

STATE OF MINNESOTA

NINETIETH SESSION — 2018

SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 29, 2018

The House of Representatives convened at 3:30 p.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by the Reverend Denise Dunbar-Perkins, Honorably Retired, Presbyterian Church, USA.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Dehn, R.	Hoppe	Lucero	O'Neill	Sundin
Anderson, P.	Dettmer	Hornstein	Lueck	Pelowski	Swedzinski
Anderson, S.	Drazkowski	Hortman	Mahoney	Peppin	Theis
Applebaum	Ecklund	Jessup	Mariani	Petersburg	Thissen
Bahr, C.	Erickson	Johnson, B.	Marquart	Peterson	Torkelson
Baker	Fabian	Johnson, C.	Masin	Pierson	Uglen
Barr, R.	Fenton	Jurgens	Maye Quade	Pinto	Urdahl
Becker-Finn	Fischer	Kiel	McDonald	Poppe	Vogel
Bennett	Franke	Knoblach	Metsa	Poston	Wagenius
Bernardy	Franson	Koegel	Miller	Pryor	Ward
Bliss	Garofalo	Kresha	Munson	Pugh	West
Bly	Green	Kunesh-Podein	Murphy, E.	Quam	Whelan
Carlson, A.	Gruenhagen	Layman	Murphy, M.	Rarick	Wills
Carlson, L.	Gunther	Lee	Nash	Runbeck	Youakim
Christensen	Haley	Liebling	Nelson	Sandstede	Zerwas
Clark	Hamilton	Lien	Neu	Sauke	Spk. Daudt
Considine	Hansen	Lillie	Newberger	Schomacker	
Daniels	Hausman	Loeffler	Nornes	Schultz	
Davids	Heintzeman	Lohmer	O'Driscoll	Scott	
Davnie	Hertaus	Loon	Olson	Slocum	
Dean, M.	Hilstrom	Loonan	Omar	Smith	

A quorum was present.

Allen; Anselmo; Backer; Flanagan; Freiberg; Grossell; Halverson; Howe; Johnson, S.; Koznick; Moran and Rosenthal were excused.

Lesch was excused until 4:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 822, A bill for an act relating to health licensing; modifying the Minnesota Athletic Trainers Act; amending Minnesota Statutes 2016, sections 148.7802, subdivisions 2, 3, 6, 9; 148.7803; 148.7804; 148.7805, subdivisions 1, 3; 148.7806; 148.7808, subdivision 1; 148.7809, subdivisions 1, 2, 4; 148.7810, subdivisions 1, 3; 148.7811; 148.7812, subdivisions 1, 2, 4; 148.7813, subdivision 5; 148.7815; repealing Minnesota Statutes 2016, sections 148.7808, subdivisions 3, 4, 5; 148.7812, subdivisions 3, 5.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 1122, A bill for an act relating to health occupations; establishing a licensure system for speech-language pathology assistants; setting licensure fees; amending Minnesota Statutes 2016, sections 148.512, subdivision 17a; 148.513, subdivisions 1, 2, by adding a subdivision; 148.515, subdivision 1; 148.516; 148.519, by adding a subdivision; 148.5192, subdivision 1; 148.5193, by adding a subdivision; 148.5194, subdivision 8, by adding a subdivision; 148.5195, subdivision 3; 148.5196, subdivision 3; Minnesota Statutes 2017 Supplement, sections 148.519, subdivision 1; 148.5193, subdivision 1; 148.5196, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1609, A bill for an act relating to notaries public; enacting the Revised Uniform Law on Notarial Acts, as amended, approved by the National Conference of Commissioners on Uniform State Laws; amending Minnesota Statutes 2016, sections 5.15; 325K.23, subdivision 1; 358.50; 359.01, subdivisions 4, 5, by adding a subdivision; 359.04; 507.24, subdivision 2; 508.48; 508A.48; Minnesota Statutes 2017 Supplement, section 358.116; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 2016, sections 358.41; 358.42; 358.43; 358.44; 358.45; 358.46; 358.47; 358.48; 358.49; 359.12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
REVISED UNIFORM LAW ON NOTARIAL ACTS

Section 1. **[358.51] SHORT TITLE.**

Sections 358.51 to 358.76 may be cited as the "Revised Uniform Law on Notarial Acts."

Sec. 2. **[358.52] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 358.51 to 358.76, the terms defined in subdivisions 2 to 16 have the meanings given them.

Subd. 2. **Acknowledgment.** "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

Subd. 3. **Electronic.** "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Subd. 4. **Electronic signature.** "Electronic signature" means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

Subd. 5. **In a representative capacity.** "In a representative capacity" means acting as:

(1) an authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(2) a public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(3) an agent or attorney-in-fact for a principal; or

(4) an authorized representative of another in any other capacity.

Subd. 6. **Notarial act.** "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

Subd. 7. **Notarial officer.** "Notarial officer" means a notary public or other individual authorized to perform a notarial act.

Subd. 8. **Notary public.** "Notary public" means an individual commissioned to perform a notarial act.

Subd. 9. **Official stamp.** "Official stamp" means a physical image affixed to a tangible record or an electronic image attached to or logically associated with an electronic record.

Subd. 10. **Person.** "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

Subd. 11. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 12. **Sign.** "Sign" means, with present intent to authenticate or adopt a record:

(1) to execute or adopt a tangible symbol; or

(2) to attach to or logically associate with the record an electronic symbol, sound, or process.

Subd. 13. **Signature.** "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

Subd. 14. **Stamping device.** "Stamping device" means:

(1) a physical device capable of affixing to a tangible record an official stamp; or

(2) an electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

Subd. 15. **State.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Subd. 16. **Verification on oath or affirmation.** "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

Sec. 3. [358.53] APPLICABILITY.

Sections 358.51 to 358.76 apply to a notarial act performed on or after January 1, 2019.

Sec. 4. [358.54] AUTHORITY TO PERFORM NOTARIAL ACT.

Subdivision 1. **Source.** A notarial officer may perform a notarial act authorized by sections 358.51 to 358.76, 359.04, and other law.

Subd. 2. **Limitation.** A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subdivision is voidable.

Sec. 5. [358.55] REQUIREMENTS FOR CERTAIN NOTARIAL ACTS.

Subdivision 1. **Acknowledgments.** A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual as set forth in section 358.57, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

Subd. 2. **Verifications.** A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

Subd. 3. **Signatures.** A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

Subd. 4. **Copies.** A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

Subd. 5. **Protests.** A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 336.3-505, paragraph (b).

Sec. 6. **[358.56] PERSONAL APPEARANCE REQUIRED.**

Except as otherwise provided in section 358.645, if a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

Sec. 7. **[358.57] IDENTIFICATION OF INDIVIDUAL.**

Subdivision 1. **Personal knowledge.** A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

Subd. 2. **Identification.** A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(1) by means of:

(i) a passport, driver's license, or government-issued nondriver identification card that is currently valid; or

(ii) another form of government identification issued to an individual that is currently valid, contains the individual's signature or a photograph of the individual, and is satisfactory to the officer; or

(2) by a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card that is current or expired not more than three years before performance of the notarial act.

Subd. 3. **Additional information or credentials.** A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

Sec. 8. **[358.58] AUTHORITY TO REFUSE TO PERFORM NOTARIAL ACT.**

Subdivision 1. **Specific grounds.** A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) the individual executing the record is competent or has the capacity to execute the record; or

(2) the individual's signature is knowingly and voluntarily made.

Subd. 2. **General limitation.** A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than sections 358.51 to 358.76.

Sec. 9. **[358.59] SIGNATURE IF INDIVIDUAL UNABLE TO SIGN.**

If an individual is physically unable to sign a record, the individual's signature may be obtained in the manner provided in section 645.44, subdivision 14.

Sec. 10. **[358.60] NOTARIAL ACT IN THIS STATE.**

Subdivision 1. **Authorized persons.** A notarial act may be performed in this state by:

(1) a notary public of this state;

(2) a judge, clerk, or deputy clerk of a court of this state; or

(3) any other individual authorized to perform the specific act by the law of this state.

Subd. 2. Significance of signature and title. The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

Subd. 3. Authority of officer established. The signature and title of a notarial officer described in subdivision 1, clause (1) or (2), conclusively establish the authority of the officer to perform the notarial act.

Sec. 11. **[358.61] NOTARIAL ACT IN ANOTHER STATE.**

Subdivision 1. Effect. A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(1) a notary public of that state;

(2) a judge, clerk, or deputy clerk of a court of that state; or

(3) any other individual authorized by the law of that state to perform the notarial act.

Subd. 2. Significance of signature and title. The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

Subd. 3. Authority of officer established. The signature and title of a notarial officer described in subdivision 1, clause (1) or (2), conclusively establish the authority of the officer to perform the notarial act.

Sec. 12. **[358.62] NOTARIAL ACT UNDER AUTHORITY OF FEDERALLY RECOGNIZED TRIBE.**

Subdivision 1. Effect. A notarial act performed under the authority and in the jurisdiction of a federally recognized tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of that tribe or nation is performed by:

(1) a notary public of that tribe;

(2) a judge, clerk, or deputy clerk of a court of that tribe; or

(3) any other individual authorized by the law of that tribe to perform the notarial act.

Subd. 2. Significance of signature and title. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

Subd. 3. Authority of officer established. The signature and title of a notarial officer described in subdivision 1, clause (1) or (2), conclusively establish the authority of the officer to perform the notarial act.

Sec. 13. **[358.63] NOTARIAL ACT UNDER FEDERAL AUTHORITY.**

Subdivision 1. **Effect.** A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

(1) a judge, clerk, or deputy clerk of a court;

(2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) an individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(4) any other individual authorized by federal law to perform the notarial act.

Subd. 2. **Significance of signature and title.** The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

Subd. 3. **Authority of officer established.** The signature and title of an officer described in subdivision 1, clause (1), (2), or (3), conclusively establish the authority of the officer to perform the notarial act.

Sec. 14. **[358.64] FOREIGN NOTARIAL ACT.**

Subdivision 1. **Definition.** In this section, "foreign state" means a government other than the United States, a state, or a federally recognized tribe.

Subd. 2. **Effect.** If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

Subd. 3. **Authority of officer established.** If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Subd. 4. **Significance of signature and official stamp.** The signature and official stamp of an individual holding an office described in subdivision 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.

Subd. 5. **Significance of apostille.** An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

Subd. 6. **Significance of consular authentication.** A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

Sec. 15. **[358.645] REMOTE ONLINE NOTARY PUBLIC.**

Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Appear," "personally appear," or "in the presence of" means:

(1) being in the same physical location as another person and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

(2) interacting with another individual by means of communication technology as defined in this section.

(c) "Communication technology" means an electronic device or process that allows a notary public physically located in this state and a remotely located individual to communicate with each other simultaneously by sight and sound and that, as necessary, makes reasonable accommodation for individuals with vision, hearing, or speech impairments.

(d) "Credential analysis" means an automated software- or hardware-based process or service through which a third person affirms the validity of a government-issued identification credential through review of public or proprietary data sources.

(e) "Electronic journal" means a secure electronic record of notarial acts that contains the items listed in and required by subdivision 4, paragraph (a), and performed by the remote online notary public.

(f) "Electronic record" means information that is created, generated, sent, communicated, received, or stored by electronic means.

(g) "Electronic seal" means information within a notarized electronic record that confirms the remote online notary public's name, jurisdiction, identifying number, and commission expiration date and generally corresponds to information in notary seals used on paper documents.

(h) "Identity proofing" means a process or service through which a third person affirms the identity of an individual through review of personal information from public or proprietary data sources, and that may include dynamic knowledge-based authentication or biometric verification.

(i) "Outside the United States" means outside the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(j) "Principal" means an individual:

(1) whose electronic signature is notarized in a remote online notarization; or

(2) making an oath or affirmation or an acknowledgment other than in the capacity of a witness for the remote online notarization.

(k) "Remote online notarial certificate" is the form of an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation that is completed by a remote online notary public and:

(1) contains the online notary public's electronic signature, electronic seal, title, commission number, and commission expiration date;

(2) contains other required information concerning the date and place of the remote online notarization;

(3) otherwise conforms to the requirements for an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation under the laws of this state; and

(4) indicates that the person making the acknowledgment, oath, or affirmation appeared remotely online.

(l) "Remote online notarization" or "remote online notarial act" means a notarial act performed by means of communication technology as defined in this section.

(m) "Remote online notary public" means a notary public who has registered with the secretary of state to perform remote online notarizations.

(n) "Remote presentation" means transmission to the remote online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the remote online notary public to:

(1) identify the individual seeking the remote online notary public's services; and

(2) perform credential analysis.

(o) "Remotely located individual" means an individual who is not in the physical presence of the notary.

Subd. 2. Qualifications; registration required. (a) A remote online notary public:

(1) is a notary public for purposes of chapter 359 and is subject to and must be appointed and commissioned under that chapter;

(2) may perform notarial acts as provided by this chapter and chapter 359 in addition to performing remote online notarizations; and

(3) may perform remote online notarizations authorized under this section.

(b) A notary public commissioned in this state may apply for remote online notarization registration according to this section. Before a notary performs a remote online notarization, the notary must register with the secretary of state according to section 359.01, subdivision 5, and must certify that the notary intends to use communication technology that conforms to this section.

(c) Unless terminated under this section, the term of registration to perform remote online notarial acts begins on the registration starting date set by the secretary of state and continues as long as the notary public's current commission to perform notarial acts remains valid.

(d) Upon the applicant's fulfillment of the requirements for remote online notarization registration under this section, the secretary of state shall record the registration under the applicant's notary public commission number.

(e) The secretary of state may reject a registration application if the applicant fails to comply with paragraphs (a) to (d). The commissioner of commerce may revoke a registration if the applicant fails to comply with subdivisions 2 to 6.

Subd. 3. **Authority to perform remote online notarial acts.** (a) A remote online notary public may perform a remote online notarial act authorized under this section only while the remote online notary public is physically located in this state. A remote online notary public physically located in this state may perform a remote online notarial act using communication technology as defined in this section for a remotely located individual who is physically located:

(1) in this state;

(2) outside this state, but within the United States; or

(3) outside the United States if:

(i) the remote online notary public has no actual knowledge of the remote online notarial act being prohibited in the jurisdiction in which the person is physically located; and

(ii) the person placing an electronic signature on the electronic document confirms to the remote online notary public that the requested remote online notarial act and the electronic document:

(A) are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity, or other entity in the United States;

(B) relate to property located in the United States; or

(C) relate to a transaction substantially connected to the United States.

(b) The validity of a remote online notarization performed by an online notary public of this state according to this chapter shall be governed by the laws of this state.

(c) A remote online notary public or the remote online notary public's employer may charge a fee not to exceed \$25 for the performance of a remote online notarial act.

Subd. 4. **Electronic journal of remote online notarizations.** (a) A remote online notary public shall keep one or more secure electronic journals of notarial acts performed by the remote online notary public. An electronic journal must contain for each remote online notarization:

(1) the date and time of the notarization;

(2) the type of notarial act;

(3) the type, the title, or a description of the electronic document or proceeding;

(4) the printed name and address of each principal involved in the transaction or proceeding;

(5) evidence of identity of each principal involved in the transaction or proceeding in the form of:

(i) a statement that the person is personally known to the remote online notary public;

(ii) a notation of the type of identification document provided to the remote online notary public; or

(iii) the following:

(A) the printed name and address of each credible witness swearing to or affirming the person's identity; and

(B) for each credible witness not personally known to the remote online notary public, a description of the type of identification documents provided to the remote online notary public; and

(6) the fee, if any, charged for the notarization.

(b) The remote online notary public shall create an audio and video copy of the performance of the notarial act.

(c) The remote online notary public shall take reasonable steps to:

(1) ensure the integrity, security, and authenticity of remote online notarizations;

(2) maintain a backup for the electronic journal required by paragraph (a) and the recordings required by paragraph (b); and

(3) protect the records and backup record in this subdivision from unauthorized access or use.

(d) The electronic journal required by paragraph (a) and the recordings required by paragraph (b) shall be maintained for at least ten years after the date of the transaction or proceeding. The remote online notary public may, by written agreement, designate as a repository of the recording and the electronic journal:

(1) the employer of the remote online notary public if evidenced by a record signed by the remote online notary public and the employer in which the employer agrees to meet the applicable requirements of this paragraph and paragraph (c); or

(2) another repository meeting the applicable requirements of this paragraph and paragraph (c).

Subd. 5. Identity proofing; minimum standards. A remote online notarial act performed under this section shall comply with the following minimum standards:

(1) Identity proofing shall include knowledge-based authentication with these or greater security characteristics:

(i) The signer must be presented with five or more questions with a minimum of five possible answer choices per question.

(ii) Each question must be drawn from a third-party provider of public and proprietary data sources and be identifiable to the signer's social security number or other identification information, or the signer's identity and historical events records.

(iii) Responses to all questions must be made within a two-minute time constraint.

(iv) The signer must answer a minimum of 80 percent of the questions correctly.

(v) The signer may be offered an additional attempt in the event of a failed first attempt.

(vi) During the second attempt, the signer may not be presented with more than three questions from the prior attempt.

(2) Credential analysis must confirm that the credential is valid and matches the signer's claimed identity using one or more automated software or hardware processes that scan the credential, including its format features, data, bar codes, or other security elements.

Subd. 6. **Use of electronic journal and seal.** (a) A remote online notary public shall keep the remote online notary public's electronic journal and electronic seal secure and under the remote online notary public's exclusive control, which may be done by password-controlled access. The remote online notary public may, by agreement, use a software platform or service provider to facilitate provision of remote online notarizations and maintenance of and access to records, but may not allow another person to use the remote online notary public's electronic journal or electronic seal to perform notarial acts or for any unauthorized purpose.

