
2.28 a manner that minimizes the burden to families. This is a onetime appropriation.

2.29 (b) \$92,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
2.30 of human services for administrative costs associated with distributing the cash benefit in
2.31 paragraph (a). This is a onetime appropriation.

3.1 (c) \$6,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
3.2 of human services for information technology to administer the cash benefit in paragraph
3.3 (a). This is a onetime appropriation.

3.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.5 Sec. 4. **APPROPRIATIONS; VETERANS AFFAIRS.**

3.6 Subdivision 1. **Veterans Suicide Office.** \$1,000,000 in fiscal year 2021 is appropriated
3.7 from the general fund to the commissioner of veterans affairs for the operation of a Veterans
3.8 Suicide Office within the Department of Veterans Affairs. The Veterans Suicide Office
3.9 must address the problem of veteran suicide in Minnesota. The base for this appropriation
3.10 is \$650,000 in fiscal year 2022 and \$550,000 in fiscal year 2023.

3.11 Subd. 2. **Veteran homelessness.** \$2,000,000 in fiscal year 2021 is appropriated from
3.12 the general fund to the commissioner of veterans affairs for the provision of housing vouchers
3.13 and other services dedicated to alleviating homelessness for veterans and former service
3.14 members in Minnesota.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.16 Sec. 5. **APPROPRIATIONS; DEPARTMENT OF PUBLIC SAFETY.**

3.17 Subdivision 1. **Appropriations.** The appropriations in this section are to the commissioner
3.18 of public safety. The amounts that may be spent for each purpose are specified in the
3.19 following subdivisions.

3.20 Subd. 2. **Patrolling highways.** (a) \$7,168,000 in fiscal year 2021 is appropriated from
3.21 the trunk highway fund for staff and operating costs to patrol highways.

3.22 (b) The base from the trunk highway fund for patrolling highways is \$102,452,000 in
3.23 each of fiscal years 2022 and 2023.

3.24 Subd. 3. **Commercial vehicle enforcement.** (a) \$648,000 in fiscal year 2021 is
3.25 appropriated from the trunk highway fund for commercial vehicle enforcement staff and
3.26 operating costs.

3.27 (b) The base for commercial vehicle enforcement is \$9,686,000 in each of fiscal years
3.28 2022 and 2023.

3.29 Subd. 4. **Civil unrest costs.** \$4,637,000 in fiscal year 2021 is appropriated from the
3.30 trunk highway fund for costs incurred related to the response to civil unrest in the
3.31 Minneapolis-St. Paul area in May and June of 2020. Of the amount appropriated under this

4.1 subdivision, \$3,772,000 is for the Department of Public Safety, and \$865,000 is for transfer
4.2 to the Department of Transportation. This is a onetime appropriation

4.3 Subd. 5. **Capitol security.** (a) \$1,278,000 in fiscal year 2021 is appropriated from the
4.4 general fund for capitol security staff and operating costs.

4.5 (b) The base for capitol security is \$10,528,000 in each of fiscal years 2022 and 2023.

4.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.7 Sec. 6. **APPROPRIATION; DEPARTMENT OF CORRECTIONS.**

4.8 Subdivision 1. **Total appropriation.** \$11,742,000 in fiscal year 2021 is appropriated
4.9 from the general fund to the commissioner of corrections for overtime and staffing.

4.10 Subd. 2. **Correctional institutions.** Of the amount appropriated in subdivision 1,
4.11 \$9,888,000 in fiscal year 2021 is for additional correctional institution compensation costs,
4.12 including overtime.

4.13 Subd. 3. **Community services.** Of the amount appropriated in subdivision 1, \$1,268,000
4.14 in fiscal year 2021 is for additional community services compensation costs, including
4.15 overtime.

4.16 Subd. 4. **Operations support.** Of the amount appropriated in subdivision 1, \$586,000
4.17 in fiscal year 2021 is for additional operations support compensation costs, including
4.18 overtime.

4.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.20 Sec. 7. **APPROPRIATION; DEPARTMENT OF PUBLIC SAFETY; BUREAU OF**
4.21 **CRIMINAL APPREHENSION.**

4.22 (a) \$4,482,000 in fiscal year 2021 is appropriated from the general fund to the
4.23 commissioner of public safety for use by the Bureau of Criminal Apprehension in storing,
4.24 tracking, and testing sexual assault examination kits; and forensic testing to combat violent
4.25 crime.

4.26 (b) Of the amount appropriated in paragraph (a), \$3,096,000 in fiscal year 2021 is to
4.27 pay for the testing of unrestricted sexual assault examination kits, storage of restricted kits,
4.28 and the development of an informational website for sexual assault survivors to learn the
4.29 status of the testing of the survivor's individual sexual assault examination kit. The base for
4.30 this appropriation is \$2,067,000 in fiscal year 2022 and each year thereafter.

5.1 (c) Of the amount appropriated in paragraph (a), \$1,386,000 in fiscal year 2021 is for
5.2 staffing and operating costs to provide for training, supplies, and equipment; and renovate
5.3 space to enhance the capacity for forensic testing to combat violent crime. The base for this
5.4 appropriation is \$844,000 in fiscal year 2022 and each year thereafter.

5.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.6 Sec. 8. **APPROPRIATION; NATURAL RESOURCES LEGAL COSTS.**

5.7 \$2,000,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
5.8 of natural resources for legal costs. Of this amount, up to \$1,000,000 may be transferred to
5.9 the Minnesota Pollution Control Agency. This is a onetime appropriation and is available
5.10 until June 30, 2023.

5.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.12 Sec. 9. **APPROPRIATION; CHILD FOSTER CARE BACKGROUND STUDY**
5.13 **MODIFICATIONS.**

5.14 \$100,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
5.15 of human services to implement child foster care background study modifications. The base
5.16 for this appropriation is \$115,000 in fiscal year 2022 and \$115,000 in fiscal year 2023. The
5.17 appropriation under this section includes federal financial participation of \$32,000 in fiscal
5.18 year 2021 and \$37,000 in fiscal years 2022 and 2023.

5.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.20 Sec. 10. **APPROPRIATION; DISCRIMINATION INVESTIGATION.**

5.21 \$750,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
5.22 of human rights for a civil rights investigation into discrimination by the Minneapolis Police
5.23 Department. This is a onetime appropriation and is available until June 30, 2022.

5.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.25 Sec. 11. **WEIGHTS AND MEASURES; PETROLEUM TANK FUND TRANSFER.**

5.26 (a) Notwithstanding Minnesota Statutes, section 115C.08, subdivision 4, when the
5.27 revenue from the fee appropriated to the commissioner of commerce under Minnesota
5.28 Statutes, section 239.101, subdivision 3, is insufficient to cover the costs to perform the
5.29 duties and responsibilities required under Minnesota Statutes, section 239.011, the
5.30 commissioner of management and budget must transfer an amount necessary to pay for the

6.1 required expenditures from the petroleum tank fund under Minnesota Statutes, section
6.2 115C.08, to the Weights and Measures Division petroleum inspection fee account under
6.3 Minnesota Statutes, section 239.101, subdivision 3. The maximum aggregate amount the
6.4 commissioner of management and budget may transfer under this paragraph is \$1,000,000.

6.5 (b) If money transferred under paragraph (a) during fiscal year 2021 exceeds the actual
6.6 expenditures for the duties and responsibilities under Minnesota Statutes, section 239.011,
6.7 during fiscal year 2021, the remaining money must be transferred back to the petroleum
6.8 tank fund under Minnesota Statutes, section 115C.08, on June 30, 2021.

6.9 (c) Beginning September 1, 2020, and on the first day of each odd-numbered month
6.10 thereafter, the commissioner of commerce must submit a report regarding the use of money
6.11 transferred under paragraph (a) to the chairs and ranking minority members of the house of
6.12 representatives and senate committees with jurisdiction over energy and commerce.

6.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and
6.14 expires July 1, 2021.

6.15 Sec. 12. **AGENCY BUDGET REDUCTION.**

6.16 (a) The commissioner of management and budget must reduce general fund appropriations
6.17 to executive branch agencies for agency operations for the biennium ending June 30, 2021,
6.18 by \$58,000,000. The commissioner of management and budget may transfer amounts that
6.19 would otherwise be spent for agency operating costs, from nongeneral funds, other than
6.20 those established in the state constitution or protected by federal law, to the general fund.
6.21 The amount transferred to the general fund from other funds reduces the required general
6.22 fund reduction in this section. Reductions to agency operating appropriations are onetime
6.23 and do not reduce the appropriation base for the next biennium as defined in Minnesota
6.24 Statutes, section 16A.11, subdivision 3.

6.25 (b) By August 1, 2021, the commissioner of management and budget must report to the
6.26 chairs and ranking minority members of the Senate Finance Committee and the House of
6.27 Representatives Ways and Means Committee regarding the amount of reductions in spending
6.28 by each agency under this section.

