

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3948

(SENATE AUTHORS: LATZ)

DATE
03/04/2020

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to legislative enactments; making miscellaneous technical corrections to

1.3 laws and statutes; correcting erroneous, obsolete, and omitted text and references;

1.4 removing redundant, conflicting, and superseded provisions; amending Minnesota

1.5 Statutes 2018, sections 3.842, subdivision 2; 12.09, subdivision 10; 13.7905,

1.6 subdivisions 2, 3, 4a, 5, 6; 34.02; 60B.32, subdivision 5; 60B.38, subdivision 1;

1.7 60B.40, subdivision 2; 60B.46, subdivision 2; 62J.498, subdivision 1; 62J.4981,

1.8 subdivision 3; 62J.812; 88.01, subdivision 1; 88.17, subdivision 3; 97A.052,

1.9 subdivision 1; 97C.081, subdivision 10; 97C.825, subdivision 2; 103C.201,

1.10 subdivision 8; 103G.411; 115.72, subdivision 2; 116J.395, subdivision 3;

1.11 116J.8737, subdivision 8; 122A.40, subdivision 14; 123A.19, subdivisions 3, 5;

1.12 123A.75, subdivisions 2, 4; 124D.77; 124D.98, subdivision 3; 126C.13, subdivision

1.13 4; 137.38, subdivision 1; 144.292, subdivision 7; 144A.19, subdivision 2; 145.901,

1.14 subdivision 2; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13,

1.15 subdivision 6; 148.10, subdivision 1; 148.261, subdivision 5; 148.5194, subdivision

1.16 5; 148.754; 148B.5905; 148E.065, subdivision 1; 148E.075, subdivision 2;

1.17 148E.245, subdivision 5; 148F.09, subdivision 6; 151.01, subdivision 27a; 151.071,

1.18 subdivision 10; 155A.271, subdivision 2; 156.125, subdivision 3; 160.262,

1.19 subdivision 3; 160.266, subdivision 1b; 160.276, subdivision 2a; 161.082,

1.20 subdivision 2; 161.166, subdivision 2; 161.53; 169.18, subdivision 6; 169.791,

1.21 subdivision 5; 169A.03, subdivision 20; 171.02, subdivision 2a; 171.075,

1.22 subdivision 1; 171.17, subdivision 4; 171.175, subdivision 1; 171.187, subdivisions

1.23 1, 3; 174.30, subdivision 3; 216B.1641; 245.814, subdivision 2; 270A.03,

1.24 subdivision 8; 297E.02, subdivisions 1, 6; 298.28, subdivision 7a; 299A.11,

1.25 subdivision 1; 308A.711, subdivision 1; 326A.05, subdivision 1; 326A.14,

1.26 subdivision 1; 353G.08, subdivision 3; 504B.211, subdivision 2; 571.74; 576.21;

1.27 576.22; 576.29, subdivision 1; 576.42, subdivision 6; 609.2111; 609.224,

1.28 subdivision 3; 609.535, subdivision 6; 609.80; 609.891, subdivision 3; 609.902,

1.29 subdivision 4; 628.26; 629.344; 629.364; Minnesota Statutes 2019 Supplement,

1.30 sections 16A.968, subdivision 2; 28A.075; 116.155, subdivision 3; 116J.8737,

1.31 subdivision 5; 121A.335, subdivision 5; 122A.635, subdivision 2; 144G.50,

1.32 subdivision 2; 151.01, subdivision 27; 151.43; 151.441, subdivision 1; 152.126,

1.33 subdivision 6; 157.22; 169.881, subdivision 3; 169A.24, subdivision 1; 176.231,

1.34 subdivision 1; 245A.11, subdivision 7a; 245C.22, subdivision 5; 256B.85,

1.35 subdivision 2; 260B.331, subdivision 2; 290.0121, subdivision 3; 297A.75,

1.36 subdivision 1; 349.12, subdivision 25; 609.52, subdivision 1; Laws 2019, First

1.37 Special Session chapter 4, article 3, section 109; Laws 2019, First Special Session

1.38 chapter 11, article 3, section 23, subdivision 6; repealing Minnesota Statutes 2018,

2.1 sections 13.383, subdivision 9; 115.71, subdivision 4; 161.1231, subdivision 10;
 2.2 Minnesota Statutes 2019 Supplement, section 13.7905, subdivision 7; Laws 2019,
 2.3 chapter 37, section 1.

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

2.5 **ARTICLE 1**

2.6 **MISCELLANEOUS**

2.7 Section 1. Minnesota Statutes 2018, section 3.842, subdivision 2, is amended to read:

2.8 Subd. 2. **Jurisdiction.** The jurisdiction of the commission includes all rules as defined
 2.9 in section 14.02, subdivision 4. The commission also has jurisdiction of rules filed with the
 2.10 secretary of state in accordance with sections 14.38, ~~subdivisions 5, 6, 7, 8, 9, and~~ subdivision
 2.11 11; 14.386; and 14.388.

2.12 The commission may periodically review statutory exemptions to the rulemaking
 2.13 provisions of this chapter.

2.14 Sec. 2. Minnesota Statutes 2018, section 12.09, subdivision 10, is amended to read:

2.15 Subd. 10. **Emergency management training.** (a) The division must maintain and
 2.16 administer an emergency management training curriculum. The division must make
 2.17 emergency management training courses in this curriculum available to state employees
 2.18 whose essential job duties involve emergency management.

2.19 (b) Each state agency that is assigned a role as a disaster or emergency response
 2.20 organization in the state emergency operations plan must have at least one employee who
 2.21 has completed the entire emergency management training curriculum maintained under this
 2.22 section. If an agency is not in compliance with this paragraph ~~as of August 1, 2008,~~ or if
 2.23 all employees who have completed the curriculum leave the agency, the agency must
 2.24 immediately file a plan with the division identifying how and when the agency will be in
 2.25 compliance.

2.26 (c) On ~~September 1, 2008,~~ and January 15 of each ~~subsequent~~ year, the commissioner
 2.27 of public safety must report to legislative committees with jurisdiction over public safety
 2.28 issues on compliance with this section. The report must list state agencies that are in
 2.29 compliance with this section and must summarize compliance efforts for state agencies not
 2.30 yet in compliance.

3.1 Sec. 3. Minnesota Statutes 2019 Supplement, section 16A.968, subdivision 2, is amended
3.2 to read:

3.3 Subd. 2. **Authorization to issue appropriation bonds.** (a) Subject to the limitations of
3.4 this subdivision, and upon request by the governing body of the city of Duluth as provided
3.5 in section 469.54, subdivision 3, paragraph ~~(f)~~ (e), the commissioner may sell and issue
3.6 appropriation bonds of the state under this section for public purposes as provided by law.

3.7 (b) Proceeds of the appropriation bonds must be credited to a special appropriation
3.8 Duluth regional exchange district bond proceeds fund in the state treasury. All income from
3.9 investment of the bond proceeds, as estimated by the commissioner, is appropriated to the
3.10 commissioner for the payment of principal and interest on the appropriation bonds.

3.11 (c) Appropriation bonds may be issued in one or more issues or series on the terms and
3.12 conditions the commissioner determines to be in the best interests of the state, but the term
3.13 on any series of appropriation bonds may not exceed 25 years. The appropriation bonds of
3.14 each issue and series thereof shall be dated and bear interest and may be includable in or
3.15 excludable from the gross income of the owners for federal income tax purposes.

3.16 (d) At the time of or in anticipation of issuing the appropriation bonds, and at any time
3.17 thereafter, so long as the appropriation bonds are outstanding, the commissioner may enter
3.18 into agreements and ancillary arrangements relating to the appropriation bonds, including
3.19 but not limited to trust indentures, grant agreements, lease or use agreements, operating
3.20 agreements, management agreements, liquidity facilities, remarketing or dealer agreements,
3.21 letter of credit agreements, insurance policies, guaranty agreements, reimbursement
3.22 agreements, indexing agreements, or interest exchange agreements. Any payments made
3.23 or received according to the agreement or ancillary arrangement shall be made from or
3.24 deposited as provided in the agreement or ancillary arrangement. The determination of the
3.25 commissioner included in an interest exchange agreement that the agreement relates to an
3.26 appropriation bond shall be conclusive.

3.27 (e) The commissioner may enter into written agreements or contracts relating to the
3.28 continuing disclosure of information necessary to comply with or facilitate the issuance of
3.29 appropriation bonds in accordance with federal securities laws, rules, and regulations,
3.30 including Securities and Exchange Commission rules and regulations in Code of Federal
3.31 Regulations, title 17, section 240.15c 2-12. An agreement may be in the form of covenants
3.32 with purchasers and holders of appropriation bonds set forth in the order or resolution
3.33 authorizing the issuance of the appropriation bonds or a separate document authorized by
3.34 the order or resolution.

4.1 (f) The appropriation bonds are not subject to chapter 16C.

4.2 Sec. 4. Minnesota Statutes 2019 Supplement, section 28A.075, is amended to read:

4.3 **28A.075 DELEGATION TO LOCAL BOARD OF HEALTH COMMUNITY**
 4.4 **HEALTH BOARD.**

4.5 (a) At the request of a local ~~board of health~~ community health board that licensed and
 4.6 inspected grocery and convenience stores on January 1, 1999, the commissioner must enter
 4.7 into agreements before January 1, 2001, with local ~~boards of health~~ community health boards
 4.8 to delegate to the appropriate local ~~board of health~~ community health board the licensing
 4.9 and inspection duties of the commissioner pertaining to retail food handlers that are grocery
 4.10 or convenience stores. At the request of a local ~~board of health~~ community health board
 4.11 that licensed and inspected part of any grocery or convenience store on January 1, 1999,
 4.12 the commissioner must enter into agreements before July 1, 2001, with local ~~boards of~~
 4.13 ~~health~~ community health boards to delegate to the appropriate local ~~board of health~~
 4.14 community health board the licensing and inspection duties of the commissioner pertaining
 4.15 to retail food handlers that are grocery or convenience stores. At any time thereafter, the
 4.16 commissioner may enter into an agreement with a local ~~board of health~~ community health
 4.17 board that licensed and inspected all or part of any grocery or convenience store on January
 4.18 1, 1999, to delegate to the appropriate local ~~board of health~~ community health board the
 4.19 licensing and inspection duties of the commissioner pertaining to retail food handlers such
 4.20 as grocery or convenience stores. Retail food handlers inspected under the state meat
 4.21 inspection program of chapter 31A are exempt from delegation.

4.22 (b) A local ~~board of health~~ community health board must adopt an ordinance consistent
 4.23 with the Minnesota Food Code, Minnesota Rules, chapter 4626, for all of its jurisdiction to
 4.24 regulate retail food handlers and the ordinance (Food Code) must not be in conflict with
 4.25 standards set in law or rule.

4.26 (c) A fee to recover the estimated costs of enforcement of this chapter must be established
 4.27 by ordinance and must be fair, reasonable, and proportionate to the actual cost of the licensing
 4.28 and inspection services. The fee must only be maintained and used for the estimated costs
 4.29 of enforcing this chapter.

4.30 Sec. 5. Minnesota Statutes 2018, section 34.02, is amended to read:

4.31 **34.02 LICENSES; EXCEPTIONS.**

4.32 No person may manufacture, mix, or compound any soft drinks or other nonalcoholic
 4.33 beverage, to be sold in bottles, barrels, kegs, jars, coolers, cans, glasses or tumblers, or other

5.1 containers, without first having obtained a license from the commissioner. License fees
5.2 shall be established in accordance with section 28A.05, ~~clause paragraph~~ (c). Sections 34.02
5.3 to 34.11 do not apply to beverages manufactured, mixed, or compounded in quantities of
5.4 one quart or less at one time.

5.5 Sec. 6. Minnesota Statutes 2018, section 60B.32, subdivision 5, is amended to read:

5.6 Subd. 5. **Indemnifying transfers also voidable.** If any lien deemed voidable under
5.7 subdivision 1, ~~clause paragraph~~ (b), has been dissolved by the furnishing of a bond or other
5.8 obligation, the surety on which has been indemnified directly or indirectly by the transfer
5.9 of or the creation of a lien upon any property of an insurer before the filing of a petition
5.10 under sections 60B.01 to 60B.61 which results in a liquidation order, the indemnifying
5.11 transfer or lien shall also be deemed voidable.

5.12 Sec. 7. Minnesota Statutes 2018, section 60B.38, subdivision 1, is amended to read:

5.13 Subdivision 1. **Contents of proof of claim.** (a) Proof of claim shall consist of a verified
5.14 statement that includes all of the following that are applicable:

5.15 (1) The particulars of the claim, including the consideration given for it.

5.16 (2) The identity and amount of the security on the claim.

5.17 (3) The payments made on the debt, if any.

5.18 (4) That the sum claimed is justly owing and that there is no setoff, counterclaim, or
5.19 defense to the claim.

5.20 (5) Any right of priority of payment or other specific right asserted by the claimant.

5.21 (6) A copy of any written instrument which is the foundation of the claim.

5.22 (7) In the case of any third-party claim based on a liability policy issued by the insurer,
5.23 a conditional release of the insured pursuant to section 60B.40, subdivision 1.

5.24 (8) The name and address of the claimant and the claimant's attorney, if any.

5.25 (b) No claim need be considered or allowed if it does not contain all the information
5.26 under ~~clause paragraph~~ (a) which may be applicable. The liquidator may require that a
5.27 prescribed form be used and may require that other information and documents be included.

5.28 Sec. 8. Minnesota Statutes 2018, section 60B.40, subdivision 2, is amended to read:

5.29 Subd. 2. **Insured's claim.** Whether or not the third party files a claim, the insured may
5.30 file a claim on the insured's own behalf in the liquidation. If the insured fails to file a claim

6.1 by the date for filing claims specified in the order of liquidation or within 60 days after
6.2 mailing of the notice required by section 60B.26, subdivision 1, ~~elause~~ paragraph (b),
6.3 whichever is later, the insured is an unexcused late filer.

6.4 Sec. 9. Minnesota Statutes 2018, section 60B.46, subdivision 2, is amended to read:

6.5 Subd. 2. **Excess assets.** (a) Upon liquidation of a domestic mutual insurance company,
6.6 any assets held in excess of its liabilities and the amounts which may be paid to its members
6.7 as provided under ~~elause~~ paragraph (b) shall be paid into the state treasury to the credit of
6.8 the general fund.

6.9 (b) The maximum amount payable upon liquidation to any member for and on account
6.10 of membership in a domestic mutual insurance company, in addition to the insurance benefits
6.11 promised in the policy, shall be the total of all premium payments made by the member
6.12 with interest at the legal rate compounded annually.

6.13 Sec. 10. Minnesota Statutes 2018, section 62J.812, is amended to read:

6.14 **62J.812 PRIMARY CARE PRICE TRANSPARENCY.**

6.15 (a) Each provider shall maintain a list of the services over \$25 that correspond with the
6.16 provider's 25 most frequently billed current procedural terminology (CPT) codes, including
6.17 the provider's ten most commonly billed evaluation and management codes, and of the ten
6.18 most frequently billed CPT codes for preventive services. If the provider is associated with
6.19 a health care system, the health care system may develop the list of services required under
6.20 this paragraph for the providers within the health care system.

6.21 (b) For each service listed in paragraph (a), the provider shall disclose the provider's
6.22 charge, the average reimbursement rate received for the service from the provider's health
6.23 plan payers in the commercial insurance market, and, if applicable, the Medicare allowable
6.24 payment rate and the medical assistance fee-for-service payment rate. For purposes of this
6.25 paragraph, "provider's charge" means the dollar amount the provider charges to a patient
6.26 who has received the service and who is not covered by private or public health care
6.27 coverage.

6.28 (c) The list described in this subdivision must be updated annually and must be posted
6.29 in the provider's reception area of the clinic or office and made available on the provider's
6.30 website, if the provider maintains a website.

7.1 (d) For purposes of this ~~subdivision~~ section, "provider" means a primary care provider
7.2 or clinic that specializes in family medicine, general internal medicine, gynecology, or
7.3 general pediatrics.

7.4 (e) No contract between a health plan company and a provider shall prohibit a provider
7.5 from disclosing the pricing information required under this section.

7.6 Sec. 11. Minnesota Statutes 2018, section 88.01, subdivision 1, is amended to read:

7.7 Subdivision 1. **Terms.** For the purposes of this chapter 88, the terms defined in this
7.8 section have the meanings given them.

7.9 Sec. 12. Minnesota Statutes 2018, section 88.17, subdivision 3, is amended to read:

7.10 Subd. 3. **Special permits.** The following special permits are required at all times,
7.11 including when the ground is snow-covered:

7.12 (a) **Fire training.** A permit to start a fire for the instruction and training of firefighters,
7.13 including liquid fuels training, may be given by the commissioner or agent of the
7.14 commissioner. Except for owners or operators conducting fire training in specialized
7.15 industrial settings pursuant to applicable federal, state, or local standards, owners or operators
7.16 conducting open burning for the purpose of instruction and training of firefighters with
7.17 regard to structures must use only fuel materials as outlined in the current edition of National
7.18 Fire Protection Association 1403, Standard on Live Fire Training Evolutions, and obtain
7.19 the applicable live burn documents in accordance with the current edition of the Board of
7.20 Firefighter Training and Education's live burn plan established according to section 299N.02,
7.21 subdivision 3, paragraph (a), clause (2).

7.22 (b) **Permanent tree and brush open burning sites.** A permit for the operation of a
7.23 permanent tree and brush burning site may be given by the commissioner or agent of the
7.24 commissioner. Applicants for a permanent open burning site permit shall submit a complete
7.25 application on a form provided by the commissioner. Existing permanent tree and brush
7.26 open burning sites must submit for a permit within 90 days of the passage of this statute for
7.27 a burning permit. New site applications must be submitted at least 90 days before the date
7.28 of the proposed operation of the permanent open burning site. The application must be
7.29 submitted to the commissioner and must contain:

7.30 (1) the name, address, and telephone number of all owners of the site proposed for use
7.31 as the permanent open burning site;

8.1 (2) if the operator for the proposed permanent open burning site is different from the
8.2 owner, the name, address, and telephone number of the operator;

8.3 (3) a general description of the materials to be burned, including the source and estimated
8.4 quantity, dimensions of the site and burn pile areas, hours and dates of operation, and
8.5 provisions for smoke management; and

8.6 (4) a topographic or similarly detailed map of the site and surrounding area within a
8.7 one-mile circumference showing all structures that might be affected by the operation of
8.8 the site.

8.9 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method
8.10 such as chipping, composting, or other method shall be permitted to be burned at a permanent
8.11 open burning site. A permanent tree and brush open burning site must be located and operated
8.12 so as not to create a nuisance or endanger water quality. The commissioner shall revoke the
8.13 permit or order actions to mitigate threats to public health, safety, and the environment in
8.14 the event that permit conditions are violated.

8.15 Sec. 13. Minnesota Statutes 2018, section 97A.052, subdivision 1, is amended to read:

8.16 Subdivision 1. **Account established; sources.** The peace officer training account is
8.17 created in the game and fish fund in the state treasury. Revenue from the portion of the
8.18 surcharges assessed to criminal and traffic offenders in section 357.021, subdivision 7,
8.19 paragraph (a), clause (1), shall be deposited in the account. Money in the account may be
8.20 spent only for the purposes provided in subdivision 2.

8.21 Sec. 14. Minnesota Statutes 2018, section 97C.081, subdivision 10, is amended to read:

8.22 Subd. 10. **Definitions.** For purposes of this section, the following terms have the meanings
8.23 given:

8.24 ~~(a)~~ (1) "Permitted fishing contest" means an open water fishing contest or ice fishing
8.25 contest that requires a permit from the commissioner under subdivision 3.

8.26 ~~(b)~~ (2) "Large permitted fishing contest" means an open water fishing contest with more
8.27 than 50 boats or more than 100 participants that requires a permit from the commissioner
8.28 under subdivision 3.

8.29 ~~(c)~~ (3) "Participant" means a person who is taking part in a fishing contest.

9.1 ~~(d)~~ (4) "Permitted fishing contest day" means a day on a water body where a permitted
9.2 fishing contest is held. Two permitted fishing contests that are held on the same water body
9.3 on the same day count as two permitted fishing contest days.

9.4 ~~(e)~~ (5) "Off-site weigh-in" means a weigh-in of fish from a fishing contest at a location
9.5 that is not adjacent to the waters listed on the fishing contest permit.

9.6 ~~(f)~~ (6) "Prefishing" means fishing by participants of a permitted fishing contest prior to
9.7 the scheduled dates of the contest on waters listed on the fishing contest permit.

9.8 Sec. 15. Minnesota Statutes 2018, section 97C.825, subdivision 2, is amended to read:

9.9 Subd. 2. **Restrictions on fish and nets.** The following rules and restrictions shall apply
9.10 to all commercial fishing operations conducted in Lake of the Woods and Rainy Lake unless
9.11 otherwise changed by rule of the commissioner under authority of section 97A.045,
9.12 subdivision 4:

9.13 ~~(a)~~ (1) Any fish, except largemouth bass, smallmouth bass, rock bass, muskellunge,
9.14 crappies, sturgeon, and sunfish, may be taken subject to all other restrictions contained in
9.15 the game and fish laws.

9.16 ~~(b)~~ (2) Pound net mesh and staked trap net mesh may not be less than 2-1/2 inches nor
9.17 more than four inches stretch measure in the pound or crib.

9.18 ~~(c)~~ (3) Gill net mesh may not be less than four inches stretch measure, and may not be
9.19 more than 30 meshes in width.

9.20 ~~(d)~~ (4) Fyke net mesh may not be less than 2-1/2 inches nor more than four inches stretch
9.21 measure in the pot or crib. Fyke nets may not have a hoop or opening more than six feet in
9.22 height, wings more than 100 feet in length, nor a lead more than 400 feet in length.

9.23 ~~(e)~~ (5) Submerged trap net mesh may not be less than 2-1/2 inches nor more than three
9.24 inches stretch measure in the heart, pot, or crib. A submerged trap net may not have a pot
9.25 or crib exceeding 150 square feet in area, a lead exceeding 300 feet in length, nor a pot or
9.26 lead exceeding 12 feet in depth.

9.27 Sec. 16. Minnesota Statutes 2018, section 103C.201, subdivision 8, is amended to read:

9.28 Subd. 8. **Application by supervisors to secretary of state.** (a) The district shall be a
9.29 governmental subdivision of this state and a public body corporate and politic after the
9.30 actions in this subdivision are taken.

10.1 (b) If the state board determines that the operation of the proposed district within the
10.2 defined boundaries is administratively feasible, the state board must appoint supervisors to
10.3 act as the district board within 30 days after the district is established. A majority of the
10.4 supervisors' terms must expire after the next general election following ~~their~~ the supervisors'
10.5 appointments and the remaining supervisors' terms expire after the second general election
10.6 following ~~their~~ the supervisors' appointments.

10.7 (c) The appointed supervisors shall sign and present an application to the secretary of
10.8 state with the following recitals:

10.9 (1) a petition for the establishment of a district was filed with the state board;

10.10 (2) the proper proceedings were taken relating to the petition;

10.11 (3) the application is being filed to complete the organization of the district as a
10.12 governmental subdivision and a public body, corporate or politic;

10.13 (4) the state board has appointed the signers as supervisors;

10.14 (5) the name and official residence of each supervisor, with a certified copy of the
10.15 supervisor's appointment;

10.16 (6) the term of office of each supervisor;

10.17 (7) the name proposed for the district; and

10.18 (8) the location of the principal office of the district board.

10.19 (d) The application shall be subscribed and sworn to by each supervisor before an officer
10.20 authorized by state law to take oaths. The officer shall certify upon the application that the
10.21 officer has personal knowledge of the supervisors, that they are the supervisors named in
10.22 the application, and that each supervisor has signed the application in the officer's presence.

10.23 Sec. 17. Minnesota Statutes 2018, section 103G.411, is amended to read:

10.24 **103G.411 STIPULATION OF LOW-WATER MARK.**

10.25 If the state is a party in a civil action relating to the navigability or ownership of the bed
10.26 of a body of water, river, or stream, the commissioner, ~~in~~ on behalf of the state, may agree
10.27 by written stipulation with a riparian owner who is a party to the action on the location of
10.28 the ordinary low-water mark on the riparian land of the party. After the stipulation is executed
10.29 by all parties, it must be presented to the judge of the district court where the action is
10.30 pending for approval. If the stipulation is approved, the judge shall make and enter an order

11.1 providing that the final judgment when entered shall conform to the location of the ordinary,
 11.2 low-water mark as provided for in the stipulation as it relates to the parties to the stipulation.

11.3 Sec. 18. Minnesota Statutes 2018, section 115.72, subdivision 2, is amended to read:

11.4 Subd. 2. **Certification qualifications.** The commissioner of health and the agency shall
 11.5 jointly adopt rules relating to the certification qualifications for each classification of water
 11.6 supply system operators and wastewater facility operators, respectively. The rules must
 11.7 provide for at least one annual examination for each class of certificate and must include,
 11.8 but are not limited to:

11.9 (1) education requirements;

11.10 (2) education substitution provisions;

11.11 (3) experience requirements;

11.12 (4) experience substitution provisions;

11.13 (5) examination content requirements, testing procedures, and criteria for passing;

11.14 (6) certificate renewal requirements;

11.15 (7) schedules for submitting applications and fees; and

11.16 (8) reinstatement requirements for expired, suspended, or revoked certificates.

11.17 ~~The advisory council must be consulted before any rules are proposed under this~~
 11.18 ~~subdivision.~~

11.19 Sec. 19. Minnesota Statutes 2019 Supplement, section 116.155, subdivision 3, is amended
 11.20 to read:

11.21 Subd. 3. **Revenues.** The following revenues shall be deposited in the general portion of
 11.22 the remediation fund:

11.23 (1) response costs related to releases of hazardous substances, or pollutants or
 11.24 contaminants, recovered under ~~sections~~ section 115B.17, subdivision 6; 115B.443; or
 11.25 115B.444; or any other law;

11.26 (2) money paid to the agency or the Agriculture Department by voluntary parties who
 11.27 have received technical or other assistance under sections 115B.17, subdivision 14, 115B.175
 11.28 to 115B.179, and 115C.03, subdivision 9;

11.29 (3) money received in the form of gifts, grants, reimbursement, or appropriation from
 11.30 any source for any of the purposes provided in subdivision 2, except federal grants; and

12.1 (4) interest accrued on the fund.

12.2 Sec. 20. Minnesota Statutes 2018, section 116J.395, subdivision 3, is amended to read:

12.3 Subd. 3. **Eligible applicants.** Eligible applicants for grants awarded under this section
12.4 include:

12.5 (1) an incorporated business or a partnership;

12.6 (2) a political subdivision;

12.7 (3) an Indian tribe;

12.8 (4) a Minnesota nonprofit organization organized under chapter 317A; ~~or~~

12.9 (5) a Minnesota cooperative association organized under chapter 308A or 308B; or

12.10 (6) a Minnesota limited liability corporation organized under chapter 322C, to expand
12.11 broadband access.

12.12 Sec. 21. Minnesota Statutes 2019 Supplement, section 116J.8737, subdivision 5, is amended
12.13 to read:

12.14 Subd. 5. **Credit allowed.** (a) A qualified investor or qualified fund is eligible for a credit
12.15 equal to 25 percent of the qualified investment in a qualified small business. Investments
12.16 made by a pass-through entity qualify for a credit only if the entity is a qualified fund. The
12.17 commissioner must not allocate more than \$10,000,000 in credits to qualified investors or
12.18 qualified funds for the taxable years listed in paragraph (i). For each taxable year, 50 percent
12.19 must be allocated to credits for ~~qualifying~~ qualified investments in qualified greater
12.20 Minnesota businesses and minority-owned, women-owned, or veteran-owned qualified
12.21 small businesses in Minnesota. Any portion of a taxable year's credits that is reserved for
12.22 ~~qualifying~~ qualified investments in greater Minnesota businesses and minority-owned,
12.23 women-owned, or veteran-owned qualified small businesses in Minnesota that is not allocated
12.24 by September 30 of the taxable year is available for allocation to other credit applications
12.25 beginning on October 1. Any portion of a taxable year's credits that is not allocated by the
12.26 commissioner does not cancel and may be carried forward to subsequent taxable years until
12.27 all credits have been allocated.

12.28 (b) The commissioner may not allocate more than a total maximum amount in credits
12.29 for a taxable year to a qualified investor for the investor's cumulative qualified investments
12.30 as an individual qualified investor and as an investor in a qualified fund; for married couples
12.31 filing joint returns the maximum is \$250,000, and for all other filers the maximum is

13.1 \$125,000. The commissioner may not allocate more than a total of \$1,000,000 in credits
13.2 over all taxable years for qualified investments in any one qualified small business.

13.3 (c) The commissioner may not allocate a credit to a qualified investor either as an
13.4 individual qualified investor or as an investor in a qualified fund if, at the time the investment
13.5 is proposed:

13.6 (1) the investor is an officer or principal of the qualified small business; or

13.7 (2) the investor, either individually or in combination with one or more members of the
13.8 investor's family, owns, controls, or holds the power to vote 20 percent or more of the
13.9 outstanding securities of the qualified small business.

13.10 A member of the family of an individual disqualified by this paragraph is not eligible for a
13.11 credit under this section. For a married couple filing a joint return, the limitations in this
13.12 paragraph apply collectively to the investor and spouse. For purposes of determining the
13.13 ownership interest of an investor under this paragraph, the rules under section 267(c) and
13.14 267(e) of the Internal Revenue Code apply.

13.15 (d) Applications for tax credits for 2010 must be made available on the department's
13.16 website by September 1, 2010, and the department must begin accepting applications by
13.17 September 1, 2010. Applications for subsequent years must be made available by November
13.18 1 of the preceding year.