(b) A remote online notary public shall attach the remote online notary public's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(c) A remote online notary public shall immediately notify an appropriate law enforcement agency and the commissioner of commerce of the theft or vandalism of the remote online notary public's electronic journal, electronic signature, or electronic seal. A remote online notary public shall immediately notify the commissioner of commerce of the loss or use by another person of the remote online notary public's electronic journal or electronic seal.

Subd. 7. **Remote online notarization procedures.** (a) A remote online notary public may perform a remote online notarization authorized under this section that meets the requirements of this section regardless of whether the principal is physically located in this state at the time of the remote online notarization.

(b) In performing a remote online notarization, a remote online notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using communication technology as defined by this section. Identity may be verified by:

(1) the remote online notary public's personal knowledge of the person creating the electronic signature; or

(2) all of the following:

(i) remote presentation by the person creating the electronic signature of a currently valid government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

(ii) credential analysis of the credential described in item (i); and

(iii) identity proofing of the person described in item (i).

(c) The remote online notary public shall take reasonable steps to provide that the communication technology used in a remote online notarization is secure from unauthorized interception.

(d) The electronic notarial certificate for a remote online notarization must include a notation that the notarization is a remote online notarization.

(e) A remote online notarial act meeting the requirements of this section satisfies the requirement of any law of this state relating to a notarial act that requires a principal to appear or personally appear before a notary or that the notarial act be performed in the presence of a notary.

Subd. 8. **Termination of remote online notary public's registration.** (a) Except as provided by paragraph (b), a remote online notary public whose registration terminates shall destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the online notary public's official electronic signature or seal. The remote online notary public shall certify compliance with this paragraph to the secretary of state through the secretary of state's online commission record.

(b) A former remote online notary public whose registration terminated for a reason other than revocation or a denial of renewal is not required to destroy the items described in paragraph (a) if the former remote online notary public is reregistered as a remote online notary public with the same electronic signature and seal within three months after the former remote online notary public's registration terminated.

Subd. 9. **Wrongful possession of software or hardware; criminal offense.** A person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling a remote online notary public to affix an official electronic signature or seal commits a misdemeanor.

Subd. 10. **Conflict.** In the event of a conflict between this section and any other law in this state, this section shall prevail.

Subd. 11. **Certificate forms.** In completing the certificate required to document the performance of the notarial act, the form shall indicate that the person appeared before the notary by means of communication technology if that was the method of the person's appearance before the notary.

Subd. 12. **Data classification and availability.** (a) The data collected by a notary public in compliance with this section is not subject to chapter 13, the Government Data Practices Act, but the notary public and the notary public's agent must make a copy of the individual's data included in the electronic journal and the audio-video recording available only to the individual whose signature was notarized or to a guardian, conservator, attorney-in-fact, or personal representative of an incapacitated or deceased individual.

(b) The individual whose signature was notarized or the individual's guardian, conservator, attorney-in-fact, or personal representative of an incapacitated or deceased individual may consent to the release of the data to a third party.

Subd. 13. **Course of study.** The secretary of state shall maintain a list of entities that regularly offer a course of study for a remote online notary public in this state. The course must cover the laws, rules, procedures, and ethics relevant to notarial acts performed under this section.

Subd. 14. **Citation.** This section may be cited as the "Remote Online Notarization Act."

Sec. 16. [358.646] RECORDING ELECTRONIC DOCUMENTS IN TANGIBLE FORM.

(a) If a law requires as a condition for recording that a document be an original, be on paper or another tangible medium, be in writing, or be signed, the requirement is satisfied by a paper copy of an electronic document bearing an electronic signature that a notary public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature pursuant to paragraph (c).

(b) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied by a paper copy of an electronic document bearing an electronic signature of the person authorized to perform that act, and all other information required to be included, that a notary

public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature of the person pursuant to paragraph (c). A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

(c) The office of the county recorder or the office of registrar of titles shall record a paper copy of a document that was originally in electronic form and that is otherwise entitled to be recorded under the laws of this state, provided that the paper copy has been certified to be a true and correct copy of the electronic original by a notary public duly commissioned under the laws of this state as evidenced by a certificate attached to or made a part of the document. The certificate must:

- (1) be signed and dated by the notary public, and be signed in the same manner as required by section 359.061.
- (2) identify the jurisdiction in which the certification is performed;
- (3) contain the title of the notary public;
- (4) indicate the date of expiration, if any, of the notary public's commission; and
- (5) include an official seal or stamp of the notary public affixed to the certificate.

(d) The following form of certificate is sufficient for the purposes of this section if completed with the information required by paragraph (c):

State of
[County] of

I certify that the foregoing and annexed document [entitled (document title, if applicable, or description)] [dated (document date, if applicable)] and containing ... pages is a true and correct copy of an electronic document bearing one or more electronic signatures this [certification date].

.....
Signature of notary public
Seal/Stamp
[.....]
Notary Public
[My commission expires:]
[My notary commission number is:]

(e) A notary public duly commissioned under the laws of this state has the authority to make the certification provided in this section.

(f) A notary public making the certification provided in this section shall:

- (1) confirm that the electronic document contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident;
- (2) personally print or supervise the printing of the electronic document onto paper; and
- (3) not make any changes or modifications to the electronic document other than the certification described in paragraph (c).

(g) If a certificate is completed with the information required by paragraph (c) and is attached to or made a part of a paper document, the certificate shall be prima facie evidence that the requirements of paragraph (f) have been satisfied with respect to the document.

(h) A document purporting to convey or encumber real property or any interest in the property that has been recorded by the office of the county recorder or the office of registrar of titles for the jurisdiction in which the real property is located, although the document may not have been certified according to this section, shall give the same notice to third persons and be effective from the time of recording as if the document had been certified according to this section.

(i) This section does not apply to a plat, map, or survey of real property if under another law of this state or, if under a rule, regulation, or ordinance applicable to the office of the county recorder or the office of registrar of titles:

(1) there are requirements of format or medium for the execution, creation, or recording of the plat, map, or survey beyond the requirements applicable to a deed to real property; or

(2) the plat, map, or survey must be recorded in a different location than a deed to real property.

Sec. 17. **[358.65] CERTIFICATE OF NOTARIAL ACT.**

Subdivision 1. **Required.** A notarial act must be evidenced by a certificate. The certificate must:

(1) be executed contemporaneously with the performance of the notarial act;

(2) be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the commissioning officer or agency;

(3) identify the jurisdiction in which the notarial act is performed;

(4) contain the title of office of the notarial officer; and

(5) if the officer is a notary public, indicate the date of expiration, if any, of the officer's commission.

Subd. 2. **Official stamp.** If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subdivision 1, clauses (2), (3), and (4), an official stamp may be affixed to or embossed on the certificate. If the notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subdivision 1, clauses (2), (3), and (4), an official stamp may be attached to or logically associated with the certificate.

Subd. 3. **Sufficiency.** A certificate of a notarial act is sufficient if it meets the requirements of subdivisions 1 and 2 and:

(1) is in a short form set forth in section 358.66;

(2) is in a form otherwise permitted by the law of this state;

(3) is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 358.55, 358.56, and 358.57 or law of this state other than sections 358.51 to 358.76.

Subd. 4. **Effect.** By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 358.54, 358.55, and 358.56.

Subd. 5. **When signature is affixed.** A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

Subd. 6. **Records.** If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the commissioning officer or agency has established standards pursuant to section 358.73 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

Sec. 18. **[358.66] SHORT FORM CERTIFICATES.**

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 358.65, subdivisions 1 and 2:

(1) For an acknowledgment in an individual capacity:

State of
County of

This instrument was acknowledged before me on (date) by (name(s) of individual(s)).

.....
(Signature of notarial officer)

(Stamp)

.....
Title (and Rank)
My commission expires:

(2) For an acknowledgment in a representative capacity:

State of
County of

This instrument was acknowledged before me on (date) by (name(s) of individual(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom the instrument was executed).

.....
(Signature of notarial officer)

(Stamp)

.....
Title (and Rank)
My commission expires:

(3) For a verification upon oath or affirmation:

State of

County of

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individual(s) making statement).

(Stamp)

.....
(Signature of notarial officer)

.....
Title (and Rank)

My commission expires:

(4) For witnessing or attesting a signature:

State of

County of

Signed or attested before me on (date) by (name(s) of individual(s)).

(Stamp)

.....
(Signature of notarial officer)

.....
Title (and Rank)

My commission expires:

(5) For attestation of a copy of a document:

State of

County of

I certify that this is a true and correct copy of a document in the possession of

Dated:

(Stamp)

.....
(Signature of notarial officer)

.....
Title (and Rank)

My commission expires:

(b) For a remote notarization, use of alternate (1) or (2), as appropriate, is sufficient to satisfy the requirements of section 358.645, subdivision 7, paragraph (d):

(1) For a remote notarization when the signer is located outside the United States:

This record was (acknowledged) (signed and sworn to or affirmed) (signed or attested to) by use of communication technology on

..... by
Date who declared that (he) (she) (they) (is) (are) located
(Name(s) of Individual(s))

in (jurisdiction and location name) and that this record is to be filed with or relates to a matter before a court, governmental entity, public official, or other entity located in the territorial jurisdiction of the United States, or involves property located in the territorial jurisdiction of, or a transaction substantially connected with, the United States.

Or:

(2) For a remote notarization when the signer is located in Minnesota or the United States:

This record was (acknowledged) (signed and sworn to or affirmed) (signed or attested to) by use of communication technology on

..... by
Date who declared that (he) (she) (they) (is) (are) located
(Name(s) of Individual(s))

in (jurisdiction and location name).

Sec. 19. [358.67] OFFICIAL STAMP.

The official stamp of a notary public must:

(1) satisfy the requirements of section 359.03; and

(2) be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

Sec. 20. [358.68] STAMPING DEVICE SECURITY.

A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act.

Sec. 21. [358.69] PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD.

Subdivision 1. **Selection of technology.** (a) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(b) For purposes of this subdivision, "tamper-evident" means that any changes to an electronic document must display evidence of the change.

Subd. 2. **Notification.** Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall satisfy the requirements of section 359.01, subdivision 5, and shall notify the commissioning officer or agency that the notary public will be performing notarial acts with respect to electronic records.

Sec. 22. **[358.70] GROUNDS TO DENY, REFUSE TO RENEW, REVOKE, SUSPEND, OR CONDITION COMMISSION OF NOTARY PUBLIC.**

Subdivision 1. **Generally.** The commissioner of commerce has all the powers provided by section 45.027 and may proceed in the manner provided by that section in actions against a notary public for any act or omission that demonstrates an individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

- (1) failure to comply with sections 358.51 to 358.76;
- (2) fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the commissioning officer or agency;
- (3) a conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit;
- (4) a finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;
- (5) failure by the notary public to discharge any duty required of a notarial officer, whether by sections 358.51 to 358.76 or any federal or state law or regulation;
- (6) use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;
- (7) denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or
- (8) suspension or revocation of a license for the conduct of a profession, occupation, trade, or business of a notary public who is performing notarial acts in connection with the profession, occupation, trade, or business.

For purposes of this clause, "license" means a permit, registration, certification, or other form of approval authorized by statute or rule issued by the state or a political subdivision of the state as a condition of doing business, or conducting a trade, profession, or occupation in Minnesota.

Subd. 2. **Removal from office.** A notary may be removed from office only by the governor, the district court, or the commissioner of commerce.

Subd. 3. **Notice and hearing.** If the commissioner of commerce denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter 14.

Subd. 4. **Other remedies.** The authority of the commissioner of commerce to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

Subd. 5. **Surrender of stamp.** Notwithstanding section 359.03, subdivision 1, upon removal from office by the commissioner of commerce, a notary public shall deliver the notary's official stamp to the commissioner of commerce.

Sec. 23. **[358.71] DATABASE OF NOTARIES PUBLIC.**

The secretary of state shall maintain an electronic database of notaries public:

(1) through which a person may verify the authority of a notary public to perform notarial acts, including notarial acts pursuant to section 358.645; and

(2) which indicates whether a notary public has applied to the commissioning officer or agency to perform notarial acts on electronic records or to perform notarial acts pursuant to section 358.645.

Sec. 24. **[358.72] PROHIBITED ACTS.**

Subdivision 1. **Generally.** A commission as a notary public does not authorize an individual to:

(1) assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) act as an immigration consultant or an expert on immigration matters;

(3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) receive compensation for performing any of the activities listed in this subdivision.

Subd. 2. **False or deceptive advertising.** A notary public may not engage in false or deceptive advertising.

Subd. 3. **Terms.** A notary public may not use the term "notario" or "notario publico."

Subd. 4. **Unauthorized practice of law.** A notary public, other than an attorney licensed to practice law in this state, may not advertise that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, digital media, and the Internet, the notary public shall include the following statement, or an alternate statement authorized or required by the commissioning officer or agency, in the advertisement or representation, prominently and in each language used in the advertisement: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement is not broadcast media, print media, or the Internet, and does not permit the inclusion of the statement required by this subdivision because of size, it must be prominently displayed or provided at the place of performance of the notarial act before the notarial act is performed.

Subd. 5. **Withholding access to, or possession of, an original record.** Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

Sec. 25. **[358.73] VALIDITY OF NOTARIAL ACTS.**

Except as otherwise provided in section 358.54, subdivision 2, the failure of a notarial officer to perform a duty or meet a requirement specified in sections 358.51 to 358.76 does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under sections 358.51 to 358.76 does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject the notarial act or from seeking other remedies based on law of this state other than sections 358.51 to 358.76 or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

Sec. 26. **[358.74] NOTARY PUBLIC COMMISSION IN EFFECT.**

A commission as a notary public in effect on the effective date of sections 358.51 to 358.76 continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of sections 358.51 to 358.76 is subject to and shall comply with sections 358.51 to 358.76. A notary public, in performing notarial acts after the effective date of sections 358.51 to 358.76, shall comply with sections 358.51 to 358.76.

Sec. 27. **[358.75] SAVINGS CLAUSE.**

Sections 358.51 to 358.76 do not affect the validity or effect of a notarial act performed before the effective date of sections 358.51 to 358.76.

Sec. 28. **[358.76] RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

Sections 358.51 to 358.76 modify, limit, and supersede the Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001, et seq., but do not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

Sec. 29. **REPEALER.**

Minnesota Statutes 2016, sections 358.41; 358.42; 358.43; 358.44; 358.45; 358.46; 358.47; 358.48; 358.49; and 359.12, are repealed.

Sec. 30. **EFFECTIVE DATE.**

This act is effective January 1, 2019.

ARTICLE 2
ADMINISTRATIVE AND CONFORMING CHANGES

Section 1. Minnesota Statutes 2016, section 5.15, is amended to read:

5.15 ONLINE SIGNATURES, ACKNOWLEDGMENT OR NOTARIZATION ON DOCUMENTS; PENALTIES OF PERJURY.

(a) No document submitted to the Office of the Secretary of State shall be required to be notarized. Signing a document submitted to the secretary of state constitutes "acknowledgment" as defined in section ~~358.41, clause (2)~~ 358.52, subdivision 2, and "verification upon oath or affirmation" as defined in section ~~358.41, clause (3)~~ 358.52, subdivision 3. A person who signs a document submitted to the secretary of state without authority to sign that document or who signs the document knowing that the document is false in any material respect is subject to the penalties of perjury set forth in section 609.48.

(b) Any document submitted to the Office of the Secretary of State online may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the application that the person is acting as the agent of the person whose signature would be required and that the person has been authorized to sign on behalf of the applicant. The name of the person signing, entered on the online application, constitutes a valid signature by such an agent.

(c) Any document relating to a filing by a business entity or assumed name, or the filing of a document under chapter 270C, 272, 336, or 336A, submitted to the Office of the Secretary of State on paper may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the document that it is acting as the agent of the person whose signature would be required and that it has been authorized to sign on behalf of that person.

Sec. 2. Minnesota Statutes 2016, section 325K.23, subdivision 1, is amended to read:

Subdivision 1. **Certificates.** Unless otherwise provided by law or contract, a certificate issued by a licensed certification authority satisfies the requirement for an acknowledgment pursuant to section ~~358.41~~ 358.52 of a digital signature verified by reference to the public key listed in the certificate, regardless of whether words of an express acknowledgment appear with the digital signature and regardless of whether the signer physically appeared before the certification authority when the digital signature was created, if that digital signature is:

- (1) verifiable by that certificate; and
- (2) affixed when that certificate was valid.

Sec. 3. Minnesota Statutes 2017 Supplement, section 358.116, is amended to read:

358.116 COURT DOCUMENTS.

Unless specifically required by court rule, a pleading, motion, affidavit, or other document filed with a court of the Minnesota judicial branch, or presented to a judge or judicial officer in support of a request for a court order, warrant, or other relief, is not required to be notarized. Signing a document filed with the court or presented to a judge or judicial officer constitutes "verification upon oath or affirmation" as defined in section ~~358.41, clause (3)~~ 358.52, without administration of an oath under section 358.07, provided that the signature, as defined by court rules, is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document. A person who signs knowing that the document is false in any material respect is guilty of perjury under section 609.48, even if the date, county, and state of signing are omitted from the document.

Sec. 4. Minnesota Statutes 2016, section 358.50, is amended to read:

358.50 EFFECT OF ACKNOWLEDGMENT.

An acknowledgment made in a representative capacity as defined in section ~~358.41, clause (4)~~ 358.52, subdivision 5, and certified substantially in the form prescribed in this chapter is prima facie evidence that the instrument or electronic record was executed and delivered with proper authority and as the act of the person or entity represented and identified in the instrument or electronic record.