6.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.1

ARTICLE 2

7.2

CONFORMING POLICY CHANGES

7.3 Section 1. Minnesota Statutes 2019 Supplement, section 245A.05, is amended to read:

7.4 **245A.05 DENIAL OF APPLICATION.**

7.5 (a) The commissioner may deny a license if an applicant or controlling individual:

7.6 (1) fails to submit a substantially complete application after receiving notice from the
7.7 commissioner under section 245A.04, subdivision 1;

7.8 (2) fails to comply with applicable laws or rules;

7.9 (3) knowingly withholds relevant information from or gives false or misleading
7.10 information to the commissioner in connection with an application for a license or during
7.11 an investigation;

7.12 (4) has a disqualification that has not been set aside under section 245C.22 and no
7.13 variance has been granted;

7.14 (5) has an individual living in the household who received a background study under
7.15 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that
7.16 has not been set aside under section 245C.22, and no variance has been granted;

7.17 (6) is associated with an individual who received a background study under section
7.18 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to
7.19 children or vulnerable adults, and who has a disqualification that has not been set aside
7.20 under section 245C.22, and no variance has been granted;

7.21 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

7.22 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision
7.23 6;

7.24 (9) has a history of noncompliance as a license holder or controlling individual with
7.25 applicable laws or rules, including but not limited to this chapter and chapters 119B and
7.26 245C; ~~or~~

7.27 (10) is prohibited from holding a license according to section 245.095; or

7.28 (11) for family child foster care, has nondisqualifying background study information,
7.29 as described in section 245C.05, subdivision 4, that reflects on the individual's ability to
7.30 safely provide care to foster children.

8.1 (b) An applicant whose application has been denied by the commissioner must be given
8.2 notice of the denial, which must state the reasons for the denial in plain language. Notice
8.3 must be given by certified mail or personal service. The notice must state the reasons the
8.4 application was denied and must inform the applicant of the right to a contested case hearing
8.5 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may
8.6 appeal the denial by notifying the commissioner in writing by certified mail or personal
8.7 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20
8.8 calendar days after the applicant received the notice of denial. If an appeal request is made
8.9 by personal service, it must be received by the commissioner within 20 calendar days after
8.10 the applicant received the notice of denial. Section 245A.08 applies to hearings held to
8.11 appeal the commissioner's denial of an application.

8.12 **EFFECTIVE DATE.** This section is effective July 1, 2021.

8.13 Sec. 2. Minnesota Statutes 2019 Supplement, section 245A.07, subdivision 1, is amended
8.14 to read:

8.15 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
8.16 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
8.17 or secure an injunction against the continuing operation of the program of a license holder
8.18 who does not comply with applicable law or rule, or who has nondisqualifying background
8.19 study information, as described in section 245C.05, subdivision 4, that reflects on the license
8.20 holder's ability to safely provide care to foster children. When applying sanctions authorized
8.21 under this section, the commissioner shall consider the nature, chronicity, or severity of the
8.22 violation of law or rule and the effect of the violation on the health, safety, or rights of
8.23 persons served by the program.

8.24 (b) If a license holder appeals the suspension or revocation of a license and the license
8.25 holder continues to operate the program pending a final order on the appeal, the commissioner
8.26 shall issue the license holder a temporary provisional license. Unless otherwise specified
8.27 by the commissioner, variances in effect on the date of the license sanction under appeal
8.28 continue under the temporary provisional license. If a license holder fails to comply with
8.29 applicable law or rule while operating under a temporary provisional license, the
8.30 commissioner may impose additional sanctions under this section and section 245A.06, and
8.31 may terminate any prior variance. If a temporary provisional license is set to expire, a new
8.32 temporary provisional license shall be issued to the license holder upon payment of any fee
8.33 required under section 245A.10. The temporary provisional license shall expire on the date

9.1 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
9.2 license shall be issued for the remainder of the current license period.

9.3 (c) If a license holder is under investigation and the license issued under this chapter is
9.4 due to expire before completion of the investigation, the program shall be issued a new
9.5 license upon completion of the reapplication requirements and payment of any applicable
9.6 license fee. Upon completion of the investigation, a licensing sanction may be imposed
9.7 against the new license under this section, section 245A.06, or 245A.08.

9.8 (d) Failure to reapply or closure of a license issued under this chapter by the license
9.9 holder prior to the completion of any investigation shall not preclude the commissioner
9.10 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
9.11 of the investigation.

9.12 **EFFECTIVE DATE.** This section is effective July 1, 2021.

9.13 Sec. 3. Minnesota Statutes 2018, section 245A.16, is amended by adding a subdivision to
9.14 read:

9.15 **Subd. 9. Licensed family child foster care.** (a) Before recommending to deny a license
9.16 under section 245A.05 or revoke a license under section 245A.07 for nondisqualifying
9.17 background study information received under section 245C.05, subdivision 4, paragraph
9.18 (a), clause (3), for licensed family child foster care a county agency or private agency that
9.19 has been designated or licensed by the commissioner must review the following:

9.20 (1) the type of offense;

9.21 (2) the number of offenses;

9.22 (3) the nature of the offenses;

9.23 (4) the age of the individual at the time of the offense;

9.24 (5) the length of time that has elapsed since the last offense;

9.25 (6) the relationship of the offenses and the capacity to care for a child;

9.26 (7) evidence of rehabilitation;

9.27 (8) information or knowledge from community members regarding the individual's
9.28 capacity to provide foster care;

9.29 (9) a statement from the study subject;

9.30 (10) a statement from the license holder; and

10.1 (11) other aggravating and mitigating factors.

10.2 (b) When licensing a relative to provide family child foster care, the commissioner shall
10.3 also consider the importance of maintaining the child's relationship with relatives as an
10.4 additional significant factor in determining whether an application will be denied.

10.5 (c) The county or private licensing agency must send a summary of the review completed
10.6 according to paragraph (a), on a form developed by the commissioner, to the commissioner
10.7 and include any recommendation for licensing action.

10.8 **EFFECTIVE DATE.** This section is effective July 1, 2021.

10.9 Sec. 4. Minnesota Statutes 2018, section 245C.02, is amended by adding a subdivision to
10.10 read:

10.11 Subd. 12a. **Licensed family child foster care.** "Licensed family child foster care"
10.12 includes providers who have submitted an application for family child foster care licensure
10.13 under section 245A.04, subdivision 1. Licensed family child foster care does not include
10.14 foster residence settings that meet the licensing requirements of Minnesota Rules, parts
10.15 2960.3200 to 2960.3230.

10.16 **EFFECTIVE DATE.** This section is effective July 1, 2021.

10.17 Sec. 5. Minnesota Statutes 2018, section 245C.05, subdivision 2c, is amended to read:

10.18 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each
10.19 background study, the entity initiating the study must provide the commissioner's privacy
10.20 notice to the background study subject required under section 13.04, subdivision 2. The
10.21 notice must be available through the commissioner's electronic NETStudy and NETStudy
10.22 2.0 systems and shall include the information in paragraphs (b) and (c).

10.23 (b) The background study subject shall be informed that any previous background studies
10.24 that received a set-aside will be reviewed, and without further contact with the background
10.25 study subject, the commissioner may notify the agency that initiated the subsequent
10.26 background study:

10.27 (1) that the individual has a disqualification that has been set aside for the program or
10.28 agency that initiated the study;

10.29 (2) the reason for the disqualification; and

10.30 (3) that information about the decision to set aside the disqualification will be available
10.31 to the license holder upon request without the consent of the background study subject.

11.1 (c) The background study subject must also be informed that:

11.2 (1) the subject's fingerprints collected for purposes of completing the background study
11.3 under this chapter must not be retained by the Department of Public Safety, Bureau of
11.4 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will
11.5 ~~only retain fingerprints of subjects with a criminal history~~ not retain background study
11.6 subjects' fingerprints;

11.7 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image
11.8 will be retained by the commissioner, and if the subject has provided the subject's Social
11.9 Security number for purposes of the background study, the photographic image will be
11.10 available to prospective employers and agencies initiating background studies under this
11.11 chapter to verify the identity of the subject of the background study;

11.12 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes of
11.13 verifying the identity of the background study subject, be able to view the identifying
11.14 information entered into NETStudy 2.0 by the entity that initiated the background study,
11.15 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
11.16 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
11.17 name and the date and time the subject's fingerprints were recorded and sent, only as
11.18 necessary for auditing and billing activities;

11.19 (4) the commissioner shall provide the subject notice, as required in section 245C.17,
11.20 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

11.21 (5) the subject may request in writing a report listing the entities that initiated a
11.22 background study on the individual as provided in section 245C.17, subdivision 1, paragraph
11.23 (b);

11.24 (6) the subject may request in writing that information used to complete the individual's
11.25 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,
11.26 paragraph (a), are met; and

11.27 (7) notwithstanding clause (6), the commissioner shall destroy:

11.28 (i) the subject's photograph after a period of two years when the requirements of section
11.29 245C.051, paragraph (c), are met; and

11.30 (ii) any data collected on a subject under this chapter after a period of two years following
11.31 the individual's death as provided in section 245C.051, paragraph (d).

11.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.1 Sec. 6. Minnesota Statutes 2018, section 245C.05, subdivision 2d, is amended to read:

12.2 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall
12.3 notify all background study subjects under this chapter that the Department of Human
12.4 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not
12.5 retain fingerprint data after a background study is completed, and that the Federal Bureau
12.6 of Investigation ~~only retains the fingerprints of subjects who have a criminal history~~ does
12.7 not retain background study subjects' fingerprints.