13.19 (e) Qualified investors and qualified funds must apply to the commissioner for tax credits.
13.20 Tax credits must be allocated to qualified investors or qualified funds in the order that the
13.21 tax credit request applications are filed with the department. The commissioner must approve
13.22 or reject tax credit request applications within 15 days of receiving the application. The
13.23 investment specified in the application must be made within 60 days of the allocation of
13.24 the credits. If the investment is not made within 60 days, the credit allocation is canceled
13.25 and available for reallocation. A qualified investor or qualified fund that fails to invest as
13.26 specified in the application, within 60 days of allocation of the credits, must notify the
13.27 commissioner of the failure to invest within five business days of the expiration of the
13.28 60-day investment period.

13.29 (f) All tax credit request applications filed with the department on the same day must
13.30 be treated as having been filed contemporaneously. If two or more qualified investors or
13.31 qualified funds file tax credit request applications on the same day, and the aggregate amount
13.32 of credit allocation claims exceeds the aggregate limit of credits under this section or the
13.33 lesser amount of credits that remain unallocated on that day, then the credits must be allocated
13.34 among the qualified investors or qualified funds who filed on that day on a pro rata basis

14.1 with respect to the amounts claimed. The pro rata allocation for any one qualified investor
14.2 or qualified fund is the product obtained by multiplying a fraction, the numerator of which
14.3 is the amount of the credit allocation claim filed on behalf of a qualified investor and the
14.4 denominator of which is the total of all credit allocation claims filed on behalf of all
14.5 applicants on that day, by the amount of credits that remain unallocated on that day for the
14.6 taxable year.

14.7 (g) A qualified investor or qualified fund, or a qualified small business acting on their
14.8 behalf, must notify the commissioner when an investment for which credits were allocated
14.9 has been made, and the taxable year in which the investment was made. A qualified fund
14.10 must also provide the commissioner with a statement indicating the amount invested by
14.11 each investor in the qualified fund based on each investor's share of the assets of the qualified
14.12 fund at the time of the qualified investment. After receiving notification that the investment
14.13 was made, the commissioner must issue credit certificates for the taxable year in which the
14.14 investment was made to the qualified investor or, for an investment made by a qualified
14.15 fund, to each qualified investor who is an investor in the fund. The certificate must state
14.16 that the credit is subject to revocation if the qualified investor or qualified fund does not
14.17 hold the investment in the qualified small business for at least three years, consisting of the
14.18 calendar year in which the investment was made and the two following years. The three-year
14.19 holding period does not apply if:

14.20 (1) the investment by the qualified investor or qualified fund becomes worthless before
14.21 the end of the three-year period;

14.22 (2) 80 percent or more of the assets of the qualified small business is sold before the end
14.23 of the three-year period;

14.24 (3) the qualified small business is sold before the end of the three-year period;

14.25 (4) the qualified small business's common stock begins trading on a public exchange
14.26 before the end of the three-year period; or

14.27 (5) the qualified investor dies before the end of the three-year period.

14.28 (h) The commissioner must notify the commissioner of revenue of credit certificates
14.29 issued under this section.

14.30 (i) The credit allowed under this subdivision is effective for each of the following taxable
14.31 years:

14.32 (1) taxable years beginning after December 31, 2018, and before January 1, 2020; and

14.33 (2) taxable years beginning after December 31, 2020, and before January 1, 2022.

15.1 Sec. 22. Minnesota Statutes 2018, section 116J.8737, subdivision 8, is amended to read:

15.2 Subd. 8. **Data privacy.** (a) Data contained in an application submitted to the
15.3 commissioner under subdivision 2, 3, or 4 are nonpublic data, or private data on individuals,
15.4 as defined in section 13.02, subdivision 9 or 12, except that the following data items are
15.5 public:

15.6 (1) the name, mailing address, telephone number, e-mail address, contact person's name,
15.7 and industry type of a qualified small business upon approval of the application and
15.8 certification by the commissioner under subdivision 2;

15.9 (2) the name of a qualified investor upon approval of the application and certification
15.10 by the commissioner under subdivision 3;

15.11 (3) the name of a qualified fund upon approval of the application and certification by
15.12 the commissioner under subdivision 4;

15.13 (4) for credit certificates issued under subdivision 5, the amount of the credit certificate
15.14 issued, amount of the ~~qualifying~~ qualified investment, the name of the ~~qualifying~~ qualified
15.15 investor or ~~qualifying~~ qualified fund that received the certificate, and the name of the
15.16 ~~qualifying~~ qualified small business in which the ~~qualifying~~ qualified investment was made;

15.17 (5) for credits revoked under subdivision 7, paragraph (a), the amount revoked and the
15.18 name of the qualified investor or qualified fund; and

15.19 (6) for credits revoked under subdivision 7, paragraphs (b) and (c), the amount revoked
15.20 and the name of the qualified small business.

15.21 (b) The following data, including data classified as nonpublic or private, must be provided
15.22 to the consultant for use in conducting the program evaluation under subdivision 10:

15.23 (1) the commissioner of employment and economic development shall provide data
15.24 contained in an application for certification received from a qualified small business, qualified
15.25 investor, or qualified fund, and any annual reporting information received on a qualified
15.26 small business, qualified investor, or qualified fund; and

15.27 (2) the commissioner of revenue shall provide data contained in any applicable tax
15.28 returns of a qualified small business, qualified investor, or qualified fund.

15.29 Sec. 23. Minnesota Statutes 2019 Supplement, section 121A.335, subdivision 5, is amended
15.30 to read:

15.31 Subd. 5. **Reporting.** A school district or charter school that has tested its buildings for
15.32 the presence of lead shall make the results of the testing available to the public for review

16.1 and must notify parents of the availability of the information. School districts and charter
16.2 schools must follow the actions outlined in guidance from the commissioners of health and
16.3 education. If a test conducted under subdivision 3, paragraph (a), reveals the presence of
16.4 lead above a level where action should be taken as set by the guidance, the school district
16.5 or charter school must, within 30 days of receiving the test result, either remediate the
16.6 presence of lead to below the level set in guidance, verified by retest, or directly notify
16.7 parents of the test result. The school district or charter school must make the water source
16.8 unavailable until the hazard has been minimized.

16.9 Sec. 24. Minnesota Statutes 2018, section 122A.40, subdivision 14, is amended to read:

16.10 Subd. 14. **Hearing procedures.** Any hearing held pursuant to this section must be held
16.11 upon appropriate and timely notice to the teacher, and any hearing held pursuant to
16.12 subdivision 9 or 13 must be private or public at the discretion of the teacher. ~~A hearing held~~
16.13 ~~pursuant to subdivision 11 must be public and may be consolidated by the school board.~~ At
16.14 the hearing, the board and the teacher may each be represented by counsel at each party's
16.15 own expense, and such counsel may examine and cross-examine witnesses and present
16.16 arguments. The board must first present evidence to sustain the grounds for termination or
16.17 discharge and then receive evidence presented by the teacher. Each party may then present
16.18 rebuttal evidence. Dismissal of the teacher must be based upon substantial and competent
16.19 evidence in the record. All witnesses shall be sworn upon oath administered by the presiding
16.20 officer of the board. The clerk of the board shall issue subpoenas for witnesses or the
16.21 production of records pertinent to the grounds upon the request of either the board or the
16.22 teacher. The board must employ a court reporter to record the proceedings at the hearing,
16.23 and either party may obtain a transcript of the hearing at its own expense.

16.24 Sec. 25. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 2, is amended
16.25 to read:

16.26 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards
16.27 Board must award competitive grants under this section based on the following criteria:

16.28 (1) the number of teacher candidates being supported in the program who are of color
16.29 or who are American Indian;

16.30 (2) program outcomes, including graduation or program completion rates, licensure
16.31 rates, and placement rates and, for each outcome measure, the number of those teacher
16.32 candidates of color or who are American Indian; and

17.1 (3) the percent of racially and ethnically diverse teacher candidates enrolled in the
17.2 institution compared to:

17.3 (i) the total percent of students of color and American Indian students enrolled at the
17.4 institution, regardless of major; and

17.5 (ii) the percent of underrepresented racially and ethnically diverse teachers in the
17.6 economic development region of the state where the institution is located and where a
17.7 shortage of diverse teachers exists, as reported under section ~~127A.05, subdivision 6, or~~
17.8 122A.091, subdivision 5.

17.9 (b) The board must give priority in awarding grants under this section to institutions that
17.10 received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,
17.11 subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,
17.12 and inducting teacher candidates of color or who are American Indian. If the board awards
17.13 a competitive grant based on the criteria in paragraph (a) to a program that has not previously
17.14 received funding, the board must thereafter give priority to the program equivalent to other
17.15 programs given priority under this paragraph.

17.16 (c) The board must determine award amounts for maintenance and expansion of programs
17.17 based on the number of candidates supported by an applicant program, sustaining support
17.18 for those candidates, and funds available.

17.19 Sec. 26. Minnesota Statutes 2018, section 123A.19, subdivision 3, is amended to read:

17.20 Subd. 3. **Filling positions without a negotiated plan.** (a) When an education district
17.21 board or a member board is filling a position resulting from implementation of the agreement,
17.22 the board may offer the position to a teacher currently employed by a member district
17.23 according to the exchange teacher provisions of section 122A.54.

17.24 (b) If the position is not filled by a currently employed teacher, the board must offer the
17.25 position to an available teacher in the order of seniority in fields of licensure on a combined
17.26 seniority list of all available teachers in the member districts. For the purpose of establishing
17.27 a combined seniority list, each district must be considered to have started school each year
17.28 on the same date. An available teacher is a teacher in a member district who:

17.29 (1) was placed on unrequested leave of absence by a member district, according to
17.30 section 122A.40, subdivision 10 ~~or 11, or was terminated according to section 122A.41,~~
17.31 ~~subdivision 14,~~ not more than one year before the initial formation of an education district
17.32 as a result of an intention to enter into an education district agreement;

18.1 (2) was placed on unrequested leave of absence by a member district, according to
18.2 section 122A.40, subdivision 10 ~~or 11, or was terminated according to section 122A.41,~~
18.3 ~~subdivision 14~~, as a result of implementing the education district agreement, after the
18.4 formation of the education district; or

18.5 (3) is placed on unrequested leave of absence by a member district, according to section
18.6 122A.40, subdivision 10 ~~or 11, or is terminated according to section 122A.41, subdivision~~
18.7 ~~14~~, as a result of implementing the education district, in the same year the position is filled.

18.8 (c) If no currently employed teacher or available teacher accepts the position, the board
18.9 may fill the position with any other teacher.

18.10 (d) Any teacher who has been placed on unrequested leave of absence or who has been
18.11 terminated has a right to a position only as long as the teacher has a right to reinstatement
18.12 in a member district under section 122A.40, subdivision 10 ~~or 11, or 122A.41, subdivision~~
18.13 ~~14~~.

18.14 Sec. 27. Minnesota Statutes 2018, section 123A.19, subdivision 5, is amended to read:

18.15 Subd. 5. **Determining whether unrequested leave or termination results from**
18.16 **implementing agreement.** When a school board that intends to enter into an education
18.17 district agreement, and at the time a board that has entered into an education district
18.18 agreement places a teacher on unrequested leave of absence, according to section 122A.40,
18.19 subdivision 10 ~~or 11, or terminates a teacher's services under section 122A.41, subdivision~~
18.20 ~~14~~, the board must make a determination whether the placement or termination is a result
18.21 of implementing the education district agreement. That determination must be included in
18.22 the notice of proposed placement or termination, may be reviewed at a hearing upon request
18.23 of the teacher, and must be included in the notice of final action of the board. If the
18.24 determination is not disputed by the teacher before June 1 or the final date required for
18.25 action by the board, the teacher shall be deemed to acquiesce in the board's determination.

18.26 Sec. 28. Minnesota Statutes 2018, section 123A.75, subdivision 2, is amended to read:

18.27 Subd. 2. **Collective bargaining.** The organization certified as the exclusive bargaining
18.28 representative for the teachers in the particular preexisting district which employed the
18.29 largest proportion of the teachers who are assigned to a new employing district according
18.30 to subdivision 1 shall be certified as the exclusive bargaining representative for the teachers
18.31 assigned to that new employing district, until that organization is decertified or another
18.32 organization is certified in its place pursuant to sections 179A.01 to 179A.25. For purposes
18.33 of negotiation of a new contract with the board of the new employing district and the

19.1 certification of an exclusive bargaining representative for purposes of that negotiation, the
 19.2 teachers assigned to that district shall be considered an appropriate unit of employees of
 19.3 that district as of the date the county board orders its interlocutory order of dissolution and
 19.4 attachment to be final and effective or as of the date the commissioner assigns an
 19.5 identification number to a new district created by consolidation. During the school year
 19.6 before the consolidation becomes effective, the newly elected board or the board of the
 19.7 district to which a dissolved district is attached, may place teachers assigned to it on
 19.8 unrequested leave of absence as provided in section 122A.40 according to: (a) a plan
 19.9 negotiated in a new master contract between it and the exclusive bargaining representative
 19.10 of the teachers assigned to it, or (b) if no such plan exists, an applicable plan negotiated in
 19.11 the contract which according to this subdivision will temporarily govern the terms and
 19.12 conditions of employment of teachers assigned to it, ~~or (c) if no plan exists pursuant to~~
 19.13 ~~either (a) or (b), the provisions of section 122A.40, subdivision 11, on the basis of a combined~~
 19.14 ~~seniority list of all teachers assigned to it.~~

19.15 Sec. 29. Minnesota Statutes 2018, section 123A.75, subdivision 4, is amended to read:

19.16 Subd. 4. **Contracts; termination; tenure.** Except as provided in this section, the
 19.17 provisions of section 122A.40 or 122A.41 shall apply to the employment of each teacher
 19.18 by the new employing district on the same basis as they would have applied to the
 19.19 employment if the teacher had been employed by that new district before the effective date
 19.20 of the consolidation or dissolution and attachment. ~~For the purpose of applying the provisions~~
 19.21 ~~of subdivision 2, clause (c), and the provisions of section 122A.40, subdivision 11, each~~
 19.22 ~~district must be considered to have started school each year on the same date.~~

19.23 Sec. 30. Minnesota Statutes 2018, section 124D.77, is amended to read:

19.24 **124D.77 RECRUITING AND RETAINING INDIAN TEACHERS.**

19.25 This section applies to a board of a district in which there are at least ten American
 19.26 Indian children enrolled. The board must actively recruit teacher applicants who are American
 19.27 Indian from the time it is reasonably expected that a position will become available until
 19.28 the position is filled or September 1, whichever is earlier. Notwithstanding section 122A.40,
 19.29 subdivision 7, or 10, ~~or 11~~, 122A.41, subdivisions subdivision 4 and 14, any other law to
 19.30 the contrary, or any provision of a contract entered into after May 7, 1988, to the contrary,
 19.31 when placing a teacher on unrequested leave of absence, the board may retain a probationary
 19.32 teacher or a teacher with less seniority in order to retain an American Indian teacher.

20.1 Sec. 31. Minnesota Statutes 2018, section 124D.98, subdivision 3, is amended to read:

20.2 Subd. 3. **Growth aid.** The growth aid for each school in a district that has submitted to
 20.3 the commissioner its local literacy plan under section 120B.12, subdivision 4a, is equal to
 20.4 the product of the school's growth allowance times the number of fourth grade pupils enrolled
 20.5 at the school on October 1 of the previous fiscal year. A school's growth allowance is equal
 20.6 to the percentage of students at that school making medium or high growth, under ~~section~~
 20.7 ~~120B.299~~ subdivision 4, on the fourth grade reading Minnesota Comprehensive Assessment,
 20.8 averaged across the previous three test administrations, times \$530.

20.9 Sec. 32. Minnesota Statutes 2018, section 126C.13, subdivision 4, is amended to read:

20.10 Subd. 4. **General education aid.** For fiscal year 2015 and later, a district's general
 20.11 education aid equals:

20.12 (1) general education revenue, excluding operating capital revenue, equity revenue, local
 20.13 optional revenue, and transition revenue, minus the student achievement levy, multiplied
 20.14 times the ratio of the actual amount of student achievement levy levied to the permitted
 20.15 student achievement levy; plus

20.16 (2) operating capital aid under section 126C.10, subdivision 13b;

20.17 (3) equity aid under section 126C.10, subdivision 30; plus

20.18 (4) transition aid under section 126C.10, subdivision 33; plus

20.19 (5) shared time aid under section 126C.10, subdivision 7; plus

20.20 (6) referendum aid under section 126C.17, subdivisions 7 and 7a; plus

20.21 (7) online learning aid under section 124D.096; plus

20.22 (8) local optional aid according to section 126C.10, subdivision ~~2d, paragraph (d)~~ 2e,
 20.23 paragraph (c).

20.24 Sec. 33. Minnesota Statutes 2018, section 126C.13, subdivision 4, is amended to read:

20.25 Subd. 4. **General education aid.** For fiscal year 2015 and later, a district's general
 20.26 education aid equals:

20.27 (1) general education revenue, excluding operating capital revenue, equity revenue, local
 20.28 optional revenue, and transition revenue, minus the student achievement levy, multiplied
 20.29 times the ratio of the actual amount of student achievement levy levied to the permitted
 20.30 student achievement levy; plus

- 21.1 (2) operating capital aid under section 126C.10, subdivision 13b;
- 21.2 (3) equity aid under section 126C.10, subdivision 30; plus
- 21.3 (4) transition aid under section 126C.10, subdivision 33; plus
- 21.4 (5) shared time aid under section ~~126C.10~~ 126C.01, subdivision 7; plus
- 21.5 (6) referendum aid under section 126C.17, subdivisions 7 and 7a; plus
- 21.6 (7) online learning aid under section 124D.096; plus
- 21.7 (8) local optional aid according to section 126C.10, subdivision 2d, paragraph (d).

21.8 Sec. 34. Minnesota Statutes 2018, section 137.38, subdivision 1, is amended to read:

21.9 Subdivision 1. **Condition.** If the Board of Regents accepts the amount transferred under
 21.10 section 62J.692, subdivision 7, ~~paragraph (b)~~ clause (1), to be used for the purposes described
 21.11 in sections 137.38 to 137.40, it shall comply with the duties for which the transfer is made.

21.12 Sec. 35. Minnesota Statutes 2018, section 144A.19, subdivision 2, is amended to read:

21.13 Subd. 2. **Provisions.** Membership terms, compensation of members, removal of members,
 21.14 the filling of membership vacancies, fiscal year and reporting requirements, the provision
 21.15 of staff, administrative services and office space, the review and processing of complaints,
 21.16 the setting of board fees and other provisions relating to board operations for the board of
 21.17 ~~examiners~~ executives shall be as provided in chapter 214.

21.18 Sec. 36. Minnesota Statutes 2019 Supplement, section 144G.50, subdivision 2, is amended
 21.19 to read:

21.20 Subd. 2. **Contract information.** (a) The contract must include in a conspicuous place
 21.21 and manner on the contract the legal name and the license number of the facility.

21.22 (b) The contract must include the name, telephone number, and physical mailing address,
 21.23 which may not be a public or private post office box, of:

- 21.24 (1) the facility and contracted service provider when applicable;
- 21.25 (2) the licensee of the facility;
- 21.26 (3) the managing agent of the facility, if applicable; and
- 21.27 (4) the authorized agent for the facility.

21.28 (c) The contract must include:

22.1 (1) a disclosure of the category of assisted living facility license held by the facility and,
22.2 if the facility is not an assisted living facility with dementia care, a disclosure that it does
22.3 not hold an assisted living facility with dementia care license;

22.4 (2) a description of all the terms and conditions of the contract, including a description
22.5 of and any limitations to the housing or assisted living services to be provided for the
22.6 contracted amount;

22.7 (3) a delineation of the cost and nature of any other services to be provided for an
22.8 additional fee;

22.9 (4) a delineation and description of any additional fees the resident may be required to
22.10 pay if the resident's condition changes during the term of the contract;

22.11 (5) a delineation of the grounds under which the resident may be discharged, evicted,
22.12 or transferred or have services terminated;

22.13 (6) billing and payment procedures and requirements; and

22.14 (7) disclosure of the facility's ability to provide specialized diets.

22.15 (d) The contract must include a description of the facility's complaint resolution process
22.16 available to residents, including the name and contact information of the person representing
22.17 the facility who is designated to handle and resolve complaints.

22.18 (e) The contract must include a clear and conspicuous notice of:

22.19 (1) the right under section 144G.54 to appeal the termination of an assisted living contract;

22.20 (2) the facility's policy regarding transfer of residents within the facility, under what
22.21 circumstances a transfer may occur, and the circumstances under which resident consent is
22.22 required for a transfer;

22.23 (3) contact information for the Office of Ombudsman for Long-Term Care, the
22.24 Ombudsman for Mental Health and Developmental Disabilities, and the Office of Health
22.25 Facility Complaints;

22.26 (4) the resident's right to obtain services from an unaffiliated service provider;

22.27 (5) a description of the facility's policies related to medical assistance waivers under
22.28 chapter 256S and section 256B.49 and the housing support program under chapter 256I,
22.29 including:

22.30 (i) whether the facility is enrolled with the commissioner of human services to provide
22.31 customized living services under medical assistance waivers;

23.1 (ii) whether the facility has an agreement to provide housing support under section
23.2 256I.04, subdivision 2, paragraph (b);

23.3 (iii) whether there is a limit on the number of people residing at the facility who can
23.4 receive customized living services or participate in the housing support program at any
23.5 point in time. If so, the limit must be provided;

23.6 (iv) whether the facility requires a resident to pay privately for a period of time prior to
23.7 accepting payment under medical assistance waivers or the housing support program, and
23.8 if so, the length of time that private payment is required;

23.9 (v) a statement that medical assistance waivers provide payment for services, but do not
23.10 cover the cost of rent;

23.11 (vi) a statement that residents may be eligible for assistance with rent through the housing
23.12 support program; and

23.13 (vii) a description of the rent requirements for people who are eligible for medical
23.14 assistance waivers but who are not eligible for assistance through the housing support
23.15 program;

23.16 (6) the contact information to obtain long-term care consulting services under section
23.17 256B.0911; and

23.18 (7) the toll-free phone number for the Minnesota Adult Abuse Reporting Center.

23.19 ~~(f) The contract must include a description of the facility's complaint resolution process~~
23.20 ~~available to residents, including the name and contact information of the person representing~~
23.21 ~~the facility who is designated to handle and resolve complaints.~~

23.22 Sec. 37. Minnesota Statutes 2018, section 148.5194, subdivision 5, is amended to read:

23.23 Subd. 5. **Use of fees.** All fees are nonrefundable. The commissioner shall only use fees
23.24 collected under this section for the purposes of administering this chapter. The legislature
23.25 must not transfer money generated by these fees from the state government special revenue
23.26 fund to the general fund. ~~Surcharges collected by the commissioner of health under section~~
23.27 ~~16E.22 are not subject to this subdivision.~~

23.28 Sec. 38. Minnesota Statutes 2018, section 148E.065, subdivision 1, is amended to read:

23.29 Subdivision 1. **Other professionals.** Nothing in this chapter may be construed to prevent
23.30 members of other professions or occupations from performing functions for which they are
23.31 qualified or licensed. This exception includes but is not limited to: licensed physicians,

24.1 registered nurses, licensed practical nurses, licensed psychologists, psychological
24.2 practitioners, probation officers, members of the clergy and Christian Science practitioners,
24.3 attorneys, marriage and family therapists, alcohol and drug counselors, professional
24.4 counselors, school counselors, and ~~registered~~ licensed occupational therapists or ~~certified~~
24.5 licensed occupational therapist assistants. These persons must not, however, hold themselves
24.6 out to the public by any title or description stating or implying that they are engaged in the
24.7 practice of social work, or that they are licensed to engage in the practice of social work.
24.8 Persons engaged in the practice of social work are not exempt from the board's jurisdiction
24.9 solely by the use of one of the titles in this subdivision.

24.10 Sec. 39. Minnesota Statutes 2018, section 148E.075, subdivision 2, is amended to read:

24.11 Subd. 2. **Application.** A licensee may apply for temporary leave license, emeritus inactive
24.12 license, or emeritus active license:

24.13 (1) at any time when currently licensed under section 148E.055, ~~148E.0555, 148E.0556,~~
24.14 ~~or 148E.0557~~, or when licensed as specified in this section, by submitting an application
24.15 form required by the board; or

24.16 (2) as an alternative to applying for the renewal of a license by so recording on the
24.17 application form required by the board and submitting the completed, signed application to
24.18 the board.

24.19 An application that is not completed or signed, or that is not accompanied by the correct
24.20 fee, must be returned to the applicant, along with any fee submitted, and is void. For
24.21 applications submitted electronically, a "signed application" means providing an attestation
24.22 as specified by the board.

24.23 Sec. 40. Minnesota Statutes 2019 Supplement, section 151.01, subdivision 27, is amended
24.24 to read:

24.25 Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

24.26 (1) interpretation and evaluation of prescription drug orders;

24.27 (2) compounding, labeling, and dispensing drugs and devices (except labeling by a
24.28 manufacturer or packager of nonprescription drugs or commercially packaged legend drugs
24.29 and devices);

24.30 (3) participation in clinical interpretations and monitoring of drug therapy for assurance
24.31 of safe and effective use of drugs, including the performance of laboratory tests that are
24.32 waived under the federal Clinical Laboratory Improvement Act of 1988, United States Code,

25.1 title 42, section 263a et seq., provided that a pharmacist may interpret the results of laboratory
25.2 tests but may modify drug therapy only pursuant to a protocol or collaborative practice
25.3 agreement;

25.4 (4) participation in drug and therapeutic device selection; drug administration for first
25.5 dosage and medical emergencies; intramuscular and subcutaneous administration used for
25.6 the treatment of alcohol or opioid dependence; drug regimen reviews; and drug or
25.7 drug-related research;

25.8 (5) drug administration, through intramuscular and subcutaneous administration used
25.9 to treat mental illnesses as permitted under the following conditions:

25.10 (i) upon the order of a prescriber and the prescriber is notified after administration is
25.11 complete; or

25.12 (ii) pursuant to a protocol or collaborative practice agreement as defined by section
25.13 151.01, subdivisions 27b and 27c, and participation in the initiation, management,
25.14 modification, administration, and discontinuation of drug therapy is according to the protocol
25.15 or collaborative practice agreement between the pharmacist and a dentist, optometrist,
25.16 physician, podiatrist, or veterinarian, or an advanced practice registered nurse authorized
25.17 to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy
25.18 or medication administration made pursuant to a protocol or collaborative practice agreement
25.19 must be documented by the pharmacist in the patient's medical record or reported by the
25.20 pharmacist to a practitioner responsible for the patient's care;

25.21 (6) participation in administration of influenza vaccines to all eligible individuals six
25.22 years of age and older and all other vaccines to patients 13 years of age and older by written
25.23 protocol with a physician licensed under chapter 147, a physician assistant authorized to
25.24 prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to
25.25 prescribe drugs under section 148.235, provided that:

25.26 (i) the protocol includes, at a minimum:

25.27 (A) the name, dose, and route of each vaccine that may be given;

25.28 (B) the patient population for whom the vaccine may be given;

25.29 (C) contraindications and precautions to the vaccine;

25.30 (D) the procedure for handling an adverse reaction;

25.31 (E) the name, signature, and address of the physician, physician assistant, or advanced
25.32 practice registered nurse;

26.1 (F) a telephone number at which the physician, physician assistant, or advanced practice
26.2 registered nurse can be contacted; and

26.3 (G) the date and time period for which the protocol is valid;

26.4 (ii) the pharmacist has successfully completed a program approved by the Accreditation
26.5 Council for Pharmacy Education specifically for the administration of immunizations or a
26.6 program approved by the board;

26.7 (iii) the pharmacist utilizes the Minnesota Immunization Information Connection to
26.8 assess the immunization status of individuals prior to the administration of vaccines, except
26.9 when administering influenza vaccines to individuals age nine and older;

26.10 (iv) the pharmacist reports the administration of the immunization to the Minnesota
26.11 Immunization Information Connection; and

26.12 (v) the pharmacist complies with guidelines for vaccines and immunizations established
26.13 by the federal Advisory Committee on Immunization Practices, except that a pharmacist
26.14 does not need to comply with those portions of the guidelines that establish immunization
26.15 schedules when administering a vaccine pursuant to a valid, patient-specific order issued
26.16 by a physician licensed under chapter 147, a physician assistant authorized to prescribe
26.17 drugs under chapter 147A, or an advanced practice nurse authorized to prescribe drugs
26.18 under section 148.235, provided that the order is consistent with the United States Food
26.19 and Drug Administration approved labeling of the vaccine;

26.20 (7) participation in the initiation, management, modification, and discontinuation of
26.21 drug therapy according to a written protocol or collaborative practice agreement between:
26.22 (i) one or more pharmacists and one or more dentists, optometrists, physicians, podiatrists,
26.23 or veterinarians; or (ii) one or more pharmacists and one or more physician assistants
26.24 authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice
26.25 nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes
26.26 in drug therapy made pursuant to a protocol or collaborative practice agreement must be
26.27 documented by the pharmacist in the patient's medical record or reported by the pharmacist
26.28 to a practitioner responsible for the patient's care;

26.29 (8) participation in the storage of drugs and the maintenance of records;

26.30 (9) patient counseling on therapeutic values, content, hazards, and uses of drugs and
26.31 devices;

26.32 (10) offering or performing those acts, services, operations, or transactions necessary
26.33 in the conduct, operation, management, and control of a pharmacy; and

27.1 (11) participation in the initiation, management, modification, and discontinuation of
 27.2 therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

27.3 (i) a written protocol as allowed under clause ~~(6)~~ (7); or

27.4 (ii) a written protocol with a community health board medical consultant or a practitioner
 27.5 designated by the commissioner of health, as allowed under section 151.37, subdivision 13.