Sec. 5. Minnesota Statutes 2016, section 359.01, subdivision 4, is amended to read:

Subd. 4. **Application.** The secretary of state shall prepare the application form for a commission. The form may request personal information about the applicant, including, but not limited to, relevant civil litigation, occupational license history, and criminal background, if any. For the purposes of this section, "criminal background" includes, but is not limited to, criminal charges, arrests, indictments, pleas, and convictions. The form must also include an oath of office statement.

Sec. 6. Minnesota Statutes 2016, section 359.01, subdivision 5, is amended to read:

Subd. 5. **Registration to perform electronic notarizations.** Before performing electronic notarial acts, a notary public shall register the capability to notarize electronically with the secretary of state. Before performing electronic notarial acts after recommissioning, a notary public shall reregister with the secretary of state. The requirements of this chapter relating to electronic notarial acts do not apply to notarial acts performed under sections 358.15, paragraph (a), clause (4), and ~~358.43, paragraph (a), clause (2)~~ 358.60, subdivision 1, clause (2).

Sec. 7. Minnesota Statutes 2016, section 359.01, is amended by adding a subdivision to read:

Subd. 6. **No immunity or benefit.** A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

Sec. 8. Minnesota Statutes 2016, section 359.04, is amended to read:

359.04 POWERS.

Every notary public so appointed, commissioned, and qualified shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing or electronic records; ~~and~~ to receive, make out, and record notarial protests; and to perform online remote notarial acts in compliance with the requirements of sections 358.645 and 358.646.

Sec. 9. Minnesota Statutes 2016, section 507.24, subdivision 2, is amended to read:

Subd. 2. **Original signatures required.** (a) Unless otherwise provided by law, an instrument affecting real estate that is to be recorded as provided in this section or other applicable law must contain the original signatures of the parties who execute it and of the notary public or other officer taking an acknowledgment. However, a financing statement that is recorded as a filing pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment. An instrument acknowledged in a representative capacity as defined in section ~~358.41~~ 358.52 on behalf of a corporation, partnership, limited liability company, or trust that is otherwise entitled to be recorded shall be recorded if the acknowledgment made in a representative capacity is substantially in the form prescribed in chapter 358, without further inquiry into the authority of the person making the acknowledgment.

(b) Any electronic instruments, including signatures and seals, affecting real estate may only be recorded in conformance with standards implemented by the Electronic Real Estate Recording Commission created under the Minnesota Real Property Electronic Recording Act, sections 507.0941 to 507.0948. The Electronic Real Estate Recording Commission created under the Minnesota Real Property Electronic Recording Act may adopt or amend standards set by the task force created in Laws 2000, chapter 391, and the Electronic Real Estate Recording Task Force created under Laws 2005, chapter 156, article 2, section 41, and may set new or additional standards to the full extent permitted in section 507.0945. Documents recorded in conformity with the standards created as part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391, or by the Electronic Real Estate Recording Task Force created under Laws 2005, chapter 156, article 2, section 41, are deemed to meet the requirements of this section.

(c) Notices filed pursuant to section 168A.141, subdivisions 1 and 3, need not contain an acknowledgment.

Sec. 10. Minnesota Statutes 2016, section 508.48, is amended to read:

508.48 INSTRUMENTS AFFECTING TITLE FILED WITH REGISTRAR; NOTICE.

(a) Every conveyance, lien, attachment, order, decree, or judgment, or other instrument or proceeding, which would affect the title to unregistered land under existing laws, if recorded, or filed with the county recorder, shall, in like manner, affect the title to registered land if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of such registering or filing of the interests therein created. Neither the reference in a registered instrument to an unregistered instrument or interest nor the joinder in a registered instrument by a party or parties with no registered interest shall constitute notice, either actual or constructive, of an unregistered interest.

(b) An instrument acknowledged in a representative capacity as defined in section ~~358.41~~ 358.52 on behalf of a corporation, partnership, limited liability company, or trust that is otherwise entitled to be recorded shall be recorded if the acknowledgment made in a representative capacity is substantially in the form prescribed in chapter 358, without further inquiry into the authority of the person making the acknowledgment.

Sec. 11. Minnesota Statutes 2016, section 508A.48, is amended to read:

508A.48 FILED INSTRUMENT AFFECTING TITLE IS NOTICE.

(a) Every conveyance, lien, attachment, order, decree, or judgment, or other instrument or proceeding, which would affect the title to unregistered land under existing laws, if recorded, or filed with the county recorder, shall, in like manner, affect the title to land registered under sections 508A.01 to 508A.85 if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of the registering or filing of the interests therein created. Neither the reference in a registered instrument to an unregistered instrument or interest nor the joinder in a registered instrument by a party or parties with no registered interest shall constitute notice, either actual or constructive, of an unregistered interest.

(b) An instrument acknowledged in a representative capacity as defined in section ~~358.41~~ 358.52 on behalf of a corporation, partnership, limited liability company, or trust that is otherwise entitled to be recorded shall be recorded if the acknowledgment made in a representative capacity is substantially in the form prescribed in chapter 358, without further inquiry into the authority of the person making the acknowledgment."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on State Government Finance.

The report was adopted.

Nornes from the Committee on Higher Education and Career Readiness Policy and Finance to which was referred:

H. F. No. 2574, A bill for an act relating to health; requesting establishment of an advisory council on rare diseases to provide advice on issues related to rare diseases; proposing coding for new law in Minnesota Statutes, chapter 137.

Reported the same back with the following amendments:

Page 2, delete subdivision 4 and insert:

"Subd. 4. **Duties.** The advisory council's duties may include, but are not limited to:

(1) in conjunction with the state's medical schools, the state's schools of public health, and hospitals in the state that provide care to persons diagnosed with a rare disease, developing resources or recommendations relating to quality of and access to treatment and services in the state for persons with a rare disease, including but not limited to:

(i) a list of existing, publicly accessible resources on research, diagnosis, treatment, and education relating to rare diseases;

(ii) identifying best practices for rare disease care implemented in other states, at the national level, and at the international level, that will improve rare disease care in the state and seeking opportunities to partner with similar organizations in other states and countries;

(iii) identifying problems faced by patients with a rare disease when changing health plans, including recommendations on how to remove obstacles faced by these patients to finding a new health plan and how to improve the ease and speed of finding a new health plan that meets the needs of patients with a rare disease; and

(iv) identifying best practices to ensure health care providers are adequately informed of the most effective strategies for recognizing and treating rare diseases; and

(2) advising, consulting, and cooperating with the Department of Health, the Advisory Committee on Heritable and Congenital Disorders, and other agencies of state government in developing information and programs for the public and the health care community relating to diagnosis, treatment, and awareness of rare diseases."

Page 4, after line 6, insert:

"Sec. 2. **APPROPRIATION.**

\$...... in fiscal year 2019 is appropriated from the general fund to the Board of Regents of the University of Minnesota for the advisory council on rare diseases under Minnesota Statutes, section 137.68."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Anderson, S., from the Committee on State Government Finance to which was referred:

H. F. No. 2809, A bill for an act relating to state government; amending provisions related to emergency operations and the continuity of government; requiring the adoption of emergency operations and continuity of government plans by the legislative branch, judicial branch, and state constitutional officers; amending Minnesota

Statutes 2016, sections 1.26, subdivisions 1, 2, 4; 3.303, by adding a subdivision; 12.09, subdivision 2; 12.21, subdivision 3; 480.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 12; repealing Minnesota Statutes 2016, sections 3.93; 3.94; 3.95; 3.96.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Public Safety and Security Policy and Finance.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2899, A bill for an act relating to insurance; requiring insurers to notify insureds of the statutory prohibition against payment of rebates or deductibles by residential contractors; regulating claims practices of insurers; amending Minnesota Statutes 2016, section 72A.201, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 65A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 325E.66, subdivision 1, is amended to read:

Subdivision 1. **Payment or rebate of insurance deductible.** A residential contractor providing home repair or improvement services to be paid by an insured from the proceeds of a property or casualty insurance policy shall not, as an inducement to the sale or provision of goods or services to an insured, advertise or promise to pay, directly or indirectly, all or part of any applicable insurance deductible or offer to compensate an insured for providing any service to the insured. If a residential contractor violates this section, the insurer to whom the insured tendered the claim shall not be obligated to consider the estimate prepared by the residential contractor. The residential contractor must provide a written notification of the requirements of this section with its initial estimate. The adjuster or insurer must provide a written notification of the requirements of this section in the initial estimate relating to the claim.

For purposes of this section, "residential contractor" means a residential roofer, as defined in section 326B.802, subdivision 14; a residential building contractor, as defined in section 326B.802, subdivision 11; and a residential remodeler, as defined in section 326B.802, subdivision 12."

Amend the title as follows:

Page 1, line 2, delete "insurers to notify insureds" and insert "notification"

Page 1, line 4, delete "regulating claims practices of insurers;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 2926, A bill for an act relating to public employment; specifying conditions of legislative ratification of proposed collective bargaining agreements; amending Minnesota Statutes 2016, section 3.855, subdivision 1a.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State Government Finance.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3023, A bill for an act relating to health occupations; modifying physician continuing education requirements; amending Minnesota Statutes 2016, section 214.12, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 8, before "The" insert "(a)"

Page 1, line 10, delete "by rule"

Page 1, line 11, delete "per cycle"

Page 1, line 13, after the period, insert "Licensees shall not be required to complete more than two credit hours of continuing education on best practices in prescribing opioids and controlled substances before this subdivision expires."

Page 1, after line 14, insert:

"(b) This subdivision expires January 1, 2023."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3062, A bill for an act relating to health; requiring the commissioner of human services to seek federal funding to implement an opioid awareness grant program for secondary school and college students; requiring a report.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 3171, A bill for an act relating to health; requiring the commissioner of health to convene the older adult social isolation working group; appropriating money; requiring a report.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Anderson, S., from the Committee on State Government Finance to which was referred:

H. F. No. 3198, A bill for an act relating to health insurance; requesting the legislative auditor to study and report on disparities in certain health insurance rates; appropriating money.

Reported the same back with the following amendments:

Page 2, line 31, delete "March" and insert "January"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3202, A bill for an act relating to health; adding a project to the hospital construction moratorium exception; amending Minnesota Statutes 2017 Supplement, section 144.551, subdivision 1.

Reported the same back with the following amendments:

Page 6, after line 8, insert:

"Sec. 2. Minnesota Statutes 2016, section 144.552, is amended to read:

144.552 PUBLIC INTEREST REVIEW.

(a) The following entities must submit a plan to the commissioner:

(1) a hospital seeking to increase its number of licensed beds; or

(2) an organization seeking to obtain a hospital license and notified by the commissioner under section 144.553, subdivision 1, paragraph (c), that it is subject to this section.

The plan must include information that includes an explanation of how the expansion will meet the public's interest. When submitting a plan to the commissioner, an applicant shall pay the commissioner for the commissioner's cost of reviewing and monitoring the plan, as determined by the commissioner and notwithstanding section 16A.1283. Money received by the commissioner under this section is appropriated to the commissioner for the purpose of

administering this section. For a hospital that is seeking an exception to the moratorium under section 144.551, the plan must be submitted to the commissioner no later than August 1 of the calendar year prior to the year when the exception will be considered by the legislature.

(b) Plans submitted under this section shall include detailed information necessary for the commissioner to review the plan and reach a finding. The commissioner may request additional information from the hospital submitting a plan under this section and from others affected by the plan that the commissioner deems necessary to review the plan and make a finding. If the commissioner determines that additional information is required from the hospital submitting a plan under this section, the commissioner shall notify the hospital of the additional information required no more than 30 days after the initial submission of the plan.

(c) The commissioner shall review the plan and, within 90 days, but no more than six months if extenuating circumstances apply, issue a finding on whether the plan is in the public interest. In making the recommendation, the commissioner shall consider issues including but not limited to:

(1) whether the new hospital or hospital beds are needed to provide timely access to care or access to new or improved services;

(2) the financial impact of the new hospital or hospital beds on existing acute-care hospitals that have emergency departments in the region;

(3) how the new hospital or hospital beds will affect the ability of existing hospitals in the region to maintain existing staff;

(4) the extent to which the new hospital or hospital beds will provide services to nonpaying or low-income patients relative to the level of services provided to these groups by existing hospitals in the region; and

(5) the views of affected parties.

(d) If the plan is being submitted by an existing hospital seeking authority to construct a new hospital, the commissioner shall also consider:

(1) the ability of the applicant to maintain the applicant's current level of community benefit as defined in section 144.699, subdivision 5, at the existing facility; and

(2) the impact on the workforce at the existing facility including the applicant's plan for:

(i) transitioning current workers to the new facility;

(ii) retraining and employment security for current workers; and

(iii) addressing the impact of layoffs at the existing facility on affected workers.

(e) Prior to making a recommendation, the commissioner shall conduct a public hearing in the affected hospital service area to take testimony from interested persons.

(f) Upon making a recommendation under paragraph (c), the commissioner shall provide a copy of the recommendation to the chairs of the house of representatives and senate committees having jurisdiction over health and human services policy and finance.

(g) If an exception to the moratorium is approved under section 144.551 after a review under this section, the commissioner shall monitor the implementation of the exception up to completion of the construction project. Thirty days after completion of the construction project, the hospital shall submit to the commissioner a report on how the construction has met the provisions of the plan originally submitted under the public interest review process or a plan submitted pursuant to section 144.551, subdivision 1, paragraph (b), clause (20)."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing provisions for the plan required for an exception to the hospital construction moratorium;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 3224, A bill for an act relating to credit unions; regulating membership; governance; and powers and duties; amending Minnesota Statutes 2016, sections 52.02; 52.19, subdivision 2; repealing Minnesota Rules, part 2675.6111.

Reported the same back with the following amendments:

Page 3, line 12, reinstate the stricken "The nonparticipation policy must be based on"

Page 3, line 13, reinstate the stricken "failure to purchase and maintain at least one credit union share or to pay entrance or"

Page 3, line 14, reinstate the stricken "membership fees, if any" and after the stricken "or" insert a period

Page 3, line 18, after "behavior" insert "as defined by credit union policy"

Page 3, delete section 3

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3240, A bill for an act relating to health; modifying the regulation of home care providers; amending Minnesota Statutes 2016, sections 144A.43, subdivisions 11, 27, 30, by adding a subdivision; 144A.472, subdivision 5; 144A.473; 144A.474, subdivision 2; 144A.475, subdivisions 1, 2, 5; 144A.476, subdivision 1; 144A.479,

subdivision 7; 144A.4791, subdivisions 1, 3, 6, 7, 8, 9; 144A.4792, subdivisions 1, 2, 5, 10; 144A.4793, subdivision 6; 144A.4797, subdivision 3; 144A.4798; 144A.4799, subdivision 1; 144A.484, subdivision 1; Minnesota Statutes 2017 Supplement, sections 144A.472, subdivision 7; 144A.4796, subdivision 2; 144A.4799, subdivision 3; repealing Minnesota Statutes 2016, sections 144A.45, subdivision 6; 144A.481.

Reported the same back with the following amendments:

Page 8, line 1, reinstate the stricken "14"

Page 8, line 2, delete "eight"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3323, A bill for an act relating to human services; modifying state-operated services; amending Minnesota Statutes 2016, section 246.54, subdivisions 1a, 1b, by adding subdivisions; Minnesota Statutes 2017 Supplement, section 256.045, subdivision 3.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Fabian from the Committee on Environment and Natural Resources Policy and Finance to which was referred:

H. F. No. 3352, A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; correcting previous appropriations; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.08, subdivision 2; 116P.12, subdivision 1; Laws 2015, chapter 76, section 2, subdivision 9; Laws 2017, chapter 96, section 2, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 15, after the second period, insert "Appropriations for fiscal year 2018 are effective the day following final enactment."

Page 1, line 21, delete "-0-" and insert "89,000" and delete "45,828,000" and insert "45,739,000"

Page 6, line 21, delete "-0-" and insert "89,000" and delete "5,275,000" and insert "5,186,000"

Page 6, line 24, delete "\$700,000" and insert "\$89,000 the first year and \$611,000" and delete "is" and insert "are"

Page 14, line 2, after the period, insert "Net income generated as part of this appropriation may be reinvested in the project if a plan for reinvestment is approved in the work plan."

Page 14, line 18, after the period, insert "Net income generated by Better Futures as part of this or a previous related appropriation from the environment and natural resources trust fund may be reinvested in the project if a plan for reinvestment is approved in the work plan."

Page 17, line 35, delete "3,119,000" and insert "3,519,000"

Page 20, after line 30, insert:

"(i) Restoring Wild-Rice Waters

\$400,000 the second year is from the trust fund to the commissioner of natural resources for competitive grants to bands of the Minnesota Chippewa tribe to restore and enhance wild-rice waters. The commissioner must develop forms and procedures for soliciting and reviewing the applications for grants."

Page 23, line 27, delete "15" and insert "14"

Page 24, line 3, after the period, insert "Of this amount, up to \$59,000 may be contributed to an easement stewardship account established under Minnesota Statutes, section 103B.103, as approved in the work plan."