12.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.9 Sec. 7. Minnesota Statutes 2019 Supplement, section 245C.05, subdivision 4, as amended
12.10 by Laws 2020, First Special Session chapter 2, article 5, section 13, is amended to read:

12.11 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
12.12 Department of Human Services, the commissioner shall implement a secure system for the
12.13 electronic transmission of:

12.14 (1) background study information to the commissioner;

12.15 (2) background study results to the license holder;

12.16 (3) background study results and relevant underlying investigative information to counties
12.17 for background studies conducted by the commissioner for child foster care, including a
12.18 summary of nondisqualifying results, except as prohibited by law; and

12.19 (4) background study results to county agencies for background studies conducted by
12.20 the commissioner for adult foster care and family adult day services and, upon
12.21 implementation of NETStudy 2.0, family child care and legal nonlicensed child care
12.22 authorized under chapter 119B.

12.23 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a
12.24 license holder or an applicant must use the electronic transmission system known as
12.25 NETStudy or NETStudy 2.0 to submit all requests for background studies to the
12.26 commissioner as required by this chapter.

12.27 (c) A license holder or applicant whose program is located in an area in which high-speed
12.28 Internet is inaccessible may request the commissioner to grant a variance to the electronic
12.29 transmission requirement.

12.30 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
12.31 this subdivision.

12.32 **EFFECTIVE DATE.** This section is effective July 1, 2021.

13.1 Sec. 8. Minnesota Statutes 2019 Supplement, section 245C.08, subdivision 3, is amended
13.2 to read:

13.3 Subd. 3. **Arrest and investigative information.** (a) For any background study completed
13.4 under this section, if the commissioner has reasonable cause to believe the information is
13.5 pertinent to the disqualification of an individual, the commissioner also may review arrest
13.6 and investigative information from:

13.7 (1) the Bureau of Criminal Apprehension;

13.8 (2) the commissioners of health and human services;

13.9 (3) a county attorney;

13.10 (4) a county sheriff;

13.11 (5) a county agency;

13.12 (6) a local chief of police;

13.13 (7) other states;

13.14 (8) the courts;

13.15 (9) the Federal Bureau of Investigation;

13.16 (10) the National Criminal Records Repository; and

13.17 (11) criminal records from other states.

13.18 (b) Except when specifically required by law, the commissioner is not required to conduct
13.19 more than one review of a subject's records from the Federal Bureau of Investigation if a
13.20 review of the subject's criminal history with the Federal Bureau of Investigation has already
13.21 been completed by the commissioner and there has been no break in the subject's affiliation
13.22 with the entity that initiated the background study.

13.23 (c) If the commissioner conducts a national criminal history record check when required
13.24 by law and uses the information from the national criminal history record check to make a
13.25 disqualification determination, the data obtained is private data and cannot be shared with
13.26 ~~county agencies, private agencies, or prospective employers of the background study subject.~~

13.27 (d) If the commissioner conducts a national criminal history record check when required
13.28 by law and uses the information from the national criminal history record check to make a
13.29 disqualification determination, the license holder or entity that submitted the study is not
13.30 required to obtain a copy of the background study subject's disqualification letter under
13.31 section 245C.17, subdivision 3.

14.1 **EFFECTIVE DATE.** This section is effective August 1, 2020.

14.2 Sec. 9. Minnesota Statutes 2018, section 245C.14, subdivision 1, is amended to read:

14.3 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
14.4 disqualify an individual who is the subject of a background study from any position allowing
14.5 direct contact with persons receiving services from the license holder or entity identified in
14.6 section 245C.03, upon receipt of information showing, or when a background study
14.7 completed under this chapter shows any of the following:

14.8 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
14.9 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
14.10 or misdemeanor level crime;

14.11 (2) a preponderance of the evidence indicates the individual has committed an act or
14.12 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
14.13 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
14.14 misdemeanor level crime; or

14.15 (3) an investigation results in an administrative determination listed under section
14.16 245C.15, subdivision 4, paragraph (b).

14.17 (b) No individual who is disqualified following a background study under section
14.18 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
14.19 persons served by a program or entity identified in section 245C.03, unless the commissioner
14.20 has provided written notice under section 245C.17 stating that:

14.21 (1) the individual may remain in direct contact during the period in which the individual
14.22 may request reconsideration as provided in section 245C.21, subdivision 2;

14.23 (2) the commissioner has set aside the individual's disqualification for that program or
14.24 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

14.25 (3) the license holder has been granted a variance for the disqualified individual under
14.26 section 245C.30.

14.27 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
14.28 with a licensed family child foster care provider, the commissioner shall disqualify an
14.29 individual who is the subject of a background study from any position allowing direct contact
14.30 with persons receiving services from the license holder or entity identified in section 245C.03,
14.31 upon receipt of information showing, or when a background study completed under this
14.32 chapter shows reason for disqualification under section 245C.15, subdivision 6.

15.1 **EFFECTIVE DATE.** This section is effective July 1, 2021.

15.2 Sec. 10. Minnesota Statutes 2018, section 245C.15, is amended by adding a subdivision
15.3 to read:

15.4 **Subd. 6. Licensed family child foster care disqualifications.** (a) Notwithstanding
15.5 subdivisions 1 to 5, for a background study affiliated with a licensed family child foster
15.6 care, regardless of how much time has passed, an individual is disqualified under section
15.7 245C.14 if the individual committed an act that resulted in a felony-level conviction for:
15.8 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
15.9 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
15.10 the second degree); 609.2112 (criminal vehicular homicide); 609.223, subdivision 2 (assault
15.11 in the third degree, past pattern of child abuse); 609.223, subdivision 3 (assault in the third
15.12 degree, victim under four); a felony offense under sections 609.2242 and 609.2243 (domestic
15.13 assault, spousal abuse, child abuse or neglect, or a crime against children); 609.2247
15.14 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false imprisonment);
15.15 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662
15.16 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in
15.17 the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665
15.18 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child
15.19 in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268
15.20 (injury or death of an unborn child in the commission of a crime); 609.324, subdivision 1
15.21 (other prohibited acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution);
15.22 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in
15.23 the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal
15.24 sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
15.25 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage
15.26 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or
15.27 endangerment of a child); 617.246 (use of minors in sexual performance prohibited); or
15.28 617.247 (possession of pictorial representations of minors).

15.29 (b) Notwithstanding subdivisions 1 to 5, for the purposes of a background study affiliated
15.30 with a licensed family foster care license, an individual is disqualified under section 245C.14,
15.31 regardless of how much time has passed, if the individual:

15.32 (1) committed an action under paragraph (d) that resulted in death or involved sexual
15.33 abuse;

16.1 (2) committed an act that resulted in a felony-level conviction for section 609.746
16.2 (interference with privacy);

16.3 (3) committed an act that resulted in a gross misdemeanor-level conviction for section
16.4 609.3451 (criminal sexual conduct in the fifth degree); or

16.5 (4) committed an act against or involving a minor that resulted in a felony-level conviction
16.6 for: section 609.221 (assault in the first degree); 609.222 (assault in the second degree);
16.7 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree);
16.8 or 609.224, subdivision 4 (assault in the fifth degree).

16.9 (c) Notwithstanding subdivisions 1 to 5, for a background study affiliated with a licensed
16.10 family child foster care license, an individual is disqualified under section 245C.14 if:

16.11 (1) less than five years have passed since the termination of parental rights under section
16.12 260C.301, subdivision 1, paragraph (b);

16.13 (2) less than five years have passed since a felony-level conviction for: section 152.021
16.14 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the
16.15 second degree); 152.023 (controlled substance crime in the third degree); 152.024 (controlled
16.16 substance crime in the fourth degree); 152.025 (controlled substance crime in the fifth
16.17 degree); 152.0261 (importing controlled substances across state borders); 152.0262,
16.18 subdivision 1, paragraph (b) (possession of substance with intent to manufacture
16.19 methamphetamine); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic
16.20 cannabinoids); 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances);
16.21 152.136 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities);
16.22 152.137 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24
16.23 (felony first-degree driving while impaired); 243.166 (violation of predatory offender
16.24 registration requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114
16.25 (criminal vehicular operation; unborn child); 609.228 (great bodily harm caused by
16.26 distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult); 609.235 (use of
16.27 drugs to injure or facilitate a crime); 609.322 (solicitation, inducement, and promotion of
16.28 prostitution; sex trafficking); 609.561 (arson in the first degree); 609.562 (arson in the
16.29 second degree); 609.563 (arson in the third degree); 609.66, subdivision 1e (felony drive-by
16.30 shooting); 609.687 (adulteration); 609.749, subdivision 3, 4, or 5 (felony-level harassment
16.31 or stalking); or 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility);
16.32 or

16.33 (3) less than five years have passed since a felony-level conviction for an act not against
16.34 or involving a minor that constitutes: section 609.221 (assault in the first degree); 609.222

17.1 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231
17.2 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the fifth degree).