27.6 Sec. 41. Minnesota Statutes 2018, section 151.01, subdivision 27a, is amended to read:

27.7 Subd. 27a. **Protocol.** "Protocol" means:

27.8 (1) a specific written plan that describes the nature and scope of activities that a
 27.9 pharmacist may engage in when initiating, managing, modifying, or discontinuing drug
 27.10 therapy as allowed in subdivision 27, clause ~~(6)~~ (7); or

27.11 (2) a specific written plan that authorizes a pharmacist to administer vaccines and that
 27.12 complies with subdivision 27, clause ~~(5)~~ (6).

27.13 Sec. 42. Minnesota Statutes 2019 Supplement, section 151.43, is amended to read:

27.14 **151.43 SCOPE.**

27.15 Sections 151.43 to ~~151.51~~ 151.471 apply to any person engaging in the wholesale
 27.16 distribution of drugs within the state and to persons operating as third-party logistics
 27.17 providers.

27.18 Sec. 43. Minnesota Statutes 2019 Supplement, section 151.441, subdivision 1, is amended
 27.19 to read:

27.20 Subdivision 1. **Scope.** As used in sections 151.43 to ~~151.51~~ 151.471, the following terms
 27.21 have the meanings given in this section.

27.22 Sec. 44. Minnesota Statutes 2019 Supplement, section 152.126, subdivision 6, is amended
 27.23 to read:

27.24 Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision,
 27.25 the data submitted to the board under subdivision 4 is private data on individuals as defined
 27.26 in section 13.02, subdivision 12, and not subject to public disclosure.

27.27 (b) Except as specified in subdivision 5, the following persons shall be considered
 27.28 permissible users and may access the data submitted under subdivision 4 in the same or

28.1 similar manner, and for the same or similar purposes, as those persons who are authorized
28.2 to access similar private data on individuals under federal and state law:

28.3 (1) a prescriber or an agent or employee of the prescriber to whom the prescriber has
28.4 delegated the task of accessing the data, to the extent the information relates specifically to
28.5 a current patient, to whom the prescriber is:

28.6 (i) prescribing or considering prescribing any controlled substance;

28.7 (ii) providing emergency medical treatment for which access to the data may be necessary;

28.8 (iii) providing care, and the prescriber has reason to believe, based on clinically valid
28.9 indications, that the patient is potentially abusing a controlled substance; or

28.10 (iv) providing other medical treatment for which access to the data may be necessary
28.11 for a clinically valid purpose and the patient has consented to access to the submitted data,
28.12 and with the provision that the prescriber remains responsible for the use or misuse of data
28.13 accessed by a delegated agent or employee;

28.14 (2) a dispenser or an agent or employee of the dispenser to whom the dispenser has
28.15 delegated the task of accessing the data, to the extent the information relates specifically to
28.16 a current patient to whom that dispenser is dispensing or considering dispensing any
28.17 controlled substance and with the provision that the dispenser remains responsible for the
28.18 use or misuse of data accessed by a delegated agent or employee;

28.19 (3) a licensed pharmacist who is providing pharmaceutical care for which access to the
28.20 data may be necessary to the extent that the information relates specifically to a current
28.21 patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has
28.22 consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber
28.23 who is requesting data in accordance with clause (1);

28.24 (4) an individual who is the recipient of a controlled substance prescription for which
28.25 data was submitted under subdivision 4, or a guardian of the individual, parent or guardian
28.26 of a minor, or health care agent of the individual acting under a health care directive under
28.27 chapter 145C. For purposes of this clause, access by individuals includes persons in the
28.28 definition of an individual under section 13.02;

28.29 (5) personnel or designees of a health-related licensing board listed in section 214.01,
28.30 subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct
28.31 a bona fide investigation of a complaint received by that board that alleges that a specific
28.32 licensee is impaired by use of a drug for which data is collected under subdivision 4, has

29.1 engaged in activity that would constitute a crime as defined in section 152.025, or has
29.2 engaged in the behavior specified in subdivision 5, paragraph (a);

29.3 (6) personnel of the board engaged in the collection, review, and analysis of controlled
29.4 substance prescription information as part of the assigned duties and responsibilities under
29.5 this section;

29.6 (7) authorized personnel of a vendor under contract with the state of Minnesota who are
29.7 engaged in the design, implementation, operation, and maintenance of the prescription
29.8 monitoring program as part of the assigned duties and responsibilities of their employment,
29.9 provided that access to data is limited to the minimum amount necessary to carry out such
29.10 duties and responsibilities, and subject to the requirement of de-identification and time limit
29.11 on retention of data specified in subdivision 5, paragraphs (d) and (e);

29.12 (8) federal, state, and local law enforcement authorities acting pursuant to a valid search
29.13 warrant;

29.14 (9) personnel of the Minnesota health care programs assigned to use the data collected
29.15 under this section to identify and manage recipients whose usage of controlled substances
29.16 may warrant restriction to a single primary care provider, a single outpatient pharmacy, and
29.17 a single hospital;

29.18 (10) personnel of the Department of Human Services assigned to access the data pursuant
29.19 to paragraph ~~(i)~~ (k);

29.20 (11) personnel of the health professionals services program established under section
29.21 214.31, to the extent that the information relates specifically to an individual who is currently
29.22 enrolled in and being monitored by the program, and the individual consents to access to
29.23 that information. The health professionals services program personnel shall not provide this
29.24 data to a health-related licensing board or the Emergency Medical Services Regulatory
29.25 Board, except as permitted under section 214.33, subdivision 3; and

29.26 (12) personnel or designees of a health-related licensing board listed in section 214.01,
29.27 subdivision 2, assigned to conduct a bona fide investigation of a complaint received by that
29.28 board that alleges that a specific licensee is inappropriately prescribing controlled substances
29.29 as defined in this section.

29.30 (c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed
29.31 in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe
29.32 controlled substances for humans and who holds a current registration issued by the federal
29.33 Drug Enforcement Administration, and every pharmacist licensed by the board and practicing

30.1 within the state, shall register and maintain a user account with the prescription monitoring
30.2 program. Data submitted by a prescriber, pharmacist, or their delegate during the registration
30.3 application process, other than their name, license number, and license type, is classified
30.4 as private pursuant to section 13.02, subdivision 12.

30.5 (d) Notwithstanding paragraph (b), beginning January 1, 2021, a prescriber or an agent
30.6 or employee of the prescriber to whom the prescriber has delegated the task of accessing
30.7 the data, must access the data submitted under subdivision 4 to the extent the information
30.8 relates specifically to the patient:

30.9 (1) before the prescriber issues an initial prescription order for a Schedules II through
30.10 IV opiate controlled substance to the patient; and

30.11 (2) at least once every three months for patients receiving an opiate for treatment of
30.12 chronic pain or participating in medically assisted treatment for an opioid addiction.

30.13 (e) Paragraph (d) does not apply if:

30.14 (1) the patient is receiving palliative care, or hospice or other end-of-life care;

30.15 (2) the patient is being treated for pain due to cancer or the treatment of cancer;

30.16 (3) the prescription order is for a number of doses that is intended to last the patient five
30.17 days or less and is not subject to a refill;

30.18 (4) the prescriber and patient have a current or ongoing provider/patient relationship of
30.19 a duration longer than one year;

30.20 (5) the prescription order is issued within 14 days following surgery or three days
30.21 following oral surgery or follows the prescribing protocols established under the opioid
30.22 prescribing improvement program under section 256B.0638;

30.23 (6) the controlled substance is prescribed or administered to a patient who is admitted
30.24 to an inpatient hospital;

30.25 (7) the controlled substance is lawfully administered by injection, ingestion, or any other
30.26 means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a
30.27 prescriber and in the presence of the prescriber or pharmacist;

30.28 (8) due to a medical emergency, it is not possible for the prescriber to review the data
30.29 before the prescriber issues the prescription order for the patient; or

30.30 (9) the prescriber is unable to access the data due to operational or other technological
30.31 failure of the program so long as the prescriber reports the failure to the board.

31.1 (f) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),
31.2 and (10), may directly access the data electronically. No other permissible users may directly
31.3 access the data electronically. If the data is directly accessed electronically, the permissible
31.4 user shall implement and maintain a comprehensive information security program that
31.5 contains administrative, technical, and physical safeguards that are appropriate to the user's
31.6 size and complexity, and the sensitivity of the personal information obtained. The permissible
31.7 user shall identify reasonably foreseeable internal and external risks to the security,
31.8 confidentiality, and integrity of personal information that could result in the unauthorized
31.9 disclosure, misuse, or other compromise of the information and assess the sufficiency of
31.10 any safeguards in place to control the risks.

31.11 (g) The board shall not release data submitted under subdivision 4 unless it is provided
31.12 with evidence, satisfactory to the board, that the person requesting the information is entitled
31.13 to receive the data.

31.14 (h) The board shall maintain a log of all persons who access the data for a period of at
31.15 least three years and shall ensure that any permissible user complies with paragraph (c)
31.16 prior to attaining direct access to the data.

31.17 (i) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant
31.18 to subdivision 2. A vendor shall not use data collected under this section for any purpose
31.19 not specified in this section.

31.20 (j) The board may participate in an interstate prescription monitoring program data
31.21 exchange system provided that permissible users in other states have access to the data only
31.22 as allowed under this section, and that section 13.05, subdivision 6, applies to any contract
31.23 or memorandum of understanding that the board enters into under this paragraph.

31.24 (k) With available appropriations, the commissioner of human services shall establish
31.25 and implement a system through which the Department of Human Services shall routinely
31.26 access the data for the purpose of determining whether any client enrolled in an opioid
31.27 treatment program licensed according to chapter 245A has been prescribed or dispensed a
31.28 controlled substance in addition to that administered or dispensed by the opioid treatment
31.29 program. When the commissioner determines there have been multiple prescribers or multiple
31.30 prescriptions of controlled substances, the commissioner shall:

31.31 (1) inform the medical director of the opioid treatment program only that the
31.32 commissioner determined the existence of multiple prescribers or multiple prescriptions of
31.33 controlled substances; and

32.1 (2) direct the medical director of the opioid treatment program to access the data directly,
32.2 review the effect of the multiple prescribers or multiple prescriptions, and document the
32.3 review.

32.4 If determined necessary, the commissioner of human services shall seek a federal waiver
32.5 of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section
32.6 2.34, paragraph (c), prior to implementing this paragraph.

32.7 (l) The board shall review the data submitted under subdivision 4 on at least a quarterly
32.8 basis and shall establish criteria, in consultation with the advisory task force, for referring
32.9 information about a patient to prescribers and dispensers who prescribed or dispensed the
32.10 prescriptions in question if the criteria are met.

32.11 (m) The board shall conduct random audits, on at least a quarterly basis, of electronic
32.12 access by permissible users, as identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),
32.13 and (10), to the data in subdivision 4, to ensure compliance with permissible use as defined
32.14 in this section. A permissible user whose account has been selected for a random audit shall
32.15 respond to an inquiry by the board, no later than 30 days after receipt of notice that an audit
32.16 is being conducted. Failure to respond may result in deactivation of access to the electronic
32.17 system and referral to the appropriate health licensing board, or the commissioner of human
32.18 services, for further action. The board shall report the results of random audits to the chairs
32.19 and ranking minority members of the legislative committees with jurisdiction over health
32.20 and human services policy and finance and government data practices.

32.21 (n) A permissible user who has delegated the task of accessing the data in subdivision
32.22 4 to an agent or employee shall audit the use of the electronic system by delegated agents
32.23 or employees on at least a quarterly basis to ensure compliance with permissible use as
32.24 defined in this section. When a delegated agent or employee has been identified as
32.25 inappropriately accessing data, the permissible user must immediately remove access for
32.26 that individual and notify the board within seven days. The board shall notify all permissible
32.27 users associated with the delegated agent or employee of the alleged violation.

32.28 (o) A permissible user who delegates access to the data submitted under subdivision 4
32.29 to an agent or employee shall terminate that individual's access to the data within three
32.30 business days of the agent or employee leaving employment with the permissible user. The
32.31 board may conduct random audits to determine compliance with this requirement.

33.1 Sec. 45. Minnesota Statutes 2018, section 155A.271, subdivision 2, is amended to read:

33.2 Subd. 2. **Continuing education providers.** (a) Only a board-licensed school of
33.3 cosmetology, a postsecondary institution as defined in section 136A.103, paragraph (a), or
33.4 a board-recognized professional association organized under chapter 317A may be approved
33.5 by the board to offer continuing education for credit under subdivision 1, paragraph (a).
33.6 Continuing education under subdivision 1, paragraph (b), may be offered by a:

33.7 (1) board-licensed school of cosmetology;

33.8 (2) board-recognized professional association organized under chapter 317A; or

33.9 (3) board-licensed salon.

33.10 An approved school or professional association may offer web-based continuing education
33.11 instruction to achieve maximum involvement of licensees. Continuing education providers
33.12 are encouraged to offer classes available in foreign language formats.

33.13 (b) Board approval of any continuing education provider is valid for one calendar year
33.14 and is contingent upon submission and preapproval of the lesson plan or plans with learning
33.15 objectives for the class to be offered and the payment of the application fee in section
33.16 155A.25, subdivision 1a, paragraph (d), clause ~~(11)~~ (10). The board shall maintain a list of
33.17 approved providers and courses on the board's website. The board may revoke authorization
33.18 of a continuing education provider at any time for just cause and the board may demand
33.19 return of documents required under subdivision 3.

33.20 Sec. 46. Minnesota Statutes 2019 Supplement, section 157.22, is amended to read:

33.21 **157.22 EXEMPTIONS.**

33.22 This chapter does not apply to:

33.23 (1) interstate carriers under the supervision of the United States Department of Health
33.24 and Human Services;

33.25 (2) weddings, fellowship meals, or funerals conducted by a faith-based organization
33.26 using any building constructed and primarily used for religious worship or education;

33.27 (3) any building owned, operated, and used by a college or university in accordance
33.28 with health regulations promulgated by the college or university under chapter 14;

33.29 (4) any person, firm, or corporation whose principal mode of business is licensed under
33.30 sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food or beverage
33.31 establishment; provided that the holding of any license pursuant to sections 28A.04 and

34.1 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of
34.2 this chapter or the rules of the state commissioner of health relating to food and beverage
34.3 service establishments;

34.4 (5) family day care homes and group family day care homes governed by sections
34.5 245A.01 to 245A.16;

34.6 (6) nonprofit senior citizen centers for the sale of home-baked goods;

34.7 (7) fraternal, sportsman, or patriotic organizations that are tax exempt under section
34.8 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal Revenue
34.9 Code of 1986, or organizations related to, affiliated with, or supported by such fraternal,
34.10 sportsman, or patriotic organizations for events held in the building or on the grounds of
34.11 the organization and at which home-prepared food is donated by organization members for
34.12 sale at the events, provided:

34.13 (i) the event is not a circus, carnival, or fair;

34.14 (ii) the organization controls the admission of persons to the event, the event agenda, or
34.15 both; and

34.16 (iii) the organization's licensed kitchen is not used in any manner for the event;

34.17 (8) food not prepared at an establishment and brought in by individuals attending a
34.18 potluck event for consumption at the potluck event. An organization sponsoring a potluck
34.19 event under this clause may advertise the potluck event to the public through any means.
34.20 Individuals who are not members of an organization sponsoring a potluck event under this
34.21 clause may attend the potluck event and consume the food at the event. Licensed food
34.22 establishments other than schools cannot be sponsors of potluck events. A school may
34.23 sponsor and hold potluck events in areas of the school other than the school's kitchen,
34.24 provided that the school's kitchen is not used in any manner for the potluck event. For
34.25 purposes of this clause, "school" means a public school as defined in section 120A.05,
34.26 subdivisions 9, 11, 13, and 17, or a nonpublic school, church, or religious organization at
34.27 which a child is provided with instruction in compliance with sections 120A.22 and 120A.24.
34.28 Potluck event food shall not be brought into a licensed food establishment kitchen;

34.29 (9) a home school in which a child is provided instruction at home;

34.30 (10) school concession stands serving commercially prepared, nonpotentially hazardous
34.31 foods, as defined in Minnesota Rules, chapter 4626;

35.1 (11) group residential facilities of ten or fewer beds licensed by the commissioner of
35.2 human services under Minnesota Rules, chapter 2960, provided the facility employs or
35.3 contracts with a certified food manager under Minnesota Rules, part 4626.2015;

35.4 (12) food served at fund-raisers or community events conducted in the building or on
35.5 the grounds of a faith-based organization, provided that a certified food manager, or a
35.6 volunteer trained in a food safety course, trains the food preparation workers in safe food
35.7 handling practices. This exemption does not apply to faith-based organizations at the state
35.8 agricultural society or county fairs or to faith-based organizations that choose to apply for
35.9 a license;

35.10 (13) food service events conducted following a disaster for purposes of feeding disaster
35.11 relief staff and volunteers serving commercially prepared, nonpotentially hazardous foods,
35.12 as defined in Minnesota Rules, chapter 4626;

35.13 (14) chili or soup served at a chili or soup cook-off fund-raiser conducted by a
35.14 community-based nonprofit organization, provided:

35.15 (i) the municipality where the event is located approves the event;

35.16 (ii) the sponsoring organization must develop food safety rules and ensure that participants
35.17 follow these rules; and

35.18 (iii) if the food is not prepared in a kitchen that is licensed or inspected, a visible sign
35.19 or placard must be posted that states: "These products are homemade and not subject to
35.20 state inspection."

35.21 Foods exempt under this clause must be labeled to accurately reflect the name and
35.22 address of the person preparing the foods; and

35.23 (15) a special event food stand or a seasonal temporary food stand provided:

35.24 (i) the stand is located on private property with the permission of the property owner;

35.25 (ii) the stand has gross receipts or contributions of \$1,000 or less in a calendar year; and

35.26 (iii) the operator of the stand posts a sign or placard at the site that states "The products
35.27 sold at this stand are not subject to state inspection or regulation." if the stand offers for sale
35.28 potentially hazardous food as defined in Minnesota Rules, part 4626.0020, ~~subdivision~~
35.29 subpart 62.

36.1 Sec. 47. Minnesota Statutes 2018, section 160.262, subdivision 3, is amended to read:

36.2 Subd. 3. **Cooperation among agencies and governments.** ~~The departments and agencies~~
36.3 ~~on the nonmotorized transportation advisory committee identified in section 174.37 must~~
36.4 ~~provide information and advice for the bikeway design guidelines maintained by the~~
36.5 ~~commissioner of transportation.~~ The commissioner may cooperate with and enter into
36.6 agreements with the United States government, any department of the state of Minnesota,
36.7 any unit of local government, any tribal government, or any public or private corporation
36.8 in order to effect the purposes of this section.

36.9 Sec. 48. Minnesota Statutes 2018, section 160.266, subdivision 1b, is amended to read:

36.10 Subd. 1b. **State bicycle routes.** The commissioner of transportation must identify state
36.11 bicycle routes primarily on existing road right-of-way and trails. State bicycle routes must
36.12 be identified in cooperation with road and trail authorities, including the commissioner of
36.13 natural resources, ~~and with the advice of the advisory committee on nonmotorized~~
36.14 ~~transportation under section 174.37.~~ In a metropolitan area, state bicycle routes must be
36.15 identified in coordination with the plans and priorities established by metropolitan planning
36.16 organizations, as defined in United States Code, title 23, section 134.

36.17 Sec. 49. Minnesota Statutes 2018, section 160.276, subdivision 2a, is amended to read:

36.18 Subd. 2a. **Agreements.** The commissioner of transportation, by public negotiation or
36.19 bid, shall enter into agreements for the purposes of ~~subdivisions 2a, 3a, and 8~~ this section.

36.20 Sec. 50. Minnesota Statutes 2018, section 161.082, subdivision 2, is amended to read:

36.21 Subd. 2. **Turnback exceptions.** By reason of insufficient funds in the county turnback
36.22 account to adequately repair and restore the former trunk highways or portions thereof that
36.23 have already reverted to counties, the commissioner of transportation, ~~after May 26, 1971,~~
36.24 shall not revert to the counties any additional trunk highways or portions thereof until there
36.25 are adequate funds in such account to repair and restore such reverted highways to reasonable
36.26 standards, unless such reversion is necessary due to the constitutional limitations on the
36.27 mileage of the trunk highway system.

36.28 Sec. 51. Minnesota Statutes 2018, section 161.166, subdivision 2, is amended to read:

36.29 Subd. 2. **Action on approved final layout.** If the appeal board recommends approval
36.30 of the final layout or does not submit its findings or recommendations within 60 days of
36.31 the hearing, in which case the ~~the~~ final layout is deemed approved, the commissioner may

37.1 prepare substantially similar final construction plans and proceed with the project. If the
 37.2 final construction plans change access or traffic capacity or require additional acquisition
 37.3 of right-of-way from the final layout approved by the appeal board, the commissioner shall
 37.4 submit the portion of the final construction plan that shows the changes, to the governing
 37.5 body for its approval or disapproval under section 161.164, subdivision 2.

37.6 Sec. 52. Minnesota Statutes 2018, section 161.53, is amended to read:

37.7 **161.53 RESEARCH ACTIVITIES.**

37.8 (a) The commissioner may set aside in each fiscal year up to two percent of the total
 37.9 amount of all funds appropriated to the commissioner other than county state-aid and
 37.10 municipal state-aid highway funds for transportation research including public and private
 37.11 research partnerships. The commissioner shall spend this money for (1) research to improve
 37.12 the design, construction, maintenance, management, and environmental compatibility of
 37.13 transportation systems, including research into and implementation of innovations in
 37.14 bridge-monitoring technology and bridge inspection technology; bridge inspection techniques
 37.15 and best practices; and the cost-effectiveness of deferred or lower cost highway and bridge
 37.16 design and maintenance activities and their impacts on long-term trunk highway costs and
 37.17 maintenance needs; (2) research on transportation policies that enhance energy efficiency
 37.18 and economic development; (3) programs for implementing and monitoring research results;
 37.19 and (4) development of transportation education and outreach activities.

37.20 (b) Of all funds appropriated to the commissioner other than state-aid funds, the
 37.21 commissioner shall spend at least 0.1 percent, but not exceeding \$2,000,000 in any fiscal
 37.22 year, for research and related activities performed by the Center for Transportation Studies
 37.23 of the University of Minnesota. The center shall establish a technology transfer and training
 37.24 center for Minnesota transportation professionals. ~~By June 30, 2018, the center shall conduct~~
 37.25 ~~research on transportation policy and economic competitiveness, including, but not limited~~
 37.26 ~~to, innovative transportation finance options and economic development, transportation~~
 37.27 ~~impacts of industry clusters and freight, and transportation technology impacts on economic~~
 37.28 ~~competitiveness.~~

37.29 Sec. 53. Minnesota Statutes 2018, section 169.18, subdivision 6, is amended to read:

37.30 Subd. 6. **One-way traffic.** (a) Upon a roadway designated and signposted for one-way
 37.31 traffic as a one-way roadway, a vehicle shall be driven only in the direction designated;_

37.32 (b) A vehicle passing around a rotary traffic island shall be driven only to the right of
 37.33 such island.

38.1 Sec. 54. Minnesota Statutes 2018, section 169.791, subdivision 5, is amended to read:

38.2 Subd. 5. **Exemptions.** Buses or other commercial vehicles operated by the Metropolitan
38.3 Council, commercial vehicles required to file proof of insurance pursuant to chapter 221,
38.4 and school buses as defined in section 171.01, subdivision ~~45~~ 46, are exempt from this
38.5 section.

38.6 Sec. 55. Minnesota Statutes 2019 Supplement, section 169.881, subdivision 3, is amended
38.7 to read:

38.8 Subd. 3. **Authority to approve plan.** (a) The commissioner may grant or deny a vehicle
38.9 platoon plan. The approved plan may include reasonable conditions and restrictions to
38.10 ensure public safety, minimize congestion, or prevent undue damage to roads or structures.

38.11 (b) The commissioner must provide written notice to the applicant and to the
38.12 commissioner of public safety if a plan is denied and ~~lists~~ must list the reasons for the denial.
38.13 The commissioner must approve or deny a plan within 60 days.

38.14 Sec. 56. Minnesota Statutes 2018, section 169A.03, subdivision 20, is amended to read:

38.15 Subd. 20. **Prior impaired driving conviction.** "Prior impaired driving conviction"
38.16 includes a prior conviction under:

38.17 (1) section 169A.20 (driving while impaired); 169A.31 (alcohol-related school bus or
38.18 Head Start bus driving); or 360.0752 (impaired aircraft operation);

38.19 (2) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
38.20 substance-related offenses), subdivision 1, clauses (2) to (6);

38.21 (3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or
38.22 controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers);
38.23 or 169.129 (aggravated DWI-related violations; penalty);

38.24 (4) Minnesota Statutes 1996, section 84.91, subdivision 1, paragraph (a) (operating
38.25 snowmobile or all-terrain vehicle while impaired); or 86B.331, subdivision 1, paragraph
38.26 (a) (operating motorboat while impaired);

38.27 (5) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
38.28 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
38.29 (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3,
38.30 clauses (2) to (6); or subdivision 4, clauses (2) to (6);

39.1 (6) section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,
39.2 subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses
39.3 (2) to (6); or 609.2114, subdivision 1, paragraph (a), clauses (2) to (6), or subdivision 2,
39.4 clauses (2) to (6); or

39.5 (7) an ordinance from this state, or a statute or ordinance from another state, in conformity
39.6 with any provision listed in clause (1), (2), (3), (4), (5), or (6).

39.7 A "prior impaired driving conviction" also includes a prior juvenile adjudication that would
39.8 have been a prior impaired driving conviction if committed by an adult.

39.9 Sec. 57. Minnesota Statutes 2019 Supplement, section 169A.24, subdivision 1, is amended
39.10 to read:

39.11 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while
39.12 impaired) is guilty of first-degree driving while impaired if the person:

39.13 (1) commits the violation within ten years of the first of three or more qualified prior
39.14 impaired driving incidents;

39.15 (2) has previously been convicted of a felony under this section; or

39.16 (3) has previously been convicted of a felony under:

39.17 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
39.18 substance-related offenses), subdivision 1, clauses (2) to (6);

39.19 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
39.20 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
39.21 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,
39.22 clauses (2) to (6);

39.23 (iii) section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,
39.24 subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses
39.25 (2) to (6); or 609.2114, subdivision 1, paragraph (a), clauses (2) to (6), or subdivision 2,
39.26 clauses (2) to (6); or

39.27 (iv) a statute from this state or another state in conformity with any provision listed in
39.28 item (i), (ii), or (iii).

39.29 Sec. 58. Minnesota Statutes 2018, section 171.02, subdivision 2a, is amended to read:

39.30 Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2,
39.31 paragraph (b), the holder of a class D driver's license, without a school bus endorsement,

40.1 may operate a type A school bus or a multifunction school activity bus under the following
40.2 conditions:

40.3 (a) The operator is an employee of the entity that owns, leases, or contracts for the school
40.4 bus and is not solely hired to provide transportation services under this subdivision.

40.5 (b) The operator drives the school bus only from points of origin to points of destination,
40.6 not including home-to-school trips to pick up or drop off students.

40.7 (c) The operator is prohibited from using the eight-light system. Violation of this
40.8 paragraph is a misdemeanor.

40.9 (d) The operator's employer has adopted and implemented a policy that provides for
40.10 annual training and certification of the operator in:

40.11 (1) safe operation of the type of school bus the operator will be driving;

40.12 (2) understanding student behavior, including issues relating to students with disabilities;

40.13 (3) encouraging orderly conduct of students on the bus and handling incidents of
40.14 misconduct appropriately;

40.15 (4) knowing and understanding relevant laws, rules of the road, and local school bus
40.16 safety policies;

40.17 (5) handling emergency situations; and

40.18 (6) safe loading and unloading of students.

40.19 (e) A background check or background investigation of the operator has been conducted
40.20 that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers;
40.21 section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision
40.22 3, for all other persons operating a school bus under this subdivision.

40.23 (f) Operators shall submit to a physical examination as required by section 171.321,
40.24 subdivision 2.

40.25 (g) The operator's driver's license is verified annually by the entity that owns, leases, or
40.26 contracts for the school bus.

40.27 (h) A person who sustains a conviction, as defined under section 609.02, of violating
40.28 section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute
40.29 or ordinance of another state is precluded from operating a school bus for five years from
40.30 the date of conviction.

41.1 (i) A person who has ever been convicted of a disqualifying offense as defined in section
41.2 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this subdivision.

41.3 (j) A person who sustains a conviction, as defined under section 609.02, of a fourth
41.4 moving offense in violation of chapter 169 is precluded from operating a school bus for one
41.5 year from the date of the last conviction.

41.6 (k) Students riding the school bus must have training required under section 123B.90,
41.7 subdivision 2.

41.8 (l) An operator must be trained in the proper use of child safety restraints as set forth in
41.9 the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation
41.10 of Pre-school Age Children in School Buses," if child safety restraints are used by the
41.11 passengers.

41.12 (m) Annual certification of the requirements listed in this subdivision must be maintained
41.13 under separate file at the business location for each operator licensed under this subdivision
41.14 and subdivision 2, paragraph ~~(b)~~ (c), clause (5). The business manager, school board,
41.15 governing body of a nonpublic school, or any other entity that owns, leases, or contracts
41.16 for the school bus operating under this subdivision is responsible for maintaining these files
41.17 for inspection.

41.18 (n) The school bus must bear a current certificate of inspection issued under section
41.19 169.451.

41.20 (o) If the word "School" appears on the front and rear of the bus, the word "School"
41.21 must be covered by a sign that reads "Activities" when the bus is being operated under
41.22 authority of this subdivision.

41.23 (p) The type A-I school bus or multifunction school activity bus is designed to transport
41.24 15 or fewer passengers, including the driver.

41.25 (q) The school bus or multifunction school activity bus has a gross vehicle weight rating
41.26 of 14,500 pounds or less.