Page 24, line 14, delete "About" and insert "Up to"

Page 26, line 12, delete "439,000" and insert "39,000"

Page 26, line 13, delete "\$439,000" and insert "\$39,000"

Page 26, delete subdivision 11

Renumber the subdivisions in sequence

Page 36, after line 3, insert:

"(4) Laws 2015, chapter 76, section 2, subdivision 4, paragraph (a), Understanding Water Scarcity, Threats, and Values to Improve Management:"

Page 36, line 4, delete "(4)" and insert "(5)"

Page 36, line 7, delete "(5)" and insert "(6)"

Page 36, line 10, delete "(6)" and insert "(7)"

Page 36, line 14, delete "(7)" and insert "(8)"

Page 36, line 19, delete "(8)" and insert "(9)"

Page 36, line 21, delete "(9)" and insert "(10)"

Page 37, delete sections 3 and 4

Page 37, after line 12, insert:

"Sec. 3. Minnesota Statutes 2016, section 116P.08, is amended by adding a subdivision to read:

Subd. 8. **Nongovernmental organization acquisition; local government notice.** A nongovernmental organization submitting a proposal to the commission for a fee title acquisition of land to be acquired in whole or in part with money from the environment and natural resources trust fund must notify, in writing, the county board and the town board where the land is located and furnish them a description of the land to be acquired on or before the date of the proposal's submission. The county board and town board may provide to the commission resolutions favoring or opposing the land sale. For the purposes of this subdivision, a proposal includes a proposal submitted in response to a request for proposal issued by the commission and a proposed parcel submitted to the commission after the initial proposal has been submitted."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "modifying requirements"

Page 1, line 4, delete everything before the semicolon and insert "requiring notice to local government for certain land acquisitions"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Fabian from the Committee on Environment and Natural Resources Policy and Finance to which was referred:

H. F. No. 3441, A bill for an act relating to agriculture; clarifying application of fugitive emission standards to certain commodity facilities; amending Minnesota Statutes 2016, section 116.07, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision to read:

Subd. 2c. **Exemption from standards for temporary storage facilities subject to control.** (a) A temporary storage facility located at a commodity facility that is required to be controlled under Minnesota Rules, part 7011.1005, subpart 3, is not subject to Minnesota Rules, parts 7011.1000 to 7011.1015. For all portable equipment and fugitive dust emissions directly associated with the temporary storage facility, it is determined that there is no applicable specific standard of performance.

(b) For the purposes of this subdivision, the following terms have the meanings given them:

(1) "temporary storage facility" means a facility storing grain that:

(i) uses an asphalt, concrete, or comparable base material;

(ii) has rigid, self-supporting sidewalls;

(iii) provides adequate aeration; and

(iv) provides an acceptable covering; and

(2) "portable equipment" means equipment that is not fixed at any one spot and can be moved, including but not limited to portable receiving pits, portable augers and conveyors, and portable reclaim equipment directly associated with the temporary storage facility.

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

Delete the title and insert:

"A bill for an act relating to agriculture; providing exemption from fugitive emission standards for certain commodity facilities; amending Minnesota Statutes 2016, section 116.07, by adding a subdivision."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 3536, A bill for an act relating to health occupations; eliminating the term limits for Physician Assistant Advisory Council members; amending Minnesota Statutes 2016, section 147A.27, subdivision 1.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3543, A bill for an act relating to insurance; health; modifying funding for MNsure operations and authority of MNsure to certify health carriers and health plans; requiring submission of federal waivers and approvals by certain deadline; placing limitations on risk-bearing by commissioner of human services; amending Minnesota Statutes 2016, section 62V.05, subdivisions 2, 5, 10; Laws 2015, chapter 71, article 12, section 8.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3571, A bill for an act relating to health; modifying requirements for distribution of certain home dialysis supplies; amending Minnesota Statutes 2016, sections 151.19, subdivision 1; 151.46.

Reported the same back with the following amendments:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2016, section 151.15, is amended by adding a subdivision to read:

Subd. 5. **Receipt of emergency prescription orders.** A pharmacist, when that pharmacist is not present within a licensed pharmacy, may accept a written, verbal, or electronic prescription drug order from a practitioner only if:

(1) the prescription drug order is for an emergency situation where waiting for the licensed pharmacy from which the prescription will be dispensed to open would likely cause the patient to experience significant physical harm or discomfort;

(2) the pharmacy from which the prescription drug order will be dispensed is closed for business;

(3) the pharmacist has been designated to be on call for the licensed pharmacy that will fill the prescription drug order;

(4) in the case of an electronic prescription drug order, the order must be received through secure and encrypted electronic means;

(5) the pharmacist takes reasonable precautions to ensure that the prescription drug order will be handled in a manner consistent with federal and state statutes regarding the handling of protected health information; and

(6) the pharmacy from which the prescription drug order will be dispensed has relevant and appropriate policies and procedures in place and makes them available to the board upon request.

Sec. 2. Minnesota Statutes 2016, section 151.15, is amended by adding a subdivision to read:

Subd. 6. **Processing of emergency prescription orders.** A pharmacist, when that pharmacist is not present within a licensed pharmacy, may access a pharmacy prescription processing system through secure and encrypted electronic means in order to process an emergency prescription accepted pursuant to subdivision 5 only if:

(1) the pharmacy from which the prescription drug order will be dispensed is closed for business;

(2) the pharmacist has been designated to be on call for the licensed pharmacy that will fill the prescription drug order;

(3) the prescription drug order is for a patient of a long-term care facility or a county correctional facility;

(4) the prescription drug order is processed pursuant to this chapter and rules adopted under this chapter; and

(5) the pharmacy from which the prescription drug order will be dispensed has relevant and appropriate policies and procedures in place and makes them available to the board upon request."

Page 3, delete lines 9 and 10 and insert:

"(4) the dialysate or devices are delivered only upon:

(i) receipt of a physician's order by a Minnesota licensed pharmacy; and

(ii) the review and processing of the prescription by a pharmacist licensed by the state in which the pharmacy is located, who is employed by or under contract to the pharmacy;"

Page 3, line 16, after "disease" insert "for whom the prescription was written"

Page 3, line 19, before the period, insert "for whom the prescription was written"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "establishing standards for emergency prescription orders;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Loon from the Committee on Education Finance to which was referred:

H. F. No. 3600, A bill for an act relating to education; requesting legislative auditor compare revenue generation and spending between school districts and charter schools; requiring a report.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State Government Finance.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 3606, A bill for an act relating to local government; prohibiting counties, cities, and towns from regulating auxiliary containers; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 9, H. F. No. 3606 was re-referred to the Committee on Rules and Legislative Administration.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 3623, A bill for an act relating to state government; setting compensation for lottery retailers in law; amending Minnesota Statutes 2016, section 349A.05; proposing coding for new law in Minnesota Statutes, chapter 349A; repealing Minnesota Statutes 2016, section 349A.16.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State Government Finance.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3626, A bill for an act relating to human services; establishing a foster care sibling bill of rights; proposing coding for new law in Minnesota Statutes, chapter 260C.

Reported the same back with the following amendments:

Page 1, line 6, delete "Children" and insert "A child" and delete "are siblings" and insert "has a sibling"

Page 1, line 7, delete "have" and insert "has"

Page 1, lines 8, 10, 12, and 19, delete "their" and insert "the child's"

Page 2, delete lines 10 and 11

Page 2, line 12, delete "(8)" and insert "(7)"

Page 2, line 15, delete "(9)" and insert "(8)"

Page 2, line 16, delete "(10)" and insert "(9)"

Page 2, line 19, after "providers" insert ", adoptive parents,"

Page 2, line 23, before "or" insert "relatives,"

Page 2, line 25, before "A" insert "Child welfare agency staff shall provide" and delete "must be provided" and delete "siblings" and insert "a sibling"

Page 2, line 32, delete "retroactively from" and delete "for" and insert "and applies to"

Page 2, line 33, before the period, insert "on that date, regardless of when the child entered foster care"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 3674, A bill for an act relating to state personnel; requiring certain information about collective bargaining agreements and compensation plans be submitted to the Legislative Coordinating Commission; amending Minnesota Statutes 2016, section 3.855, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State Government Finance.

The report was adopted.

Johnson, B., from the Committee on Public Safety and Security Policy and Finance to which was referred:

H. F. No. 3693, A bill for an act relating to public safety; creating liability and vicarious liability for trespass to critical infrastructure; creating a crime for recruiting or educating individuals to trespass on or damage critical infrastructure; amending Minnesota Statutes 2016, sections 609.594, subdivision 2; 609.6055, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Page 1, after line 14, insert:

"(c) A labor organization shall not be subject to this provision if, as part of its training, it informs employees annually that trespassing and damaging property is not sanctioned or allowable activity related to a strike.

(d) As used in this section, the terms defined in this paragraph have the meanings given them:

(1) "labor organization" has the meaning given in section 179.01, subdivision 6;

(2) "employee" has the meaning given in section 179.01, subdivision 4; and

(3) "strike" has the meaning given in section 179.01, subdivision 8."

Page 2, after line 5, insert:

"(c) A labor organization shall not be subject to this provision if, as part of its training, it informs employees annually that trespassing and damaging property is not sanctioned or allowable activity related to a strike.

(d) As used in this section, the terms defined in this paragraph have the meanings given them:

(1) "labor organization" has the meaning given in section 179.01, subdivision 6;

(2) "employee" has the meaning given in section 179.01, subdivision 4; and

(3) "strike" has the meaning given in section 179.01, subdivision 8."

Page 2, after line 27, insert:

"(d) A labor organization shall not be subject to this provision if, as part of its training, it informs employees annually that trespassing and damaging property is not sanctioned or allowable activity related to a strike.

(e) As used in this section, the terms defined in this paragraph have the meanings given them:

(1) "labor organization" has the meaning given in section 179.01, subdivision 6;

(2) "employee" has the meaning given in section 179.01, subdivision 4; and

(3) "strike" has the meaning given in section 179.01, subdivision 8."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Garofalo from the Committee on Job Growth and Energy Affordability Policy and Finance to which was referred:

H. F. No. 3759, A bill for an act relating to energy; authorizing the construction and routing of certain pipelines.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3823, A bill for an act relating to health; establishing the Minnesota Health Policy Commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[62J.90] MINNESOTA HEALTH POLICY COMMISSION.**

Subdivision 1. **Establishment; purpose.** The Minnesota Health Policy Commission is created to provide recommendations on improving health care and health outcomes at lower costs through commercial and public programs. For purposes of this section, "commission" means the Minnesota Health Policy Commission.

Subd. 2. **Commission membership.** (a) The commission shall consist of 11 voting members, appointed by the Legislative Coordinating Commission as provided in subdivision 9, as follows:

(1) one member with demonstrated expertise in health care finance;

(2) one member with demonstrated expertise in health economics;

(3) one member with demonstrated expertise in actuarial science;

(4) one member with demonstrated expertise in health plan management and finance;

(5) one member with demonstrated expertise in health care system management;

(6) one member with demonstrated expertise as a purchaser, or a representative of a purchaser, of employer-sponsored health care services or employer-sponsored health insurance;

(7) one member with demonstrated expertise in the development and utilization of innovative medical technologies;

(8) one member with demonstrated expertise as a health care consumer advocate;

(9) one member who is a primary care physician;

(10) one member who provides long-term care services through medical assistance; and

(11) one member with direct experience as an enrollee, or a parent or caregiver of an enrollee, in MinnesotaCare or medical assistance.

(b) The commission shall have four nonvoting ex-officio legislative liaison members as follows:

(1) two members of the senate, including one member from the majority party appointed by the majority leader and one member from the minority party appointed by the minority leader; and

(2) two members of the house of representatives, including one member of the majority party appointed by the speaker of the house and one member from the minority party appointed by the minority leader.

Subd. 3. **Duties.** The commission shall:

(1) compare Minnesota's commercial health care costs and public health care program spending to that of the other states;

(2) compare Minnesota's commercial health care costs and public health care program spending in any given year to its costs and spending in previous years;

(3) identify factors that influence and contribute to Minnesota's ranking for commercial health care costs and public health care program spending, including the year over year and trend line change in total costs and spending in the state;

(4) continually monitor efforts to reform the health care delivery and payment system in Minnesota to understand emerging trends in the commercial health insurance market, including large self-insured employers, and the state's public health care programs in order to identify opportunities for state action to achieve:

(i) improved patient experience of care, including quality and satisfaction;

(ii) improved health of all populations; and

(iii) reduced per capita cost of health care; and

(5) make recommendations for legislative policy, market, or any other reforms to:

(i) lower the rate of growth in commercial health care costs and public health care program spending in the state;

(ii) positively impact the state's ranking in the areas listed in this subdivision;

(iii) improve the quality and value of care for all Minnesotans; and

(iv) conduct any additional reviews requested by the legislature.

Subd. 4. **Report.** The commission shall submit a report listing recommendations for changes in health care policy and financing by June 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over health care. In making recommendations to the legislative committees, the commission shall consider how the recommendations might positively impact the cost-shifting interplay between public payer reimbursement rates and health insurance premiums. The commission shall also consider how public health care programs, where appropriate, may be utilized as a means to help prepare enrollees for an eventual transition to private sector coverage. The report shall include any draft legislation to implement the commission's recommendations.

Subd. 5. **Staff.** The commission shall hire a director who may employ or contract for professional and technical assistance as the commission determines necessary to perform its duties. The commission may also contract with private entities with expertise in health economics, health finance, and actuarial science to secure additional information, data, research, or modeling that may be necessary for the commission to carry out its duties.

Subd. 6. **Access to information.** The commission may secure directly from a state department or agency information and data that is necessary for the commission to carry out its duties. All private data on individuals, health insurance companies, and employer-sponsored health insurance plans collected by the commission may not be disclosed to any person or agency unless it is de-identified. For purposes of this section, "de-identified" means the process used to prevent the identity of a person or business from being connected with information and ensuring all identifiable information has been removed.

Subd. 7. **Terms; vacancies; compensation.** (a) Public members of the commission shall serve four-year terms. The public members may not serve for more than two consecutive terms.

(b) The legislative liaison members shall serve on the commission as long as the member or the appointing authority holds office.

(c) The removal of members and filling of vacancies on the commission are as provided in section 15.059.

(d) Public members may receive compensation and expenses as provided in section 15.059, subdivision 3.

Subd. 8. **Chairs; officers.** The commission shall elect a chair annually. The commission may elect other officers necessary for the performance of its duties.

Subd. 9. **Selection of members; advisory council.** The Legislative Coordinating Commission shall take applications from members of the public who are qualified and interested to serve in one of the listed positions. The applications must be reviewed by a health policy commission advisory council comprised of four members as follows: the state economist, legislative auditor, state demographer, and the president of the Federal Reserve Bank of Minneapolis or a designee of the president. The advisory council shall recommend two applicants for each of the specified positions by September 30 in the calendar year preceding the end of the members' terms. The Legislative Coordinating Commission shall appoint one of the two recommended applicants to the commission.

Subd. 10. **Meetings.** The commission shall meet at least four times each year. Commission meetings are subject to chapter 13D except when the meetings pertain to matters relating to data that must be de-identified.

Subd. 11. **Conflict of interest.** A member of the commission may not participate in or vote on a decision of the commission relating to an organization in which the member has either a direct or indirect financial interest.

Subd. 12. **Expiration.** The commission shall expire on June 15, 2034.

Sec. 2. **FIRST APPOINTMENTS; FIRST MEETING.**

The Health Policy Commission Advisory Council shall make its recommendations under Minnesota Statutes, section 62J.90, subdivision 9, for candidates to serve on the Minnesota Health Policy Commission, to the Legislative Coordinating Commission by September 30, 2018. The Legislative Coordinating Commission shall make the first appointments of public members to the Minnesota Health Policy Commission, under Minnesota Statutes, section 62J.90, by January 15, 2019. The Legislative Coordinating Commission shall designate five members to serve terms that are coterminous with the governor and six members to serve terms that end on the first Monday in January one year after the terms of the other members conclude. The director of the Legislative Coordinating Commission shall convene the first meeting of the Minnesota Health Policy Commission by June 15, 2019, and shall act as the chair until the commission elects a chair at its first meeting.

Sec. 3. **APPROPRIATION.**

\$...... in fiscal year 2019 is appropriated from the general fund to the Minnesota Health Policy Commission for the purposes of section 1."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3848, A bill for an act relating to health occupations; creating a Nurse Licensure Compact; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 18, delete lines 30 to 33

Page 19, delete lines 1 to 3

Page 19, line 4, delete "(b)" and insert "(a)"

Page 19, line 6, delete "(c)" and insert "(b)"

Page 19, line 7, delete "(d)" and insert "(c)"

Page 19, delete lines 11 to 13

Page 19, line 14, delete "(f)" and insert "(d)"

Page 19, delete lines 17 to 24

Page 19, line 25, delete "(h)" and insert "(e)"

Page 19, line 29, delete "(i)" and insert "(f)"

Page 20, line 1, delete "(j)" and insert "(g)"

Page 20, line 4, delete "(k)" and insert "(h)"

Page 20, line 7, delete "(l)" and insert "(i)"

Page 20, line 9, delete "(m)" and insert "(j)"

Page 20, line 11, delete "(n)" and insert "(k)"

Page 20, delete lines 14 to 26

Page 21, delete lines 3 and 4

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3856, A bill for an act relating to health; modifying provisions pertaining to wells and borings; amending Minnesota Statutes 2017 Supplement, sections 103I.005, subdivision 8a; 103I.601, subdivision 4.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Schomacker from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 3857, A bill for an act relating to health; requiring a quarterly report on maltreatment investigations.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

O'Driscoll from the Committee on Government Operations and Elections Policy to which was referred:

H. F. No. 3873, A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; modifying quorum requirements for the Workers' Compensation Court of Appeals; amending Minnesota Statutes 2016, section 175A.05.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2017 Supplement, section 15A.083, subdivision 7, is amended to read:

Subd. 7. **Workers' Compensation Court of Appeals and compensation judges.** Salaries of judges of the Workers' Compensation Court of Appeals are ~~98.52~~ 105 percent of the salary for ~~district court~~ workers' compensation judges of the Office of Administrative Hearings. The salary of the chief judge of the Workers' Compensation Court of Appeals is ~~98.52~~ 107 percent of the salary for ~~a chief district court judge~~ workers' compensation judges of the Office of Administrative Hearings. Salaries of compensation judges are 98.52 percent of the salary of district court judges.