17.3 (d) Notwithstanding subdivisions 1 to 5, except as provided in paragraph (a), for a
17.4 background study affiliated with a licensed family child foster care license, an individual
17.5 is disqualified under section 245C.14 if less than five years have passed since:

17.6 (1) a determination or disposition of the individual's failure to make required reports
17.7 under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which the
17.8 final disposition under section 626.556 or 626.557 was substantiated maltreatment and the
17.9 maltreatment was recurring or serious;

17.10 (2) a determination or disposition of the individual's substantiated serious or recurring
17.11 maltreatment of a minor under section 626.556, a vulnerable adult under section 626.557,
17.12 or serious or recurring maltreatment in any other state, the elements of which are substantially
17.13 similar to the elements of maltreatment under section 626.556 or 626.557 and meet the
17.14 definition of serious maltreatment or recurring maltreatment;

17.15 (3) the termination of the individual's parental rights under section 260C.301, subdivision
17.16 1, paragraph (a); or

17.17 (4) a gross misdemeanor-level conviction for: section 609.746 (interference with privacy);
17.18 609.2242 and 609.2243 (domestic assault); 609.377 (malicious punishment of a child); or
17.19 609.378 (neglect or endangerment of a child).

17.20 **EFFECTIVE DATE.** This section is effective July 1, 2021.

17.21 Sec. 11. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 1, is amended
17.22 to read:

17.23 Subdivision 1. **Minimum disqualification periods.** The disqualification periods under
17.24 subdivisions 3 to ~~5~~ 6 are the minimum applicable disqualification periods. The commissioner
17.25 may determine that an individual should continue to be disqualified from licensure because
17.26 the individual continues to pose a risk of harm to persons served by that individual, even
17.27 after the minimum disqualification period has passed.

17.28 **EFFECTIVE DATE.** This section is effective July 1, 2021.

18.1 Sec. 12. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 2, is amended
18.2 to read:

18.3 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
18.4 paragraphs (b) to ~~(e)~~ (f), the commissioner may not set aside the disqualification of any
18.5 individual disqualified pursuant to this chapter, regardless of how much time has passed,
18.6 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
18.7 1.

18.8 (b) For an individual in the chemical dependency or corrections field who was disqualified
18.9 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification
18.10 was set aside prior to July 1, 2005, the commissioner must consider granting a variance
18.11 pursuant to section 245C.30 for the license holder for a program dealing primarily with
18.12 adults. A request for reconsideration evaluated under this paragraph must include a letter
18.13 of recommendation from the license holder that was subject to the prior set-aside decision
18.14 addressing the individual's quality of care to children or vulnerable adults and the
18.15 circumstances of the individual's departure from that service.

18.16 (c) If an individual who requires a background study for nonemergency medical
18.17 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
18.18 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
18.19 passed since the discharge of the sentence imposed, the commissioner may consider granting
18.20 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
18.21 paragraph must include a letter of recommendation from the employer. This paragraph does
18.22 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
18.23 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
18.24 clause (1); 617.246; or 617.247.

18.25 (d) When a licensed foster care provider adopts an individual who had received foster
18.26 care services from the provider for over six months, and the adopted individual is required
18.27 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
18.28 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
18.29 to permit the adopted individual with a permanent disqualification to remain affiliated with
18.30 the license holder under the conditions of the variance when the variance is recommended
18.31 by the county of responsibility for each of the remaining individuals in placement in the
18.32 home and the licensing agency for the home.

18.33 (e) For an individual 18 years of age or older affiliated with a licensed family child foster
18.34 care program, the commissioner must not set aside the disqualification of any individual

19.1 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual
19.2 was disqualified for a crime or conduct listed in section 245C.15, subdivision 6, paragraph
19.3 (a).

19.4 (f) In connection with a license for family child foster care, the commissioner may grant
19.5 a variance to the disqualification for an individual who is under 18 years of age at the time
19.6 the background study is submitted.

19.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.

19.8 Sec. 13. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 3, is amended
19.9 to read:

19.10 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set
19.11 aside the disqualification of an individual in connection with a license to provide family
19.12 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day
19.13 care services for adults in the provider's home if: (1) less than ten years has passed since
19.14 the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based
19.15 on a preponderance of evidence determination under section 245C.14, subdivision 1,
19.16 paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph
19.17 (a), clause (1), and less than ten years has passed since the individual committed the act or
19.18 admitted to committing the act, whichever is later; and (3) the individual has committed a
19.19 violation of any of the following offenses: sections 609.165 (felon ineligible to possess
19.20 firearm); criminal vehicular homicide or criminal vehicular operation causing death under
19.21 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding
19.22 suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault
19.23 in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713
19.24 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple
19.25 robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);
19.26 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
19.27 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous
19.28 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);
19.29 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled
19.30 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or
19.31 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,
19.32 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);
19.33 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable
19.34 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or

20.1 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a
20.2 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
20.3 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in
20.4 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,
20.5 second, or third degree); 609.268 (injury or death of an unborn child in the commission of
20.6 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or
20.7 displaying harmful material to minors); a felony-level conviction involving alcohol or drug
20.8 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a
20.9 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross
20.10 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision
20.11 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess
20.12 firearms); or Minnesota Statutes 2012, section 609.21.

20.13 (b) The commissioner may not set aside the disqualification of an individual if less than
20.14 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to
20.15 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in
20.16 Minnesota Statutes.

20.17 (c) The commissioner may not set aside the disqualification of an individual if less than
20.18 ten years have passed since the discharge of the sentence imposed for an offense in any
20.19 other state or country, the elements of which are substantially similar to the elements of any
20.20 of the offenses listed in paragraph (a).

20.21 **EFFECTIVE DATE.** This section is effective July 1, 2021.

20.22 Sec. 14. Minnesota Statutes 2018, section 245C.24, subdivision 4, as amended by Laws
20.23 2020, First Special Session chapter 2, article 8, section 55, is amended to read:

20.24 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set
20.25 aside the disqualification of an individual in connection with a license to provide family
20.26 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day
20.27 care services for adults in the provider's home if within seven years preceding the study:

20.28 (1) the individual committed an act that constitutes maltreatment of a child under sections
20.29 260E.24, subdivisions 1, 2, and 3, and 260E.30, subdivisions 1, 2, and 4, and the maltreatment
20.30 resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial
20.31 mental or emotional harm as supported by competent psychological or psychiatric evidence;
20.32 or

21.1 (2) the individual was determined under section 626.557 to be the perpetrator of a
21.2 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial
21.3 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional
21.4 harm as supported by competent psychological or psychiatric evidence.

21.5 **EFFECTIVE DATE.** This section is effective July 1, 2021.

21.6 Sec. 15. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision
21.7 to read:

21.8 **Subd. 6. Five-year bar to set aside disqualification; family child foster care.** (a) The
21.9 commissioner shall not set aside the disqualification of an individual 18 years of age or
21.10 older in connection with a license for foster care for children in the provider's home if within
21.11 five years preceding the study the individual is convicted of a felony in section 245C.15,
21.12 subdivision 6, paragraph (c).

21.13 **(b) In connection with a license for family child foster care, the commissioner may set**
21.14 **aside or grant a variance to the disqualification for an individual who is under 18 years of**
21.15 **age at the time the background study is submitted.**

21.16 **EFFECTIVE DATE.** This section is effective July 1, 2021.

21.17 Sec. 16. Minnesota Statutes 2019 Supplement, section 256B.0659, subdivision 11, as
21.18 amended by Laws 2020, chapter 115, article 4, section 128, is amended to read:

21.19 **Subd. 11. Personal care assistant; requirements.** (a) A personal care assistant must
21.20 meet the following requirements:

21.21 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years of
21.22 age with these additional requirements:

21.23 (i) supervision by a qualified professional every 60 days; and

21.24 (ii) employment by only one personal care assistance provider agency responsible for
21.25 compliance with current labor laws;

21.26 (2) be employed by a personal care assistance provider agency;

21.27 (3) enroll with the department as a personal care assistant after clearing a background
21.28 study. Except as provided in subdivision 11a, before a personal care assistant provides
21.29 services, the personal care assistance provider agency must initiate a background study on
21.30 the personal care assistant under chapter 245C, and the personal care assistance provider

- 22.1 agency must have received a notice from the commissioner that the personal care assistant
22.2 is:
- 22.3 (i) not disqualified under section 245C.14; or
- 22.4 (ii) disqualified, but the personal care assistant has received a set aside of the
22.5 disqualification under section 245C.22;
- 22.6 (4) be able to effectively communicate with the recipient and personal care assistance
22.7 provider agency;
- 22.8 (5) be able to provide covered personal care assistance services according to the recipient's
22.9 personal care assistance care plan, respond appropriately to recipient needs, and report
22.10 changes in the recipient's condition to the supervising qualified professional, physician, or
22.11 advanced practice registered nurse;
- 22.12 (6) not be a consumer of personal care assistance services;
- 22.13 (7) maintain daily written records including, but not limited to, time sheets under
22.14 subdivision 12;
- 22.15 (8) effective January 1, 2010, complete standardized training as determined by the
22.16 commissioner before completing enrollment. The training must be available in languages
22.17 other than English and to those who need accommodations due to disabilities. Personal care
22.18 assistant training must include successful completion of the following training components:
22.19 basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic
22.20 roles and responsibilities of personal care assistants including information about assistance
22.21 with lifting and transfers for recipients, emergency preparedness, orientation to positive
22.22 behavioral practices, fraud issues, and completion of time sheets. Upon completion of the
22.23 training components, the personal care assistant must demonstrate the competency to provide
22.24 assistance to recipients;
- 22.25 (9) complete training and orientation on the needs of the recipient; and
- 22.26 (10) be limited to providing and being paid for up to ~~275~~ 310 hours per month of personal
22.27 care assistance services regardless of the number of recipients being served or the number
22.28 of personal care assistance provider agencies enrolled with. The number of hours worked
22.29 per day shall not be disallowed by the department unless in violation of the law.
- 22.30 (b) A legal guardian may be a personal care assistant if the guardian is not being paid
22.31 for the guardian services and meets the criteria for personal care assistants in paragraph (a).