41.27 Sec. 59. Minnesota Statutes 2018, section 171.075, subdivision 1, is amended to read:

41.28 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established in
41.29 the special revenue fund. The account ~~consist~~ consists of funds donated under sections
41.30 168.013, subdivision 22, and 171.06, subdivision 2, and any other money donated, allotted,
41.31 transferred, or otherwise provided to the account. Money in the account is annually

42.1 appropriated to the commissioner for (1) grants under subdivision 2, and (2) administrative
42.2 expenses in implementing the donation and grant program.

42.3 Sec. 60. Minnesota Statutes 2018, section 171.17, subdivision 4, is amended to read:

42.4 Subd. 4. **Criminal vehicular operation; revocation periods.** (a) As used in this
42.5 subdivision, "qualified prior impaired driving incident" has the meaning given in section
42.6 169A.03, subdivision 22.

42.7 (b) Upon receiving a record of a conviction for a violation of section 609.2112,
42.8 subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6); 609.2113, subdivision 1, clause
42.9 (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); or subdivision 3, clause
42.10 (2), (3), (4), (5), or (6); or 609.2114, subdivision 1, paragraph (a), clause (2), (3), (4), (5),
42.11 or (6), or subdivision 2, clause (2), (3), (4), (5), or (6); the commissioner shall revoke the
42.12 driver's license or driving privileges of a person as follows:

42.13 (1) not less than ten years if the violation resulted in great bodily harm or death to another
42.14 and the person has two or more qualified prior impaired driving incidents within the past
42.15 ten years or three or more qualified prior impaired driving incidents, and with denial under
42.16 section 171.04, subdivision 1, clause (10), until rehabilitation is established according to
42.17 standards established by the commissioner;

42.18 (2) not less than eight years if the violation resulted in great bodily harm or death to
42.19 another and the person has a qualified prior impaired driving incident within the past ten
42.20 years;

42.21 (3) not less than six years if the violation resulted in great bodily harm or death to another;

42.22 (4) not less than six years if the violation resulted in bodily harm or substantial bodily
42.23 harm to another and the person has two or more qualified prior impaired driving incidents
42.24 within the past ten years or three or more qualified prior impaired driving incidents, and
42.25 with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established
42.26 according to standards established by the commissioner;

42.27 (5) not less than four years if the violation resulted in bodily harm or substantial bodily
42.28 harm to another and the person has a qualified prior impaired driving incident within the
42.29 past ten years; or

42.30 (6) not less than two years if the violation resulted in bodily harm or substantial bodily
42.31 harm to another.

43.1 (c) Section 169A.09 applies when determining the number of qualified prior impaired
43.2 driving incidents under this subdivision.

43.3 Sec. 61. Minnesota Statutes 2018, section 171.175, subdivision 1, is amended to read:

43.4 Subdivision 1. **Theft of motor fuel.** The commissioner of public safety shall suspend
43.5 for 30 days the license of any person convicted or juvenile adjudicated delinquent for theft
43.6 of motor fuel under section 609.52, subdivision 2, paragraph (a), clause (1) or (18).

43.7 Sec. 62. Minnesota Statutes 2018, section 171.187, subdivision 1, is amended to read:

43.8 Subdivision 1. **Suspension required.** The commissioner shall suspend the driver's license
43.9 of a person:

43.10 (1) for whom a peace officer has made the certification described in section 629.344
43.11 that probable cause exists to believe that the person violated section 609.2112, subdivision
43.12 1, paragraph (a), clause (2), (3), (4), (5), or (6); 609.2113, subdivision 1, clause (2), (3), (4),
43.13 (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); or subdivision 3, clause (2), (3),
43.14 (4), (5), or (6); or 609.2114, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6), or
43.15 subdivision 2, clause (2), (3), (4), (5), or (6); or

43.16 (2) who has been formally charged with a violation of section 609.20, 609.205, 609.2112,
43.17 609.2113, or 609.2114, resulting from the operation of a motor vehicle.

43.18 Sec. 63. Minnesota Statutes 2018, section 171.187, subdivision 3, is amended to read:

43.19 Subd. 3. **Credit.** If a person whose driver's license was suspended under subdivision 1
43.20 is later convicted of the underlying offense that resulted in the suspension and the
43.21 commissioner revokes the person's license, the commissioner shall credit the time accrued
43.22 under the suspension period toward the revocation period imposed under section 171.17,
43.23 subdivision 4, or for violations of section 609.20, 609.205, or 609.2112, subdivision 1,
43.24 paragraph (a), clause (1), (7), or (8); 609.2113, subdivision 1, clause (1), (7), or (8);
43.25 subdivision 2, clause (1), (7), or (8); or subdivision 3, clause (1), (7), or (8); or 609.2114,
43.26 subdivision 1, paragraph (a), clause (1), (7), or (8), or subdivision 2, clause (1), (7), or (8).

43.27 Sec. 64. Minnesota Statutes 2018, section 174.30, subdivision 3, is amended to read:

43.28 Subd. 3. **Other standards; wheelchair securement; protected transport.** (a) A special
43.29 transportation service that transports individuals occupying wheelchairs is subject to the
43.30 provisions of sections 299A.11 to ~~299A.18~~ 299A.17 concerning wheelchair securement
43.31 devices. The commissioners of transportation and public safety shall cooperate in the

44.1 enforcement of this section and sections 299A.11 to ~~299A.18~~ 299A.17 so that a single
 44.2 inspection is sufficient to ascertain compliance with sections 299A.11 to ~~299A.18~~ 299A.17
 44.3 and with the standards adopted under this section. Representatives of the Department of
 44.4 Transportation may inspect wheelchair securement devices in vehicles operated by special
 44.5 transportation service providers to determine compliance with sections 299A.11 to ~~299A.18~~
 44.6 299A.17 and to issue certificates under section 299A.14, subdivision 4.

44.7 (b) In place of a certificate issued under section 299A.14, the commissioner may issue
 44.8 a decal under subdivision 4 for a vehicle equipped with a wheelchair securement device if
 44.9 the device complies with sections 299A.11 to ~~299A.18~~ 299A.17 and the decal displays the
 44.10 information in section 299A.14, subdivision 4.

44.11 (c) For vehicles designated as protected transport under section 256B.0625, subdivision
 44.12 17, paragraph (h), the commissioner of transportation, during the commissioner's inspection,
 44.13 shall check to ensure the safety provisions contained in that paragraph are in working order.

44.14 Sec. 65. Minnesota Statutes 2019 Supplement, section 176.231, subdivision 1, is amended
 44.15 to read:

44.16 Subdivision 1. **Time limitation.** (a) Where death or serious injury occurs to an employee
 44.17 during the course of employment, the employer shall report the injury or death to the
 44.18 commissioner and insurer within 48 hours after its occurrence. Where any other injury
 44.19 occurs which wholly or partly incapacitates the employee from performing labor or service
 44.20 for more than three calendar days, the employer shall report the injury to the insurer on a
 44.21 form prescribed by the commissioner within ten days from its occurrence.

44.22 (b) An insurer and self-insured employer shall report the injury to the commissioner no
 44.23 later than 14 days from its occurrence. If an injury has not previously been required to be
 44.24 reported, the insurer or self-insured employer must report the injury to the commissioner,
 44.25 in the manner and format prescribed by the commissioner, no later than 14 days after the
 44.26 date that:

44.27 (1) any document initiating a dispute is filed under this chapter;

44.28 (2) a rehabilitation consultation report or a rehabilitation plan is filed under this chapter;
 44.29 or

44.30 (3) permanent partial disability is ascertainable under section 176.101, subdivision ~~3~~ 2a.

44.31 (c) Where an injury has once been reported but subsequently death ensues, the employer
 44.32 shall report the death to the commissioner and insurer within 48 hours after the employer
 44.33 receives notice of this fact.

45.1 (d) An employer who provides notice to the Occupational Safety and Health Division
45.2 of the Department of Labor and Industry of a fatality within the eight-hour time frame
45.3 required by law, or of an inpatient hospitalization, amputation, or loss of an eye, within the
45.4 24-hour time frame required by law, has satisfied the employer's obligation under paragraph
45.5 (a).

45.6 (e) At the time an injury is required to be reported under paragraph (b), the insurer or
45.7 self-insured employer must also specify whether the injury is covered by a collective
45.8 bargaining agreement approved by the commissioner under section 176.1812. Notice must
45.9 be provided in the format and manner prescribed by the commissioner.

45.10 Sec. 66. Minnesota Statutes 2018, section 216B.1641, is amended to read:

45.11 **216B.1641 COMMUNITY SOLAR GARDEN.**

45.12 (a) The public utility subject to section 116C.779 shall file by September 30, 2013, a
45.13 plan with the commission to operate a community solar garden program which shall begin
45.14 operations within 90 days after commission approval of the plan. Other public utilities may
45.15 file an application at their election. The community solar garden program must be designed
45.16 to offset the energy use of not less than five subscribers in each community solar garden
45.17 facility of which no single subscriber has more than a 40 percent interest. The owner of the
45.18 community solar garden may be a public utility or any other entity or organization that
45.19 contracts to sell the output from the community solar garden to the utility under section
45.20 216B.164. There shall be no limitation on the number or cumulative generating capacity of
45.21 community solar garden facilities other than the limitations imposed under section 216B.164,
45.22 subdivision 4c, or other limitations provided in law or regulations.

45.23 (b) A solar garden is a facility that generates electricity by means of a ground-mounted
45.24 or roof-mounted solar photovoltaic device whereby subscribers receive a bill credit for the
45.25 electricity generated in proportion to the size of their subscription. The solar garden must
45.26 have a nameplate capacity of no more than one megawatt. Each subscription shall be sized
45.27 to represent at least 200 watts of the community solar garden's generating capacity and to
45.28 supply, when combined with other distributed generation resources serving the premises,
45.29 no more than 120 percent of the average annual consumption of electricity by each subscriber
45.30 at the premises to which the subscription is attributed.

45.31 (c) The solar generation facility must be located in the service territory of the public
45.32 utility filing the plan. Subscribers must be retail customers of the public utility located in
45.33 the same county or a county contiguous to where the facility is located.

46.1 (d) The public utility must purchase from the community solar garden all energy generated
46.2 by the solar garden. The purchase shall be at the rate calculated under section 216B.164,
46.3 subdivision 10, or, until that rate for the public utility has been approved by the commission,
46.4 the applicable retail rate. A solar garden is eligible for any incentive programs offered under
46.5 either section 116C.7792 or section 216C.415. A subscriber's portion of the purchase shall
46.6 be provided by a credit on the subscriber's bill.

46.7 (e) The commission may approve, disapprove, or modify a community solar garden
46.8 program. Any plan approved by the commission must:

46.9 (1) reasonably allow for the creation, financing, and accessibility of community solar
46.10 gardens;

46.11 (2) establish uniform standards, fees, and processes for the interconnection of community
46.12 solar garden facilities that allow the utility to recover reasonable interconnection costs for
46.13 each community solar garden;

46.14 (3) not apply different requirements to utility and nonutility community solar garden
46.15 facilities;

46.16 (4) be consistent with the public interest;

46.17 (5) identify the information that must be provided to potential subscribers to ensure fair
46.18 disclosure of future costs and benefits of subscriptions;

46.19 (6) include a program implementation schedule;

46.20 (7) identify all proposed rules, fees, and charges; and

46.21 (8) identify the means by which the program will be promoted.

46.22 (f) Notwithstanding any other law, neither the manager of nor the subscribers to a
46.23 community solar garden facility shall be considered a utility solely as a result of their
46.24 participation in the community solar garden facility.

46.25 (g) Within 180 days of commission approval of a plan under this section, a utility shall
46.26 begin crediting subscriber accounts for each community solar garden facility in its service
46.27 territory, and shall file with the commissioner of commerce a description of its crediting
46.28 system.

46.29 (h) For the purposes of this section, the following terms have the meanings given:

46.30 (1) "subscriber" means a retail customer of a utility who owns one or more subscriptions
46.31 of a community solar garden facility interconnected with that utility; and

47.1 (2) "subscription" means a contract between a subscriber and the owner of a solar garden.

47.2 Sec. 67. Minnesota Statutes 2018, section 245.814, subdivision 2, is amended to read:

47.3 Subd. 2. **Application of coverage.** Coverage shall apply to all foster homes licensed by
47.4 the Department of Human Services, licensed by a federally recognized tribal government,
47.5 or established by the juvenile court and certified by the commissioner of corrections pursuant
47.6 to section 260B.198, subdivision 1, paragraph (a), clause (3), item (v), to the extent that the
47.7 liability is not covered by the provisions of the standard homeowner's or automobile insurance
47.8 policy. The insurance shall not cover property owned by the individual foster home provider,
47.9 damage caused intentionally by a person over 12 years of age, or property damage arising
47.10 out of business pursuits or the operation of any vehicle, machinery, or equipment.

47.11 Sec. 68. Minnesota Statutes 2019 Supplement, section 245A.11, subdivision 7a, is amended
47.12 to read:

47.13 Subd. 7a. **Alternate overnight supervision technology; adult foster care and**
47.14 **community residential setting licenses.** (a) The commissioner may grant an applicant or
47.15 license holder an adult foster care or community residential setting license for a residence
47.16 that does not have a caregiver in the residence during normal sleeping hours as required
47.17 under Minnesota Rules, part 9555.5105, subpart 37, item B, or section 245D.02, subdivision
47.18 33b, but uses monitoring technology to alert the license holder when an incident occurs that
47.19 may jeopardize the health, safety, or rights of a foster care recipient. The applicant or license
47.20 holder must comply with all other requirements under Minnesota Rules, parts 9555.5105
47.21 to 9555.6265, or applicable requirements under chapter 245D, and the requirements under
47.22 this subdivision. The license printed by the commissioner must state in bold and large font:

47.23 (1) that the facility is under electronic monitoring; and

47.24 (2) the telephone number of the county's common entry point for making reports of
47.25 suspected maltreatment of vulnerable adults under section 626.557, subdivision 9.

47.26 (b) Applications for a license under this section must be submitted directly to the
47.27 Department of Human Services licensing division. The licensing division must immediately
47.28 notify the county licensing agency. The licensing division must collaborate with the county
47.29 licensing agency in the review of the application and the licensing of the program.

47.30 (c) Before a license is issued by the commissioner, and for the duration of the license,
47.31 the applicant or license holder must establish, maintain, and document the implementation

48.1 of written policies and procedures addressing the requirements in paragraphs (d) through
48.2 (f).

48.3 (d) The applicant or license holder must have policies and procedures that:

48.4 (1) establish characteristics of target populations that will be admitted into the home,
48.5 and characteristics of populations that will not be accepted into the home;

48.6 (2) explain the discharge process when a resident served by the program requires
48.7 overnight supervision or other services that cannot be provided by the license holder due
48.8 to the limited hours that the license holder is on site;

48.9 (3) describe the types of events to which the program will respond with a physical
48.10 presence when those events occur in the home during time when staff are not on site, and
48.11 how the license holder's response plan meets the requirements in paragraph (e), clause (1)
48.12 or (2);

48.13 (4) establish a process for documenting a review of the implementation and effectiveness
48.14 of the response protocol for the response required under paragraph (e), clause (1) or (2).

48.15 The documentation must include:

48.16 (i) a description of the triggering incident;

48.17 (ii) the date and time of the triggering incident;

48.18 (iii) the time of the response or responses under paragraph (e), clause (1) or (2);

48.19 (iv) whether the response met the resident's needs;

48.20 (v) whether the existing policies and response protocols were followed; and

48.21 (vi) whether the existing policies and protocols are adequate or need modification.

48.22 When no physical presence response is completed for a three-month period, the license
48.23 holder's written policies and procedures must require a physical presence response drill to
48.24 be conducted for which the effectiveness of the response protocol under paragraph (e),
48.25 clause (1) or (2), will be reviewed and documented as required under this clause; and

48.26 (5) establish that emergency and nonemergency phone numbers are posted in a prominent
48.27 location in a common area of the home where they can be easily observed by a person
48.28 responding to an incident who is not otherwise affiliated with the home.

48.29 (e) The license holder must document and include in the license application which
48.30 response alternative under clause (1) or (2) is in place for responding to situations that
48.31 present a serious risk to the health, safety, or rights of residents served by the program:

49.1 (1) response alternative (1) requires only the technology to provide an electronic
49.2 notification or alert to the license holder that an event is underway that requires a response.
49.3 Under this alternative, no more than ten minutes will pass before the license holder will be
49.4 physically present on site to respond to the situation; or

49.5 (2) response alternative (2) requires the electronic notification and alert system under
49.6 alternative (1), but more than ten minutes may pass before the license holder is present on
49.7 site to respond to the situation. Under alternative (2), all of the following conditions are
49.8 met:

49.9 (i) the license holder has a written description of the interactive technological applications
49.10 that will assist the license holder in communicating with and assessing the needs related to
49.11 the care, health, and safety of the foster care recipients. This interactive technology must
49.12 permit the license holder to remotely assess the well being of the resident served by the
49.13 program without requiring the initiation of the foster care recipient. Requiring the foster
49.14 care recipient to initiate a telephone call does not meet this requirement;

49.15 (ii) the license holder documents how the remote license holder is qualified and capable
49.16 of meeting the needs of the foster care recipients and assessing foster care recipients' needs
49.17 under item (i) during the absence of the license holder on site;

49.18 (iii) the license holder maintains written procedures to dispatch emergency response
49.19 personnel to the site in the event of an identified emergency; and

49.20 (iv) each resident's individualized plan of care, coordinated service and support plan
49.21 under sections 256B.0913, subdivision 8; 256B.092, subdivision 1b; 256B.49, subdivision
49.22 15; and 256S.10, if required, or individual resident placement agreement under Minnesota
49.23 Rules, part 9555.5105, subpart 19, if required, identifies the maximum response time, which
49.24 may be greater than ten minutes, for the license holder to be on site for that resident.

49.25 (f) Each resident's placement agreement, individual service agreement, and plan must
49.26 clearly state that the adult foster care or community residential setting license category is
49.27 a program without the presence of a caregiver in the residence during normal sleeping hours;
49.28 the protocols in place for responding to situations that present a serious risk to the health,
49.29 safety, or rights of residents served by the program under paragraph (e), clause (1) or (2);
49.30 and a signed informed consent from each resident served by the program or the person's
49.31 legal representative documenting the person's or legal representative's agreement with
49.32 placement in the program. If electronic monitoring technology is used in the home, the
49.33 informed consent form must also explain the following:

49.34 (1) how any electronic monitoring is incorporated into the alternative supervision system;

50.1 (2) the backup system for any electronic monitoring in times of electrical outages or
50.2 other equipment malfunctions;

50.3 (3) how the caregivers or direct support staff are trained on the use of the technology;

50.4 (4) the event types and license holder response times established under paragraph (e);

50.5 (5) how the license holder protects each resident's privacy related to electronic monitoring
50.6 and related to any electronically recorded data generated by the monitoring system. A
50.7 resident served by the program may not be removed from a program under this subdivision
50.8 for failure to consent to electronic monitoring. The consent form must explain where and
50.9 how the electronically recorded data is stored, with whom it will be shared, and how long
50.10 it is retained; and

50.11 (6) the risks and benefits of the alternative overnight supervision system.

50.12 The written explanations under clauses (1) to (6) may be accomplished through
50.13 cross-references to other policies and procedures as long as they are explained to the person
50.14 giving consent, and the person giving consent is offered a copy.

50.15 (g) Nothing in this section requires the applicant or license holder to develop or maintain
50.16 separate or duplicative policies, procedures, documentation, consent forms, or individual
50.17 plans that may be required for other licensing standards, if the requirements of this section
50.18 are incorporated into those documents.

50.19 (h) The commissioner may grant variances to the requirements of this section according
50.20 to section 245A.04, subdivision 9.

50.21 (i) For the purposes of paragraphs (d) through (h), "license holder" has the meaning
50.22 under section ~~245A.2~~ 245A.02, subdivision 9, and additionally includes all staff, volunteers,
50.23 and contractors affiliated with the license holder.

50.24 (j) For the purposes of paragraph (e), the terms "assess" and "assessing" mean to remotely
50.25 determine what action the license holder needs to take to protect the well-being of the foster
50.26 care recipient.

50.27 (k) The commissioner shall evaluate license applications using the requirements in
50.28 paragraphs (d) to (f). The commissioner shall provide detailed application forms, including
50.29 a checklist of criteria needed for approval.

50.30 (l) To be eligible for a license under paragraph (a), the adult foster care or community
50.31 residential setting license holder must not have had a conditional license issued under section
50.32 245A.06 or any licensing sanction under section 245A.07 during the prior 24 months based

51.1 on failure to provide adequate supervision, health care services, or resident safety in the
51.2 adult foster care home or community residential setting.

51.3 (m) The commissioner shall review an application for an alternative overnight supervision
51.4 license within 60 days of receipt of the application. When the commissioner receives an
51.5 application that is incomplete because the applicant failed to submit required documents or
51.6 that is substantially deficient because the documents submitted do not meet licensing
51.7 requirements, the commissioner shall provide the applicant written notice that the application
51.8 is incomplete or substantially deficient. In the written notice to the applicant, the
51.9 commissioner shall identify documents that are missing or deficient and give the applicant
51.10 45 days to resubmit a second application that is substantially complete. An applicant's failure
51.11 to submit a substantially complete application after receiving notice from the commissioner
51.12 is a basis for license denial under section 245A.05. The commissioner shall complete
51.13 subsequent review within 30 days.

51.14 (n) Once the application is considered complete under paragraph (m), the commissioner
51.15 will approve or deny an application for an alternative overnight supervision license within
51.16 60 days.

51.17 (o) For the purposes of this subdivision, "supervision" means:

51.18 (1) oversight by a caregiver or direct support staff as specified in the individual resident's
51.19 place agreement or coordinated service and support plan and awareness of the resident's
51.20 needs and activities; and

51.21 (2) the presence of a caregiver or direct support staff in a residence during normal sleeping
51.22 hours, unless a determination has been made and documented in the individual's coordinated
51.23 service and support plan that the individual does not require the presence of a caregiver or
51.24 direct support staff during normal sleeping hours.

51.25 Sec. 69. Minnesota Statutes 2019 Supplement, section 245C.22, subdivision 5, is amended
51.26 to read:

51.27 Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification under
51.28 this section, the disqualified individual remains disqualified, but may hold a license and
51.29 have direct contact with or access to persons receiving services. Except as provided in
51.30 paragraph (b), the commissioner's set-aside of a disqualification is limited solely to the
51.31 licensed program, applicant, or agency specified in the set aside notice under section 245C.23.
51.32 For personal care provider organizations, the commissioner's set-aside may further be limited
51.33 to a specific individual who is receiving services. For new background studies required

52.1 under section 245C.04, subdivision 1, paragraph (h), if an individual's disqualification was
52.2 previously set aside for the license holder's program and the new background study results
52.3 in no new information that indicates the individual may pose a risk of harm to persons
52.4 receiving services from the license holder, the previous set-aside shall remain in effect.

52.5 (b) If the commissioner has previously set aside an individual's disqualification for one
52.6 or more programs or agencies, and the individual is the subject of a subsequent background
52.7 study for a different program or agency, the commissioner shall determine whether the
52.8 disqualification is set aside for the program or agency that initiated the subsequent
52.9 background study. A notice of a set-aside under paragraph (c) shall be issued within 15
52.10 working days if all of the following criteria are met:

52.11 (1) the subsequent background study was initiated in connection with a program licensed
52.12 or regulated under the same provisions of law and rule for at least one program for which
52.13 the individual's disqualification was previously set aside by the commissioner;

52.14 (2) the individual is not disqualified for an offense specified in section 245C.15,
52.15 subdivision 1 or 2;

52.16 (3) the commissioner has received no new information to indicate that the individual
52.17 may pose a risk of harm to any person served by the program; and

52.18 (4) the previous set-aside was not limited to a specific person receiving services.

52.19 (c) Notwithstanding paragraph (b), clause (2), for an individual who is employed in the
52.20 substance use disorder field, if the commissioner has previously set aside an individual's
52.21 disqualification for one or more programs or agencies in the substance use disorder treatment
52.22 field, and the individual is the subject of a subsequent background study for a different
52.23 program or agency in the substance use disorder treatment field, the commissioner shall set
52.24 aside the disqualification for the program or agency in the substance use disorder treatment
52.25 field that initiated the subsequent background study when the criteria under paragraph (b),
52.26 clauses (1), (3), and (4), are met and the individual is not disqualified for an offense specified
52.27 in section ~~254C.15~~ 245C.15, subdivision 1. A notice of a set-aside under paragraph (d) shall
52.28 be issued within 15 working days.

52.29 (d) When a disqualification is set aside under paragraph (b), the notice of background
52.30 study results issued under section 245C.17, in addition to the requirements under section
52.31 245C.17, shall state that the disqualification is set aside for the program or agency that
52.32 initiated the subsequent background study. The notice must inform the individual that the
52.33 individual may request reconsideration of the disqualification under section 245C.21 on the
52.34 basis that the information used to disqualify the individual is incorrect.

53.1 Sec. 70. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 2, is amended
53.2 to read:

53.3 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
53.4 subdivision have the meanings given.

53.5 (b) "Activities of daily living" or "ADLs" means eating, toileting, grooming, dressing,
53.6 bathing, mobility, positioning, and transferring.

53.7 (c) "Agency-provider model" means a method of CFSS under which a qualified agency
53.8 provides services and supports through the agency's own employees and policies. The agency
53.9 must allow the participant to have a significant role in the selection and dismissal of support
53.10 workers of their choice for the delivery of their specific services and supports.

53.11 (d) "Behavior" means a description of a need for services and supports used to determine
53.12 the home care rating and additional service units. The presence of Level I behavior is used
53.13 to determine the home care rating.

53.14 (e) "Budget model" means a service delivery method of CFSS that allows the use of a
53.15 service budget and assistance from a financial management services (FMS) provider for a
53.16 participant to directly employ support workers and purchase supports and goods.

53.17 (f) "Complex health-related needs" means an intervention listed in clauses (1) to (8) that
53.18 has been ordered by a physician, and is specified in a community ~~services and~~ support plan,
53.19 including:

53.20 (1) tube feedings requiring:

53.21 (i) a gastrojejunostomy tube; or

53.22 (ii) continuous tube feeding lasting longer than 12 hours per day;

53.23 (2) wounds described as:

53.24 (i) stage III or stage IV;

53.25 (ii) multiple wounds;

53.26 (iii) requiring sterile or clean dressing changes or a wound vac; or

53.27 (iv) open lesions such as burns, fistulas, tube sites, or ostomy sites that require specialized
53.28 care;

53.29 (3) parenteral therapy described as:

53.30 (i) IV therapy more than two times per week lasting longer than four hours for each
53.31 treatment; or

- 54.1 (ii) total parenteral nutrition (TPN) daily;
- 54.2 (4) respiratory interventions, including:
- 54.3 (i) oxygen required more than eight hours per day;
- 54.4 (ii) respiratory vest more than one time per day;
- 54.5 (iii) bronchial drainage treatments more than two times per day;
- 54.6 (iv) sterile or clean suctioning more than six times per day;
- 54.7 (v) dependence on another to apply respiratory ventilation augmentation devices such
- 54.8 as BiPAP and CPAP; and
- 54.9 (vi) ventilator dependence under section 256B.0651;
- 54.10 (5) insertion and maintenance of catheter, including:
- 54.11 (i) sterile catheter changes more than one time per month;
- 54.12 (ii) clean intermittent catheterization, and including self-catheterization more than six
- 54.13 times per day; or
- 54.14 (iii) bladder irrigations;
- 54.15 (6) bowel program more than two times per week requiring more than 30 minutes to
- 54.16 perform each time;
- 54.17 (7) neurological intervention, including:
- 54.18 (i) seizures more than two times per week and requiring significant physical assistance
- 54.19 to maintain safety; or
- 54.20 (ii) swallowing disorders diagnosed by a physician and requiring specialized assistance
- 54.21 from another on a daily basis; and
- 54.22 (8) other congenital or acquired diseases creating a need for significantly increased direct
- 54.23 hands-on assistance and interventions in six to eight activities of daily living.
- 54.24 (g) "Community first services and supports" or "CFSS" means the assistance and supports
- 54.25 program under this section needed for accomplishing activities of daily living, instrumental
- 54.26 activities of daily living, and health-related tasks through hands-on assistance to accomplish
- 54.27 the task or constant supervision and cueing to accomplish the task, or the purchase of goods
- 54.28 as defined in subdivision 7, clause (3), that replace the need for human assistance.
- 54.29 (h) "Community first services and supports service delivery plan" or "CFSS service
- 54.30 delivery plan" means a written document detailing the services and supports chosen by the

55.1 participant to meet assessed needs that are within the approved CFSS service authorization,
55.2 as determined in subdivision 8. Services and supports are based on the coordinated service
55.3 and support plan identified in section 256S.10.

55.4 (i) "Consultation services" means a Minnesota health care program enrolled provider
55.5 organization that provides assistance to the participant in making informed choices about
55.6 CFSS services in general and self-directed tasks in particular, and in developing a
55.7 person-centered CFSS service delivery plan to achieve quality service outcomes.

55.8 (j) "Critical activities of daily living" means transferring, mobility, eating, and toileting.

55.9 (k) "Dependency" in activities of daily living means a person requires hands-on assistance
55.10 or constant supervision and cueing to accomplish one or more of the activities of daily living
55.11 every day or on the days during the week that the activity is performed; however, a child
55.12 may not be found to be dependent in an activity of daily living if, because of the child's age,
55.13 an adult would either perform the activity for the child or assist the child with the activity
55.14 and the assistance needed is the assistance appropriate for a typical child of the same age.

55.15 (l) "Extended CFSS" means CFSS services and supports provided under CFSS that are
55.16 included in the CFSS service delivery plan through one of the home and community-based
55.17 services waivers and as approved and authorized under chapter 256S and sections 256B.092,
55.18 subdivision 5, and 256B.49, which exceed the amount, duration, and frequency of the state
55.19 plan CFSS services for participants.