EFFECTIVE DATE. This section is effective June 1, 2018."

Page 2, after line 7, insert:

"Sec. 3. Minnesota Statutes 2016, section 176.231, subdivision 9, is amended to read:

Subd. 9. **Uses ~~which~~ that may be made of reports.** (a) Reports filed with the commissioner under this section may be used in hearings held under this chapter, and for the purpose of state investigations and for statistics. These reports are available to the Department of Revenue for use in enforcing Minnesota income tax and property tax refund laws, and the information shall be protected as provided in chapter 270B.

(b) The division or Office of Administrative Hearings or Workers' Compensation Court of Appeals may permit the examination of its file by the employer, insurer, employee, or dependent of a deceased employee or any person who furnishes ~~written~~ signed authorization to do so from the employer, insurer, employee, or dependent of a deceased employee. Reports filed under this section and other information the commissioner has regarding injuries or deaths shall be made available to the Workers' Compensation Reinsurance Association for use by the association in carrying out its responsibilities under chapter 79.

(c) The division may provide the worker identification number assigned under section 176.275, subdivision 1, without a written authorization required under paragraph (b) to an:

- (1) attorney who represents one of the persons described in paragraph (b);
- (2) attorney who represents an intervenor or potential intervenor under section 176.361;
- (3) intervenor; or
- (4) employee's assigned qualified rehabilitation consultant under section 176.102.

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

Sec. 4. **[176.2751] COORDINATION OF THE OFFICE OF ADMINISTRATIVE HEARINGS' CASE MANAGEMENT SYSTEM AND THE WORKERS' COMPENSATION IMAGING SYSTEM.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this subdivision apply unless otherwise specified.

(b) "Commissioner" means the commissioner of labor and industry.

(c) "Department" means the Department of Labor and Industry.

(d) "Document" includes all data, whether in electronic or paper format, that is filed with or issued by the office or department related to a claim-specific dispute resolution proceeding under this section.

(e) "Office" means the Office of Administrative Hearings.

Subd. 2. **Applicability.** This section governs coordination of the office's case management system and the workers' compensation imaging system pending completion of the workers' compensation modernization program. This section prevails over any conflicting provision in this chapter, Laws 1998, chapter 366, or corresponding rules.

Subd. 3. **Documents that must be filed with the office.** Except as provided in subdivision 4 and section 176.421, all documents that require action by the office under this chapter must be filed, electronically or in paper format, with the office as required by the chief administrative law judge. Filing a document that initiates or is filed in preparation for a proceeding at the office satisfies any requirement under this chapter that the document must be filed with the commissioner.

Subd. 4. Documents that must be filed with the commissioner. (a) The following documents must be filed directly with the commissioner in the format and manner prescribed by the commissioner:

(1) all requests for an administrative conference under section 176.106, regardless of the amount in dispute;

(2) a motion to intervene in an administrative conference that is pending at the department;

(3) any other document related to an administrative conference that is pending at the department;

(4) an objection to a penalty assessed by the commissioner or department;

(5) requests for medical and rehabilitation dispute certification under section 176.081, subdivision 1, paragraph (c), including related documents; and

(6) except as provided in this subdivision or subdivision 3, any other document required to be filed with the commissioner.

(b) The filing requirement in paragraph (a), clause (1), makes no changes to the jurisdictional provisions in section 176.106. A claim petition that contains only medical or rehabilitation issues, unless primary liability is disputed, is considered to be a request for an administrative conference and must be filed with the commissioner.

(c) The commissioner must refer a timely, unresolved objection to a penalty under paragraph (a), clause (4), to the office within 60 calendar days.

Subd. 5. Form revision. The commissioner must revise dispute resolution forms, in consultation with the chief administrative law judge, to reflect the filing requirements in this section.

Subd. 6. Data privacy. (a) All documents filed with or issued by the department or office under this chapter are private data on individuals and nonpublic data pursuant to chapter 13, except that the documents are available to the following:

(1) the office;

(2) the department;

(3) the employer;

(4) the insurer;

(5) the employee;

(6) the dependent of a deceased employee;

(7) an intervenor in the dispute;

(8) the attorney to a party in the dispute;

(9) a person who furnishes written authorization from the employer, insurer, employee, or dependent of a deceased employee; and

(10) a person, agency, or other entity allowed access to the documents under this chapter or other law.

(b) The office and department may post notice of scheduled proceedings on the agencies' Web sites and at their principal places of business in any manner that protects the employee's identifying information.

EFFECTIVE DATE. This section is effective the day following final enactment, except subdivisions 3 and 4 are effective June 1, 2018.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "increasing salaries of workers' compensation judges; modifying use of reports filed; coordinating Office of Administrative Hearings and Department of Labor and Industry interim filing requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

The report was adopted.

Fabian from the Committee on Environment and Natural Resources Policy and Finance to which was referred:

H. F. No. 3960, A bill for an act relating to environment; modifying external peer review requirements for certain standards; amending Minnesota Statutes 2016, section 115.035.

Reported the same back with the following amendments:

Page 1, line 11, after "revised" insert "numeric"

Page 1, line 13, after the period, insert "Numeric"

Page 2, line 3, after "the" insert "numeric"

Page 2, line 27, after "revised" insert "numeric"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Anderson, S., from the Committee on State Government Finance to which was referred:

H. F. No. 3963, A bill for an act relating to capital investment; appropriating money to correct safety, energy, and operational efficiency problems at the Department of Agriculture/Department of Health Laboratory Building; authorizing the sale and issuance of state bonds.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Capital Investment without further recommendation.

The report was adopted.

Fabian from the Committee on Environment and Natural Resources Policy and Finance to which was referred:

H. F. No. 4003, A bill for an act relating to waters; temporarily prohibiting enforcement of certain water appropriation permit conditions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **TEMPORARY ENFORCEMENT OF GROUNDWATER APPROPRIATION PERMIT REQUIREMENTS.**

(a) Until July 1, 2019, the commissioner of natural resources must not expend funds to suspend or revoke a water appropriation permit, issue an order requiring a violation to be corrected, assess monetary penalties, or otherwise take enforcement action against a water appropriation permit holder if the suspension, revocation, order, penalty, or other enforcement action is based solely on a violation of a permit requirement added as a result of a court order issued in 2017.

(b) The commissioner of natural resources may continue to use all the authorities granted to the commissioner under Minnesota Statutes, section 103G.287, to manage groundwater resources within the north and east groundwater management area.

Sec. 2. **GROUNDWATER MANAGEMENT AREA; PERMIT REQUIREMENTS.**

(a) Notwithstanding water appropriation permit requirements added by the commissioner of natural resources as a result of a court order issued in 2017, a public water supplier located in the seven-county metropolitan area within a designated groundwater management area:

(1) is not required to revise a water supply plan to include contingency plans to fully or partially convert its water supplies to surface water;

(2) may prepare, enact, and enforce commercial or residential irrigation bans or alternative measures that achieve similar water use reductions when notified by the commissioner of natural resources that lake levels have fallen below court-ordered levels; and

(3) is not required to use per capita residential water use as a measure for purposes of water use reduction goals, plans, and implementation and may submit water use plans and reports that use a measure other than per capita residential water use.

(b) This section expires July 1, 2019."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 4094, A bill for an act relating to human services; modifying family and group family child care training requirements; amending Minnesota Statutes 2017 Supplement, section 245A.50, subdivision 7.

Reported the same back with the following amendments:

Page 1, line 13, strike "8" and insert "9"

Page 2, line 11, after "caregiver" insert "who is an approved trainer through the Minnesota Center for Professional Development and"

Page 2, line 12, delete "a" and insert "an approved" and delete everything after "course" and insert "through the Minnesota Center for Professional Development in any of the topical training in subdivisions 2 to 9 shall receive training credit for the training topic in the applicable annual period."

Page 2, line 13, before "hour" insert "Each" and after "of" insert "approved" and delete "in the training area" and insert "shall count"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Anderson, S., from the Committee on State Government Finance to which was referred:

H. F. No. 4105, A bill for an act relating to capital investment; appropriating money for the Wadena Armory; authorizing the sale and issuance of state bonds.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Capital Investment without further recommendation.

The report was adopted.

Anderson, S., from the Committee on State Government Finance to which was referred:

H. F. No. 4109, A bill for an act relating to capital investment; appropriating money for the Brainerd Armory; authorizing the sale and issuance of state bonds.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Capital Investment without further recommendation.

The report was adopted.

Anderson, P., from the Committee on Agriculture Policy to which was referred:

H. F. No. 4133, A bill for an act relating to agriculture; making policy and technical changes to various agricultural provisions; amending Minnesota Statutes 2016, sections 17.117, subdivision 11a; 25.33, subdivision 8; 28A.04, subdivision 1; 28A.08, subdivision 3; 29.26; 34A.11, subdivision 7; 41A.15, subdivision 10, by adding a subdivision; 41A.16, subdivisions 1, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 3; 41B.02, subdivision 10a; 41B.047, subdivisions 1, 3; 41B.049, subdivision 5; 41B.055, subdivision 3; 41B.057, subdivision 3; Minnesota Statutes 2017 Supplement, sections 28A.05; 32D.13, by adding a subdivision; 32D.20, subdivision 2; 32D.22; 41B.0391, subdivisions 1, 5; repealing Minnesota Statutes 2016, section 41A.15, subdivisions 2a, 2b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 13.643, subdivision 7, is amended to read:

Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in paragraph (b), the following data created, collected, ~~and~~ or maintained by the Department of Agriculture or the University of Minnesota during research, monitoring, or the assessment of farm practices and related to natural resources, the environment, agricultural facilities, or agricultural practices are classified as private or nonpublic:

(1) names, addresses, telephone numbers, and e-mail addresses of study participants or cooperators; ~~and~~

(2) location of research, study site, and global positioning system data; and

(3) data created, collected, or maintained by the University of Minnesota for inclusion on an agricultural data analysis platform maintained and hosted by the University of Minnesota that identify or could identify an individual or business.

(b) The following data are public:

(1) location data and unique well numbers for wells and springs unless protected under section 18B.10 or another statute or rule; and

(2) data from samples collected from a public water supply as defined in section 144.382, subdivision 4.

(c) The Department of Agriculture or the University of Minnesota may disclose data collected under paragraph (a) if the Department of Agriculture or the University of Minnesota determines that there is a substantive threat to human health and safety or to the environment, or to aid in the law enforcement process. The Department of Agriculture or the University of Minnesota may also disclose data with written consent of the subject of the data.

Sec. 2. Minnesota Statutes 2016, section 17.494, is amended to read:

17.494 AQUACULTURE PERMITS; RULES.

(a) The commissioner shall act as permit or license coordinator for aquatic farmers and shall assist aquatic farmers to obtain licenses or permits.

~~By July 1, 1992, (b)~~ A state agency issuing multiple permits or licenses for aquaculture shall consolidate the permits or licenses required for every aquatic farm location. The Department of Natural Resources transportation permits are exempt from this requirement. State agencies shall adopt rules or issue commissioner's orders that establish permit and license requirements, approval timelines, and compliance standards. Saltwater aquatic farms, as defined in section 17.4982, and processing facilities for saltwater aquatic life, as defined in section 17.4982, must be classified as agricultural operations for purposes of any construction, discharge, or other permit issued by the Pollution Control Agency.

(c) Nothing in this section modifies any state agency's regulatory authority over aquaculture production.

Sec. 3. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20a. **Saltwater aquaculture.** "Saltwater aquaculture" means the commercial propagation and rearing of saltwater aquatic life including, but not limited to, crustaceans, primarily for consumption as human food.

Sec. 4. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20b. **Saltwater aquatic farm.** "Saltwater aquatic farm" means a facility used for saltwater aquaculture including but not limited to artificial ponds, vats, tanks, raceways, and other facilities that an aquatic farmer owns or has exclusive control of for the sole purpose of producing saltwater aquatic life.

Sec. 5. Minnesota Statutes 2016, section 17.4982, is amended by adding a subdivision to read:

Subd. 20c. **Saltwater aquatic life.** "Saltwater aquatic life" means aquatic species that are saltwater obligates or perform optimally when raised in salinities closer to that of natural seawater and need saltwater to survive.

Sec. 6. **[17.499] TRANSPORTATION OR IMPORTATION OF SALTWATER AQUATIC LIFE; QUARANTINE REQUIREMENT.**

Subdivision 1. **Purpose.** The legislature finds that it is in the public interest to increase private saltwater aquaculture production and processing in this state under the coordination of the commissioner of agriculture. Additional private production will reduce dependence on foreign suppliers and benefit the rural economy by creating new jobs and economic activity.

Subd. 2. **Transportation permit.** (a) Notwithstanding the requirements in section 17.4985, saltwater aquatic life transportation and importation requirements are governed by this section. A transportation permit is required prior to any importation or intrastate transportation of saltwater aquatic life not exempted under subdivision 3. A transportation permit may be used for multiple shipments within the 30-day term of the permit if the source and the destination remain the same. Transportation permits must be obtained from the commissioner prior to shipment of saltwater aquatic life.

(b) An application for a transportation permit must be made in the form required by the commissioner. The commissioner may reject an incomplete application.

(c) An application for a transportation permit must be accompanied by satisfactory evidence, as determined by the commissioner, that the shipment is free of any nonindigenous species of animal other than the saltwater aquatic species and either:

(1) the facility from which the saltwater aquatic life originated has provided documentation of 36 or more consecutive months of negative testing by an approved laboratory as free of any disease listed by OIE - the World Organisation for Animal Health for that species following the testing guidelines outlined in the OIE Aquatic Animal Health Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate; or

(2) the saltwater aquatic life to be imported or transported includes documentation of negative testing for that specific lot by an approved laboratory as free of any disease listed by OIE - the World Organisation for Animal Health for crustaceans or in the AFS Fish Health Blue Book for other species, as appropriate.

If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic life that originated in a foreign country, the shipment must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner. A shipment authorized by the commissioner under clause (2) must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner.

(d) For purposes of this subdivision, "approved laboratory" means a laboratory approved by the commissioner or the United States Department of Agriculture, Animal and Plant Health Inspection Services.

(e) No later than 14 calendar days after a completed transportation permit application is received, the commissioner must approve or deny the transportation permit application.

(f) A copy of the transportation permit must accompany a shipment of saltwater aquatic life while in transit and must be available for inspection by the commissioner.

(g) A vehicle used by a licensee for transporting aquatic life must be identified with the license number and the licensee's name and town of residence as it appears on the license. A vehicle used by a licensee must have identification displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on the tanks carried on the vehicle.

(h) An application to license a vehicle for brood stock or larvae transport or for use as a saltwater aquatic life vendor that is received by the commissioner is a temporary license until approved or denied by the commissioner.

Subd. 3. **Exemptions.** (a) A transportation permit is not required to transport or import saltwater aquatic life:

(1) previously processed for use as food or other purposes unrelated to propagation;

(2) transported directly to an outlet for processing as food or for other food purposes if accompanied by shipping documents;

(3) that is being exported if accompanied by shipping documents;

(4) that is being transported through the state if accompanied by shipping documents; or

(5) transported intrastate within or between facilities licensed for saltwater aquaculture by the commissioner if accompanied by shipping documents.

(b) Shipping documents required under paragraph (a) must include the place of origin, owner or consignee, destination, number, species, and satisfactory evidence, as determined by the commissioner, of the disease-free certification required under subdivision 2, paragraph (c), clauses (1) and (2).

Sec. 7. Minnesota Statutes 2016, section 18.83, subdivision 7, is amended to read:

Subd. 7. **Expenses; reimbursements.** A claim for the expense of controlling or eradicating noxious weeds, which may include the costs of serving notices, is a legal charge against the county in which the land is located. The officers having the work done must file with the county auditor a verified and itemized statement of cost for all services rendered on each separate tract or lot of land. The county auditor shall immediately issue proper warrants to the persons named on the statement as having rendered services. To reimburse the county for its expenditure in this regard, the county auditor shall certify the total amount due and, unless an appeal is made in accordance with section 18.84, enter it on the tax roll as a tax upon the land and it must be collected as other real estate taxes are collected.

If ~~public~~ publicly owned or managed land is involved, the amount due must be paid from ~~funds provided~~ money appropriated for maintenance of the land or from the general revenue or operating fund of the agency responsible for the land. ~~Each claim for control or eradication of noxious weeds on public lands must first be approved by the commissioner of agriculture.~~

Sec. 8. Minnesota Statutes 2016, section 18B.34, subdivision 5, is amended to read:

Subd. 5. **Fees.** (a) A person initially applying for or renewing a noncommercial applicator license must pay a nonrefundable application fee of \$50, except an applicant who ~~is~~ uses pesticides in the course of performing official duties as: (1) a government employee; (2) a contractor providing rest area custodial services for the commissioner of transportation; or (3) a Conservation Corps Minnesota employee who uses pesticides in the course of performing official duties must pay a nonrefundable application fee of \$10.

(b) A license renewal application received after March 1 in the year for which the license is to be issued is subject to a penalty fee of 50 percent of the application fee. The penalty fee must be paid before the renewal license may be issued.

(c) An application for a duplicate noncommercial applicator license must be accompanied by a nonrefundable application fee of \$10.

Sec. 9. Minnesota Statutes 2016, section 25.33, subdivision 8, is amended to read:

Subd. 8. **Drug.** "Drug" means (1) any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans; and (2) articles other than feed intended to affect the structure or any function of the animal body.