23.1 (c) Persons who do not qualify as a personal care assistant include parents, stepparents,
23.2 and legal guardians of minors; spouses; paid legal guardians of adults; family foster care
23.3 providers, except as otherwise allowed in section 256B.0625, subdivision 19a; and staff of
23.4 a residential setting.

23.5 (d) Personal care assistance services qualify for the enhanced rate described in subdivision
23.6 17a if the personal care assistant providing the services:

23.7 (1) provides covered services to a recipient who qualifies for 12 or more hours per day
23.8 of personal care assistance services; and

23.9 (2) satisfies the current requirements of Medicare for training and competency or
23.10 competency evaluation of home health aides or nursing assistants, as provided in the Code
23.11 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
23.12 training or competency requirements.

23.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.14 Sec. 17. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 16, is amended
23.15 to read:

23.16 Subd. 16. **Support workers requirements.** (a) Support workers shall:

23.17 (1) enroll with the department as a support worker after a background study under chapter
23.18 245C has been completed and the support worker has received a notice from the
23.19 commissioner that the support worker:

23.20 (i) is not disqualified under section 245C.14; or

23.21 (ii) is disqualified, but has received a set-aside of the disqualification under section
23.22 245C.22;

23.23 (2) have the ability to effectively communicate with the participant or the participant's
23.24 representative;

23.25 (3) have the skills and ability to provide the services and supports according to the
23.26 participant's CFSS service delivery plan and respond appropriately to the participant's needs;

23.27 (4) complete the basic standardized CFSS training as determined by the commissioner
23.28 before completing enrollment. The training must be available in languages other than English
23.29 and to those who need accommodations due to disabilities. CFSS support worker training
23.30 must include successful completion of the following training components: basic first aid,
23.31 vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and
23.32 responsibilities of support workers including information about basic body mechanics,

24.1 emergency preparedness, orientation to positive behavioral practices, orientation to
24.2 responding to a mental health crisis, fraud issues, time cards and documentation, and an
24.3 overview of person-centered planning and self-direction. Upon completion of the training
24.4 components, the support worker must pass the certification test to provide assistance to
24.5 participants;

24.6 (5) complete employer-directed training and orientation on the participant's individual
24.7 needs;

24.8 (6) maintain the privacy and confidentiality of the participant; and

24.9 (7) not independently determine the medication dose or time for medications for the
24.10 participant.

24.11 (b) The commissioner may deny or terminate a support worker's provider enrollment
24.12 and provider number if the support worker:

24.13 (1) does not meet the requirements in paragraph (a);

24.14 (2) fails to provide the authorized services required by the employer;

24.15 (3) has been intoxicated by alcohol or drugs while providing authorized services to the
24.16 participant or while in the participant's home;

24.17 (4) has manufactured or distributed drugs while providing authorized services to the
24.18 participant or while in the participant's home; or

24.19 (5) has been excluded as a provider by the commissioner of human services, or by the
24.20 United States Department of Health and Human Services, Office of Inspector General, from
24.21 participation in Medicaid, Medicare, or any other federal health care program.

24.22 (c) A support worker may appeal in writing to the commissioner to contest the decision
24.23 to terminate the support worker's provider enrollment and provider number.

24.24 (d) A support worker must not provide or be paid for more than ~~275~~ 310 hours of CFSS
24.25 per month, regardless of the number of participants the support worker serves or the number
24.26 of agency-providers or participant employers by which the support worker is employed.
24.27 The department shall not disallow the number of hours per day a support worker works
24.28 unless it violates other law.

24.29 (e) CFSS qualify for an enhanced rate if the support worker providing the services:

24.30 (1) provides services, within the scope of CFSS described in subdivision 7, to a participant
24.31 who qualifies for 12 or more hours per day of CFSS; and

25.1 (2) satisfies the current requirements of Medicare for training and competency or
25.2 competency evaluation of home health aides or nursing assistants, as provided in the Code
25.3 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
25.4 training or competency requirements.

25.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.6 Sec. 18. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special
25.7 Session chapter 1, article 7, section 1, Laws 2016, chapter 189, article 7, section 42, and
25.8 Laws 2017, chapter 94, article 12, section 1, is amended to read:

25.9 Sec. 13. **EFFECTIVE DATE.**

25.10 Sections 1 to 3 and 6 to 11 are effective ~~July~~ January 1, 2020 ~~2022~~. Sections 4, 5, and
25.11 12 are effective July 1, 2014.

25.12 **EFFECTIVE DATE.** This section is effective the day following final enactment. Until
25.13 January 1, 2022, any employee, employer, employee or employer organization, exclusive
25.14 representative, or any other person or organization aggrieved by an unfair labor practice as
25.15 defined in Minnesota Statutes, section 179A.13, may bring an action for injunctive relief
25.16 and for damages caused by the unfair labor practice in the district court of the county in
25.17 which the practice is alleged to have occurred.

25.18 Sec. 19. **GRANT AND APPROPRIATION EXTENSIONS RELATED TO COVID-19;**
25.19 **REPORT REQUIRED.**

25.20 **Subdivision 1. General encumbrances for grants.** Notwithstanding Minnesota Statutes,
25.21 sections 16A.28, subdivision 6, and 16B.98, subdivision 7, and in order to provide relief
25.22 from the effects of the peacetime emergency related to the infectious disease known as
25.23 COVID-19, upon approval by the commissioner of management and budget, encumbrances
25.24 for grants issued by June 30, 2020, may be certified for a period of two fiscal years beyond
25.25 the fiscal year in which the appropriations were scheduled to cancel.

25.26 **Subd. 2. Report.** The commissioner of management and budget must submit a report
25.27 on the implementation of this section to the chairs and ranking minority members of the
25.28 legislative committees with jurisdiction over finance, ways and means, and state government
25.29 finance by December 31, 2020. The report must provide a list of the encumbrances that
25.30 were requested for approval under subdivision 1, itemizing separately those that were
25.31 approved and those that were not approved.

26.1 **EFFECTIVE DATE; APPLICABILITY.** This section is effective the day following
26.2 final enactment and applies to grants encumbered on or before June 30, 2020.

26.3 Sec. 20. **TEMPORARY PERSONAL CARE ASSISTANCE COMPENSATION FOR**
26.4 **SERVICES PROVIDED BY A PARENT OR SPOUSE.**

26.5 (a) Notwithstanding Minnesota Statutes, section 256B.0659, subdivisions 3, paragraph
26.6 (a), clause (1); 11, paragraph (c); and 19, paragraph (b), clause (3), during a peacetime
26.7 emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision
26.8 2, for an outbreak of COVID-19, a parent, stepparent, or legal guardian of a minor who is
26.9 a personal care assistance recipient or a spouse of a personal care assistance recipient may
26.10 provide and be paid for providing personal care assistance services.

26.11 (b) This section expires January 31, 2021, or 60 days after the peacetime emergency
26.12 declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an
26.13 outbreak of COVID-19, is terminated or rescinded by proper authority, whichever is earlier.

26.14 **EFFECTIVE DATE.** This section is effective the day following final enactment or
26.15 upon federal approval, whichever is later. The commissioner of human services shall notify
26.16 the revisor of statutes when federal approval is obtained.

26.17 Sec. 21. **PERSONAL CARE ASSISTANCE TEMPORARY RATE INCREASE.**

26.18 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
26.19 the meanings given.

26.20 (b) "Commissioner" means the commissioner of human services.

26.21 (c) "Covered program" has the meaning given in Minnesota Statutes, section 256B.0711,
26.22 subdivision 1, paragraph (b).

26.23 (d) "Direct support professional" means an individual employed to personally provide
26.24 personal care assistance services covered by medical assistance under Minnesota Statutes,
26.25 section 256B.0625, subdivisions 19a and 19c; or to personally provide medical assistance
26.26 services covered under Minnesota Statutes, sections 256B.0913, 256B.092, or 256B.49, or
26.27 chapter 256S. Direct support professional does not include managerial or administrative
26.28 staff who do not personally provide the services described in this paragraph.

26.29 (e) "Direct support services" has the meaning given in Minnesota Statutes, section
26.30 256B.0711, subdivision 1, paragraph (c).