55.20 (m) "Financial management services provider" or "FMS provider" means a qualified
55.21 organization required for participants using the budget model under subdivision 13 that is
55.22 an enrolled provider with the department to provide vendor fiscal/employer agent financial
55.23 management services (FMS).

55.24 (n) "Health-related procedures and tasks" means procedures and tasks related to the
55.25 specific assessed health needs of a participant that can be taught or assigned by a
55.26 state-licensed health care or mental health professional and performed by a support worker.

55.27 (o) "Instrumental activities of daily living" means activities related to living independently
55.28 in the community, including but not limited to: meal planning, preparation, and cooking;
55.29 shopping for food, clothing, or other essential items; laundry; housecleaning; assistance
55.30 with medications; managing finances; communicating needs and preferences during activities;
55.31 arranging supports; and assistance with traveling around and participating in the community.

55.32 (p) "Lead agency" has the meaning given in section 256B.0911, subdivision 1a, paragraph
55.33 (e).

56.1 (q) "Legal representative" means parent of a minor, a court-appointed guardian, or
56.2 another representative with legal authority to make decisions about services and supports
56.3 for the participant. Other representatives with legal authority to make decisions include but
56.4 are not limited to a health care agent or an attorney-in-fact authorized through a health care
56.5 directive or power of attorney.

56.6 (r) "Level I behavior" means physical aggression towards self or others or destruction
56.7 of property that requires the immediate response of another person.

56.8 (s) "Medication assistance" means providing verbal or visual reminders to take regularly
56.9 scheduled medication, and includes any of the following supports listed in clauses (1) to
56.10 (3) and other types of assistance, except that a support worker may not determine medication
56.11 dose or time for medication or inject medications into veins, muscles, or skin:

56.12 (1) under the direction of the participant or the participant's representative, bringing
56.13 medications to the participant including medications given through a nebulizer, opening a
56.14 container of previously set-up medications, emptying the container into the participant's
56.15 hand, opening and giving the medication in the original container to the participant, or
56.16 bringing to the participant liquids or food to accompany the medication;

56.17 (2) organizing medications as directed by the participant or the participant's representative;
56.18 and

56.19 (3) providing verbal or visual reminders to perform regularly scheduled medications.

56.20 (t) "Participant" means a person who is eligible for CFSS.

56.21 (u) "Participant's representative" means a parent, family member, advocate, or other
56.22 adult authorized by the participant or participant's legal representative, if any, to serve as a
56.23 representative in connection with the provision of CFSS. This authorization must be in
56.24 writing or by another method that clearly indicates the participant's free choice and may be
56.25 withdrawn at any time. The participant's representative must have no financial interest in
56.26 the provision of any services included in the participant's CFSS service delivery plan and
56.27 must be capable of providing the support necessary to assist the participant in the use of
56.28 CFSS. If through the assessment process described in subdivision 5 a participant is
56.29 determined to be in need of a participant's representative, one must be selected. If the
56.30 participant is unable to assist in the selection of a participant's representative, the legal
56.31 representative shall appoint one. Two persons may be designated as a participant's
56.32 representative for reasons such as divided households and court-ordered custodies. Duties
56.33 of a participant's representatives may include:

57.1 (1) being available while services are provided in a method agreed upon by the participant
57.2 or the participant's legal representative and documented in the participant's CFSS service
57.3 delivery plan;

57.4 (2) monitoring CFSS services to ensure the participant's CFSS service delivery plan is
57.5 being followed; and

57.6 (3) reviewing and signing CFSS time sheets after services are provided to provide
57.7 verification of the CFSS services.

57.8 (v) "Person-centered planning process" means a process that is directed by the participant
57.9 to plan for CFSS services and supports.

57.10 (w) "Service budget" means the authorized dollar amount used for the budget model or
57.11 for the purchase of goods.

57.12 (x) "Shared services" means the provision of CFSS services by the same CFSS support
57.13 worker to two or three participants who voluntarily enter into an agreement to receive
57.14 services at the same time and in the same setting by the same employer.

57.15 (y) "Support worker" means a qualified and trained employee of the agency-provider
57.16 as required by subdivision 11b or of the participant employer under the budget model as
57.17 required by subdivision 14 who has direct contact with the participant and provides services
57.18 as specified within the participant's CFSS service delivery plan.

57.19 (z) "Unit" means the increment of service based on hours or minutes identified in the
57.20 service agreement.

57.21 (aa) "Vendor fiscal employer agent" means an agency that provides financial management
57.22 services.

57.23 (bb) "Wages and benefits" means the hourly wages and salaries, the employer's share
57.24 of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers' compensation,
57.25 mileage reimbursement, health and dental insurance, life insurance, disability insurance,
57.26 long-term care insurance, uniform allowance, contributions to employee retirement accounts,
57.27 or other forms of employee compensation and benefits.

57.28 (cc) "Worker training and development" means services provided according to subdivision
57.29 18a for developing workers' skills as required by the participant's individual CFSS service
57.30 delivery plan that are arranged for or provided by the agency-provider or purchased by the
57.31 participant employer. These services include training, education, direct observation and
57.32 supervision, and evaluation and coaching of job skills and tasks, including supervision of
57.33 health-related tasks or behavioral supports.

58.1 Sec. 71. Minnesota Statutes 2019 Supplement, section 260B.331, subdivision 2, is amended
58.2 to read:

58.3 Subd. 2. **Cost of group foster care.** Whenever a child is placed in a group foster care
58.4 facility as provided in section 260B.198, subdivision 1, paragraph (a), clause (2) or (3), item
58.5 (v), the cost of providing the care shall, upon certification by the juvenile court, be paid
58.6 from the welfare fund of the county in which the proceedings were held. To reimburse the
58.7 counties for the costs of providing group foster care for delinquent children and to promote
58.8 the establishment of suitable group foster homes, the state shall quarterly, from funds
58.9 appropriated for that purpose, reimburse counties 50 percent of the costs not paid by federal
58.10 and other available state aids and grants. Reimbursement shall be prorated if the appropriation
58.11 is insufficient.

58.12 The commissioner of corrections shall establish procedures for reimbursement and certify
58.13 to the commissioner of management and budget each county entitled to receive state aid
58.14 under the provisions of this subdivision. Upon receipt of a certificate the commissioner of
58.15 management and budget shall issue a state payment to the county treasurer for the amount
58.16 due, together with a copy of the certificate prepared by the commissioner of corrections.

58.17 Sec. 72. Minnesota Statutes 2018, section 270A.03, subdivision 8, is amended to read:

58.18 Subd. 8. **Restitution.** "Restitution" means money due to the victim of a crime or a
58.19 juvenile offense under an order of restitution issued by a court under section 609.10, or
58.20 609.125 as part of a sentence or as a condition of probation, or under an order entered by a
58.21 court under section 260B.198, subdivision 1, paragraph (a), clause (5), following a finding
58.22 of delinquency.

58.23 Sec. 73. Minnesota Statutes 2019 Supplement, section 290.0121, subdivision 3, is amended
58.24 to read:

58.25 Subd. 3. **Inflation adjustment.** For taxable years beginning after December 31, 2019,
58.26 the commissioner must adjust for inflation the exemption amount in subdivision 1, paragraph
58.27 ~~(a)~~, ~~clause (1)~~ (b), and the threshold amounts in subdivision 2, as provided in section 270C.22.
58.28 The statutory year is taxable year 2019. The amounts as adjusted must be rounded down to
58.29 the nearest \$50 amount. If the amount ends in \$25, the amount is rounded down to the
58.30 nearest \$50 amount. The threshold amount for married individuals filing separate returns
58.31 must be one-half of the adjusted amount for married individuals filing joint returns.

59.1 Sec. 74. Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 1, is amended
59.2 to read:

59.3 Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following
59.4 exempt items must be imposed and collected as if the sale were taxable and the rate under
59.5 section 297A.62, subdivision 1, applied. The exempt items include:

59.6 (1) building materials for an agricultural processing facility exempt under section
59.7 297A.71, subdivision 13;

59.8 (2) building materials for mineral production facilities exempt under section 297A.71,
59.9 subdivision 14;

59.10 (3) building materials for correctional facilities under section 297A.71, subdivision 3;

59.11 (4) building materials used in a residence for veterans with a disability exempt under
59.12 section 297A.71, subdivision 11;

59.13 (5) elevators and building materials exempt under section 297A.71, subdivision 12;

59.14 (6) materials and supplies for qualified low-income housing under section 297A.71,
59.15 subdivision 23;

59.16 (7) materials, supplies, and equipment for municipal electric utility facilities under
59.17 section 297A.71, subdivision 35;

59.18 (8) equipment and materials used for the generation, transmission, and distribution of
59.19 electrical energy and an aerial camera package exempt under section 297A.68, subdivision
59.20 37;

59.21 (9) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph
59.22 (a), clause (10);

59.23 (10) materials, supplies, and equipment for construction or improvement of projects and
59.24 facilities under section 297A.71, subdivision 40;

59.25 (11) materials, supplies, and equipment for construction, improvement, or expansion
59.26 of:

59.27 ~~(i) an aerospace defense manufacturing facility exempt under Minnesota Statutes 2014,~~
59.28 ~~section 297A.71, subdivision 42;~~

59.29 ~~(ii)~~ a biopharmaceutical manufacturing facility exempt under section 297A.71, subdivision
59.30 45;

60.1 ~~(iii) a research and development facility exempt under Minnesota Statutes 2014, section~~
 60.2 ~~297A.71, subdivision 46; and~~

60.3 ~~(iv) an industrial measurement manufacturing and controls facility exempt under~~
 60.4 ~~Minnesota Statutes 2014, section 297A.71, subdivision 47;~~

60.5 (12) enterprise information technology equipment and computer software for use in a
 60.6 qualified data center exempt under section 297A.68, subdivision 42;

60.7 (13) materials, supplies, and equipment for qualifying capital projects under section
 60.8 297A.71, subdivision 44, paragraph (a), clause (1), and paragraph (b);

60.9 (14) items purchased for use in providing critical access dental services exempt under
 60.10 section 297A.70, subdivision 7, paragraph (c);

60.11 (15) items and services purchased under a business subsidy agreement for use or
 60.12 consumption primarily in greater Minnesota exempt under section 297A.68, subdivision
 60.13 44;

60.14 (16) building materials, equipment, and supplies for constructing or replacing real
 60.15 property exempt under section 297A.71, subdivisions 49; 50, paragraph (b); and 51; and

60.16 (17) building materials, equipment, and supplies for qualifying capital projects under
 60.17 section 297A.71, subdivision 52.

60.18 Sec. 75. Minnesota Statutes 2018, section 297E.02, subdivision 1, is amended to read:

60.19 Subdivision 1. **Imposition.** A tax is imposed on all lawful gambling other than (1) paper
 60.20 or electronic pull-tab deals or games; (2) tipboard deals or games; (3) electronic linked
 60.21 bingo; and (4) items listed in section 297E.01, subdivision 8, clauses (4) and (5), at the rate
 60.22 of 8.5 percent on the gross receipts as defined in section 297E.01, subdivision 8, less prizes
 60.23 actually paid. The tax imposed by this subdivision is in lieu of the tax imposed by section
 60.24 297A.62 and all local taxes and license fees except a fee authorized under section 349.16,
 60.25 subdivision 8, or a tax authorized under ~~subdivision 5~~ section 349.213, subdivision 3.

60.26 The tax imposed under this subdivision is payable by the organization or party conducting,
 60.27 directly or indirectly, the gambling.

60.28 Sec. 76. Minnesota Statutes 2018, section 297E.02, subdivision 6, is amended to read:

60.29 Subd. 6. **Combined net receipts tax.** (a) In addition to the taxes imposed under
 60.30 subdivision 1, a tax is imposed on the combined net receipts of the organization. As used
 60.31 in this section, "combined net receipts" is the sum of the organization's gross receipts from

61.1 lawful gambling less gross receipts directly derived from the conduct of paper bingo, raffles,
 61.2 and paddlewheels, as defined in section 297E.01, subdivision 8, and less the net prizes
 61.3 actually paid, other than prizes actually paid for paper bingo, raffles, and paddlewheels, for
 61.4 the fiscal year. The combined net receipts of an organization are subject to a tax computed
 61.5 according to the following schedule:

61.6	If the combined net receipts	The tax is:
61.7	for the fiscal year are:	
61.8	Not over \$87,500	nine percent
61.9	Over \$87,500, but not over	\$7,875 plus 18 percent of the amount
61.10	\$122,500	over \$87,500, but not over \$122,500
61.11	Over \$122,500, but not	\$14,175 plus 27 percent of the amount
61.12	over \$157,500	over \$122,500, but not over \$157,500
61.13	Over \$157,500	\$23,625 plus 36 percent of the amount
61.14		over \$157,500

61.15 ~~(b) On or before April 1, 2016, the commissioner shall estimate the total amount of~~
 61.16 ~~revenue, including interest and penalties, that will be collected for fiscal year 2016 from~~
 61.17 ~~taxes imposed under this chapter. If the amount estimated by the commissioner equals or~~
 61.18 ~~exceeds \$94,800,000, the commissioner shall certify that effective July 1, 2016, the rates~~
 61.19 ~~under this paragraph apply in lieu of the rates under paragraph (a) and shall publish a notice~~
 61.20 ~~to that effect in the State Register and notify each taxpayer by June 1, 2016. If the rates~~
 61.21 ~~under this section apply, the combined net receipts of an organization are subject to a tax~~
 61.22 ~~computed according to the following schedule:~~

61.23	If the combined net receipts	The tax is:
61.24	for the fiscal year are:	
61.25	Not over \$87,500	8.5 percent
61.26	Over \$87,500, but not over	\$7,438 plus 17 percent of the amount
61.27	\$122,500	over \$87,500, but not over \$122,500
61.28	Over \$122,500, but not	\$13,388 plus 25.5 percent of the
61.29	over \$157,500	amount over \$122,500, but not over
61.30		\$157,500
61.31	Over \$157,500	\$22,313 plus 34 percent of the amount
61.32		over \$157,500

61.33 ~~(e)~~ (b) Gross receipts derived from sports-themed tipboards are exempt from taxation
 61.34 under this section. For purposes of this paragraph, a sports-themed tipboard means a
 61.35 sports-themed tipboard as defined in section 349.12, subdivision 34, under which the winning
 61.36 numbers are determined by the numerical outcome of a professional sporting event.

62.1 Sec. 77. Minnesota Statutes 2018, section 298.28, subdivision 7a, is amended to read:

62.2 Subd. 7a. **Iron Range school consolidation and cooperatively operated school**
 62.3 **account.** (a) The following amounts must be allocated to the commissioner of Iron Range
 62.4 resources and rehabilitation to be deposited in the Iron Range school consolidation and
 62.5 cooperatively operated school account that is hereby created:

62.6 (1)(i) for distributions in 2015 through 2023, ten cents per taxable ton of the tax imposed
 62.7 under section 298.24; and

62.8 (ii) for distributions beginning in 2024, five cents per taxable ton of the tax imposed
 62.9 under section 298.24;

62.10 (2) the amount as determined under section 298.17, paragraph (b), clause (3); and

62.11 ~~(3)(i) for distributions in 2015, an amount equal to two-thirds of the increased tax~~
 62.12 ~~proceeds attributable to the increase in the implicit price deflator as provided in section~~
 62.13 ~~298.24, subdivision 1, with the remaining one-third to be distributed to the Douglas J.~~
 62.14 ~~Johnson economic protection trust fund;~~

62.15 ~~(ii) for distributions in 2016, an amount equal to two-thirds of the sum of the increased~~
 62.16 ~~tax proceeds attributable to the increase in the implicit price deflator as provided in section~~
 62.17 ~~298.24, subdivision 1, for distribution years 2015 and 2016, with the remaining one-third~~
 62.18 ~~to be distributed to the Douglas J. Johnson economic protection trust fund; and~~

62.19 ~~(iii) for distributions in 2017, 2018, and 2019, an amount equal to two-thirds of the sum~~
 62.20 ~~of the increased tax proceeds attributable to the increase in the implicit price deflator as~~
 62.21 ~~provided in section 298.24, subdivision 1, for distribution years 2015, 2016, and 2017, with~~
 62.22 ~~the remaining one-third to be distributed to the Douglas J. Johnson economic protection~~
 62.23 ~~trust fund; and~~

62.24 ~~(4)~~ (3) any other amount as provided by law.

62.25 (b) Expenditures from this account may be approved as ongoing annual expenditures
 62.26 and shall be made only to provide disbursements to assist school districts with the payment
 62.27 of bonds that were issued for qualified school projects, or for any other school disbursement
 62.28 as approved by the commissioner of Iron Range resources and rehabilitation after consultation
 62.29 with the Iron Range Resources and Rehabilitation Board. For purposes of this section,
 62.30 "qualified school projects" means school projects within the taconite assistance area as
 62.31 defined in section 273.1341, that were (1) approved, by referendum, after April 3, 2006;
 62.32 and (2) approved by the commissioner of education pursuant to section 123B.71.

63.1 (c) Beginning in fiscal year 2019, the disbursement to school districts for payments for
 63.2 bonds issued under section 123A.482, subdivision 9, must be increased each year to offset
 63.3 any reduction in debt service equalization aid that the school district qualifies for in that
 63.4 year, under section 123B.53, subdivision 6, compared with the amount the school district
 63.5 qualified for in fiscal year 2018.

63.6 (d) No expenditure under this section shall be made unless approved by the commissioner
 63.7 of Iron Range resources and rehabilitation after consultation with the Iron Range Resources
 63.8 and Rehabilitation Board.

63.9 Sec. 78. Minnesota Statutes 2018, section 299A.11, subdivision 1, is amended to read:

63.10 Subdivision 1. **Scope.** The following terms have the definitions given them for the
 63.11 purposes of sections 299A.11 to ~~299A.18~~ 299A.17.

63.12 Sec. 79. Minnesota Statutes 2018, section 308A.711, subdivision 1, is amended to read:

63.13 Subdivision 1. **Alternate procedure to disburse property.** Notwithstanding the
 63.14 provisions of section 345.43, a cooperative may, in lieu of paying or delivering to the
 63.15 commissioner of commerce the unclaimed property specified in its report of unclaimed
 63.16 property, distribute the unclaimed property to a corporation or organization that is exempt
 63.17 from taxation under section 290.05, subdivision 1, ~~paragraph~~ clause (b), or 2.

63.18 Sec. 80. Minnesota Statutes 2018, section 326A.05, subdivision 1, is amended to read:

63.19 Subdivision 1. **General.** The board shall grant or renew permits to practice as a CPA
 63.20 firm to entities that make application and demonstrate their qualifications in accordance
 63.21 with this section.

63.22 (a) The following must hold a permit issued under this section:

63.23 (1) any firm with an office in this state performing attest services as defined in section
 63.24 326A.01, subdivision 2;

63.25 (2) to the extent required by section 326A.10, paragraph (k), any firm with an office in
 63.26 this state performing compilation services as defined in section 326A.01, subdivision 6;

63.27 (3) any firm with an office in this state that uses the title "CPA" or "CPA firm"; or

63.28 (4) any firm that does not have an office in this state but performs attest services as
 63.29 described in section 326A.01, subdivision 2, paragraph (1), ~~(3)~~ (4), or ~~(4)~~ (5), for a client
 63.30 having its headquarters in this state.

64.1 (b) A firm possessing a valid permit from another state which does not have an office
64.2 in this state may perform services described in section 326A.01, subdivision 2, clause (2)
64.3 or (5), or subdivision 6, for a client having its headquarters in this state and may use the
64.4 title "CPA" or "CPA firm" without a permit issued under this section only if:

64.5 (1) it has the qualifications described in subdivision 3, paragraph (b);

64.6 (2) as a condition to the renewal of the firm's permit issued by the other state, that state
64.7 requires a peer review which contains the requirements equivalent to subdivision 8,
64.8 paragraphs (a) and (e); and

64.9 (3) it performs the services through an individual who has been granted practice privileges
64.10 under section 326A.14.

64.11 (c) A firm possessing a valid permit from another state that does not have an office in
64.12 this state and which is not subject to the requirements of paragraph (a), clause (4), or (b),
64.13 may perform other professional services while using the title "CPA" or "CPA firm" in this
64.14 state without a permit issued under this section only if the firm:

64.15 (1) has the qualifications described in subdivision 3, paragraph (b);

64.16 (2) performs the services through an individual who has been granted practice privileges
64.17 under section 326A.14; and

64.18 (3) can lawfully perform the services in the state where the individuals with practice
64.19 privileges have their principal place of business.

64.20 Sec. 81. Minnesota Statutes 2018, section 326A.14, subdivision 1, is amended to read:

64.21 Subdivision 1. **Requirements.** (a) An individual whose principal place of business is
64.22 not in this state and who holds a valid license in good standing as a certified public accountant
64.23 from any state which, upon verification, is in substantial equivalence with the certified
64.24 public accountant licensure requirements of section 326A.03, subdivisions 3, 4, and 6, shall
64.25 be presumed to have qualifications substantially equivalent to this state's requirements and
64.26 shall have all the privileges of licensees of this state without the need to obtain a license.
64.27 Notwithstanding any contrary provision of this chapter, an individual who offers or renders
64.28 professional services, whether in person, by mail, telephone, or electronic means, under this
64.29 paragraph: (1) shall be granted practice privileges in this state; (2) is subject to the
64.30 requirements in paragraph (c); and (3) is not required to provide any notice or other
64.31 submission.

65.1 (b) An individual whose principal place of business is not in this state and who holds a
65.2 valid license in good standing as a certified public accountant from any state whose certified
65.3 public accountant licensure qualifications, upon verification, are not substantially equivalent
65.4 with the licensure requirements of section 326A.03, subdivisions 3, 4, and 6, shall be
65.5 presumed to have qualifications substantially equivalent to this state's requirements and
65.6 shall have all the privileges of licensees of this state without the need to obtain a license if
65.7 the individual obtains verification, as specified in board rule, that the individual's
65.8 qualifications are substantially equivalent to the licensure requirements of section 326A.03,
65.9 subdivisions 3, 4, and 6. For purposes of this paragraph, any individual who passed the
65.10 Uniform CPA Examination and holds a valid license issued by any other state prior to
65.11 January 1, 2009, is exempt from the education requirement in section 326A.03, subdivision
65.12 6, paragraph (a), provided the individual meets the education requirement in section 326A.03,
65.13 subdivision 3. Notwithstanding any contrary provision of this chapter, an individual who
65.14 offers or renders professional services, whether in person, by mail, telephone, or electronic
65.15 means, under this paragraph: (1) shall, after the verification specified by adopted rules, be
65.16 granted practice privileges in this state; (2) is subject to the requirements in paragraph (c);
65.17 and (3) is not required to provide any notice or other submission.

65.18 (c) An individual licensee of another state exercising the privilege afforded under this
65.19 section and the firm which employs that licensee are deemed to have consented, as a condition
65.20 of the grant of this privilege:

65.21 (1) to the personal and subject matter jurisdiction and disciplinary authority of the board;

65.22 (2) to comply with this chapter and the board's rules;

65.23 (3) to the appointment of the state board that issued the license as the licensee's agent
65.24 upon whom process may be served in any action or proceeding by this board against the
65.25 licensee; and

65.26 (4) to cease offering or rendering professional services in this state individually and on
65.27 behalf of a firm in the event the license issued by the state of the individual's principal place
65.28 of business is no longer valid or in good standing.

65.29 (d) An individual who has been granted practice privileges under this section who
65.30 performs attest services as defined in section 326A.01, subdivision 2, clause (1), ~~(3)~~ (4), or
65.31 ~~(4)~~ (5), for any entity with its headquarters in this state, may only do so through a firm which
65.32 has obtained a permit under section 326A.05.

66.1 Sec. 82. Minnesota Statutes 2019 Supplement, section 349.12, subdivision 25, is amended
66.2 to read:

66.3 Subd. 25. **Lawful purpose.** (a) "Lawful purpose" means one or more of the following:

66.4 (1) any expenditure by or contribution to a 501(c)(3) or festival organization, as defined
66.5 in subdivision 15c, provided that the organization and expenditure or contribution are in
66.6 conformity with standards prescribed by the board under section 349.154, which standards
66.7 must apply to both types of organizations in the same manner and to the same extent;

66.8 (2) a contribution to or expenditure for goods and services for an individual or family
66.9 suffering from poverty, homelessness, or disability, which is used to relieve the effects of
66.10 that suffering;

66.11 (3) a contribution to a program recognized by the Minnesota Department of Human
66.12 Services for the education, prevention, or treatment of problem gambling;

66.13 (4) a contribution to or expenditure on a public or private nonprofit educational institution
66.14 registered with or accredited by this state or any other state;

66.15 (5) a contribution to an individual, public or private nonprofit educational institution
66.16 registered with or accredited by this state or any other state, or to a scholarship fund of a
66.17 nonprofit organization whose primary mission is to award scholarships, for defraying the
66.18 cost of education to individuals where the funds are awarded through an open and fair
66.19 selection process;

66.20 (6) activities by an organization or a government entity which recognize military service
66.21 to the United States, the state of Minnesota, or a community, subject to rules of the board,
66.22 provided that the rules must not include mileage reimbursements in the computation of the
66.23 per diem reimbursement limit and must impose no aggregate annual limit on the amount of
66.24 reasonable and necessary expenditures made to support:

66.25 (i) members of a military marching or color guard unit for activities conducted within
66.26 the state;

66.27 (ii) members of an organization solely for services performed by the members at funeral
66.28 services;

66.29 (iii) members of military marching, color guard, or honor guard units may be reimbursed
66.30 for participating in color guard, honor guard, or marching unit events within the state or
66.31 states contiguous to Minnesota at a per participant rate of up to \$50 per diem; or

67.1 (iv) active military personnel and their immediate family members in need of support
67.2 services;

67.3 (7) recreational, community, and athletic facilities and activities, intended primarily for
67.4 persons under age 21, provided that such facilities and activities do not discriminate on the
67.5 basis of gender and the organization complies with section 349.154, subdivision 3a;

67.6 (8) payment of local taxes authorized under this chapter, taxes imposed by the United
67.7 States on receipts from lawful gambling, the taxes imposed by section 297E.02, subdivisions
67.8 1, 5, and 6, and the tax imposed on unrelated business income by section 290.05, subdivision
67.9 3;

67.10 (9) payment of real estate taxes and assessments on permitted gambling premises owned
67.11 by the licensed organization paying the taxes, or wholly leased by a licensed veterans
67.12 organization under a national charter recognized under section 501(c)(19) of the Internal
67.13 Revenue Code;

67.14 (10) a contribution to the United States, this state or any of its political subdivisions, or
67.15 any agency or instrumentality thereof other than a direct contribution to a law enforcement
67.16 or prosecutorial agency;

67.17 (11) a contribution to or expenditure by a nonprofit organization which is a church or
67.18 body of communicants gathered in common membership for mutual support and edification
67.19 in piety, worship, or religious observances;

67.20 (12) an expenditure for citizen monitoring of surface water quality by individuals or
67.21 nongovernmental organizations that is consistent with section 115.06, subdivision 4, and
67.22 Minnesota Pollution Control Agency guidance on monitoring procedures, quality assurance
67.23 protocols, and data management, provided that the resulting data is submitted to the
67.24 Minnesota Pollution Control Agency for review and inclusion in the state water quality
67.25 database;

67.26 (13) a contribution to or expenditure on projects or activities approved by the
67.27 commissioner of natural resources for:

67.28 (i) wildlife management projects that benefit the public at large;

67.29 (ii) grant-in-aid trail maintenance and grooming established under sections 84.83 and
67.30 84.927, and other trails open to public use, including purchase or lease of equipment for
67.31 this purpose; and

67.32 (iii) supplies and materials for safety training and educational programs coordinated by
67.33 the Department of Natural Resources, including the Enforcement Division;

68.1 (14) conducting nutritional programs, food shelves, and congregate dining programs
68.2 primarily for persons who are age 62 or older or disabled;

68.3 (15) a contribution to a community arts organization, or an expenditure to sponsor arts
68.4 programs in the community, including but not limited to visual, literary, performing, or
68.5 musical arts;

68.6 (16) an expenditure by a licensed fraternal organization or a licensed veterans organization
68.7 for payment of water, fuel for heating, electricity, and sewer costs for:

68.8 (i) up to 100 percent for a building wholly owned or wholly leased by and used as the
68.9 primary headquarters of the licensed veteran or fraternal organization; or

68.10 (ii) a proportional amount subject to approval by the director and based on the portion
68.11 of a building used as the primary headquarters of the licensed veteran or fraternal
68.12 organization;

68.13 (17) expenditure by a licensed veterans organization of up to \$5,000 in a calendar year
68.14 in net costs to the organization for meals and other membership events, limited to members
68.15 and spouses, held in recognition of military service. No more than \$5,000 can be expended
68.16 in total per calendar year under this clause by all licensed veterans organizations sharing
68.17 the same veterans post home;

68.18 (18) payment of fees authorized under this chapter imposed by the state of Minnesota
68.19 to conduct lawful gambling in Minnesota;

68.20 (19) a contribution or expenditure to honor an individual's humanitarian service as
68.21 demonstrated through philanthropy or volunteerism to the United States, this state, or local
68.22 community;

68.23 (20) a contribution by a licensed organization to another licensed organization with prior
68.24 board approval, with the contribution designated to be used for one or more of the following
68.25 lawful purposes under this section: clauses (1) to (7), (11) to (15), (19), and (25);

68.26 (21) an expenditure that is a contribution to a parent organization, if the parent
68.27 organization: (i) has not provided to the contributing organization within one year of the
68.28 contribution any money, grants, property, or other thing of value, and (ii) has received prior
68.29 board approval for the contribution that will be used for a program that meets one or more
68.30 of the lawful purposes under subdivision 7a;

68.31 (22) an expenditure for the repair, maintenance, or improvement of real property and
68.32 capital assets owned by an organization, or for the replacement of a capital asset that can
68.33 no longer be repaired, with a fiscal year limit of five percent of gross profits from the

69.1 previous fiscal year, with no carryforward of unused allowances. The fiscal year is July 1
69.2 through June 30. Total expenditures for the fiscal year may not exceed the limit unless the
69.3 board has specifically approved the expenditures that exceed the limit due to extenuating
69.4 circumstances beyond the organization's control. An expansion of a building or bar-related
69.5 expenditures are not allowed under this provision.