Sec. 10. Minnesota Statutes 2016, section 28A.04, subdivision 1, is amended to read:

Subdivision 1. **Application; date of issuance.** (a) No person shall engage in the business of manufacturing, processing, selling, handling, or storing food without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

(b) A retail or wholesale food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year, except that:

(1) licenses for all mobile food concession units and retail mobile units must be issued for the period April 1 to March 31, and must be renewed thereafter by the licensee on or before April 1 each year; and

(2) a license issued for a temporary food concession stand must have a license issuance and renewal date consistent with appropriate statutory provisions.

(c) A custom exempt food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year. The custom exempt food handler license is for businesses that only conduct custom exempt operations and mark all products as "Not For Sale." Food handlers that conduct retail exempt operations or other operations other than custom exempt processing or slaughter are not eligible for this license.

(d) A license for a food broker or for a food processor or manufacturer shall be issued for the period January 1 to December 31 following and shall be renewed thereafter by the licensee on or before January 1 of each year, except that a license for a wholesale food processor or manufacturer operating only at the state fair shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

~~(e)~~ (e) A person applying for a new license up to 14 calendar days before the effective date of the new license period under paragraph (b) must be issued a license for the 14 days and the next license year as a single license and pay a single license fee as if the 14 days were part of the upcoming license period.

Sec. 11. Minnesota Statutes 2017 Supplement, section 28A.05, is amended to read:

28A.05 CLASSIFICATION.

All persons required to have a license under section 28A.04 shall be classified into one of the following classes of food handlers, according to their principal mode of business.

(a) Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry. The term includes a person who sells food directly to the ultimate consumer through the use of vending machines, and a person who sells food for consumption on site or off site if the sale is conducted on the premises that are part of a grocery or convenience store operation.

(b) Wholesale food handlers are persons who sell to others for resale. A person who handles food in job lots (jobbers) is included in this classification.

(c) Wholesale food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehouse operators as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, and dairy plants as defined in section 32D.01, subdivision 6.

(d) Custom exempt food handlers are persons who only conduct custom exempt processing as defined in section 31A.02, subdivision 5. A retail or wholesale transaction may not take place in a facility operated by a person with a custom exempt food handler license.

~~(d)~~ (e) A food broker is a person who buys and sells food and who negotiates between a buyer and a seller of food, but who at no time has custody of the food being bought and sold.

Sec. 12. Minnesota Statutes 2016, section 28A.08, subdivision 3, is amended to read:

Subd. 3. Fees effective July 1, 2003.

Type of food handler	License Fee Effective July 1, 2003	Penalties	
		Late Renewal	No License
1. Retail food handler <u>or custom exempt food handler</u>			
(a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner	\$50	\$17	\$33
(b) Having under \$15,000 gross sales or service including food preparation or having \$15,000 to \$50,000 gross sales or service for the immediately previous license or fiscal year	\$77	\$25	\$51

(c) Having \$50,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$155	\$51	\$102
(d) Having \$250,001 to \$1,000,000 gross sales or service for the immediately previous license or fiscal year	\$276	\$91	\$182
(e) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$799	\$264	\$527
(f) Having \$5,000,001 to \$10,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,162	\$383	\$767
(g) Having \$10,000,001 to \$15,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,376	\$454	\$908
(h) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,607	\$530	\$1,061
(i) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,847	\$610	\$1,219
(j) Having over \$25,000,001 gross sales or service for the immediately previous license or fiscal year	\$2,001	\$660	\$1,321
2. Wholesale food handler			
(a) Having gross sales or service of less than \$25,000 for the immediately previous license or fiscal year	\$57	\$19	\$38
(b) Having \$25,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$284	\$94	\$187
(c) Having \$250,001 to \$1,000,000 gross sales or service from a mobile unit without a separate food facility for the immediately previous license or fiscal year	\$444	\$147	\$293
(d) Having \$250,001 to \$1,000,000 gross sales or service not covered under paragraph (c) for the immediately previous license or fiscal year	\$590	\$195	\$389
(e) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$769	\$254	\$508
(f) Having \$5,000,001 to \$10,000,000 gross sales or service for the immediately previous license or fiscal year	\$920	\$304	\$607
(g) Having \$10,000,001 to \$15,000,000 gross sales or service for the immediately previous license or fiscal year	\$990	\$327	\$653
(h) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,156	\$381	\$763
(i) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,329	\$439	\$877
(j) Having over \$25,000,001 or more gross sales or service for the immediately previous license or fiscal year	\$1,502	\$496	\$991
3. Food broker	\$150	\$50	\$99
4. Wholesale food processor or manufacturer			
(a) Having gross sales or service of less than \$125,000 for the immediately previous license or fiscal year	\$169	\$56	\$112
(b) Having \$125,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$392	\$129	\$259
(c) Having \$250,001 to \$1,000,000 gross sales or service for the immediately previous license or fiscal year	\$590	\$195	\$389

(d) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$769	\$254	\$508
(e) Having \$5,000,001 to \$10,000,000 gross sales or service for the immediately previous license or fiscal year	\$920	\$304	\$607
(f) Having \$10,000,001 to \$15,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,377	\$454	\$909
(g) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,608	\$531	\$1,061
(h) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,849	\$610	\$1,220
(i) Having \$25,000,001 to \$50,000,000 gross sales or service for the immediately previous license or fiscal year	\$2,090	\$690	\$1,379
(j) Having \$50,000,001 to \$100,000,000 gross sales or service for the immediately previous license or fiscal year	\$2,330	\$769	\$1,538
(k) Having \$100,000,000 or more gross sales or service for the immediately previous license or fiscal year	\$2,571	\$848	\$1,697
5. Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture			
(a) Having gross sales or service of less than \$125,000 for the immediately previous license or fiscal year	\$112	\$37	\$74
(b) Having \$125,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$214	\$71	\$141
(c) Having \$250,001 to \$1,000,000 gross sales or service for the immediately previous license or fiscal year	\$333	\$110	\$220
(d) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$425	\$140	\$281
(e) Having \$5,000,001 to \$10,000,000 gross sales or service for the immediately previous license or fiscal year	\$521	\$172	\$344
(f) Having over \$10,000,001 gross sales or service for the immediately previous license or fiscal year	\$765	\$252	\$505
(g) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$893	\$295	\$589
(h) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,027	\$339	\$678
(i) Having \$25,000,001 to \$50,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,161	\$383	\$766
(j) Having \$50,000,001 to \$100,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,295	\$427	\$855
(k) Having \$100,000,001 or more gross sales or service for the immediately previous license or fiscal year	\$1,428	\$471	\$942
6. Wholesale food processor or manufacturer operating only at the State Fair			
	\$125	\$40	\$50
7. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota Farmstead cheese			
	\$30	\$10	\$15
8. Wholesale food manufacturer processing less than 700,000 pounds per year of raw milk			
	\$30	\$10	\$15

9. A milk marketing organization without facilities for processing or manufacturing that purchases milk from milk producers for delivery to a licensed wholesale food processor or manufacturer
- | | | | |
|--|------|------|------|
| | \$50 | \$15 | \$25 |
|--|------|------|------|

Sec. 13. Minnesota Statutes 2016, section 29.26, is amended to read:

29.26 EGGS IN POSSESSION OF RETAILER.

All eggs sold or offered for sale at retail must have been candled and graded and must be clearly labeled according to Minnesota consumer grades as established by rule under section 29.23. No eggs shall be sold or offered for sale as "ungraded," "unclassified," or by any other name that does not clearly designate the grade. All eggs in possession of the retailer, either in temporary storage or on display, must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius).

~~Candled and graded~~ Grade AA eggs held 31 days past the coded pack date for Grade AA eggs, or Grade A eggs held 46 days past the coded pack date for Grade A eggs, lose their grades and must be removed from sale.

Sec. 14. Minnesota Statutes 2017 Supplement, section 32D.13, is amended by adding a subdivision to read:

Subd. 11. Milk storage requirement. (a) A milk hauler may only pick up milk from a farm if the farm's bulk tank is in proper working order.

(b) Milk must not have been stored for longer than 72 hours when the milk is picked up by a milk hauler at a farm for transport to a plant. The commissioner or an agent of the commissioner may waive the 72-hour time limit in the case of hardship, emergency, or natural disaster.

Sec. 15. Minnesota Statutes 2017 Supplement, section 32D.20, subdivision 2, is amended to read:

Subd. 2. **Labels.** (a) Pasteurized milk or fluid milk products offered or exposed for sale or held in possession for sale shall be labeled or otherwise designated as pasteurized milk or pasteurized fluid milk products, and in the case of fluid milk products the label shall also state the name of the specific product.

(b) Milk and dairy products must be labeled:

(1) with the plant number where the product was produced; or

(2) if produced in a state where official plant numbers are not assigned, with the name and address of the manufacturer and the address of the plant where it was manufactured or distributor.

Sec. 16. Minnesota Statutes 2017 Supplement, section 32D.22, is amended to read:

32D.22 MANUFACTURE OF CHEESE; REQUIREMENTS IN PROCESS.

(a) No person, firm, or corporation shall manufacture, transport, sell, offer, or expose for sale or have in possession with intent to sell at retail to a consumer any cheese that has not been (1) manufactured from milk or milk products that have been pasteurized; (2) subjected to a heat treatment equivalent to pasteurization during the process of manufacturing or processing; or (3) subjected to an aging process where it has been kept for at least 60 days after manufacture at a temperature no lower than 35 degrees Fahrenheit.

(b) Any cheese described in paragraph (a), clause (3), that has been made from unpasteurized milk must be labeled with a statement that the cheese is more than 60 days of age.

Sec. 17. Minnesota Statutes 2016, section 34A.11, subdivision 7, is amended to read:

Subd. 7. **Emergency powers.** After an emergency declaration issued under chapter 12, chapter 35, or the federal Stafford Act, the commissioner may restrict the movement of food if the commissioner has probable cause to believe that the movement of food may: threaten the agricultural economy; transport a dangerous, infectious, or communicable disease; or threaten the health of animals. The commissioner may provide for the issuance of permits to allow for the continued movement of food upon meeting the ~~disease~~ control measures established by the commissioner.

Sec. 18. Minnesota Statutes 2016, section 41A.15, is amended by adding a subdivision to read:

Subd. 2e. **Biomass.** "Biomass" means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants including aquatic plants, grasses, residues, fibers, animal waste, and the organic portion of solid wastes.

Sec. 19. Minnesota Statutes 2016, section 41A.15, subdivision 10, is amended to read:

Subd. 10. **Renewable chemical.** "Renewable chemical" means a chemical ~~with biobased content, polymer, monomer, plastic, or composite material that is entirely produced from biomass.~~

Sec. 20. Minnesota Statutes 2016, section 41A.16, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this section must source at least 80 percent ~~raw materials of biomass from Minnesota, except that,~~ if a facility is sited 50 miles or less from the state border, ~~raw materials biomass may be sourced from outside of Minnesota, but only if it is sourced from~~ within a 100-mile radius ~~of the facility. Raw materials must be from agricultural or forestry sources or from solid waste.~~ The facility must be located in Minnesota, must begin production at a specific location by June 30, 2025, and must not begin operating above 23,750 MMBtu of quarterly biofuel production before July 1, 2015. Eligible facilities include existing companies and facilities that are adding advanced biofuel production capacity, or retrofitting existing capacity, as well as new companies and facilities. Production of conventional corn ethanol and conventional biodiesel is not eligible. Eligible advanced biofuel facilities must produce at least 23,750 MMBtu of biofuel quarterly.

(b) No payments shall be made for advanced biofuel production that occurs after June 30, 2035, for those eligible biofuel producers under paragraph (a).

(c) An eligible producer of advanced biofuel shall not transfer the producer's eligibility for payments under this section to an advanced biofuel facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Renewable chemical production for which payment has been received under section 41A.17, and biomass thermal production for which payment has been received under section 41A.18, are not eligible for payment under this section.

(f) Biobutanol is eligible under this section.

Sec. 21. Minnesota Statutes 2016, section 41A.16, subdivision 4, is amended to read:

Subd. 4. **Cellulosic forestry biomass requirements.** All forestry-derived cellulosic biomass must be produced using Minnesota ~~state forest~~ biomass harvesting guidelines or the equivalent. All cellulosic biomass from brushlands must be produced using Minnesota brushland ~~harvesting~~ biomass ~~harvest~~ harvesting guidelines or the equivalent. Forestry-derived cellulosic biomass that comes from land parcels greater than 160 acres must be certified by the Forest Stewardship Council, the Sustainable Forestry Initiative, or the American Tree Farm System. Uncertified land from parcels of 160 acres or less and federal land must be harvested by a logger who has completed training for biomass harvesting from the Minnesota logger education program or the equivalent and have a forest ~~stewardship management plan, as defined in section 290C.02, subdivision 7, or its equivalent.~~

Sec. 22. Minnesota Statutes 2016, section 41A.17, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this ~~program section~~ must source at least 80 percent ~~biobased content of biomass~~ from Minnesota, ~~except that, if a facility is sited 50 miles or less from the state border, biobased content must biomass may be sourced from outside of Minnesota, but only if it is sourced from~~ within a 100-mile radius ~~of the facility. Biobased content must be from agricultural or forestry sources or from solid waste.~~ The facility must be located in Minnesota, must begin production at a specific location by June 30, 2025, and must not begin production of 750,000 pounds of chemicals quarterly before January 1, 2015. Eligible facilities include existing companies and facilities that are adding production capacity, or retrofitting existing capacity, as well as new companies and facilities. Eligible renewable chemical facilities must produce at least 750,000 pounds of renewable chemicals quarterly. Renewable chemicals produced through processes that are fully commercial before January 1, 2000, are not eligible.

(b) No payments shall be made for renewable chemical production that occurs after June 30, 2035, for those eligible renewable chemical producers under paragraph (a).

(c) An eligible producer of renewable chemicals shall not transfer the producer's eligibility for payments under this section to a renewable chemical facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Advanced biofuel production for which payment has been received under section 41A.16, and biomass thermal production for which payment has been received under section 41A.18, are not eligible for payment under this section.

Sec. 23. Minnesota Statutes 2016, section 41A.17, subdivision 2, is amended to read:

Subd. 2. **Payment amounts; bonus; limits.** (a) The commissioner shall make payments to eligible producers of renewable chemicals located in the state. The amount of the payment for each producer's annual production is \$0.03 per pound of sugar-derived renewable chemical, \$0.03 per pound of cellulosic sugar, and \$0.06 per pound of cellulosic-derived renewable chemical produced at a specific location for ten years after the start of production.

(b) An eligible facility producing renewable chemicals using agricultural cellulosic biomass is eligible for a 20 percent bonus payment for each pound produced from agricultural biomass that is derived from perennial crop or cover crop biomass.

(c) Total payments under this section to an eligible renewable chemical producer in a fiscal year may not exceed the amount necessary for 99,999,999 pounds of renewable chemical production. Total payments under this section to all eligible renewable chemical producers in a fiscal year may not exceed the amount necessary for 599,999,999 pounds of renewable chemical production. The commissioner shall award payments on a first-come, first-served basis within the limits of available funding.

(d) An eligible facility may blend renewable chemicals with other chemicals that are not renewable chemicals, but only the percentage attributable to renewable chemicals in the blended product is eligible to receive payment.

~~(d)~~ (e) For purposes of this section, an entity that holds a controlling interest in more than one renewable chemical production facility is considered a single eligible producer.

Sec. 24. Minnesota Statutes 2016, section 41A.17, subdivision 3, is amended to read:

Subd. 3. **Cellulosic forestry biomass requirements.** All forestry-derived cellulosic biomass must be produced using Minnesota ~~state forest~~ biomass harvesting guidelines or the equivalent. All cellulosic biomass from brushlands must be produced using Minnesota brushland ~~harvesting~~ biomass ~~harvest~~ harvesting guidelines or the equivalent. Forestry-derived cellulosic biomass that comes from land parcels greater than 160 acres must be certified by the Forest Stewardship Council, ~~the~~ Sustainable Forestry Initiative, or ~~the~~ American Tree Farm System. Uncertified land from parcels of 160 acres or less and federal land must be harvested by a logger who has completed training for biomass harvesting from the Minnesota logger education program or the equivalent and have a forest ~~stewardship management plan, as defined in section 290C.02, subdivision 7, or its equivalent.~~

Sec. 25. Minnesota Statutes 2016, section 41A.18, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** (a) A facility eligible for payment under this section must source at least 80 percent ~~raw materials of biomass~~ from Minnesota, ~~except that, if a facility is sited 50 miles or less from the state border, raw materials should biomass may be sourced from outside of Minnesota, but only if it is sourced from~~ within a 100-mile radius ~~of the facility.~~ ~~Raw materials~~ **Biomass** must be from agricultural or forestry sources. The facility must be located in Minnesota, must have begun production at a specific location by June 30, 2025, and must not begin before July 1, 2015. Eligible facilities include existing companies and facilities that are adding production capacity, or retrofitting existing capacity, as well as new companies and facilities. Eligible biomass thermal production facilities must produce at least 250 MMbtu of biomass thermal quarterly.

(b) No payments shall be made for biomass thermal production that occurs after June 30, 2035, for those eligible biomass thermal producers under paragraph (a).

(c) An eligible producer of biomass thermal production shall not transfer the producer's eligibility for payments under this section to a biomass thermal production facility at a different location.

(d) A producer that ceases production for any reason is ineligible to receive payments under this section until the producer resumes production.

(e) Biofuel production for which payment has been received under section 41A.16, and renewable chemical production for which payment has been received under section 41A.17, are not eligible for payment under this section.