27.1 Subd. 2. **Temporary rates for direct support services.** (a) To respond to the infectious
27.2 disease known as COVID-19, the commissioner must temporarily increase rates and enhanced
27.3 rates by 13.75 percent for direct support services provided under a covered program or
27.4 under Minnesota Statutes, section 256B.0659, while this section is effective.

27.5 (b) Providers that receive a rate increase under this section must:

27.6 (1) use at least 80 percent of the additional revenue to increase wages, salaries, and
27.7 benefits for personal care assistants and any corresponding increase in the employer's share
27.8 of FICA taxes, Medicare taxes, state and federal unemployment taxes, and workers'
27.9 compensation premiums; and

27.10 (2) use any remainder of the additional revenue for activities and items necessary to
27.11 support compliance with Centers for Disease Control and Prevention guidance on sanitation
27.12 and personal protective equipment.

27.13 Subd. 3. **Capitation rates and directed payments.** (a) To implement the temporary
27.14 rate increase under this section, managed care plans and county-based purchasing plans
27.15 shall increase rates and enhanced rates by 13.75 percent for the direct support services.

27.16 (b) In combination with contract amendments instructing plans to increase reimbursement
27.17 rates for direct support services, the commissioner shall adjust capitation rates paid to
27.18 managed care plans and county-based purchasing plans as needed to maintain managed
27.19 care plans' expected medical loss ratios.

27.20 (c) Contracts between managed care plans and providers and between county-based
27.21 purchasing plans and providers must allow recovery of payments from providers if federal
27.22 approval for the provisions of this subdivision is not received and the commissioner reduces
27.23 capitation payments as a result. Payment recoveries must not exceed the amount equal to
27.24 any decrease in rates that results from this paragraph.

27.25 Subd. 4. **Consumer-directed community supports budgets.** Lead agencies shall
27.26 temporarily increase the budget for each recipient of consumer-directed community supports
27.27 to reflect a 13.75 percent rate increase for direct support services.

27.28 Subd. 5. **Consumer support grants; increased maximum allowable grant.** The
27.29 commissioner shall temporarily increase the maximum allowable monthly grant level for
27.30 each recipient of consumer support grants to reflect a 13.75 percent rate increase for direct
27.31 support services.

27.32 Subd. 6. **Distribution plans.** (a) A provider agency or individual provider that receives
27.33 a rate increase under subdivision 2 shall prepare and, upon request, submit to the

28.1 commissioner a distribution plan that specifies the anticipated amount and proposed uses
28.2 of the additional revenue the provider will receive under subdivision 2.

28.3 (b) By October 15, 2020, the provider must post the distribution plan for a period of at
28.4 least six weeks in an area of the provider's operation to which all direct support professionals
28.5 have access. The provider must post with the distribution plan instructions on how to contact
28.6 the commissioner if direct support professionals do not believe they have received the wage
28.7 increase or benefits specified in the distribution plan. The instructions must include a mailing
28.8 address, e-mail address, and telephone number that the direct support professional may use
28.9 to contact the commissioner or the commissioner's representative.

28.10 Subd. 7. **Expiration.** This section expires January 31, 2021, or 60 days after the peacetime
28.11 emergency declared by the governor in an executive order that relates to the infectious
28.12 disease known as COVID-19 is terminated or rescinded by proper authority, whichever is
28.13 earlier.

28.14 **EFFECTIVE DATE.** This section is effective the day following final enactment or
28.15 upon federal approval, whichever is later. The commissioner shall notify the revisor of
28.16 statutes when federal approval is obtained.

28.17 **ARTICLE 3**

28.18 **STATE LANDS**

28.19 Section 1. Minnesota Statutes 2018, section 84.63, is amended to read:

28.20 **84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND, FEDERAL,**
28.21 **AND TRIBAL GOVERNMENTS.**

28.22 (a) Notwithstanding any existing law to the contrary, the commissioner of natural
28.23 resources is hereby authorized on behalf of the state to convey to the United States, to a
28.24 federally recognized Indian tribe, or to the state of Minnesota or any of its subdivisions,
28.25 upon state-owned lands under the administration of the commissioner of natural resources,
28.26 permanent or temporary easements for specified periods or otherwise for trails, highways,
28.27 roads including limitation of right of access from the lands to adjacent highways and roads,
28.28 flowage for development of fish and game resources, stream protection, flood control, and
28.29 necessary appurtenances thereto, such conveyances to be made upon such terms and
28.30 conditions including provision for reversion in the event of non-user as the commissioner
28.31 of natural resources may determine.

28.32 (b) In addition to the fee for the market value of the easement, the commissioner of
28.33 natural resources shall assess the applicant the following fees:

29.1 (1) an application fee of \$2,000 to cover reasonable costs for reviewing the application
29.2 and preparing the easement; and

29.3 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
29.4 construction of the improvement for which the easement was conveyed and preparing special
29.5 terms and conditions for the easement. The commissioner must give the applicant an estimate
29.6 of the monitoring fee before the applicant submits the fee.

29.7 (c) The applicant shall pay these fees to the commissioner of natural resources. The
29.8 commissioner shall not issue the easement until the applicant has paid in full the application
29.9 fee, the monitoring fee, and the market value payment for the easement.

29.10 (d) Upon completion of construction of the improvement for which the easement was
29.11 conveyed, the commissioner shall refund the unobligated balance from the monitoring fee
29.12 revenue. The commissioner shall not return the application fee, even if the application is
29.13 withdrawn or denied.

29.14 (e) Money received under paragraph (b) must be deposited in the land management
29.15 account in the natural resources fund and is appropriated to the commissioner of natural
29.16 resources to cover the reasonable costs incurred for issuing and monitoring easements.

29.17 (f) A county or joint county regional railroad authority is exempt from all fees specified
29.18 under this section for trail easements on state-owned land.

29.19 Sec. 2. Minnesota Statutes 2018, section 92.502, is amended to read:

29.20 **92.502 LEASE OF TAX-FORFEITED AND STATE LANDS.**

29.21 (a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may
29.22 enter a 30-year lease of tax-forfeited land for a wind energy project.

29.23 (b) The commissioner of natural resources may enter a 30-year lease of land administered
29.24 by the commissioner for a wind energy project.

29.25 (c) The commissioner of natural resources may enter a 30-year lease of land administered
29.26 by the commissioner for recreational trails and facilities. The commissioner may assess the
29.27 lease applicant a monitoring fee to cover the projected reasonable costs of monitoring
29.28 construction of the recreational trail or facility and preparing special terms and conditions
29.29 of the license to ensure proper construction. The commissioner must give the applicant an
29.30 estimate of the monitoring fee before the applicant is required to submit the fee. Upon
29.31 completion of construction of the trail or facility, the commissioner must refund the
29.32 unobligated balance from the monitoring fee revenue.

30.1 (d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis
30.2 Counties may enter into 30-year leases of tax-forfeited land for recreational trails and
30.3 facilities.

30.4 Sec. 3. ADDITION TO STATE PARK.

30.5 [85.012] [Subd. 18.] Fort Snelling State Park, Dakota County. The following areas
30.6 are added to Fort Snelling State Park, Dakota County:

30.7 (1) that part of Section 28, Township 28 North, Range 23 West, Dakota County,
30.8 Minnesota, bounded by the Dakota County line along the Minnesota River and the following
30.9 described lines:

30.10 Beginning at the intersection of the south line of Lot 18 of Auditor's Subdivision Number
30.11 29 of Mendota, according to the plat on file in the Office of the Dakota County Recorder,
30.12 with the westerly right-of-way line of the existing Sibley Memorial Highway; thence
30.13 northerly along said westerly right-of-way line to the north line of said Lot 18; thence
30.14 westerly along the north line of said Lot 18 to the easterly right-of-way line of the
30.15 Chicago and Northwestern Railroad; thence northerly and northeasterly along said
30.16 easterly right-of-way to the east line of said Section 28;

30.17 (2) that part of Section 33, Township 28 North, Range 23 West, Dakota County,
30.18 Minnesota, lying westerly of the easterly right-of-way of the Chicago and Northwestern
30.19 Railroad;

30.20 (3) that part of Government Lot 6 of Section 33, Township 28 North, Range 23 West,
30.21 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
30.22 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway
30.23 and North of the South 752 feet of said Government Lot 6;

30.24 (4) the North 152 feet of the South 752 feet of that part of Government Lot 6 of Section
30.25 33, Township 28 North, Range 23 West, Dakota County, Minnesota, lying East of the
30.26 easterly right-of-way of the Chicago and Northwestern Railroad and West of the westerly
30.27 right-of-way of Sibley Memorial Highway;

30.28 (5) the North 270 feet of the South 600 feet of that part of Government Lot 6 lying
30.29 between the westerly right-of-way of Sibley Memorial Highway and the easterly right-of-way
30.30 of the Chicago and Northwestern Railroad in Section 33, Township 28 North, Range 23
30.31 West, Dakota County, Minnesota;

30.32 (6) that part of the South 20 rods of Government Lot 6 of Section 33, Township 28
30.33 North, Range 23 West, Dakota County, Minnesota, lying East of the easterly right-of-way