69.6 (i) The expenditure must be related to the portion of the real property or capital asset
69.7 that must be made available for use free of any charge to other nonprofit organizations,
69.8 community groups, or service groups, and is used for the organization's primary mission or
69.9 headquarters.

69.10 (ii) An expenditure may be made to bring an existing building that the organization owns
69.11 into compliance with the Americans with Disabilities Act.

69.12 (iii) An organization may apply the amount that is allowed under item (ii) to the erection
69.13 or acquisition of a replacement building that is in compliance with the Americans with
69.14 Disabilities Act if the board has specifically approved the amount. The cost of the erection
69.15 or acquisition of a replacement building may not be made from gambling proceeds, except
69.16 for the portion allowed under this item;

69.17 (23) an expenditure for the acquisition or improvement of a capital asset with a cost
69.18 greater than \$2,000, excluding real property, that will be used exclusively for lawful purposes
69.19 under this section if the board has specifically approved the amount;

69.20 (24) an expenditure for the acquisition, erection, improvement, or expansion of real
69.21 property, if the board has first specifically authorized the expenditure after finding that the
69.22 real property will be used exclusively for lawful purpose under this section;

69.23 (25) an expenditure, including a mortgage payment or other debt service payment, for
69.24 the erection or acquisition of a comparable building to replace an organization-owned
69.25 building that was destroyed or made uninhabitable by fire or catastrophe or to replace an
69.26 organization-owned building that was taken or sold under an eminent domain proceeding.
69.27 The expenditure may be only for that part of the replacement cost not reimbursed by
69.28 insurance for the fire or catastrophe or compensation not received from a governmental unit
69.29 under the eminent domain proceeding, if the board has first specifically authorized the
69.30 expenditure; or

69.31 (26) a contribution to a 501(c)(19) organization that does not have an organization license
69.32 under section 349.16 and is not affiliated with the contributing organization, and whose
69.33 owned or leased property is not a permitted premises under section 349.165. The 501(c)(19)
69.34 organization may only use the contribution for lawful purposes under this subdivision or

70.1 for the organization's primary mission. The 501(c)(19) organization may not use the
 70.2 contribution for expansion of a building or for bar-related expenditures. A contribution may
 70.3 not be made to a statewide organization representing a consortia of 501(c)(19) organizations.

70.4 (b) Expenditures authorized by the board under paragraph (a), clauses (24) and (25),
 70.5 must be 51 percent completed within two years of the date of board approval; otherwise the
 70.6 organization must reapply to the board for approval of the project. "Fifty-one percent
 70.7 completed" means that the work completed must represent at least 51 percent of the value
 70.8 of the project as documented by the contractor or vendor.

70.9 (c) Notwithstanding paragraph (a), "lawful purpose" does not include:

70.10 (1) any expenditure made or incurred for the purpose of influencing the nomination or
 70.11 election of a candidate for public office or for the purpose of promoting or defeating a ballot
 70.12 question;

70.13 (2) any activity intended to influence an election or a governmental decision-making
 70.14 process;

70.15 (3) a contribution to a statutory or home rule charter city, county, or town by a licensed
 70.16 organization with the knowledge that the governmental unit intends to use the contribution
 70.17 for a pension or retirement fund; or

70.18 (4) a contribution to a 501(c)(3) organization or other entity with the intent or effect of
 70.19 not complying with lawful purpose restrictions or requirements.

70.20 Sec. 83. Minnesota Statutes 2018, section 353G.08, subdivision 3, is amended to read:

70.21 Subd. 3. **Authorized account disbursements.** The assets of a lump-sum retirement
 70.22 account or of a monthly benefit retirement account of the retirement fund may only be
 70.23 disbursed for:

70.24 (1) the administrative expenses of the retirement plan;

70.25 (2) the investment expenses of the retirement fund;

70.26 (3) the service pensions payable under section 353G.10, 353G.11, 353G.14, or ~~353G.15~~
 70.27 353G.18;

70.28 (4) the survivor benefits payable under section 353G.12;

70.29 (5) the disability benefit coverage insurance premiums under section 353G.115; and

70.30 (6) a transfer of assets under section 353G.17.

71.1 Sec. 84. Minnesota Statutes 2018, section 504B.211, subdivision 2, is amended to read:

71.2 Subd. 2. **Entry by landlord.** Except as provided in subdivision ~~5~~4, a landlord may enter
71.3 the premises rented by a residential tenant only for a reasonable business purpose and after
71.4 making a good faith effort to give the residential tenant reasonable notice under the
71.5 circumstances of the intent to enter. A residential tenant may not waive and the landlord
71.6 may not require the residential tenant to waive the residential tenant's right to prior notice
71.7 of entry under this section as a condition of entering into or maintaining the lease.

71.8 Sec. 85. Minnesota Statutes 2018, section 571.74, is amended to read:

71.9 **571.74 GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.**

71.10 The garnishment summons and notice to debtor must be substantially in the following
71.11 form. The notice to debtor must be in no smaller than 14-point type.

71.12	GARNISHMENT SUMMONS	
71.13	STATE OF MINNESOTA	DISTRICT COURT
71.14	COUNTY OF .....	.....JUDICIAL DISTRICT
71.15	.....(Creditor)	
71.16	.....(Debtor)	UNPAID BALANCE
71.17	.....(Debtor's Address)	Date of Entry
71.18	.....(Garnishee)	of Judgment (or) Subject to Minnesota
71.19		Statutes, section 571.71, subd. 2 , clause
71.20		<u>(2)</u>

71.21 GARNISHMENT SUMMONS

71.22 The State of Minnesota

71.23 To the Garnishee named above:

71.24 You are hereby summoned and required to serve upon the creditor's attorney (or the
71.25 creditor if not represented by an attorney) and on the debtor within 20 days after service of
71.26 this garnishment summons upon you, a written disclosure, of the nonexempt indebtedness,
71.27 money, or other property due or belonging to the debtor and owing by you or in your
71.28 possession or under your control and answers to all written interrogatories that are served
71.29 with the garnishment summons. However, if the garnishment is on earnings and the debtor
71.30 has garnishable earnings, you shall serve the completed disclosure form on the creditor's
71.31 attorney, or the creditor if not represented by an attorney, within ten days of the last payday
71.32 to occur within the 70 days after the date of the service of this garnishment summons.

71.33 "Payday" means the day which you pay earnings in the ordinary course of business. If the
71.34 debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

72.1 Your disclosure need not exceed 110 percent of the amount of the creditor's claim that
72.2 remains unpaid.

72.3 You shall retain garnishable earnings, other indebtedness, money, or other property in
72.4 your possession in an amount not to exceed 110 percent of the creditor's claim until such
72.5 time as the creditor causes a writ of execution to be served upon you, until the debtor
72.6 authorizes you in writing to release the property to the creditor, or until the expiration of
72.7 days from the date of service of this garnishment summons upon you, at which time
72.8 you shall return the disposable earnings, other indebtedness, money, or other property to
72.9 the debtor.

72.10 EARNINGS

72.11 In the event you are summoned as a garnishee because you owe "earnings" (as defined
72.12 on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if
72.13 applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the
72.14 creditor if not represented by an attorney, a written earnings disclosure form within the time
72.15 limit set forth above.

72.16 In the case of earnings you are further required to retain in your possession all unpaid
72.17 nonexempt disposable earnings owed or to be owed by you and earned or to be earned to
72.18 the debtor within the pay period in which this garnishment summons is served and within
72.19 all subsequent pay periods whose paydays (defined above) occur within the 70 days after
72.20 the date of service of this garnishment summons.

72.21 Any assignment of earnings made by the debtor to any party within ten days before the
72.22 receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the
72.23 debtor within the ten days before the receipt of the first garnishment on a debt may not be
72.24 set off against amounts otherwise subject to the garnishment.

72.25 You are prohibited by law from discharging or disciplining the debtor because the debtor's
72.26 earnings have been subject to garnishment.

72.27 This Garnishment Summons includes:

72.28 (check applicable box)

- 72.29 Earnings garnishment
- 72.30 (see attached Earnings Disclosure Form)
- 72.31 Nonearnings garnishment
- 72.32 (see attached Nonearnings Disclosure Form)
- 72.33 Both Earnings and Nonearnings garnishment
- 72.34 (see both attached Earnings and Nonearnings
- 72.35 Disclosure Form)

73.1

NOTICE TO DEBTOR

73.2 A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment
 73.3 Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out
 73.4 if not applicable), copies of which are hereby served on you, were served upon the Garnishee
 73.5 by delivering copies to the Garnishee. The Garnishee was paid \$15.

73.6 Dated:

73.7 Attorney for Creditor (or creditor)

73.8

73.9

73.10

73.11 Address

73.12

73.13 Telephone

73.14

73.15 Attorney I.D. No

73.16 Sec. 86. Minnesota Statutes 2018, section 576.21, is amended to read:

73.17 **576.21 DEFINITIONS.**

73.18 (a) The definitions in this section apply throughout this chapter unless the context requires
 73.19 otherwise.

73.20 (b) "Court" means the district court in which the receivership is pending unless the
 73.21 context requires otherwise.

73.22 (c) "Entity" means a person other than a natural person.

73.23 (d) "Executory contract" means a contract, including a lease, where the obligations of
 73.24 both the respondent and the other party to the contract are unperformed to the extent that
 73.25 the failure of either party to complete performance of its obligations would constitute a
 73.26 material breach of the contract, thereby excusing the other party's performance of its
 73.27 obligations under the contract.

73.28 (e) "Foreign receiver" means a receiver appointed in any foreign jurisdiction.

73.29 (f) "Foreign jurisdiction" means any state or federal jurisdiction other than that of this
 73.30 state.

73.31 (g) "General receiver" means the receiver appointed in a general receivership.

74.1 (h) "General receivership" means a receivership over all or substantially all of the
74.2 nonexempt property of a respondent for the purpose of liquidation and distribution to
74.3 creditors and other parties in interest, including, without limitation, a receivership resulting
74.4 from the appointment of a receiver pursuant to section 302A.753, 308A.945, 308B.935, or
74.5 317A.753, ~~or 322B.836.~~

74.6 (i) "Lien" means a charge against or interest in property to secure payment of a debt or
74.7 the performance of an obligation, including any mortgage or security interest.

74.8 (j) "Limited receiver" means the receiver appointed in a limited receivership.

74.9 (k) "Limited receivership" means a receivership other than a general receivership.

74.10 (l) "Party" means a person who is a party within the meaning of the Minnesota Rules of
74.11 Civil Procedure in the action in which a receiver is appointed.

74.12 (m) "Party in interest" includes the respondent, any equity security holder in the
74.13 respondent, any person with an ownership interest in or lien on receivership property, and,
74.14 in a general receivership, any creditor of the respondent.

74.15 (n) "Person" has the meaning given it in section 645.44 and shall include limited liability
74.16 companies, limited liability partnerships, and other entities recognized under the laws of
74.17 this state.

74.18 (o) "Property" means all of respondent's right, title, and interest, both legal and equitable,
74.19 in real and personal property, regardless of the manner by which any of the same were or
74.20 are acquired. Property includes, but is not limited to, any proceeds, products, offspring,
74.21 rents, or profits of or from the property. Property does not include: (1) any power that the
74.22 respondent may exercise solely for the benefit of another person, or (2) property impressed
74.23 with a trust except to the extent that the respondent has a residual interest.

74.24 (p) "Receiver" means a person appointed by the court as the court's agent, and subject
74.25 to the court's direction, to take possession of, manage, and, if authorized by this chapter or
74.26 order of the court, dispose of receivership property.

74.27 (q) "Receivership" means the case in which the receiver is appointed, and, as the context
74.28 requires, the proceeding in which the receiver takes possession of, manages, or disposes of
74.29 the respondent's property.

74.30 (r) "Receivership property" means (1) in the case of a general receivership, all or
74.31 substantially all of the nonexempt property of the respondent, or (2) in the case of a limited
74.32 receivership, that property of the respondent identified in the order appointing the receiver,
74.33 or in any subsequent order.

75.1 (s) "Respondent" means the person over whose property the receiver is appointed.

75.2 (t) "State agent" and "state agency" means any office, department, division, bureau,
75.3 board, commission, or other agency of the state of Minnesota or of any subdivision thereof,
75.4 or any individual acting in an official capacity on behalf of any state agent or state agency.

75.5 (u) "Time of appointment" means the date and time specified in the first order of
75.6 appointment of a receiver or, if the date and time are not specified in the order of
75.7 appointment, the date and time that the court ruled on the motion for the appointment of a
75.8 receiver. Time of appointment does not mean any subsequent date or time, including the
75.9 execution of a written order, the filing or docketing of a written order, or the posting of a
75.10 bond.

75.11 (v) "Utility" means a person providing any service regulated by the Public Utilities
75.12 Commission.

75.13 Sec. 87. Minnesota Statutes 2018, section 576.22, is amended to read:

75.14 **576.22 APPLICABILITY OF CHAPTER AND OF COMMON LAW.**

75.15 (a) This chapter applies to receiverships provided for in section 576.25, subdivisions 2
75.16 to 6, and to receiverships:

75.17 (1) pursuant to section 193.147, in connection with a mortgage on an armory;

75.18 (2) pursuant to section 223.17, subdivision 8, paragraph (b), in connection with a
75.19 defaulting grain buyer;

75.20 (3) pursuant to section 232.22, subdivision 7, paragraph (c), in connection with a
75.21 defaulting public grain warehouse;

75.22 (4) pursuant to section 296A.22, in connection with nonpayment of tax;

75.23 (5) pursuant to sections 302A.751, 302A.753, 308A.941, 308A.945, 308B.931, 308B.935,
75.24 317A.751, and 317A.753, ~~322B.833, and 322B.836~~, or in an action relating to the dissolution
75.25 of a foreign entity with property within the state;

75.26 (6) pursuant to section 321.0703, in connection with the rights of a creditor of a partner
75.27 or transferee;

75.28 (7) pursuant to section 322.22, in connection with the rights of creditors of limited
75.29 partners;

75.30 (8) pursuant to section 323A.0504, in connection with a partner's transferable interest;

75.31 (9) pursuant to section 453.55, in connection with bonds and notes;

- 76.1 (10) pursuant to section 453A.05, in connection with bonds and notes;
- 76.2 (11) pursuant to section 513.47, in connection with a proceeding for relief with respect
76.3 to a transfer fraudulent as to a creditor or creditors;
- 76.4 (12) pursuant to section 514.06, in connection with the severance of a building and
76.5 resale;
- 76.6 (13) pursuant to section 515.23, in connection with an action by a unit owners' association
76.7 to foreclose a lien for nonpayment of delinquent assessments against condominium units;
- 76.8 (14) pursuant to section 518A.71, in connection with the failure to pay, or to provide
76.9 security for, maintenance or support payments;
- 76.10 (15) pursuant to section 559.17, in connection with assignments of rents; however, any
76.11 receiver appointed under section 559.17 shall be a limited receiver, and the court shall apply
76.12 the provisions of this chapter to the extent not inconsistent with section 559.17;
- 76.13 (16) pursuant to section 571.84, in connection with a garnishee in possession of property
76.14 subject to a garnishment proceeding;
- 76.15 (17) pursuant to section 575.05, in connection with property applied to judgment;
- 76.16 (18) pursuant to section 575.06, in connection with adverse claimants;
- 76.17 (19) pursuant to sections 582.05 to 582.10, in connection with mortgage foreclosures;
76.18 however, any receiver appointed under sections 582.05 to 582.10 shall be a limited receiver,
76.19 and the court shall apply the provisions of this chapter to the extent not inconsistent with
76.20 sections 582.05 to 582.10;
- 76.21 (20) pursuant to section 609.904, in connection with criminal penalties; or
- 76.22 (21) pursuant to section 609.907, in connection with preservation of property subject to
76.23 forfeiture.
- 76.24 (b) This chapter does not apply to any receivership in which the receiver is a state agency
76.25 or in which the receiver is appointed, controlled, or regulated by a state agency unless
76.26 otherwise provided by law.
- 76.27 (c) In receiverships not specifically referenced in paragraph (a) or (b), the court, in its
76.28 discretion, may apply provisions of this chapter to the extent not inconsistent with the statutes
76.29 establishing the receiverships.

77.1 (d) Unless explicitly displaced by this chapter, the provisions of other statutory law and
77.2 the principles of common law remain in full force and effect and supplement the provisions
77.3 of this chapter.

77.4 Sec. 88. Minnesota Statutes 2018, section 576.29, subdivision 1, is amended to read:

77.5 Subdivision 1. **Powers.** (a) A receiver, whether general or limited, shall have the
77.6 following powers in addition to those specifically conferred by this chapter or otherwise by
77.7 statute, rule, or order of the court:

77.8 (1) the power to collect, control, manage, conserve, and protect receivership property;

77.9 (2) the power to incur and pay expenses incidental to the receiver's exercise of the powers
77.10 or otherwise in the performance of the receiver's duties;

77.11 (3) the power to assert rights, claims, causes of action, or defenses that relate to
77.12 receivership property; and

77.13 (4) the power to seek and obtain instruction from the court with respect to any matter
77.14 relating to the receivership property, the exercise of the receiver's powers, or the performance
77.15 of the receiver's duties.

77.16 (b) In addition to the powers provided in paragraph (a), a general receiver shall have the
77.17 power:

77.18 (1) to (i) assert, or when authorized by the court, to release, any rights, claims, causes
77.19 of action, or defenses of the respondent to the extent any rights, claims, causes of action,
77.20 or defenses are receivership property; (ii) maintain in the receiver's name or in the name of
77.21 the respondent any action to enforce any right, claim, cause of action, or defense; and (iii)
77.22 intervene in actions in which the respondent is a party for the purpose of exercising the
77.23 powers under this clause or requesting transfer of venue of the action to the court;

77.24 (2) to pursue any claim or remedy that may be asserted by a creditor of the respondent
77.25 under sections 513.41 to 513.51;

77.26 (3) to compel any person, including the respondent, and any party, by subpoena pursuant
77.27 to Rule 45 of the Minnesota Rules of Civil Procedure, to give testimony or to produce and
77.28 permit inspection and copying of designated books, documents, electronically stored
77.29 information, or tangible things with respect to receivership property or any other matter that
77.30 may affect the administration of the receivership;

77.31 (4) to operate any business constituting receivership property in the ordinary course of
77.32 the business, including using, selling, or leasing property of the business or otherwise

78.1 constituting receivership property; incurring and payment of expenses of the business or
 78.2 other receivership property; and hiring employees and appointing officers to act on behalf
 78.3 of the business;

78.4 (5) if authorized by an order of the court following notice and a hearing, to use, improve,
 78.5 sell, or lease receivership property other than in the ordinary course of business; and

78.6 (6) if appointed pursuant to section 302A.753, 308A.945, 308B.935, or 317A.753, ~~or~~
 78.7 ~~322B.836~~, to exercise all of the powers and authority provided by the section or order of
 78.8 the court.

78.9 Sec. 89. Minnesota Statutes 2018, section 576.42, subdivision 6, is amended to read:

78.10 Subd. 6. **Inapplicability of stay.** The entry of an order appointing a receiver does not
 78.11 operate as a stay of:

78.12 (1) the commencement or continuation of a criminal proceeding against the respondent;

78.13 (2) the commencement or continuation of an action or proceeding by a governmental
 78.14 unit to enforce its police or regulatory power;

78.15 (3) the enforcement of a judgment, other than a money judgment, obtained in an action
 78.16 or proceeding by a governmental unit to enforce its police or regulatory power, or with
 78.17 respect to any licensure of the respondent;

78.18 (4) the establishment by a governmental unit of any tax liability and any appeal thereof;

78.19 (5) the commencement or continuation of an action or proceeding to establish paternity;
 78.20 to establish or modify an order for alimony, maintenance, or support; or to collect alimony,
 78.21 maintenance, or support under any order of a court;

78.22 (6) the exercise of a right of setoff;

78.23 (7) any act to maintain or continue the perfection of a lien on, or otherwise preserve or
 78.24 protect rights in, receivership property, but only to the extent that the act was necessary to
 78.25 preserve or protect the lien or other rights as they existed as of the time of the appointment.
 78.26 If the act would require seizure of receivership property or commencement of an action
 78.27 prohibited by a stay, the continued perfection shall instead be accomplished by filing a
 78.28 notice in the court before which the receivership is pending and by serving the notice upon
 78.29 the receiver and receiver's attorney, if any, within the time fixed by law for seizure or
 78.30 commencement of the action;

78.31 (8) the commencement of a bankruptcy case under federal bankruptcy laws; or

79.1 (9) any other exception as provided in United States Code, title 11, section ~~326(b)~~ 362(b),
79.2 as to the automatic stay in federal bankruptcy cases to the extent not inconsistent with any
79.3 provision in this section.

79.4 Sec. 90. Minnesota Statutes 2018, section 609.2111, is amended to read:

79.5 **609.2111 DEFINITIONS.**

79.6 (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision
79.7 have the meanings given them.

79.8 (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes
79.9 attached trailers.

79.10 (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

79.11 (d) "Intoxicating substance" has the meaning given in section 169A.03, subdivision 11a.

79.12 (e) "Qualified prior driving offense" includes a prior conviction:

79.13 (1) for a violation of section 169A.20 under the circumstances described in section
79.14 169A.24 or 169A.25;

79.15 (2) under section 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); 609.2113,
79.16 subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114,
79.17 subdivision 1, paragraph (a), clauses (2) to (6); or 2, clauses (2) to (6);

79.18 (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or

79.19 (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2,
79.20 clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4,
79.21 clauses (2) to (6).

79.22 Sec. 91. Minnesota Statutes 2018, section 609.224, subdivision 3, is amended to read:

79.23 Subd. 3. **Firearms.** (a) When a person is convicted of a violation of this section or section
79.24 609.221, 609.222, or 609.223, the court shall determine and make written findings on the
79.25 record as to whether:

79.26 (1) the defendant owns or possesses a firearm; and

79.27 (2) the firearm was used in any way during the commission of the assault.

79.28 (b) Except as otherwise provided in section 609.2242, subdivision 3, paragraph (c), a
79.29 person is not entitled to possess a pistol if the person has been convicted after August 1,
79.30 1992, of assault in the fifth degree if the offense was committed within three years of a

80.1 previous conviction under sections 609.221 to 609.224, unless three years have elapsed
80.2 from the date of conviction and, during that time, the person has not been convicted of any
80.3 other violation of this section ~~609.224~~. Property rights may not be abated but access may
80.4 be restricted by the courts. A person who possesses a pistol in violation of this paragraph
80.5 is guilty of a gross misdemeanor.

80.6 Sec. 92. Minnesota Statutes 2019 Supplement, section 609.52, subdivision 1, is amended
80.7 to read:

80.8 Subdivision 1. **Definitions.** In this section:

80.9 (1) "Property" means all forms of tangible property, whether real or personal, without
80.10 limitation including documents of value, electricity, gas, water, corpses, domestic animals,
80.11 dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility
80.12 companies and articles, as defined in clause (4), representing trade secrets, which articles
80.13 shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any
80.14 trade secret represented by the article.

80.15 (2) "Movable property" is property whose physical location can be changed, including
80.16 without limitation things growing on, affixed to, or found in land.

80.17 (3) "Value" means the retail market value at the time of the theft, or if the retail market
80.18 value cannot be ascertained, the cost of replacement of the property within a reasonable
80.19 time after the theft, or in the case of a theft or the making of a copy of an article representing
80.20 a trade secret, where the retail market value or replacement cost cannot be ascertained, any
80.21 reasonable value representing the damage to the owner which the owner has suffered by
80.22 reason of losing an advantage over those who do not know of or use the trade secret. For a
80.23 check, draft, or other order for the payment of money, "value" means the amount of money
80.24 promised or ordered to be paid under the terms of the check, draft, or other order. For a
80.25 theft committed within the meaning of subdivision 2, paragraph (a), clause (5), items (i)
80.26 and (ii), if the property has been restored to the owner, "value" means the value of the use
80.27 of the property or the damage which it sustained, whichever is greater, while the owner was
80.28 deprived of its possession, but not exceeding the value otherwise provided herein. For a
80.29 theft committed within the meaning of subdivision 2, clause (9), if the property has been
80.30 restored to the owner, "value" means the rental value of the property, determined at the
80.31 rental rate contracted by the defendant or, if no rental rate was contracted, the rental rate
80.32 customarily charged by the owner for use of the property, plus any damage that occurred
80.33 to the property while the owner was deprived of its possession, but not exceeding the total
80.34 retail value of the property at the time of rental. For a theft committed within the meaning

81.1 of subdivision 2, clause (19), "value" means the difference between wages legally required
81.2 to be reported or paid to an employee and the amount actually reported or paid to the
81.3 employee.

81.4 (4) "Article" means any object, material, device or substance, including any writing,
81.5 record, recording, drawing, sample specimen, prototype, model, photograph, microorganism,
81.6 blueprint or map, or any copy of any of the foregoing.

81.7 (5) "Representing" means describing, depicting, containing, constituting, reflecting or
81.8 recording.

81.9 (6) "Trade secret" means information, including a formula, pattern, compilation, program,
81.10 device, method, technique, or process, that:

81.11 (i) derives independent economic value, actual or potential, from not being generally
81.12 known to, and not being readily ascertainable by proper means by, other persons who can
81.13 obtain economic value from its disclosure or use, and

81.14 (ii) is the subject of efforts that are reasonable under the circumstances to maintain its
81.15 secrecy.

81.16 (7) "Copy" means any facsimile, replica, photograph or other reproduction of an article,
81.17 and any note, drawing, or sketch made of or from an article while in the presence of the
81.18 article.

81.19 (8) "Property of another" includes property in which the actor is co-owner or has a lien,
81.20 pledge, bailment, or lease or other subordinate interest, property transferred by the actor in
81.21 circumstances which are known to the actor and which make the transfer fraudulent as
81.22 defined in section 513.44, property possessed pursuant to a short-term rental contract, and
81.23 property of a partnership of which the actor is a member, unless the actor and the victim
81.24 are husband and wife. It does not include property in which the actor asserts in good faith
81.25 a claim as a collection fee or commission out of property or funds recovered, or by virtue
81.26 of a lien, setoff, or counterclaim.

81.27 (9) "Services" include but are not limited to labor, professional services, transportation
81.28 services, electronic computer services, the supplying of hotel accommodations, restaurant
81.29 services, entertainment services, advertising services, telecommunication services, and the
81.30 supplying of equipment for use including rental of personal property or equipment.

81.31 (10) "Motor vehicle" means a self-propelled device for moving persons or property or
81.32 pulling implements from one place to another, whether the device is operated on land, rails,
81.33 water, or in the air.

82.1 (11) "Motor fuel" has the meaning given in section 604.15, subdivision 1.

82.2 (12) "Retailer" has the meaning given in section 604.15, subdivision 1.

82.3 (13) "Wage theft" occurs when an employer with intent to defraud:

82.4 (i) fails to pay an employee all wages, salary, gratuities, earnings, or commissions at the
82.5 employee's rate or rates of pay or at the rate or rates required by law, including any applicable
82.6 statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal
82.7 authority, whichever rate of pay is greater;

82.8 (ii) directly or indirectly causes any employee to give a receipt for wages for a greater
82.9 amount than that actually paid to the employee for services rendered;

82.10 (iii) directly or indirectly demands or receives from any employee any rebate or refund
82.11 from the wages owed the employee under contract of employment with the employer; or

82.12 (iv) makes or attempts to make it appear in any manner that the wages paid to any
82.13 employee were greater than the amount actually paid to the employee.

82.14 (14) "Employer" means any individual, partnership, association, corporation, business
82.15 trust, or any person or group of persons acting directly or indirectly in the interest of an
82.16 employer in relation to an employee.

82.17 (15) "Employee" means any individual employed by an employer.

82.18 Sec. 93. Minnesota Statutes 2018, section 609.535, subdivision 6, is amended to read:

82.19 Subd. 6. **Release of account information to law enforcement authorities.** A drawee
82.20 shall release the information specified below to any state, county, or local law enforcement
82.21 or prosecuting authority which certifies in writing that it is investigating or prosecuting a
82.22 complaint against the drawer under this section or section 609.52, subdivision 2, paragraph
82.23 (a), clause (3), item (i), and that 15 days have elapsed since the mailing of the notice of
82.24 dishonor required by subdivisions 3 and 8. This subdivision applies to the following
82.25 information relating to the drawer's account:

82.26 (1) documents relating to the opening of the account by the drawer and to the closing
82.27 of the account;

82.28 (2) notices regarding nonsufficient funds, overdrafts, and the dishonor of any check
82.29 drawn on the account within a period of six months of the date of request;

83.1 (3) periodic statements mailed to the drawer by the drawee for the periods immediately
 83.2 prior to, during, and subsequent to the issuance of any check which is the subject of the
 83.3 investigation or prosecution; or

83.4 (4) the last known home and business addresses and telephone numbers of the drawer.

83.5 The drawee shall release all of the information described in clauses (1) to (4) that it
 83.6 possesses within ten days after receipt of a request conforming to all of the provisions of
 83.7 this subdivision. The drawee may not impose a fee for furnishing this information to law
 83.8 enforcement or prosecuting authorities.

83.9 A drawee is not liable in a criminal or civil proceeding for releasing information in
 83.10 accordance with this subdivision.