Sec. 26. Minnesota Statutes 2016, section 41A.18, subdivision 3, is amended to read:

Subd. 3. **Cellulosic forestry biomass requirements.** All forestry-derived cellulosic biomass must be produced using Minnesota ~~state forest~~ biomass harvesting guidelines or the equivalent. All cellulosic biomass from ~~brushland~~ brushlands must be produced using Minnesota brushland ~~harvesting~~ biomass harvesting guidelines or the equivalent. Forestry-derived cellulosic biomass that comes from land parcels greater than 160 acres must be certified by the Forest Stewardship Council, the Sustainable Forestry Initiative, or ~~the~~ American Tree Farm System. Uncertified land from parcels of 160 acres or less and federal land must be harvested by a logger who has completed training for biomass harvesting from the Minnesota logger education program or the equivalent and have a forest ~~stewardship management plan, as defined in section 290C.02, subdivision 7, or its equivalent.~~

Sec. 27. Minnesota Statutes 2016, section 41B.02, subdivision 10a, is amended to read:

Subd. 10a. **Livestock expansion.** "Livestock expansion" means the purchase of a livestock farm or improvements to a livestock operation, including the purchase and construction or installation of improvements to land, buildings, and other permanent structures, including equipment incorporated in or permanently affixed to the land, buildings, or structures, which are useful for and intended to be used for the purpose of raising livestock.

Sec. 28. Minnesota Statutes 2017 Supplement, section 41B.0391, subdivision 1, is amended to read:

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

(b) "Agricultural assets" means agricultural land, livestock, facilities, buildings, and machinery used for farming in Minnesota.

(c) "Beginning farmer" means an individual who:

(1) is a resident of Minnesota;

(2) is seeking entry, or has entered within the last ten years, into farming;

(3) intends to farm land located within the state borders of Minnesota; and

~~(4) is not and whose spouse is not a family member of the owner of the agricultural assets from whom the beginning farmer is seeking to purchase or rent agricultural assets;~~

~~(5) is not and whose spouse is not a family member of a partner, member, shareholder, or trustee of the owner of agricultural assets from whom the beginning farmer is seeking to purchase or rent agricultural assets; and~~

~~(6)~~ (4) meets the following eligibility requirements as determined by the authority:

(i) has a net worth that does not exceed the limit provided under section 41B.03, subdivision 3, paragraph (a), clause (2);

(ii) provides the majority of the day-to-day physical labor and management of the farm;

(iii) has, by the judgment of the authority, adequate farming experience or demonstrates knowledge in the type of farming for which the beginning farmer seeks assistance from the authority;

~~(iv) demonstrates to the authority a profit potential by submitting projected earnings statements;~~

~~(v)~~ (iv) asserts to the satisfaction of the authority that farming will be a significant source of income for the beginning farmer;

~~(vi) participates in~~ (v) is enrolled in or has completed within ten years of their first year of farming a financial management program approved by the authority or the commissioner of agriculture; The commissioner may waive this requirement if the participant requests a waiver and has a four-year degree in an agricultural program or related field, reasonable agricultural job-related experience, or certification as an adult farm business management instructor;

~~(vii)~~ (vi) agrees to notify the authority if the beginning farmer no longer meets the eligibility requirements within the three-year certification period, in which case the beginning farmer is no longer eligible for credits under this section; and

~~(viii)~~ (vii) has other qualifications as specified by the authority.

~~(d)~~ "Family member" means a family member within the meaning of the Internal Revenue Code, section 267(c)(4).

~~(e)~~ (d) "Farm product" means plants and animals useful to humans and includes, but is not limited to, forage and sod crops, oilseeds, grain and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, and vegetables.

~~(f)~~ (e) "Farming" means the active use, management, and operation of real and personal property for the production of a farm product.

~~(g)~~ (f) "Owner of agricultural assets" means an individual, trust, or pass-through entity that is the owner in fee of agricultural land or has legal title to any other agricultural asset. Owner of agricultural assets does not mean an equipment dealer, livestock dealer defined in section 17A.03, subdivision 7, or comparable entity that is engaged in the business of selling agricultural assets for profit and that is not engaged in farming as its primary business activity. An owner of agricultural assets approved and certified by the authority under subdivision 4 must notify the authority if the owner no longer meets the definition in this paragraph within the three year certification period and is then no longer eligible for credits under this section.

~~(h)~~ (g) "Resident" has the meaning given in section 290.01, subdivision 7.

~~(i)~~ (h) "Share rent agreement" means a rental agreement in which the principal consideration given to the owner of agricultural assets is a predetermined portion of the production of farm products produced from the rented agricultural assets and which provides for sharing production costs or risk of loss, or both.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 29. Minnesota Statutes 2017 Supplement, section 41B.0391, subdivision 5, is amended to read:

Subd. 5. **Appeals of authority determinations.** (a) Any decision of the authority under this section may be challenged as a contested case under chapter 14. ~~The contested case proceeding must be initiated within 60 days of the date of written notification by the office. A party affected by a determination of the authority has 20 days from notice of the decision to request an expedited hearing. The hearing must be held within 60 days after a request for hearing has been filed with the Office of Administrative Hearings unless both parties agree to a later date.~~

(b) If a taxpayer challenges a decision of the authority under this subdivision, upon perfection of the appeal the authority must notify the commissioner of revenue of the challenge within five days.

(c) Nothing in this subdivision affects the commissioner of revenue's authority to audit, review, correct, or adjust returns claiming the credit.

Sec. 30. Minnesota Statutes 2016, section 41B.047, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The authority shall establish and implement a disaster recovery loan program to help farmers:

(1) clean up, repair, or replace farm structures and septic and water systems, as well as replace seed, other crop inputs, feed, and livestock, ~~when damaged by high winds, hail, tornado, or flood;~~

(2) purchase watering systems, irrigation systems, and other drought mitigation systems and practices when drought is the cause of the purchase;

(3) restore farmland; or

(4) replace flocks, make building improvements, or cover the loss of revenue when the replacement, improvements, or loss of revenue is due to the confirmed presence of the highly pathogenic avian influenza in a commercial poultry or game flock located in Minnesota.

Sec. 31. Minnesota Statutes 2016, section 41B.047, subdivision 3, is amended to read:

Subd. 3. **Eligibility.** To be eligible for this program, a borrower must:

(1) meet the requirements of section 41B.03, subdivision 1;

(2) certify that the damage or loss was (i) sustained within a county that was the subject of a state or federal disaster declaration, ~~or~~ (ii) due to the confirmed presence of the highly pathogenic avian influenza in a commercial poultry or game flock located in Minnesota, or (iii) due to a market disaster or emergency as determined by the commissioner;

(3) demonstrate an ability to repay the loan; and

(4) have received at least 50 percent of average annual gross income from farming for the past three years.

Sec. 32. Minnesota Statutes 2016, section 41B.049, subdivision 5, is amended to read:

Subd. 5. **Loan criteria.** (a) To be eligible, a borrower must be a resident of Minnesota or an entity that is not prohibited from owning agricultural land under section 500.24.

(b) State participation in a participation loan is limited to 45 percent of the principal amount of the loan. A direct loan or loan participation may not exceed \$250,000.

(c) Loans under this program may be used as a match for federal loans or grants.

~~(d) A borrower who has previously received a loan under subdivision 1 is prohibited from receiving another methane digester loan under subdivision 1.~~

Sec. 33. Minnesota Statutes 2016, section 41B.055, subdivision 3, is amended to read:

Subd. 3. **Loans.** (a) The authority may participate in a livestock equipment loan equal to 90 percent of the purchased equipment value with an eligible lender to a farmer who is eligible under subdivision 2. Participation is limited to 45 percent of the principal amount of the loan or ~~\$40,000~~ \$100,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan, but the authority's interest rate must not exceed three percent. The authority may review the interest annually and make adjustments as necessary.

(b) Standards for loan amortization must be set by the Rural Finance Authority and must not exceed ten years.

(c) Security for a livestock equipment loan must be a personal note executed by the borrower and whatever other security is required by the eligible lender or the authority.

(d) Refinancing of existing debt is not an eligible purpose.

(e) The authority may impose a reasonable, nonrefundable application fee for a livestock equipment loan. The authority may review the fee annually and make adjustments as necessary. The initial application fee is \$50. Application fees received by the authority must be deposited in the Rural Finance Authority administrative account established in section 41B.03.

(f) Loans under this program must be made using money in the revolving loan account established in section 41B.06.

Sec. 34. Minnesota Statutes 2016, section 41B.057, subdivision 3, is amended to read:

Subd. 3. **Loan participation.** The authority may participate in a farm opportunity loan with an eligible lender, as defined in section 41B.02, subdivision 8, to a farmer or a group of farmers on joint projects who are eligible under subdivision 2, paragraph (c), and who are actively engaged in farming. Participation is limited to 45 percent of the principal amount of the loan or ~~\$45,000~~ \$100,000 per individual, whichever is less. For loans to a group made up of four or more individuals, participation is limited to 45 percent of the principal amount of the loan or ~~\$180,000~~ \$250,000, whichever is less. The interest rate on the loans must not exceed six percent.

Sec. 35. **41B.058] RURAL ENERGY FEASIBILITY PROGRAM.**

Subdivision 1. Establishment. The authority must establish a rural energy feasibility loan program to provide feasibility study loans to farmers, local units of government, municipalities, and nonprofit entities to explore feasibility of renewable energy projects.

Subd. 2. Loan criteria. (a) The authority may impose a reasonable, nonrefundable application fee for a rural energy feasibility loan. The authority may review the fee annually and make adjustments as necessary. The initial application fee is \$50. Application fees received by the authority must be deposited in the Rural Finance Authority administrative account established in section 41B.03.

(b) Standards for loan amortization must be set by the authority and must not exceed five years.

(c) The borrower must demonstrate ability to repay the loan.

(d) Loans under this program must be made using money in the revolving loan account established in section 41B.06.

Subd. 3. Loan participation. The authority may participate in a rural energy feasibility loan with an eligible lender, as defined in section 41B.02, subdivision 8. Participation is limited to 90 percent of the principal amount of the loan or \$50,000 per project, whichever is less.

Sec. 36. Minnesota Statutes 2016, section 41B.06, is amended to read:

41B.06 RURAL FINANCE AUTHORITY REVOLVING LOAN ACCOUNT.

There is established in the rural finance administration fund a Rural Finance Authority revolving loan account that is eligible to receive appropriations and the transfer of loan funds from other programs. All repayments of financial assistance granted from this account, including principal and interest, must be deposited into this account. Interest earned on money in the account accrues to the account, and the money in the account is appropriated to the commissioner of agriculture for purposes of the Rural Finance Authority livestock equipment, methane digester, disaster recovery, value-added agricultural product, agroforestry, agricultural microloan, ~~and~~ farm opportunity loan, and rural energy feasibility programs, including costs incurred by the authority to establish and administer the programs.

Sec. 37. Minnesota Statutes 2016, section 103H.275, subdivision 1, is amended to read:

Subdivision 1. **Areas where groundwater pollution is detected.** (a) If groundwater pollution is detected, a state agency or political subdivision that regulates an activity causing or potentially causing a contribution to the pollution identified shall promote implementation of best management practices to prevent or minimize the source of pollution to the extent practicable.

(b) The Pollution Control Agency, or for agricultural chemicals and practices, the commissioner of agriculture may adopt water source protection requirements under subdivision 2 that are consistent with the goal of section 103H.001 and are commensurate with the groundwater pollution if the implementation of best management practices has proven to be ineffective.

(c) The water resources protection requirements must be:

(1) designed to prevent and minimize the pollution to the extent practicable;

(2) designed to prevent the pollution from exceeding the health risk limits; and

(3) submitted to the house of representatives and senate committees with jurisdiction over the environment, natural resources, and agriculture.

(d) The commissioner of agriculture shall not adopt water resource protection requirements under subdivision 2 for nitrogen fertilizer unless the water resource protection requirements are specifically approved by law.

Sec. 38. **REPEALER.**

Minnesota Statutes 2016, section 41A.15, subdivisions 2a and 2b, are repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; making policy and technical changes to various agricultural provisions; classifying agricultural research data maintained by the University of Minnesota; amending Minnesota Statutes 2016, sections 13.643, subdivision 7; 17.494; 17.4982, by adding subdivisions; 18.83, subdivision 7; 18B.34, subdivision 5; 25.33, subdivision 8; 28A.04, subdivision 1; 28A.08, subdivision 3; 29.26; 34A.11, subdivision 7; 41A.15, subdivision 10, by adding a subdivision; 41A.16, subdivisions 1, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 3; 41B.02, subdivision 10a; 41B.047, subdivisions 1, 3; 41B.049, subdivision 5; 41B.055, subdivision 3; 41B.057, subdivision 3; 41B.06; 103H.275, subdivision 1; Minnesota Statutes 2017 Supplement, sections 28A.05; 32D.13, by adding a subdivision; 32D.20, subdivision 2; 32D.22; 41B.0391, subdivisions 1, 5; proposing coding for new law in Minnesota Statutes, chapters 17; 41B; repealing Minnesota Statutes 2016, section 41A.15, subdivisions 2a, 2b."

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes.

The report was adopted.

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 4191, A bill for an act relating to human services; making human services forecast adjustments; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Fabian from the Committee on Environment and Natural Resources Policy and Finance to which was referred:

H. F. No. 4269, A bill for an act relating to clean water; appropriating money from the clean water fund.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Legacy Funding Finance.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 822, 2899, 3062, 3202, 3224, 3240, 3441, 3536, 3571, 3693, 3759, 3960, 4003 and 4094 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Garofalo introduced:

H. F. No. 4284, A bill for an act relating to housing; repealing the exception to the rent control prohibition; repealing Minnesota Statutes 2016, section 471.9996, subdivision 2.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

McDonald, Swedzinski, Davids and Nash introduced:

H. F. No. 4285, A bill for an act relating to employment; requiring prompt payment of wages to independent contractors; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Hausman introduced:

H. F. No. 4286, A bill for an act relating to capital investment; appropriating money for the Saint Paul College academic excellence renovation and renewal project design; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance.

Johnson, S., introduced:

H. F. No. 4287, A bill for an act relating to economic development; appropriating money for outreach to the Somali community.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Johnson, S., introduced:

H. F. No. 4288, A bill for an act relating to human services; appropriating money for outreach to the Somali community.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Garofalo introduced:

H. F. No. 4289, A bill for an act relating to energy; appropriating money for renewable energy projects.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Zerwas introduced:

H. F. No. 4290, A bill for an act relating to capital investment; appropriating money for the city of Big Lake's wastewater treatment facility; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Uglem, Hortman and Smith introduced:

H. F. No. 4291, A bill for an act relating to capital investment; appropriating money for marked U.S. Highway 169/101st Avenue N interchange project and local road improvements in Brooklyn Park; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Pierson and Davids introduced:

H. F. No. 4292, A bill for an act relating to taxation; individual income and corporate franchise; providing for federal conformity to section 179 expensing; modifying state treatment of section 179 expensing; amending Minnesota Statutes 2017 Supplement, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 31; 290.0131, subdivision 10; 290.0133, subdivision 12.

The bill was read for the first time and referred to the Committee on Taxes.

Urdahl introduced:

H. F. No. 4293, A bill for an act relating to arts and cultural heritage; appropriating money for Litchfield Opera House.

The bill was read for the first time and referred to the Committee on Legacy Funding Finance.

Urdahl introduced:

H. F. No. 4294, A bill for an act relating to arts and cultural heritage; appropriating money for Grove City Mill.

The bill was read for the first time and referred to the Committee on Legacy Funding Finance.

Theis; Murphy, E.; Dehn, R., and Omar introduced:

H. F. No. 4295, A bill for an act relating to economic development; appropriating money for mixed-use, multifamily housing.

The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance.

Drazkowski introduced:

H. F. No. 4296, A bill for an act relating to state government; prohibiting an exclusive representative from charging a fair share fee to nonmembers; amending Minnesota Statutes 2016, section 179A.06, subdivision 3.

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy.

Koegel introduced:

H. F. No. 4297, A bill for an act relating to human services; modifying the placement of certain state-operated services clients who exhibit violent behavior; proposing coding for new law in Minnesota Statutes, chapter 246.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Koegel and Sandstede introduced:

H. F. No. 4298, A bill for an act relating to human services; establishing an ombudsperson for family child care; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245A.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Franke introduced:

H. F. No. 4299, A bill for an act relating to education finance; requiring school threat assessment teams; proposing coding for new law in Minnesota Statutes, chapter 121A.

The bill was read for the first time and referred to the Committee on Education Finance.

Garofalo introduced:

H. F. No. 4300, A bill for an act relating to housing; repealing the exception to the rent control prohibition; repealing Minnesota Statutes 2016, section 471.9996, subdivision 2.

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy.

Lee; Bly; Ward; Schultz; Kunesh-Podein; Davnie; Hansen; Hornstein; Maye Quade; Becker-Finn; Thissen; Omar; Clark; Mariani; Dehn, R., and Wagenius introduced:

H. F. No. 4301, A bill for an act relating to education; defining cultural competency training for teacher licensure; amending Minnesota Statutes 2016, section 122A.06, by adding a subdivision; Minnesota Statutes 2017 Supplement, sections 122A.181, subdivision 3; 122A.182, subdivisions 3, 7; 122A.187, subdivision 3.

The bill was read for the first time and referred to the Committee on Education Innovation Policy.

Jessup introduced:

H. F. No. 4302, A bill for an act relating to education finance; appropriating money for the Independent School District No. 621, Mounds View, early college program.

The bill was read for the first time and referred to the Committee on Education Finance.