31.1 of the Chicago and Northwestern Railroad and West of the westerly right-of-way of Sibley
31.2 Memorial Highway, excepting therefrom that part described as follows:

31.3 Commencing at the southeast corner of said Government Lot 6; thence North 89 degrees
31.4 56 minutes 54 seconds West assumed bearing along the south line of said Government
31.5 Lot 6 a distance of 260.31 feet to the point of beginning of the property to be described;
31.6 thence continue North 89 degrees 56 minutes 54 seconds West a distance of 71.17 feet;
31.7 thence northwesterly a distance of 37.25 feet along a nontangential curve concave to
31.8 the East having a radius of 4,098.00 feet and a central angle of 00 degrees 31 minutes
31.9 15 seconds the chord of said curve bears North 23 degrees 31 minutes 27 seconds West;
31.10 thence northerly a distance of 127.39 feet along a compound curve concave to the East
31.11 having a radius of 2,005.98 feet and a central angle of 03 degrees 38 minutes 19 seconds;
31.12 thence North 70 degrees 22 minutes 29 seconds East not tangent to said curve a distance
31.13 of 65.00 feet; thence southerly a distance of 123.26 feet along a nontangential curve
31.14 concave to the East having a radius of 1,940.98 feet and a central angle of 03 degrees
31.15 38 minutes 19 seconds the chord of said curve bears South 21 degrees 26 minutes 40
31.16 seconds East; thence southerly a distance of 65.42 feet to the point of beginning along
31.17 a compound curve concave to the East having a radius of 4,033.00 feet and a central
31.18 angle of 00 degrees 55 minutes 46 seconds;

31.19 (7) that part of Government Lot 5 of Section 33, Township 28 North, Range 23 West,
31.20 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
31.21 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway,
31.22 excepting therefrom that part described as follows:

31.23 Commencing at the southeast corner of said Government Lot 5; thence North 89 degrees
31.24 56 minutes 18 seconds West assumed bearing along the south line of said Government
31.25 Lot 5 a distance of 70.48 feet to the point of beginning of the property to be described;
31.26 thence continue North 89 degrees 56 minutes 18 seconds West along said south line of
31.27 Government Lot 5 a distance of 40.01 feet; thence North 01 degree 30 minutes 25 seconds
31.28 East a distance of 6.08 feet; thence northerly a distance of 185.58 feet along a tangential
31.29 curve concave to the West having a radius of 4,427.00 feet and a central angle of 02
31.30 degrees 24 minutes 07 seconds; thence South 89 degrees 06 minutes 18 seconds West
31.31 not tangent to said curve a distance of 25.00 feet; thence North 00 degrees 53 minutes
31.32 42 seconds West a distance of 539.13 feet; thence northerly a distance of 103.77 feet
31.33 along a tangential curve concave to the West having a radius of 1,524.65 feet and a
31.34 central angle of 03 degrees 53 minutes 59 seconds; thence northerly a distance of 159.33
31.35 feet along a compound curve concave to the West having a radius of 522.45 feet and a

32.1 central angle of 17 degrees 28 minutes 23 seconds; thence northwesterly a distance of
32.2 86.78 feet along a tangential curve concave to the West having a radius of 1,240.87 feet
32.3 and a central angle of 04 degrees 00 minutes 25 seconds; thence North 26 degrees 16
32.4 minutes 30 seconds West tangent to said curve a distance of 92.39 feet; thence
32.5 northwesterly a distance of 178.12 feet along a tangential curve concave to the East
32.6 having a radius of 4,098.00 feet and a central angle of 02 degrees 29 minutes 25 seconds
32.7 to a point on the north line of said Government Lot 5 which is 331.48 feet from the
32.8 northeast corner thereof as measured along said north line; thence South 89 degrees 56
32.9 minutes 54 seconds East along said north line of Government Lot 5 a distance of 71.17
32.10 feet; thence southeasterly a distance of 146.53 feet along a nontangential curve concave
32.11 to the East having a radius of 4,033.00 feet and a central angle of 02 degrees 04 minutes
32.12 54 seconds the chord of said curve bears South 25 degrees 14 minutes 03 seconds East;
32.13 thence South 26 degrees 16 minutes 30 seconds East tangent to said curve a distance of
32.14 92.39 feet; thence southerly a distance of 91.33 feet along a tangential curve concave
32.15 to the West having a radius of 1,305.87 feet and a central angle of 04 degrees 00 minutes
32.16 25 seconds; thence southerly a distance of 179.15 feet along a tangential curve concave
32.17 to the West having a radius of 587.45 feet and a central angle of 17 degrees 28 minutes
32.18 23 seconds; thence southerly a distance of 108.20 feet along a compound curve concave
32.19 to the West having a radius of 1,589.65 feet and a central angle of 03 degrees 53 minutes
32.20 59 seconds; thence South 00 degrees 53 minutes 42 seconds East tangent to said curve
32.21 a distance of 539.13 feet; thence southerly a distance of 187.26 feet along a tangential
32.22 curve concave to the West having a radius of 4,467.00 feet and a central angle of 02
32.23 degrees 24 minutes 07 seconds; thence South 01 degree 30 minutes 25 seconds West
32.24 tangent to said curve a distance of 5.07 feet to the point of beginning; and

32.25 (8) that part of Government Lot 4 of Section 33, Township 28 North, Range 23 West,
32.26 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
32.27 Northwestern Railroad and northerly of the following described line:

32.28 Commencing at the southeast corner of said Government Lot 4; thence North 89 degrees
32.29 55 minutes 42 seconds West assumed bearing along the south line of said Government
32.30 Lot 4 a distance of 312.44 feet to corner B205, MNDOT Right-of-Way Plat No. 19-93,
32.31 according to the recorded map thereof; thence continue North 89 degrees 55 minutes 42
32.32 seconds West along said south line of Government Lot 4 a distance of 318.00 feet to the
32.33 easterly right-of-way of Chicago and Northwestern Railroad; thence northerly along
32.34 said railroad right-of-way a distance of 387.97 feet along a nontangential curve concave
32.35 to the West having a radius of 2,963.54 feet and a central angle of 07 degrees 30 minutes

33.1 03 seconds, the chord of said curve bears North 00 degrees 42 minutes 41 seconds East;
 33.2 thence North 03 degrees 02 minutes 21 seconds West tangent to said curve along said
 33.3 railroad right-of-way a distance of 619.45 feet to the point of beginning of the line to
 33.4 be described; thence North 89 degrees 35 minutes 27 seconds East a distance of 417.92
 33.5 feet; thence North 18 degrees 18 minutes 58 seconds East a distance of 317.52 feet to a
 33.6 point on the north line of said Government Lot 4 which is 135.00 feet from the northeast
 33.7 corner thereof as measured along said north line and there terminating.

33.8 **Sec. 4. ADDITION TO STATE RECREATION AREA.**

33.9 **[85.013] [Subd. 12a.] Iron Range Off-Highway Vehicle Recreation Area, St. Louis**
 33.10 **County.** The following area is added to Iron Range Off-Highway Vehicle Recreation Area,
 33.11 St. Louis County: that part of the South Half of the Northwest Quarter of Section 15,
 33.12 Township 58 North, Range 17 West, St. Louis County, Minnesota, lying northerly of the
 33.13 following described line:

33.14 Commencing at the West quarter corner of said Section 15; thence North 01 degree 24
 33.15 minutes 27 seconds West, bearing assumed, along the west line of said South Half of
 33.16 the Northwest Quarter a distance of 1,034.09 feet to a 3/4-inch rebar with plastic cap
 33.17 stamped "MN DNR LS 44974" (DM) and the point of beginning; thence South 62 degrees
 33.18 44 minutes 07 seconds East 405.24 feet to a DM; thence South 82 degrees 05 minutes
 33.19 24 seconds East 314.95 feet to a DM; thence South 86 degrees 18 minutes 01 second
 33.20 East 269.23 feet to a DM; thence North 81 degrees 41 minutes 24 seconds East 243.61
 33.21 feet to a DM; thence North 71 degrees 48 minutes 05 seconds East 478.17 feet to a DM;
 33.22 thence North 60 degrees 53 minutes 38 seconds East 257.32 feet to a DM; thence South
 33.23 09 degrees 16 minutes 07 seconds East 179.09 feet to a DM; thence South 49 degrees
 33.24 16 minutes 00 seconds East 127.27 feet to a DM; thence South 50 degrees 16 minutes
 33.25 11 seconds East 187.13 feet to a DM; thence South 67 degrees 11 minutes 35 seconds
 33.26 East 189.33 feet to a DM; thence South 67 degrees 13 minutes 16 seconds East 209.43
 33.27 feet to a DM; thence South 80 degrees 39 minutes 19 seconds East 167.59 feet to a DM
 33.28 on the east line of said South Half of the Northwest Quarter, and there terminating.