83.11 Sec. 94. Minnesota Statutes 2018, section 609.80, is amended to read:

83.12 **609.80 INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.**

83.13 Subdivision 1. **Misdemeanor.** Whoever does any of the following is guilty of a
 83.14 misdemeanor:

83.15 (1) intentionally and with the purpose of making or aiding in an unauthorized connection
 83.16 as prohibited by section 609.52, subdivision 2, paragraph (a), clause (12), to a licensed cable
 83.17 communications system as defined in chapter 238 lends, offers, or gives to another any
 83.18 instrument, apparatus, equipment, or device designed to make an unauthorized connection,
 83.19 or plan, specification or instruction for making an unauthorized connection, without receiving
 83.20 or seeking to receive money or any other thing of value in exchange; or

83.21 (2) intentionally tampers with, removes or injures any cable, wire, or other component
 83.22 of a licensed cable communications system as defined in chapter 238; or

83.23 (3) intentionally and without claim of right interrupts a service of a licensed cable
 83.24 communications system as defined in chapter 238.

83.25 Subd. 2. **Commercial activity; felony.** Whoever sells or rents, or offers or advertises
 83.26 for sale or rental, any instrument, apparatus, equipment, or device designed to make an
 83.27 unauthorized connection as prohibited by section 609.52, subdivision 2, paragraph (a),
 83.28 clause (12), to a licensed cable communications system as defined in chapter 238, or a plan,
 83.29 specification, or instructions for making an unauthorized connection, is guilty of a felony
 83.30 and may be sentenced to not more than three years of imprisonment or a fine of not more
 83.31 than \$5,000, or both.

84.1 Sec. 95. Minnesota Statutes 2018, section 609.891, subdivision 3, is amended to read:

84.2 Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that
84.3 creates a risk to public health and safety is guilty of a gross misdemeanor and may be
84.4 sentenced to imprisonment for a term of not more than one year or to payment of a fine of
84.5 not more than \$3,000, or both.

84.6 (b) A person who violates subdivision 1 in a manner that compromises the security of
84.7 data that are protected under section 609.52, subdivision 2, paragraph (a), clause (8), or are
84.8 not public data as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor
84.9 and may be sentenced under paragraph (a).

84.10 (c) A person who violates subdivision 1 and gains access to personal data is guilty of a
84.11 gross misdemeanor and may be sentenced under paragraph (a).

84.12 (d) A person who is convicted of a second or subsequent misdemeanor violation of
84.13 subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced
84.14 under paragraph (a).

84.15 (e) A person who violates subdivision 1 by accessing, or attempting to access, an
84.16 electronic terminal through opening, or attempting to open, any panel or access door without
84.17 authorization is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

84.18 Sec. 96. Minnesota Statutes 2018, section 609.902, subdivision 4, is amended to read:

84.19 Subd. 4. **Criminal act.** "Criminal act" means conduct constituting, or a conspiracy or
84.20 attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09;
84.21 299F.79; 299F.80; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222;
84.22 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.342; 609.343;
84.23 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52,
84.24 subdivision 2, if the offense is punishable under subdivision 3, clause (1), if the property is
84.25 a firearm, clause (3)(b), or clause (3)(d)(v); section 609.52, subdivision 2, paragraph (a),
84.26 clause (1) or (4); 609.527, if the crime is punishable under subdivision 3, clause (4); 609.528,
84.27 if the crime is punishable under subdivision 3, clause (4); 609.53; 609.561; 609.562; 609.582,
84.28 subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67; 609.687; 609.713; 609.86;
84.29 609.894, subdivision 3 or 4; 609.895; 624.713; 624.7191; or 626A.02, subdivision 1, if the
84.30 offense is punishable under section 626A.02, subdivision 4, paragraph (a). "Criminal act"
84.31 also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation
84.32 of section 609.52, subdivision 2, clause (3), (4), (15), or (16), if the violation involves an
84.33 insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service

85.1 plan corporation regulated under chapter 62C, a health maintenance organization regulated
85.2 under chapter 62D, or a fraternal benefit society regulated under chapter 64B.

85.3 Sec. 97. Minnesota Statutes 2018, section 628.26, is amended to read:

85.4 **628.26 LIMITATIONS.**

85.5 (a) Indictments or complaints for any crime resulting in the death of the victim may be
85.6 found or made at any time after the death of the person killed.

85.7 (b) Indictments or complaints for a violation of section 609.25 may be found or made
85.8 at any time after the commission of the offense.

85.9 (c) Indictments or complaints for violation of section 609.282 may be found or made at
85.10 any time after the commission of the offense if the victim was under the age of 18 at the
85.11 time of the offense.

85.12 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
85.13 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
85.14 shall be found or made and filed in the proper court within six years after the commission
85.15 of the offense.

85.16 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345,
85.17 if the victim was under the age of 18 years at the time the offense was committed, shall be
85.18 found or made and filed in the proper court within the later of nine years after the commission
85.19 of the offense or three years after the offense was reported to law enforcement authorities.

85.20 (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for
85.21 violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in
85.22 the proper court at any time after commission of the offense, if physical evidence is collected
85.23 and preserved that is capable of being tested for its DNA characteristics. If this evidence is
85.24 not collected and preserved and the victim was 18 years old or older at the time of the
85.25 offense, the prosecution must be commenced within nine years after the commission of the
85.26 offense.

85.27 (g) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
85.28 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court
85.29 within six years after the commission of the offense.

85.30 (h) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2,
85.31 paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where
85.32 the value of the property or services stolen is more than \$35,000, or for violation of section

86.1 609.527 where the offense involves eight or more direct victims or the total combined loss
86.2 to the direct and indirect victims is more than \$35,000, shall be found or made and filed in
86.3 the proper court within five years after the commission of the offense.

86.4 (i) Except for violations relating to false material statements, representations or omissions,
86.5 indictments or complaints for violations of section 609.671 shall be found or made and filed
86.6 in the proper court within five years after the commission of the offense.

86.7 (j) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found
86.8 or made and filed in the proper court within five years after the commission of the offense.

86.9 (k) In all other cases, indictments or complaints shall be found or made and filed in the
86.10 proper court within three years after the commission of the offense.

86.11 (l) The limitations periods contained in this section shall exclude any period of time
86.12 during which the defendant was not an inhabitant of or usually resident within this state.

86.13 (m) The limitations periods contained in this section for an offense shall not include any
86.14 period during which the alleged offender participated under a written agreement in a pretrial
86.15 diversion program relating to that offense.

86.16 (n) The limitations periods contained in this section shall not include any period of time
86.17 during which physical evidence relating to the offense was undergoing DNA analysis, as
86.18 defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law
86.19 enforcement agency purposefully delayed the DNA analysis process in order to gain an
86.20 unfair advantage.

86.21 Sec. 98. Minnesota Statutes 2018, section 629.344, is amended to read:

86.22 **629.344 CRIMINAL VEHICULAR OPERATION AND MANSLAUGHTER;**
86.23 **CERTIFICATION OF PROBABLE CAUSE BY PEACE OFFICER.**

86.24 If a peace officer determines that probable cause exists to believe that a person has
86.25 violated section 609.2112, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (6);
86.26 609.2113, subdivision 1, clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4),
86.27 (5), or (6); or subdivision 3, clause (2), (3), (4), (5), or (6); or 609.2114, subdivision 1,
86.28 paragraph (a), clause (2), (3), (4), (5), or (6); or subdivision 2, clause (2), (3), (4), (5), or
86.29 (6), the officer shall certify this determination and notify the commissioner of public safety.

87.1 Sec. 99. Minnesota Statutes 2018, section 629.364, is amended to read:

87.2 **629.364 ARRESTS FOR SWINDLING.**

87.3 (a) The following persons shall arrest, with or without a warrant, a person found
87.4 committing an offense described in section 609.52, subdivision 2, paragraph (a), clause (4):

87.5 (1) a conductor or other employee on a railway car or train;

87.6 (2) a captain, clerk, or other employee on a boat;

87.7 (3) a station agent at a depot;

87.8 (4) an officer of a fair or fairground; or

87.9 (5) a proprietor or employee of a public resort.

87.10 (b) A person not required to make an arrest under paragraph (a) may arrest, with or
87.11 without a warrant, a person found committing an offense described in section 609.52,
87.12 subdivision 2, paragraph (a), clause (4).

87.13 (c) A person making an arrest under paragraph (a) or (b) shall take the arrested person
87.14 to the proper law enforcement authorities and have a written complaint issued against that
87.15 person. A person making an arrest under paragraph (a) or (b) has the same authority in all
87.16 respects as a peace officer with a warrant, including the power to summon assistance. The
87.17 person shall also arrest the person injured by reason of the offense, and take that person
87.18 before a court, which shall require that person to give security for appearance as a witness
87.19 on trial of the case.

87.20 (d) A victim of an offense described in section 609.52 who testifies at trial against the
87.21 person arrested for the offense shall receive the fee for travel and attendance provided in
87.22 section 357.24.

87.23 Sec. 100. Laws 2019, First Special Session chapter 4, article 3, section 109, is amended
87.24 to read:

87.25 **Sec. 109. APPLYING STORM WATER RULES TO TOWNSHIPS.**

87.26 Until the Pollution Control Agency amends rules for storm water, Minnesota Rules, part
87.27 7090.1010, subpart 1, item B, subitem (1), applies only to the portions of a city, a town,
87.28 and unorganized areas of counties that are designated as urbanized under Code of Federal
87.29 Regulations, title 40, section ~~122.26 (2)(9)(i)(A)~~ 122.26 (a)(9)(i)(A), and other platted areas
87.30 within that jurisdiction.

88.1 Sec. 101. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision
88.2 6, is amended to read:

88.3 Subd. 6. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
88.4 districts for Grow Your Own new teacher programs:

88.5				<u>2018</u>
88.6	\$	1,500,000	.....	<u>2020</u>
88.7				<u>2019</u>
88.8	\$	1,500,000	.....	<u>2021</u>

88.9 (b) The grants are for school districts with more than 30 percent minority students for
88.10 a Board of Teaching-approved nonconventional teacher residency pilot program. The
88.11 program must provide tuition scholarships or stipends to enable school district employees
88.12 or community members affiliated with a school district who seek an education license to
88.13 participate in a nonconventional teacher preparation program. School districts that receive
88.14 funds under this subdivision are strongly encouraged to recruit candidates of color and
88.15 American Indian candidates to participate in the Grow Your Own new teacher programs.
88.16 Districts or schools providing financial support may require a commitment as determined
88.17 by the district to teach in the district or school for a reasonable amount of time that does
88.18 not exceed five years.

88.19 (c) School districts and charter schools may also apply for grants to develop innovative
88.20 expanded Grow Your Own programs that encourage secondary school students to pursue
88.21 teaching, including developing and offering dual-credit postsecondary course options in
88.22 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
88.23 with Minnesota Statutes, section 124D.09, subdivision 10.

88.24 (d) Programs must annually report to the commissioner by the date determined by the
88.25 commissioner on their activities under this section, including the number of participants,
88.26 the percentage of participants who are of color or who are American Indian, and an
88.27 assessment of program effectiveness, including participant feedback, areas for improvement,
88.28 the percentage of participants continuing to pursue teacher licensure, and the number of
88.29 participants hired in the school or district as teachers after completing preparation programs.

88.30 (e) The department may retain up to three percent of the appropriation amount to monitor
88.31 and administer the grant program.

88.32 (f) Any balance in the first year does not cancel but is available in the second year.

89.1 Sec. 102. **REVISOR INSTRUCTION.**

89.2 In chapter 383C of Minnesota Statutes, the revisor shall replace the range reference,
 89.3 "383C.03 to 383C.059" with "383C.03 to 383C.056."

89.4 Sec. 103. **REPEALER.**

89.5 Subdivision 1. **Obsolete cross-references.** Minnesota Statutes 2018, section 13.383,
 89.6 subdivision 9, is repealed.

89.7 Subd. 2. **Obsolete subdivision.** Minnesota Statutes 2018, section 115.71, subdivision
 89.8 4, is repealed.

89.9 Subd. 3. **Obsolete subdivision.** Minnesota Statutes 2018, section 161.1231, subdivision
 89.10 10, is repealed.

89.11 Subd. 4. **Conflict resolution.** Laws 2019, chapter 37, section 1, is repealed.

89.12 **ARTICLE 2**89.13 **HEALTH RECORDS DEFINITIONS**

89.14 Section 1. Minnesota Statutes 2018, section 62J.498, subdivision 1, is amended to read:

89.15 Subdivision 1. **Definitions.** (a) The following definitions apply to sections 62J.498 to
 89.16 62J.4982:

89.17 (b) "Clinical data repository" means a real time database that consolidates data from a
 89.18 variety of clinical sources to present a unified view of a single patient and is used by a
 89.19 state-certified health information exchange service provider to enable health information
 89.20 exchange among health care providers that are not related health care entities as defined in
 89.21 section 144.291, subdivision 2, paragraph ~~(j)~~ (k). This does not include clinical data that
 89.22 are submitted to the commissioner for public health purposes required or permitted by law,
 89.23 including any rules adopted by the commissioner.

89.24 (c) "Clinical transaction" means any meaningful use transaction or other health
 89.25 information exchange transaction that is not covered by section 62J.536.

89.26 (d) "Commissioner" means the commissioner of health.

89.27 (e) "Health care provider" or "provider" means a health care provider or provider as
 89.28 defined in section 62J.03, subdivision 8.

89.29 (f) "Health data intermediary" means an entity that provides the technical capabilities
 89.30 or related products and services to enable health information exchange among health care

90.1 providers that are not related health care entities as defined in section 144.291, subdivision
90.2 2, paragraph ~~(j)~~ (k). This includes but is not limited to: health information service providers
90.3 (HISP), electronic health record vendors, and pharmaceutical electronic data intermediaries
90.4 as defined in section 62J.495.

90.5 (g) "Health information exchange" means the electronic transmission of health-related
90.6 information between organizations according to nationally recognized standards.

90.7 (h) "Health information exchange service provider" means a health data intermediary
90.8 or health information organization.

90.9 (i) "Health information organization" means an organization that oversees, governs, and
90.10 facilitates health information exchange among health care providers that are not related
90.11 health care entities as defined in section 144.291, subdivision 2, paragraph ~~(j)~~ (k), to improve
90.12 coordination of patient care and the efficiency of health care delivery.

90.13 (j) "HITECH Act" means the Health Information Technology for Economic and Clinical
90.14 Health Act as defined in section 62J.495.

90.15 (k) "Major participating entity" means:

90.16 (1) a participating entity that receives compensation for services that is greater than 30
90.17 percent of the health information organization's gross annual revenues from the health
90.18 information exchange service provider;

90.19 (2) a participating entity providing administrative, financial, or management services to
90.20 the health information organization, if the total payment for all services provided by the
90.21 participating entity exceeds three percent of the gross revenue of the health information
90.22 organization; and

90.23 (3) a participating entity that nominates or appoints 30 percent or more of the board of
90.24 directors or equivalent governing body of the health information organization.

90.25 (l) "Master patient index" means an electronic database that holds unique identifiers of
90.26 patients registered at a care facility and is used by a state-certified health information
90.27 exchange service provider to enable health information exchange among health care providers
90.28 that are not related health care entities as defined in section 144.291, subdivision 2, paragraph
90.29 ~~(j)~~ (k). This does not include data that are submitted to the commissioner for public health
90.30 purposes required or permitted by law, including any rules adopted by the commissioner.

90.31 (m) "Meaningful use" means use of certified electronic health record technology to
90.32 improve quality, safety, and efficiency and reduce health disparities; engage patients and
90.33 families; improve care coordination and population and public health; and maintain privacy

91.1 and security of patient health information as established by the Centers for Medicare and
91.2 Medicaid Services and the Minnesota Department of Human Services pursuant to sections
91.3 4101, 4102, and 4201 of the HITECH Act.

91.4 (n) "Meaningful use transaction" means an electronic transaction that a health care
91.5 provider must exchange to receive Medicare or Medicaid incentives or avoid Medicare
91.6 penalties pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

91.7 (o) "Participating entity" means any of the following persons, health care providers,
91.8 companies, or other organizations with which a health information organization or health
91.9 data intermediary has contracts or other agreements for the provision of health information
91.10 exchange services:

91.11 (1) a health care facility licensed under sections 144.50 to 144.56, a nursing home
91.12 licensed under sections 144A.02 to 144A.10, and any other health care facility otherwise
91.13 licensed under the laws of this state or registered with the commissioner;

91.14 (2) a health care provider, and any other health care professional otherwise licensed
91.15 under the laws of this state or registered with the commissioner;

91.16 (3) a group, professional corporation, or other organization that provides the services of
91.17 individuals or entities identified in clause (2), including but not limited to a medical clinic,
91.18 a medical group, a home health care agency, an urgent care center, and an emergent care
91.19 center;

91.20 (4) a health plan as defined in section 62A.011, subdivision 3; and

91.21 (5) a state agency as defined in section 13.02, subdivision 17.

91.22 (p) "Reciprocal agreement" means an arrangement in which two or more health
91.23 information exchange service providers agree to share in-kind services and resources to
91.24 allow for the pass-through of clinical transactions.

91.25 (q) "State-certified health data intermediary" means a health data intermediary that has
91.26 been issued a certificate of authority to operate in Minnesota.

91.27 (r) "State-certified health information organization" means a health information
91.28 organization that has been issued a certificate of authority to operate in Minnesota.

91.29 Sec. 2. Minnesota Statutes 2018, section 62J.4981, subdivision 3, is amended to read:

91.30 Subd. 3. **Certificate of authority for health information organizations.** (a) A health
91.31 information organization must obtain a certificate of authority from the commissioner and
91.32 demonstrate compliance with the criteria in paragraph (c).

92.1 (b) Notwithstanding any law to the contrary, an organization may apply for a certificate
92.2 of authority to establish and operate a health information organization under this section.
92.3 No person shall establish or operate a health information organization in this state, nor sell
92.4 or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in
92.5 conjunction with a health information organization or health information contract unless
92.6 the organization has a certificate of authority under this section.

92.7 (c) In issuing the certificate of authority, the commissioner shall determine whether the
92.8 applicant for the certificate of authority has demonstrated that the applicant meets the
92.9 following minimum criteria:

92.10 (1) the entity is a legally established organization;

92.11 (2) appropriate insurance, including liability insurance, for the operation of the health
92.12 information organization is in place and sufficient to protect the interest of the public and
92.13 participating entities;

92.14 (3) strategic and operational plans address governance, technical infrastructure, legal
92.15 and policy issues, finance, and business operations in regard to how the organization will
92.16 expand to support providers in achieving health information exchange goals over time;

92.17 (4) the entity addresses the parameters to be used with participating entities and other
92.18 health information exchange service providers for clinical transactions, compliance with
92.19 Minnesota law, and interstate health information exchange trust agreements;

92.20 (5) the entity's board of directors or equivalent governing body is composed of members
92.21 that broadly represent the health information organization's participating entities and
92.22 consumers;

92.23 (6) the entity maintains a professional staff responsible to the board of directors or
92.24 equivalent governing body with the capacity to ensure accountability to the organization's
92.25 mission;

92.26 (7) the organization is compliant with national certification and accreditation programs
92.27 designated by the commissioner;

92.28 (8) the entity maintains the capability to query for patient information based on national
92.29 standards. The query capability may utilize a master patient index, clinical data repository,
92.30 or record locator service as defined in section 144.291, subdivision 2, paragraph ~~(i)~~ (j). The
92.31 entity must be compliant with the requirements of section 144.293, subdivision 8, when
92.32 conducting clinical transactions;

93.1 (9) the organization demonstrates interoperability with all other state-certified health
93.2 information organizations using nationally recognized standards;

93.3 (10) the organization demonstrates compliance with all privacy and security requirements
93.4 required by state and federal law; and

93.5 (11) the organization uses financial policies and procedures consistent with generally
93.6 accepted accounting principles and has an independent audit of the organization's financials
93.7 on an annual basis.

93.8 (d) Health information organizations that have obtained a certificate of authority must:

93.9 (1) meet the requirements established for connecting to the National eHealth Exchange;

93.10 (2) annually submit strategic and operational plans for review by the commissioner that
93.11 address:

93.12 (i) progress in achieving objectives included in previously submitted strategic and
93.13 operational plans across the following domains: business and technical operations, technical
93.14 infrastructure, legal and policy issues, finance, and organizational governance;

93.15 (ii) plans for ensuring the necessary capacity to support clinical transactions;

93.16 (iii) approach for attaining financial sustainability, including public and private financing
93.17 strategies, and rate structures;

93.18 (iv) rates of adoption, utilization, and transaction volume, and mechanisms to support
93.19 health information exchange; and

93.20 (v) an explanation of methods employed to address the needs of community clinics,
93.21 critical access hospitals, and free clinics in accessing health information exchange services;

93.22 (3) enter into reciprocal agreements with all other state-certified health information
93.23 organizations and state-certified health data intermediaries to enable access to patient data,
93.24 and for the transmission and receipt of clinical transactions. Reciprocal agreements must
93.25 meet the requirements in subdivision 5;

93.26 (4) participate in statewide shared health information exchange services as defined by
93.27 the commissioner to support interoperability between state-certified health information
93.28 organizations and state-certified health data intermediaries; and

93.29 (5) comply with additional requirements for the certification or recertification of health
93.30 information organizations that may be established by the commissioner.

94.1 Sec. 3. Minnesota Statutes 2018, section 144.292, subdivision 7, is amended to read:

94.2 Subd. 7. **Withholding health records from patient.** (a) If a provider, as defined in
94.3 section 144.291, subdivision 2, paragraph ~~(h)~~ (i), clause (1), reasonably determines that the
94.4 information is detrimental to the physical or mental health of the patient, or is likely to cause
94.5 the patient to inflict self harm, or to harm another, the provider may withhold the information
94.6 from the patient and may supply the information to an appropriate third party or to another
94.7 provider, as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), clause (1). The
94.8 other provider or third party may release the information to the patient.

94.9 (b) A provider, as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), clause
94.10 (3), shall release information upon written request unless, prior to the request, a provider,
94.11 as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), clause (1), has designated
94.12 and described a specific basis for withholding the information as authorized by paragraph
94.13 (a).

94.14 Sec. 4. Minnesota Statutes 2018, section 145.901, subdivision 2, is amended to read:

94.15 Subd. 2. **Access to data.** (a) The commissioner of health has access to medical data as
94.16 defined in section 13.384, subdivision 1, paragraph (b), medical examiner data as defined
94.17 in section 13.83, subdivision 1, and health records created, maintained, or stored by providers
94.18 as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), without the consent of the
94.19 subject of the data, and without the consent of the parent, spouse, other guardian, or legal
94.20 representative of the subject of the data, when the subject of the data is a woman who died
94.21 during a pregnancy or within 12 months of a fetal death, a live birth, or other termination
94.22 of a pregnancy.

94.23 The commissioner has access only to medical data and health records related to deaths
94.24 that occur on or after July 1, 2000.

94.25 (b) The provider or responsible authority that creates, maintains, or stores the data shall
94.26 furnish the data upon the request of the commissioner. The provider or responsible authority
94.27 may charge a fee for providing the data, not to exceed the actual cost of retrieving and
94.28 duplicating the data.

94.29 (c) The commissioner shall make a good faith reasonable effort to notify the parent,
94.30 spouse, other guardian, or legal representative of the subject of the data before collecting
94.31 data on the subject. For purposes of this paragraph, "reasonable effort" means one notice
94.32 is sent by certified mail to the last known address of the parent, spouse, guardian, or legal

95.1 representative informing the recipient of the data collection and offering a public health
95.2 nurse support visit if desired.

95.3 (d) The commissioner does not have access to coroner or medical examiner data that
95.4 are part of an active investigation as described in section 13.83.

95.5 Sec. 5. Minnesota Statutes 2018, section 146A.08, subdivision 4, is amended to read:

95.6 Subd. 4. **Examination; access to medical data.** (a) If the commissioner has probable
95.7 cause to believe that an unlicensed complementary and alternative health care practitioner
95.8 has engaged in conduct prohibited by subdivision 1, paragraph (h), (i), (j), or (k), the
95.9 commissioner may issue an order directing the practitioner to submit to a mental or physical
95.10 examination or chemical dependency evaluation. For the purpose of this subdivision, every
95.11 unlicensed complementary and alternative health care practitioner is deemed to have
95.12 consented to submit to a mental or physical examination or chemical dependency evaluation
95.13 when ordered to do so in writing by the commissioner and further to have waived all
95.14 objections to the admissibility of the testimony or examination reports of the health care
95.15 provider performing the examination or evaluation on the grounds that the same constitute
95.16 a privileged communication. Failure of an unlicensed complementary and alternative health
95.17 care practitioner to submit to an examination or evaluation when ordered, unless the failure
95.18 was due to circumstances beyond the practitioner's control, constitutes an admission that
95.19 the unlicensed complementary and alternative health care practitioner violated subdivision
95.20 1, paragraph (h), (i), (j), or (k), based on the factual specifications in the examination or
95.21 evaluation order and may result in a default and final disciplinary order being entered after
95.22 a contested case hearing. An unlicensed complementary and alternative health care
95.23 practitioner affected under this paragraph shall at reasonable intervals be given an opportunity
95.24 to demonstrate that the practitioner can resume the provision of complementary and
95.25 alternative health care practices with reasonable safety to clients. In any proceeding under
95.26 this paragraph, neither the record of proceedings nor the orders entered by the commissioner
95.27 shall be used against an unlicensed complementary and alternative health care practitioner
95.28 in any other proceeding.

95.29 (b) In addition to ordering a physical or mental examination or chemical dependency
95.30 evaluation, the commissioner may, notwithstanding section 13.384; 144.651; 595.02; or
95.31 any other law limiting access to medical or other health data, obtain medical data and health
95.32 records relating to an unlicensed complementary and alternative health care practitioner
95.33 without the practitioner's consent if the commissioner has probable cause to believe that a
95.34 practitioner has engaged in conduct prohibited by subdivision 1, paragraph (h), (i), (j), or

96.1 (k). The medical data may be requested from a provider as defined in section 144.291,
96.2 subdivision 2, paragraph ~~(h)~~ (i), an insurance company, or a government agency, including
96.3 the Department of Human Services. A provider, insurance company, or government agency
96.4 shall comply with any written request of the commissioner under this subdivision and is
96.5 not liable in any action for damages for releasing the data requested by the commissioner
96.6 if the data are released pursuant to a written request under this subdivision, unless the
96.7 information is false and the person or organization giving the information knew or had
96.8 reason to believe the information was false. Information obtained under this subdivision is
96.9 private data under section 13.41.

96.10 Sec. 6. Minnesota Statutes 2018, section 147.091, subdivision 6, is amended to read:

96.11 Subd. 6. **Mental examination; access to medical data.** (a) If the board has probable
96.12 cause to believe that a regulated person comes under subdivision 1, paragraph (1), it may
96.13 direct the person to submit to a mental or physical examination. For the purpose of this
96.14 subdivision every regulated person is deemed to have consented to submit to a mental or
96.15 physical examination when directed in writing by the board and further to have waived all
96.16 objections to the admissibility of the examining physicians' testimony or examination reports
96.17 on the ground that the same constitute a privileged communication. Failure of a regulated
96.18 person to submit to an examination when directed constitutes an admission of the allegations
96.19 against the person, unless the failure was due to circumstance beyond the person's control,
96.20 in which case a default and final order may be entered without the taking of testimony or
96.21 presentation of evidence. A regulated person affected under this paragraph shall at reasonable
96.22 intervals be given an opportunity to demonstrate that the person can resume the competent
96.23 practice of the regulated profession with reasonable skill and safety to the public.

96.24 In any proceeding under this paragraph, neither the record of proceedings nor the orders
96.25 entered by the board shall be used against a regulated person in any other proceeding.

96.26 (b) In addition to ordering a physical or mental examination, the board may,
96.27 notwithstanding section 13.384, 144.651, or any other law limiting access to medical or
96.28 other health data, obtain medical data and health records relating to a regulated person or
96.29 applicant without the person's or applicant's consent if the board has probable cause to
96.30 believe that a regulated person comes under subdivision 1, paragraph (1). The medical data
96.31 may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph
96.32 ~~(h)~~ (i), an insurance company, or a government agency, including the Department of Human
96.33 Services. A provider, insurance company, or government agency shall comply with any
96.34 written request of the board under this subdivision and is not liable in any action for damages

97.1 for releasing the data requested by the board if the data are released pursuant to a written
97.2 request under this subdivision, unless the information is false and the provider giving the
97.3 information knew, or had reason to believe, the information was false. Information obtained
97.4 under this subdivision is classified as private under sections 13.01 to 13.87.

97.5 Sec. 7. Minnesota Statutes 2018, section 147A.13, subdivision 6, is amended to read:

97.6 Subd. 6. **Mental examination; access to medical data.** (a) If the board has probable
97.7 cause to believe that a physician assistant comes under subdivision 1, clause (1), it may
97.8 direct the physician assistant to submit to a mental or physical examination. For the purpose
97.9 of this subdivision, every physician assistant licensed under this chapter is deemed to have
97.10 consented to submit to a mental or physical examination when directed in writing by the
97.11 board and further to have waived all objections to the admissibility of the examining
97.12 physicians' testimony or examination reports on the ground that the same constitute a
97.13 privileged communication. Failure of a physician assistant to submit to an examination
97.14 when directed constitutes an admission of the allegations against the physician assistant,
97.15 unless the failure was due to circumstance beyond the physician assistant's control, in which
97.16 case a default and final order may be entered without the taking of testimony or presentation
97.17 of evidence. A physician assistant affected under this subdivision shall at reasonable intervals
97.18 be given an opportunity to demonstrate that the physician assistant can resume competent
97.19 practice with reasonable skill and safety to patients. In any proceeding under this subdivision,
97.20 neither the record of proceedings nor the orders entered by the board shall be used against
97.21 a physician assistant in any other proceeding.

97.22 (b) In addition to ordering a physical or mental examination, the board may,
97.23 notwithstanding sections 13.384, 144.651, or any other law limiting access to medical or
97.24 other health data, obtain medical data and health records relating to a licensee or applicant
97.25 without the licensee's or applicant's consent if the board has probable cause to believe that
97.26 a physician assistant comes under subdivision 1, clause (1).

97.27 The medical data may be requested from a provider, as defined in section 144.291,
97.28 subdivision 2, paragraph ~~(h)~~ (i), an insurance company, or a government agency, including
97.29 the Department of Human Services. A provider, insurance company, or government agency
97.30 shall comply with any written request of the board under this subdivision and is not liable
97.31 in any action for damages for releasing the data requested by the board if the data are released
97.32 pursuant to a written request under this subdivision, unless the information is false and the
97.33 provider giving the information knew, or had reason to believe, the information was false.
97.34 Information obtained under this subdivision is classified as private under chapter 13.

98.1 Sec. 8. Minnesota Statutes 2018, section 148.10, subdivision 1, is amended to read:

98.2 Subdivision 1. **Grounds.** (a) The state Board of Chiropractic Examiners may refuse to
98.3 grant, or may revoke, suspend, condition, limit, restrict or qualify a license to practice
98.4 chiropractic, or may cause the name of a person licensed to be removed from the records
98.5 in the office of the court administrator of the district court for:

98.6 (1) advertising that is false or misleading; that violates a rule of the board; or that claims
98.7 the cure of any condition or disease;

98.8 (2) the employment of fraud or deception in applying for a license or in passing the
98.9 examination provided for in section 148.06 or conduct which subverts or attempts to subvert
98.10 the licensing examination process;

98.11 (3) the practice of chiropractic under a false or assumed name or the impersonation of
98.12 another practitioner of like or different name;

98.13 (4) the conviction of a crime involving moral turpitude;

98.14 (5) the conviction, during the previous five years, of a felony reasonably related to the
98.15 practice of chiropractic;

98.16 (6) habitual intemperance in the use of alcohol or drugs;

98.17 (7) practicing under a license which has not been renewed;

98.18 (8) advanced physical or mental disability;

98.19 (9) the revocation or suspension of a license to practice chiropractic; or other disciplinary
98.20 action against the licensee; or the denial of an application for a license by the proper licensing
98.21 authority of another state, territory or country; or failure to report to the board that charges
98.22 regarding the person's license have been brought in another state or jurisdiction;

98.23 (10) the violation of, or failure to comply with, the provisions of sections 148.01 to
98.24 148.105, the rules of the state Board of Chiropractic Examiners, or a lawful order of the
98.25 board;

98.26 (11) unprofessional conduct;

98.27 (12) being unable to practice chiropractic with reasonable skill and safety to patients by
98.28 reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics,
98.29 chemicals or any other type of material, or as a result of any mental or physical condition,
98.30 including deterioration through the aging process or loss of motor skills. If the board has
98.31 probable cause to believe that a person comes within this clause, it shall direct the person
98.32 to submit to a mental or physical examination. For the purpose of this clause, every person

99.1 licensed under this chapter shall be deemed to have given consent to submit to a mental or
99.2 physical examination when directed in writing by the board and further to have waived all
99.3 objections to the admissibility of the examining physicians' testimony or examination reports
99.4 on the ground that the same constitute a privileged communication. Failure of a person to
99.5 submit to such examination when directed shall constitute an admission of the allegations,
99.6 unless the failure was due to circumstances beyond the person's control, in which case a
99.7 default and final order may be entered without the taking of testimony or presentation of
99.8 evidence. A person affected under this clause shall at reasonable intervals be afforded an
99.9 opportunity to demonstrate that the person can resume the competent practice of chiropractic
99.10 with reasonable skill and safety to patients.

99.11 In addition to ordering a physical or mental examination, the board may, notwithstanding
99.12 section 13.384, 144.651, or any other law limiting access to health data, obtain health data
99.13 and health records relating to a licensee or applicant without the licensee's or applicant's
99.14 consent if the board has probable cause to believe that a doctor of chiropractic comes under
99.15 this clause. The health data may be requested from a provider, as defined in section 144.291,
99.16 subdivision 2, paragraph ~~(h)~~ (i), an insurance company, or a government agency, including
99.17 the Department of Human Services. A provider, insurance company, or government agency
99.18 shall comply with any written request of the board under this subdivision and is not liable
99.19 in any action for damages for releasing the data requested by the board if the data are released
99.20 pursuant to a written request under this subdivision, unless the information is false and the
99.21 provider or entity giving the information knew, or had reason to believe, the information
99.22 was false. Information obtained under this subdivision is classified as private under sections
99.23 13.01 to 13.87.

99.24 In any proceeding under this clause, neither the record of proceedings nor the orders
99.25 entered by the board shall be used against a person in any other proceeding;

99.26 (13) aiding or abetting an unlicensed person in the practice of chiropractic, except that
99.27 it is not a violation of this clause for a doctor of chiropractic to employ, supervise, or delegate
99.28 functions to a qualified person who may or may not be required to obtain a license or
99.29 registration to provide health services if that person is practicing within the scope of the
99.30 license or registration or delegated authority;

99.31 (14) improper management of health records, including failure to maintain adequate
99.32 health records as described in clause (18), to comply with a patient's request made under
99.33 sections 144.291 to 144.298 or to furnish a health record or report required by law;

100.1 (15) failure to make reports required by section 148.102, subdivisions 2 and 5, or to
100.2 cooperate with an investigation of the board as required by section 148.104, or the submission
100.3 of a knowingly false report against another doctor of chiropractic under section 148.10,
100.4 subdivision 3;

100.5 (16) splitting fees, or promising to pay a portion of a fee or a commission, or accepting
100.6 a rebate;

100.7 (17) revealing a privileged communication from or relating to a patient, except when
100.8 otherwise required or permitted by law;

100.9 (18) failing to keep written chiropractic records justifying the course of treatment of the
100.10 patient, including, but not limited to, patient histories, examination results, test results, and
100.11 x-rays. Unless otherwise required by law, written records need not be retained for more
100.12 than seven years and x-rays need not be retained for more than four years;

100.13 (19) exercising influence on the patient or client in such a manner as to exploit the patient
100.14 or client for financial gain of the licensee or of a third party which shall include, but not be
100.15 limited to, the promotion or sale of services, goods, or appliances;

100.16 (20) gross or repeated malpractice or the failure to practice chiropractic at a level of
100.17 care, skill, and treatment which is recognized by a reasonably prudent chiropractor as being
100.18 acceptable under similar conditions and circumstances; or

100.19 (21) delegating professional responsibilities to a person when the licensee delegating
100.20 such responsibilities knows or has reason to know that the person is not qualified by training,
100.21 experience, or licensure to perform them.

100.22 (b) For the purposes of paragraph (a), clause (2), conduct that subverts or attempts to
100.23 subvert the licensing examination process includes, but is not limited to: (1) conduct that
100.24 violates the security of the examination materials, such as removing examination materials
100.25 from the examination room or having unauthorized possession of any portion of a future,
100.26 current, or previously administered licensing examination; (2) conduct that violates the
100.27 standard of test administration, such as communicating with another examinee during
100.28 administration of the examination, copying another examinee's answers, permitting another
100.29 examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating
100.30 an examinee or permitting an impersonator to take the examination on one's own behalf.

100.31 (c) For the purposes of paragraph (a), clauses (4) and (5), conviction as used in these
100.32 subdivisions includes a conviction of an offense that if committed in this state would be
100.33 deemed a felony without regard to its designation elsewhere, or a criminal proceeding where

101.1 a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld
101.2 or not entered.

101.3 (d) For the purposes of paragraph (a), clauses (4), (5), and (6), a copy of the judgment
101.4 or proceeding under seal of the administrator of the court or of the administrative agency
101.5 which entered the same shall be admissible into evidence without further authentication
101.6 and shall constitute prima facie evidence of its contents.

101.7 (e) For the purposes of paragraph (a), clause (11), unprofessional conduct means any
101.8 unethical, deceptive or deleterious conduct or practice harmful to the public, any departure
101.9 from or the failure to conform to the minimal standards of acceptable chiropractic practice,
101.10 or a willful or careless disregard for the health, welfare or safety of patients, in any of which
101.11 cases proof of actual injury need not be established. Unprofessional conduct shall include,
101.12 but not be limited to, the following acts of a chiropractor:

101.13 (1) gross ignorance of, or incompetence in, the practice of chiropractic;

101.14 (2) engaging in conduct with a patient that is sexual or may reasonably be interpreted
101.15 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning
101.16 to a patient;

101.17 (3) performing unnecessary services;

101.18 (4) charging a patient an unconscionable fee or charging for services not rendered;

101.19 (5) directly or indirectly engaging in threatening, dishonest, or misleading fee collection
101.20 techniques;

101.21 (6) perpetrating fraud upon patients, third-party payors, or others, relating to the practice
101.22 of chiropractic, including violations of the Medicare or Medicaid laws or state medical
101.23 assistance laws;

101.24 (7) advertising that the licensee will accept for services rendered assigned payments
101.25 from any third-party payer as payment in full, if the effect is to give the impression of
101.26 eliminating the need of payment by the patient of any required deductible or co-payment
101.27 applicable in the patient's health benefit plan. As used in this clause, "advertise" means
101.28 solicitation by the licensee by means of handbills, posters, circulars, motion pictures, radio,
101.29 newspapers, television, or in any other manner. In addition to the board's power to punish
101.30 for violations of this clause, violation of this clause is also a misdemeanor;

101.31 (8) accepting for services rendered assigned payments from any third-party payer as
101.32 payment in full, if the effect is to eliminate the need of payment by the patient of any required

102.1 deductible or co-payment applicable in the patient's health benefit plan, except as hereinafter
102.2 provided; and

102.3 (9) any other act that the board by rule may define.

102.4 Sec. 9. Minnesota Statutes 2018, section 148.261, subdivision 5, is amended to read:

102.5 Subd. 5. **Examination; access to medical data.** The board may take the following
102.6 actions if it has probable cause to believe that grounds for disciplinary action exist under
102.7 subdivision 1, clause (9) or (10):

102.8 (a) It may direct the applicant or nurse to submit to a mental or physical examination or
102.9 chemical dependency evaluation. For the purpose of this subdivision, when a nurse licensed
102.10 under sections 148.171 to 148.285 is directed in writing by the board to submit to a mental
102.11 or physical examination or chemical dependency evaluation, that person is considered to
102.12 have consented and to have waived all objections to admissibility on the grounds of privilege.
102.13 Failure of the applicant or nurse to submit to an examination when directed constitutes an
102.14 admission of the allegations against the applicant or nurse, unless the failure was due to
102.15 circumstances beyond the person's control, and the board may enter a default and final order
102.16 without taking testimony or allowing evidence to be presented. A nurse affected under this
102.17 paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that the
102.18 competent practice of professional, advanced practice registered, or practical nursing can
102.19 be resumed with reasonable skill and safety to patients. Neither the record of proceedings
102.20 nor the orders entered by the board in a proceeding under this paragraph, may be used
102.21 against a nurse in any other proceeding.

102.22 (b) It may, notwithstanding sections 13.384, 144.651, 595.02, or any other law limiting
102.23 access to medical or other health data, obtain medical data and health records relating to a
102.24 registered nurse, advanced practice registered nurse, licensed practical nurse, or applicant
102.25 for a license without that person's consent. The medical data may be requested from a
102.26 provider, as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), an insurance
102.27 company, or a government agency, including the Department of Human Services. A provider,
102.28 insurance company, or government agency shall comply with any written request of the
102.29 board under this subdivision and is not liable in any action for damages for releasing the
102.30 data requested by the board if the data are released pursuant to a written request under this
102.31 subdivision unless the information is false and the provider giving the information knew,
102.32 or had reason to believe, the information was false. Information obtained under this
102.33 subdivision is classified as private data on individuals as defined in section 13.02.

103.1 Sec. 10. Minnesota Statutes 2018, section 148.754, is amended to read:

103.2 **148.754 EXAMINATION; ACCESS TO MEDICAL DATA.**

103.3 (a) If the board has probable cause to believe that a licensee comes under section 148.75,
103.4 paragraph (a), clause (2), it may direct the licensee to submit to a mental or physical
103.5 examination. For the purpose of this paragraph, every licensee is deemed to have consented
103.6 to submit to a mental or physical examination when directed in writing by the board and
103.7 further to have waived all objections to the admissibility of the examining physicians'
103.8 testimony or examination reports on the ground that they constitute a privileged
103.9 communication. Failure of the licensee to submit to an examination when directed constitutes
103.10 an admission of the allegations against the person, unless the failure was due to circumstances
103.11 beyond the person's control, in which case a default and final order may be entered without
103.12 the taking of testimony or presentation of evidence. A licensee affected under this paragraph
103.13 shall, at reasonable intervals, be given an opportunity to demonstrate that the person can
103.14 resume the competent practice of physical therapy with reasonable skill and safety to the
103.15 public.

103.16 (b) In any proceeding under paragraph (a), neither the record of proceedings nor the
103.17 orders entered by the board shall be used against a licensee in any other proceeding.

103.18 (c) In addition to ordering a physical or mental examination, the board may,
103.19 notwithstanding section 13.384, 144.651, or any other law limiting access to medical or
103.20 other health data, obtain medical data and health records relating to a licensee or applicant
103.21 without the person's or applicant's consent if the board has probable cause to believe that
103.22 the person comes under paragraph (a). The medical data may be requested from a provider,
103.23 as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), an insurance company, or a
103.24 government agency, including the Department of Human Services. A provider, insurance
103.25 company, or government agency shall comply with any written request of the board under
103.26 this paragraph and is not liable in any action for damages for releasing the data requested
103.27 by the board if the data are released pursuant to a written request under this paragraph,
103.28 unless the information is false and the provider giving the information knew, or had reason
103.29 to believe, the information was false. Information obtained under this paragraph is classified
103.30 as private under sections 13.01 to 13.87.

104.1 Sec. 11. Minnesota Statutes 2018, section 148B.5905, is amended to read:

104.2 **148B.5905 MENTAL, PHYSICAL, OR CHEMICAL DEPENDENCY**

104.3 **EXAMINATION OR EVALUATION; ACCESS TO MEDICAL DATA.**

104.4 (a) If the board has probable cause to believe section 148B.59, paragraph (a), clause (9),
104.5 applies to a licensee or applicant, the board may direct the person to submit to a mental,
104.6 physical, or chemical dependency examination or evaluation. For the purpose of this section,
104.7 every licensee and applicant is deemed to have consented to submit to a mental, physical,
104.8 or chemical dependency examination or evaluation when directed in writing by the board
104.9 and to have waived all objections to the admissibility of the examining professionals'
104.10 testimony or examination reports on the grounds that the testimony or examination reports
104.11 constitute a privileged communication. Failure of a licensee or applicant to submit to an
104.12 examination when directed by the board constitutes an admission of the allegations against
104.13 the person, unless the failure was due to circumstances beyond the person's control, in which
104.14 case a default and final order may be entered without the taking of testimony or presentation
104.15 of evidence. A licensee or applicant affected under this paragraph shall at reasonable intervals
104.16 be given an opportunity to demonstrate that the person can resume the competent practice
104.17 of licensed professional counseling with reasonable skill and safety to the public. In any
104.18 proceeding under this paragraph, neither the record of proceedings nor the orders entered
104.19 by the board shall be used against a licensee or applicant in any other proceeding.

104.20 (b) In addition to ordering a physical or mental examination, the board may,
104.21 notwithstanding section 13.384, 144.651, or any other law limiting access to medical or
104.22 other health data, obtain medical data and health records relating to a licensee or applicant
104.23 without the licensee's or applicant's consent if the board has probable cause to believe that
104.24 section 148B.59, paragraph (a), clause (9), applies to the licensee or applicant. The medical
104.25 data may be requested from a provider, as defined in section 144.291, subdivision 2,
104.26 paragraph ~~(h)~~ (i); an insurance company; or a government agency, including the Department
104.27 of Human Services. A provider, insurance company, or government agency shall comply
104.28 with any written request of the board under this subdivision and is not liable in any action
104.29 for damages for releasing the data requested by the board if the data are released pursuant
104.30 to a written request under this subdivision, unless the information is false and the provider
104.31 giving the information knew, or had reason to believe, the information was false. Information
104.32 obtained under this subdivision is classified as private under sections 13.01 to 13.87.

105.1 Sec. 12. Minnesota Statutes 2018, section 148E.245, subdivision 5, is amended to read:

105.2 Subd. 5. **Access to data and records.** (a) In addition to ordering a physical or mental
105.3 examination or chemical dependency evaluation, and notwithstanding section 13.384,
105.4 144.651, 595.02, or any other statute limiting access to health records, the board or a
105.5 designated member of the board acting on behalf of the board may subpoena physical,
105.6 mental, and chemical dependency health records relating to an applicant or licensee without
105.7 the applicant's or licensee's consent if the board has:

105.8 (1) probable cause to believe that the applicant or licensee has violated chapter 214, a
105.9 statute or rule enforced by the board, or an order issued by the board; and

105.10 (2) reason to believe that the records are relevant and necessary to the investigation.

105.11 (b) An applicant, licensee, insurance company, government agency, health care facility,
105.12 or provider as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), must comply
105.13 with any subpoena of the board under this subdivision and is not liable in any action for
105.14 damages for releasing information subpoenaed by the board under this subdivision unless
105.15 the information provided is false and the person or entity providing the information knew
105.16 or had reason to know that the information was false.

105.17 (c) Information on individuals obtained under this subdivision must be treated as
105.18 investigative data under section 13.41 and be classified as confidential data.

105.19 (d) If an applicant, licensee, person, or entity does not comply with any subpoena of the
105.20 board under this subdivision, the board may institute a proceeding in any district court to
105.21 enforce the board's subpoena.

105.22 Sec. 13. Minnesota Statutes 2018, section 148F.09, subdivision 6, is amended to read:

105.23 Subd. 6. **Mental, physical, or chemical health evaluation.** (a) If the board has probable
105.24 cause to believe that an applicant or licensee is unable to practice alcohol and drug counseling
105.25 with reasonable skill and safety due to a mental or physical illness or condition, the board
105.26 may direct the individual to submit to a mental, physical, or chemical dependency
105.27 examination or evaluation.

105.28 (1) For the purposes of this section, every licensee and applicant is deemed to have
105.29 consented to submit to a mental, physical, or chemical dependency examination or evaluation
105.30 when directed in writing by the board and to have waived all objections to the admissibility
105.31 of the examining professionals' testimony or examination reports on the grounds that the
105.32 testimony or examination reports constitute a privileged communication.

106.1 (2) Failure of a licensee or applicant to submit to an examination when directed by the
106.2 board constitutes an admission of the allegations against the person, unless the failure was
106.3 due to circumstances beyond the person's control, in which case a default and final order
106.4 may be entered without the taking of testimony or presentation of evidence.

106.5 (3) A licensee or applicant affected under this subdivision shall at reasonable intervals
106.6 be given an opportunity to demonstrate that the licensee or applicant can resume the
106.7 competent practice of licensed alcohol and drug counseling with reasonable skill and safety
106.8 to the public.

106.9 (4) In any proceeding under this subdivision, neither the record of proceedings nor the
106.10 orders entered by the board shall be used against the licensee or applicant in any other
106.11 proceeding.

106.12 (b) In addition to ordering a physical or mental examination, the board may,
106.13 notwithstanding section 13.384 or sections 144.291 to 144.298, or any other law limiting
106.14 access to medical or other health data, obtain medical data and health records relating to a
106.15 licensee or applicant without the licensee's or applicant's consent if the board has probable
106.16 cause to believe that subdivision 1, clause (9), applies to the licensee or applicant. The
106.17 medical data may be requested from:

106.18 (1) a provider, as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i);

106.19 (2) an insurance company; or

106.20 (3) a government agency, including the Department of Human Services.

106.21 (c) A provider, insurance company, or government agency must comply with any written
106.22 request of the board under this subdivision and is not liable in any action for damages for
106.23 releasing the data requested by the board if the data are released pursuant to a written request
106.24 under this subdivision, unless the information is false and the provider giving the information
106.25 knew, or had reason to believe, the information was false.

106.26 (d) Information obtained under this subdivision is private data on individuals as defined
106.27 in section 13.02, subdivision 12.

106.28 Sec. 14. Minnesota Statutes 2018, section 151.071, subdivision 10, is amended to read:

106.29 Subd. 10. **Mental examination; access to medical data.** (a) If the board receives a
106.30 complaint and has probable cause to believe that an individual licensed or registered by the
106.31 board falls under subdivision 2, clause (14), it may direct the individual to submit to a mental
106.32 or physical examination. For the purpose of this subdivision, every licensed or registered

107.1 individual is deemed to have consented to submit to a mental or physical examination when
107.2 directed in writing by the board and further to have waived all objections to the admissibility
107.3 of the examining practitioner's testimony or examination reports on the grounds that the
107.4 same constitute a privileged communication. Failure of a licensed or registered individual
107.5 to submit to an examination when directed constitutes an admission of the allegations against
107.6 the individual, unless the failure was due to circumstances beyond the individual's control,
107.7 in which case a default and final order may be entered without the taking of testimony or
107.8 presentation of evidence. Pharmacists affected under this paragraph shall at reasonable
107.9 intervals be given an opportunity to demonstrate that they can resume the competent practice
107.10 of the profession of pharmacy with reasonable skill and safety to the public. Pharmacist
107.11 interns, pharmacy technicians, or controlled substance researchers affected under this
107.12 paragraph shall at reasonable intervals be given an opportunity to demonstrate that they can
107.13 competently resume the duties that can be performed, under this chapter or the rules of the
107.14 board, by similarly registered persons with reasonable skill and safety to the public. In any
107.15 proceeding under this paragraph, neither the record of proceedings nor the orders entered
107.16 by the board shall be used against a licensed or registered individual in any other proceeding.

107.17 (b) Notwithstanding section 13.384, 144.651, or any other law limiting access to medical
107.18 or other health data, the board may obtain medical data and health records relating to an
107.19 individual licensed or registered by the board, or to an applicant for licensure or registration,
107.20 without the individual's consent when the board receives a complaint and has probable cause
107.21 to believe that the individual is practicing in violation of subdivision 2, clause (14), and the
107.22 data and health records are limited to the complaint. The medical data may be requested
107.23 from a provider, as defined in section 144.291, subdivision 2, paragraph ~~(h)~~ (i), an insurance
107.24 company, or a government agency, including the Department of Human Services. A provider,
107.25 insurance company, or government agency shall comply with any written request of the
107.26 board under this subdivision and is not liable in any action for damages for releasing the
107.27 data requested by the board if the data are released pursuant to a written request under this
107.28 subdivision, unless the information is false and the provider giving the information knew,
107.29 or had reason to believe, the information was false. Information obtained under this
107.30 subdivision is classified as private under sections 13.01 to 13.87.

107.31 Sec. 15. Minnesota Statutes 2018, section 156.125, subdivision 3, is amended to read:

107.32 Subd. 3. **Obtaining data and health records.** In addition to ordering a physical or
107.33 mental examination and notwithstanding sections 13.384, 144.291 to 144.298, 144.651, or
107.34 595.02, or any other law limiting access to medical or other health records, the board may
107.35 authorize obtaining data and health records relating to a regulated person without the

108.1 regulated person's consent if the executive director has probable cause to believe that grounds
108.2 exist under section 156.081, subdivision 2, clause (3) or (13), against the regulated person.
108.3 A regulated person, insurance company, health care facility, provider as defined in section
108.4 144.291, subdivision 2, paragraph ~~(h)~~ (i), or government agency shall comply with any
108.5 written request under this subdivision and is not liable in any action for damages for releasing
108.6 the data requested if the data are released in accordance with a written request made under
108.7 this subdivision. Information on individuals obtained under this subdivision is investigative
108.8 data under section 13.41.

108.9 ARTICLE 3

108.10 DATA PRACTICES CROSS-REFERENCES

108.11 Section 1. Minnesota Statutes 2018, section 13.7905, subdivision 2, is amended to read:

108.12 Subd. 2. **Department of Labor and Industry. (a) Workers' Compensation Division.**
108.13 Disclosure of proceedings of the Workers' Compensation Division is governed by ~~section~~
108.14 sections 175.10; 176.231, subdivision 9b; and 176.2611, subdivision 6.

108.15 (b) **Computer access to data.** Computer access to and electronic data interchange of
108.16 data maintained by the Department of Labor and Industry are governed by section 175.171.

108.17 (c) **Reporters.** Disclosure of the names of certain persons supplying information to the
108.18 Department of Labor and Industry is prohibited by sections 175.24 and 175.27.

108.19 Sec. 2. Minnesota Statutes 2018, section 13.7905, subdivision 3, is amended to read:

108.20 Subd. 3. **Workers' compensation. (a) Loggers; payroll data.** Data sharing of payroll
108.21 data by the commissioner of labor and industry with a workers' compensation insurer or the
108.22 Workers' Compensation Insurance Association, is governed by section 176.130, subdivision
108.23 5.

108.24 (b) **Medical data.** Access to medical data in connection with a workers' compensation
108.25 claim is governed by section 176.138.

108.26 (c) **Employment status.** Data sharing, between the commissioner of labor and industry
108.27 and other persons, regarding the employment status of individuals, is governed by section
108.28 176.181, subdivision 8.

108.29 (d) **Identity of reporters.** Access to the identity of anyone reporting that an employer
108.30 may not have workers' compensation insurance is governed by section 176.184, subdivision
108.31 5.

109.1 (e) **Report of death or injury to labor and industry.** Access to a report of worker
109.2 ~~injury or death during the course of employment filed by an employer under section 176.231~~
109.3 related to a workers' compensation injury under chapter 176 is governed by sections 176.231,
109.4 subdivisions 8 and ~~9~~ 9a to 9c, and 176.234.

109.5 (f) **Investigative and enforcement data.** Classification of data related to a department
109.6 workers' compensation enforcement action or investigation is governed by section 176.231,
109.7 subdivision 9c, paragraph (c).

109.8 (g) **Disputes.** Certain documents filed with or issued by the Department of Labor and
109.9 Industry or the Office of Administrative Hearings related to workers' compensation disputes
109.10 are classified under sections 176.231 and 176.2611.

109.11 Sec. 3. Minnesota Statutes 2018, section 13.7905, subdivision 4a, is amended to read:

109.12 Subd. 4a. **Independent Contractor registration applications and certificates.** Data
109.13 in registration applications and, in required documentation submitted to the commissioner
109.14 of labor and industry by independent contractors persons who perform public or private
109.15 sector commercial or residential building construction or improvement services, and in
109.16 registration certificates issued by the commissioner are classified under section 326B.701,
109.17 subdivision 8.

109.18 Sec. 4. Minnesota Statutes 2018, section 13.7905, subdivision 5, is amended to read:

109.19 Subd. 5. **Terms of employment. (a) Disclosure of lie detector tests.** Disclosure of lie
109.20 detector tests is governed by section 181.76.

109.21 (b) **Identity of employees making complaints.** The disclosure of the identity of
109.22 employees making certain complaints is also governed by section 181.932, subdivision 2.

109.23 (c) **Employee drug and alcohol test results.** Test results and other information acquired
109.24 in the drug and alcohol testing process, with respect to public sector employees and
109.25 applicants, are classified by section 181.954, subdivision 2, and access to them is governed
109.26 by section 181.954, subdivision 3.

109.27 (d) **Data provided to licensing agencies, contracting agencies, and employees.** Data
109.28 provided to licensing agencies, contracting agencies, and employees when the commissioner
109.29 issues an order to comply or resolves a compliance order through settlement or other final
109.30 disposition is governed by section 177.27, subdivision 11.

110.1 Sec. 5. Minnesota Statutes 2018, section 13.7905, subdivision 6, is amended to read:

110.2 Subd. 6. **Occupational safety and health.** Certain data gathered or prepared by the
110.3 commissioner of labor and industry as part of occupational safety and health inspections or
110.4 reports are classified under sections 182.659, subdivision 8, 182.663, subdivision 4, and
110.5 182.668, subdivision 2.

110.6 Sec. 6. **REPEALER.**

110.7 Minnesota Statutes 2019 Supplement, section 13.7905, subdivision 7, is repealed.

13.383 HEALTH OCCUPATIONS INVESTIGATIVE DATA CODED ELSEWHERE.

Subd. 9. **Marriage and family therapists.** (a) **Disciplinary data generally.** Data held by the Board of Marriage and Family Therapy in connection with disciplinary matters are classified under sections 148B.04 and 148B.175, subdivisions 2 and 5.

(b) **Reports of violations.** Certain reports of violations submitted to the Board of Marriage and Family Therapy are classified under section 148B.08.

(c) **Client records.** Client records of a patient cared for by a marriage and family therapist who is under review by the Board of Marriage and Family Therapy are classified under sections 148B.09 and 148B.11.

13.7905 LABOR AND INDUSTRY DATA CODED ELSEWHERE.

No active language found for: 13.7905.7

115.71 DEFINITIONS.

Subd. 4. **Council.** "Council" means the Water and Wastewater Treatment Operators Advisory Council established by section 115.741.

161.1231 PARKING FACILITIES FOR I-394.

Subd. 10. **Local approval.** Subdivisions 1 to 8 are effective June 6, 1985. Subdivision 9 is effective the day after compliance with section 645.021, subdivision 3, by the governing body of the city of Minneapolis.

APPENDIX
Repealed Minnesota Session Laws: 20-6121

Laws 2019, chapter 37, section 1

Section 1. Minnesota Statutes 2018, section 161.14, is amended by adding a subdivision to read:

Subd. 88. **Captain Jeffrey Vollmer Memorial Highway.** That segment of marked Trunk Highway 25 from marked Trunk Highway 7 to Carver County State-Aid Highway 30 is designated as "Captain Jeffrey Vollmer Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable design to mark this highway and erect appropriate signs.