33.29 **Sec. 5. DELETIONS FROM STATE PARKS.**

33.30 **Subdivision 1. [85.012] [Subd. 18.] Fort Snelling State Park, Dakota County.** The
 33.31 following areas are deleted from Fort Snelling State Park, Dakota County:

33.32 (1) all of Section 33, Township 28 North, Range 23 West of the 4th Principal Meridian
 33.33 lying westerly of the westerly right-of-way line of the existing Minnesota Trunk Highway

34.1 No. 13, excepting the right-of-way owned by the Chicago and Northwestern railway
 34.2 company; and

34.3 (2) all of Section 28, Township 28 North, Range 23 West of the 4th Principal Meridian
 34.4 bounded by the Dakota County line along the Minnesota River and the following described
 34.5 lines: Beginning at the south line of said Section 28 at its intersection with the westerly
 34.6 right-of-way line of the existing Minnesota Trunk Highway No. 13; thence northerly along
 34.7 the said westerly right-of-way line of existing Minnesota Trunk Highway No. 13 to the
 34.8 southerly right-of-way line of existing Minnesota Trunk Highway Nos. 55 and 100; thence
 34.9 along the existing southerly right-of-way line of Minnesota Trunk Highway Nos. 55 and
 34.10 100 to the westerly right-of-way line owned by the Chicago and Northwestern railway
 34.11 company; thence northeasterly along the said westerly right-of-way line of the Chicago and
 34.12 Northwestern railway to the east line of said Section 28, excepting therefrom the right-of-way
 34.13 owned by the Chicago and Northwestern railway company.

34.14 Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The
 34.15 following areas are deleted from William O'Brien State Park, Washington County:

34.16 (1) those parts of Section 25, Township 32 North, Range 20 West, Washington County,
 34.17 Minnesota, described as follows:

34.18 The West two rods of the Southwest Quarter of the Northeast Quarter, the West two
 34.19 rods of the North two rods of the Northwest Quarter of the Southeast Quarter, and the
 34.20 East two rods of the Southeast Quarter of the Northwest Quarter; and

34.21 (2) the East two rods over and across the Northeast Quarter of the Northwest Quarter,
 34.22 excepting therefrom the North 200 feet of said Northeast Quarter of the Northwest Quarter.
 34.23 Also, the West 2 rods of the Northwest Quarter of the Northeast Quarter, excepting therefrom
 34.24 the North 266 feet of said Northwest Quarter of the Northeast Quarter. Also, the South 66
 34.25 feet of the North 266 feet of that part of said Northwest Quarter of the Northeast Quarter
 34.26 lying southwesterly of the existing public road known as 199th Street North.

34.27 Sec. 6. PRIVATE SALE OF SURPLUS STATE LAND; CASS COUNTY.

34.28 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
 34.29 natural resources may sell by private sale the surplus land that is described in paragraph (c).

34.30 (b) The commissioner may make necessary changes to the legal description to correct
 34.31 errors and ensure accuracy.

34.32 (c) The land to be conveyed is located in Cass County and is described as: the westerly
 34.33 20.00 feet of the West Half of the Northeast Quarter, Section 16, Township 139 North,

35.1 Range 30 West, Cass County, Minnesota. The Grantor, its employees and agents only,
35.2 reserves a perpetual easement for ingress and egress over and across the above described
35.3 land.

35.4 (d) The Department of Natural Resources has determined that the land is not needed for
35.5 natural resource purposes and that the state's land management interests would best be
35.6 served if the land was returned to private ownership.

35.7 **Sec. 7. PRIVATE SALE OF SURPLUS STATE LAND; LAKE OF THE WOODS**
35.8 **COUNTY.**

35.9 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
35.10 natural resources may sell by private sale the surplus land that is described in paragraph (c).

35.11 (b) The commissioner may make necessary changes to the legal description to correct
35.12 errors and ensure accuracy.

35.13 (c) The land to be conveyed is located in Lake of the Woods County and is described
35.14 as: a strip of land lying in Government Lot 3, Section 5, Township 163 North, Range 34
35.15 West of the Fifth Principal Meridian, Lake of the Woods County, Minnesota; said strip of
35.16 land being 33.00 feet in width lying 16.50 feet on each side of the following described
35.17 centerline:

35.18 Commencing at the southeast corner of said Government Lot 3; thence North 00 degrees
35.19 09 minutes 28 seconds West, assumed bearing, along the east line of said Government
35.20 Lot 3, a distance of 690 feet, more or less, to the south line of that particular tract of land
35.21 deeded to the State of Minnesota according to Document No. 75286, on file and of record
35.22 in the Office of the Recorder, Lake of the Woods County, Minnesota; thence South 89
35.23 degrees 50 minutes 32 seconds West, along said south line of that particular tract of
35.24 land, a distance of 200.00 feet; thence South 00 degrees 09 minutes 28 seconds East,
35.25 parallel with the east line of said Government Lot 3, a distance of 40.00 feet; thence
35.26 South 89 degrees 50 minutes 32 seconds West, a distance of 16.50 feet to the point of
35.27 beginning of the centerline to be herein described; thence South 00 degrees 09 minutes
35.28 28 seconds East, parallel with the east line of said Government Lot 3, a distance of 650.5
35.29 feet, more or less, to the south line of said Government Lot 3 and said centerline there
35.30 terminating.

35.31 (d) The Department of Natural Resources has determined that the land is not needed for
35.32 natural resource purposes and that the state's land management interests would best be
35.33 served if the land was returned to private ownership.

36.1 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

36.2 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
36.3 natural resources may convey the surplus land that is described in paragraph (c) to a local
36.4 unit of government for no consideration.

36.5 (b) The commissioner may make necessary changes to the legal description to correct
36.6 errors and ensure accuracy.

36.7 (c) The land to be conveyed is located in St. Louis County and is described as: that part
36.8 of the Southwest Quarter of the Northwest Quarter of Section 27, Township 52 North, Range
36.9 17 West, St. Louis County, Minnesota, described as follows:

36.10 Commencing at the quarter corner between Sections 27 and 28 of said Township 52
36.11 North, Range 17 West; thence running East 624 feet; thence North 629 feet to the point
36.12 of beginning; thence North 418 feet; thence East 208 feet; thence South 418 feet; thence
36.13 West 208 feet to the point of beginning.

36.14 (d) The Department of Natural Resources has determined that the land is not needed for
36.15 natural resource purposes and that the state's land management interests would best be
36.16 served if the land were conveyed to a local unit of government.

36.17 **Sec. 9. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

36.18 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or
36.19 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands
36.20 described in paragraph (c).

36.21 (b) The conveyances must be in a form approved by the attorney general. The attorney
36.22 general may make changes to the land descriptions to correct errors and ensure accuracy.

36.23 (c) The lands to be sold are located in St. Louis County and are described as:

36.24 (1) Lot 5, Block 9, including part of vacated Seafield Street adjacent, Bristol Beach 1st
36.25 Division, Duluth (parcel 010-0300-01030); and

36.26 (2) that part of the Southeast Quarter of the Northwest Quarter, Township 58, Range
36.27 15, Section 5, lying northerly of the northerly right-of-way line of the town of White road
36.28 running in an east-west direction connecting County Road No. 138 with State Highway No.
36.29 135 and lying westerly of the following described line: commencing at the northeast corner
36.30 of Government Lot 3; thence South 89 degrees 46 minutes 22 seconds West along the north
36.31 line of Government Lot 3 558.28 feet; thence South 27 degrees 50 minutes 01 second West
36.32 102.75 feet; thence South 41 degrees 51 minutes 46 seconds West 452.29 feet; thence South

37.1 28 degrees 19 minutes 22 seconds West 422.74 feet; thence South 30 degrees 55 minutes
37.2 42 seconds West 133.79 feet; thence southwesterly 210.75 feet along a tangential curve
37.3 concave to the southeast having a radius of 300 feet and a central angle of 40 degrees 15
37.4 minutes 00 seconds; thence South 09 degrees 19 minutes 19 seconds East tangent to said
37.5 curve 100.30 feet, more or less, to the north line of said Southeast Quarter of the Northwest
37.6 Quarter; thence North 89 degrees 09 minutes 31 seconds East along said north line 40.44
37.7 feet to the point of beginning of the line; thence South 09 degrees 19 minutes 19 seconds
37.8 East 148 feet, more or less, to said right-of-way line and said line there terminating. Surface
37.9 only (parcel 570-0021-00112).

37.10 (d) The county has determined that the county's land management interests would best
37.11 be served if the lands were returned to private ownership.

37.12 **Sec. 10. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
37.13 **WATER; WADENA COUNTY.**

37.14 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
37.15 resources may sell by public sale the surplus land bordering public water that is described
37.16 in paragraph (c).

37.17 (b) The commissioner may make necessary changes to the legal description to correct
37.18 errors and ensure accuracy.

37.19 (c) The land that may be sold is located in Wadena County and is described as: the
37.20 Northeast Quarter of the Southwest Quarter of Section 26, Township 136 North, Range 34
37.21 West, Wadena County, Minnesota, except that part described as follows:

37.22 Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter;
37.23 thence West 10 rods; thence South 8 rods; thence East 10 rods; thence North 8 rods to
37.24 the point of beginning and there terminating.

37.25 (d) The land borders the Redeye River. The Department of Natural Resources has
37.26 determined that the land is not needed for natural resource purposes and that the state's land
37.27 management interests would best be served if the land were returned to private ownership.

37.28 **Sec. 11. EFFECTIVE DATE.**

37.29 This article is effective the day following final enactment.