Schultz, Liebling, Freiberg, Olson, Flanagan and Hamilton introduced:

H. F. No. 4303, A bill for an act relating to health care; exempting persons enrolled in the AIDS drug assistance program; amending Minnesota Statutes 2016, section 256B.0631, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Peterson introduced:

H. F. No. 4304, A bill for an act relating to taxation; individual income; modifying the requirement for eligibility for the credit; amending Minnesota Statutes 2016, section 290.0685, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Flanagan, Sandstede, Olson, Halverson, Omar, Fischer, Peterson and Koegel introduced:

H. F. No. 4305, A bill for an act relating to human services; modifying requirements for information for child care license holders; appropriating money; amending Minnesota Statutes 2017 Supplement, section 245A.1434.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Thissen introduced:

H. F. No. 4306, A bill for an act relating to education finance; increasing funding for special education programs; eliminating literacy aid; amending Minnesota Statutes 2016, sections 124D.98, subdivision 1; 125A.76, subdivisions 1, 2a; 125A.79, subdivisions 1, 5; Minnesota Statutes 2017 Supplement, section 125A.76, subdivision 2c; Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 3; article 4, section 12, subdivision 2, as amended; repealing Minnesota Statutes 2016, section 124D.98, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Education Finance.

Gunther introduced:

H. F. No. 4307, A bill for an act relating to human services; modifying medical assistance coverage for care coordination to include tribes; amending Minnesota Statutes 2017 Supplement, section 256B.0625, subdivision 56a.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Albright, Hoppe, Peterson, Liebling, Hamilton, Loonan, Gruenhagen, Franson, Fischer and Murphy, E., introduced:

H. F. No. 4308, A bill for an act relating to health care; requiring a health plan company to make available a fee schedule; amending Minnesota Statutes 2016, section 62Q.735, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Dettmer introduced:

H. F. No. 4309, A bill for an act relating to capital improvements; modifying a prior appropriation for local road improvements in Anoka County; amending Laws 2017, First Special Session chapter 8, article 1, section 15, subdivision 3.

The bill was read for the first time and referred to the Committee on Capital Investment.

Zerwas and Lesch introduced:

H. F. No. 4310, A bill for an act relating to corrections; appropriating money for Ramsey County Corrections pilot program.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

Halverson; Liebling; Murphy, E.; Loeffler; Schultz; Fischer and Allen introduced:

H. F. No. 4311, A bill for an act relating to health; insurance; prohibiting out-of-network health care providers from balance billing for emergency services; amending Minnesota Statutes 2016, section 62Q.55, subdivision 5.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Bernardy, Mariani, Omar and Hortman introduced:

H. F. No. 4312, A bill for an act relating to education finance; increasing funding and modifying provisions for gifted and talented programs; amending Minnesota Statutes 2016, sections 120B.11, subdivision 5; 120B.15; 120B.20; 126C.10, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 120B.

The bill was read for the first time and referred to the Committee on Education Finance.

Kresha, Halverson, Albright, Schomacker, Nelson, Mahoney, Sandstede, Kiel, Howe, Hamilton, Fenton, Franke, Davids, Sundin and Poppe introduced:

H. F. No. 4313, A bill for an act relating to human services; increasing payment rates for direct support services; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Ward, Fenton and Lillie introduced:

H. F. No. 4314, A bill for an act relating to transportation; appropriating money for Interstate Highways 94, 494, and 694 interchange project.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Poston introduced:

H. F. No. 4315, A bill for an act relating to capital investment; appropriating money for expansion of Highway 10 in the city of Wadena; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Koegel and Uglem introduced:

H. F. No. 4316, A bill for an act relating to capital investment; appropriating money for capital improvements at Anoka-Ramsey Community College in Coon Rapids; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance.

Johnson, B., introduced:

H. F. No. 4317, A bill for an act relating to health; adding security screening systems to ionizing radiation-producing equipment; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2016, section 144.121, subdivision 1a, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

Fabian introduced:

H. F. No. 4318, A bill for an act relating to capital investment; appropriating money for flood hazard mitigation; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance.

Marquart introduced:

H. F. No. 4319, A bill for an act relating to public safety; appropriating money for emergency management readiness grants for local planning and preparedness efforts; providing for a report.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

Hausman introduced:

H. F. No. 4320, A bill for an act relating to capital investment; appropriating money for asset preservation at Saint Paul College; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance.

Dauids introduced:

H. F. No. 4321, A bill for an act relating to taxation; sales and use; expanding the exemption for firefighting equipment; amending Minnesota Statutes 2016, section 297A.70, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Pinto; Pryor; Considine; Becker-Finn; Dehn, R., and Ward introduced:

H. F. No. 4322, A bill for an act relating to public safety; requiring the reporting of stolen or lost firearms; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

Pinto; Pryor; Considine; Becker-Finn; Dehn, R., and Ward introduced:

H. F. No. 4323, A bill for an act relating to public safety; requiring criminal background checks for firearm transfers; excepting certain transfers; amending Minnesota Statutes 2016, sections 609.66, by adding a subdivision; 624.7132, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 2016, sections 609.66, subdivision 1f; 624.7132, subdivision 14.

The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance.

CALENDAR FOR THE DAY

H. F. No. 3622, A bill for an act relating to insurance; changing accreditation and certification requirements for reinsurers; amending Minnesota Statutes 2016, sections 13.7191, by adding a subdivision; 60A.092; 60A.093; 60A.096; 60A.097; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Davids	Hamilton	Layman	Miller	Pinto
Anderson, P.	Davnie	Hansen	Lee	Munson	Poppe
Anderson, S.	Dean, M.	Hausman	Liebling	Murphy, E.	Poston
Applebaum	Dehn, R.	Heintzeman	Lien	Murphy, M.	Pryor
Bahr, C.	Dettmer	Hertaus	Lillie	Nash	Pugh
Baker	Drazkowski	Hilstrom	Loeffler	Nelson	Quam
Barr, R.	Ecklund	Hoppe	Lohmer	Neu	Rarick
Becker-Finn	Erickson	Hornstein	Loon	Newberger	Runbeck
Bennett	Fabian	Hortman	Loonan	Nornes	Sandstede
Bernardy	Fenton	Jessup	Lucero	O'Driscoll	Sauke
Bliss	Fischer	Johnson, B.	Lueck	Olson	Schomacker
Bly	Franke	Johnson, C.	Mahoney	Omar	Schultz
Carlson, A.	Franson	Jurgens	Mariani	O'Neill	Scott
Carlson, L.	Garofalo	Kiel	Marquart	Pelowski	Slocum
Christensen	Green	Knoblach	Masin	Peppin	Smith
Clark	Gruenhagen	Koegel	Maye Quade	Petersburg	Sundin
Considine	Gunther	Kresha	McDonald	Peterson	Swedzinski
Daniels	Haley	Kunes-Podein	Metsa	Pierson	Theis

Thissen	Urdahl	Ward	Wills	Spk. Daudt
Torkelson	Vogel	West	Youakim	
Uglem	Wagenius	Whelan	Zerwas	

The bill was passed and its title agreed to.

H. F. No. 2363, A bill for an act relating to commerce; enacting and modifying the Revised Uniform Athlete Agents Act; amending Minnesota Statutes 2016, section 45.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 81A; repealing Minnesota Statutes 2016, sections 81A.01; 81A.02; 81A.04; 81A.05; 81A.06; 81A.07; 81A.10; 81A.11; 81A.12; 81A.13; 81A.14; 81A.19; 81A.20; 81A.21.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hoppe	Lohmer	Olson	Schomacker
Anderson, P.	Ecklund	Hornstein	Loon	Omar	Schultz
Anderson, S.	Erickson	Hortman	Loonan	O'Neill	Slocum
Baker	Fabian	Jessup	Lueck	Pelowski	Smith
Barr, R.	Fenton	Johnson, B.	Mahoney	Peppin	Sundin
Becker-Finn	Fischer	Johnson, C.	Mariani	Petersburg	Swedzinski
Bennett	Franke	Jurgens	Marquart	Peterson	Theis
Bernardy	Franson	Kiel	Masin	Pierson	Torkelson
Bliss	Green	Knoblach	Metsa	Pinto	Uglem
Bly	Gruenhagen	Koegel	Murphy, E.	Poppe	Urdahl
Carlson, A.	Gunther	Kresha	Murphy, M.	Poston	Vogel
Carlson, L.	Haley	Kunesh-Podein	Nash	Pryor	Wagenius
Clark	Hamilton	Layman	Nelson	Quam	Ward
Considine	Hansen	Lee	Neu	Rarick	Wills
Daniels	Hausman	Lien	Newberger	Runbeck	Youakim
Davids	Heintzeman	Lillie	Nornes	Sandstede	Spk. Daudt
Davnie	Hilstrom	Loeffler	O'Driscoll	Sauke	

Those who voted in the negative were:

Applebaum	Dehn, R.	Lucero	Munson	West
Bahr, C.	Drazkowski	Maye Quade	Pugh	Whelan
Christensen	Garofalo	McDonald	Scott	Zerwas
Dean, M.	Hertaus	Miller	Thissen	

The bill was passed and its title agreed to.

H. F. No. 3972, A bill for an act relating to liquor; clarifying provisions relating to brewing and winemaking on premises; modifying off-sale hours; authorizing licenses; amending Minnesota Statutes 2016, sections 340A.33; 340A.34; Minnesota Statutes 2017 Supplement, section 340A.504, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Albright	Dehn, R.	Hornstein	Lucero	Olson	Schultz
Anderson, S.	Dettmer	Hortman	Lueck	Omar	Scott
Bahr, C.	Drazkowski	Jessup	Mahoney	O'Neill	Slocum
Baker	Ecklund	Johnson, C.	Mariani	Pelowski	Smith
Barr, R.	Erickson	Jurgens	Marquart	Peppin	Sundin
Becker-Finn	Fabian	Kiel	Masin	Petersburg	Swedzinski
Bennett	Fenton	Knoblach	Maye Quade	Peterson	Theis
Bernardy	Fischer	Koegel	McDonald	Pierson	Thissen
Bliss	Franke	Kresha	Metsa	Pinto	Torkelson
Bly	Garofalo	Kunesh-Podein	Miller	Poppe	Uglen
Carlson, A.	Gunther	Layman	Munson	Poston	Vogel
Carlson, L.	Haley	Lee	Murphy, E.	Pryor	Wagenius
Christensen	Hamilton	Liebling	Murphy, M.	Pugh	Ward
Clark	Hansen	Lien	Nash	Quam	West
Considine	Hausman	Lillie	Nelson	Rarick	Whelan
Daniels	Heintzeman	Loeffler	Neu	Runbeck	Wills
Davids	Hertaus	Lohmer	Newberger	Sandstede	Youakim
Davnie	Hilstrom	Loon	Nornes	Sauke	Zerwas
Dean, M.	Hoppe	Loonan	O'Driscoll	Schomacker	Spk. Daudt

Those who voted in the negative were:

Anderson, P.	Franson	Gruenhagen	Urdahl
Applebaum	Green	Johnson, B.	

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Moran moved that the name of Clark be added as an author on H. F. No. 356. The motion prevailed.

Bly moved that the name of Sauke be added as an author on H. F. No. 488. The motion prevailed.

Fenton moved that the name of Franke be added as an author on H. F. No. 501. The motion prevailed.

Backer moved that the names of Franke and Scott be added as authors on H. F. No. 960. The motion prevailed.

Thisis moved that the name of Franke be added as an author on H. F. No. 978. The motion prevailed.

Zerwas moved that the name of Franke be added as an author on H. F. No. 1331. The motion prevailed.

Dehn, R., moved that the name of Sauke be added as an author on H. F. No. 2139. The motion prevailed.

Albright moved that the name of Franke be added as an author on H. F. No. 2274. The motion prevailed.

Gunther moved that the name of Flanagan be added as an author on H. F. No. 2424. The motion prevailed.

Fenton moved that the name of Wills be added as an author on H. F. No. 2653. The motion prevailed.

Allen moved that the name of Lee be added as an author on H. F. No. 2705. The motion prevailed.

Backer moved that the name of Franke be added as an author on H. F. No. 2888. The motion prevailed.

Peterson moved that the name of Franke be added as an author on H. F. No. 2945. The motion prevailed.

Lohmer moved that the names of Kiel, Lueck and Jessup be added as authors on H. F. No. 2967. The motion prevailed.

O'Neill moved that the name of Hornstein be added as an author on H. F. No. 3017. The motion prevailed.

Dean, M., moved that the name of Haley be added as an author on H. F. No. 3062. The motion prevailed.

Wills moved that the name of Jurgens be added as an author on H. F. No. 3100. The motion prevailed.

Backer moved that the name of Franke be added as an author on H. F. No. 3134. The motion prevailed.

Anselmo moved that the name of Franke be added as an author on H. F. No. 3167. The motion prevailed.

Lillie moved that the names of Kunesh-Podein and Jurgens be added as authors on H. F. No. 3187. The motion prevailed.

Schomacker moved that the names of Marquart, Layman and Munson be added as authors on H. F. No. 3191. The motion prevailed.

Fenton moved that the name of Albright be added as an author on H. F. No. 3196. The motion prevailed.

Haley moved that the name of Jurgens be added as an author on H. F. No. 3222. The motion prevailed.

Whelan moved that the name of McDonald be added as an author on H. F. No. 3287. The motion prevailed.

Kiel moved that the names of Petersburg and Lueck be added as authors on H. F. No. 3308. The motion prevailed.

Heintzeman moved that the name of Lueck be added as an author on H. F. No. 3352. The motion prevailed.

Maye Quade moved that the names of Kunesh-Podein and Allen be added as authors on H. F. No. 3362. The motion prevailed.

Franke moved that the name of Lohmer be added as an author on H. F. No. 3370. The motion prevailed.

Knoblach moved that the name of Dettmer be added as an author on H. F. No. 3384. The motion prevailed.

Hamilton moved that the name of Zerwas be added as an author on H. F. No. 3402. The motion prevailed.

Albright moved that the name of Franke be added as an author on H. F. No. 3432. The motion prevailed.

Zerwas moved that the name of Franke be added as an author on H. F. No. 3455. The motion prevailed.

Davids moved that the name of Albright be added as an author on H. F. No. 3464. The motion prevailed.

McDonald moved that the name of Gruenhagen be added as an author on H. F. No. 3529. The motion prevailed.

Zerwas moved that the name of Newberger be added as an author on H. F. No. 3542. The motion prevailed.

Davids moved that the name of Haley be added as an author on H. F. No. 3543. The motion prevailed.

Dettmer moved that the name of Neu be added as an author on H. F. No. 3591. The motion prevailed.

Wills moved that the name of Franke be added as an author on H. F. No. 3599. The motion prevailed.

Baker moved that the name of Flanagan be added as an author on H. F. No. 3605. The motion prevailed.

Ecklund moved that his name be stricken as an author on H. F. No. 3606. The motion prevailed.

Wills moved that the name of Flanagan be added as an author on H. F. No. 3627. The motion prevailed.

Wills moved that her name be stricken as an author on H. F. No. 3687. The motion prevailed.

Smith moved that the name of Lohmer be added as an author on H. F. No. 3693. The motion prevailed.

Knoblach moved that the names of Dettmer and Nornes be added as authors on H. F. No. 3725. The motion prevailed.

Erickson moved that the name of Gruenhagen be added as an author on H. F. No. 3739. The motion prevailed.

Fabian moved that the name of Garofalo be added as an author on H. F. No. 3759. The motion prevailed.

Drazkowski moved that the name of Nornes be added as an author on H. F. No. 3779. The motion prevailed.

Loon moved that the name of Scott be added as an author on H. F. No. 3796. The motion prevailed.

Schomacker moved that the name of Sauke be added as an author on H. F. No. 3848. The motion prevailed.

Christensen moved that the name of Franke be added as an author on H. F. No. 3885. The motion prevailed.

Ward moved that the names of Wills and Marquart be added as authors on H. F. No. 4020. The motion prevailed.

Gunther moved that the names of Sandstede and Flanagan be added as authors on H. F. No. 4032. The motion prevailed.

Anderson, S., moved that the name of Sauke be added as an author on H. F. No. 4072. The motion prevailed.

Daniels moved that the name of Poston be added as an author on H. F. No. 4084. The motion prevailed.

Daniels moved that the name of Poston be added as an author on H. F. No. 4087. The motion prevailed.

Daniels moved that the name of Poston be added as an author on H. F. No. 4088. The motion prevailed.

Jessup moved that his name be stricken as an author on H. F. No. 4116. The motion prevailed.

Daniels moved that the name of Poston be added as an author on H. F. No. 4146. The motion prevailed.

Zerwas moved that the name of Ecklund be added as an author on H. F. No. 4159. The motion prevailed.

Schomacker moved that the name of Sauke be added as an author on H. F. No. 4169. The motion prevailed.

Davnie moved that the name of Bly be added as an author on H. F. No. 4260. The motion prevailed.

Nelson moved that the name of Lee be added as an author on H. F. No. 4261. The motion prevailed.

Bahr, C., moved that the names of Dettmer and Poston be added as authors on H. F. No. 4262. The motion prevailed.

Albright moved that the name of Davids be added as an author on H. F. No. 4267. The motion prevailed.

Kunesh-Podein moved that the name of Bly be added as an author on H. F. No. 4273. The motion prevailed.

Torkelson moved that the name of Johnson, C., be added as an author on H. F. No. 4278. The motion prevailed.

Sandstede moved that the name of Mahoney be added as an author on H. F. No. 4282. The motion prevailed.

Murphy, E., moved that the name of Bly be added as an author on H. F. No. 4283. The motion prevailed.

Hansen moved that H. F. No. 1091 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Taxes. The motion prevailed.

Schomacker moved that H. F. No. 3823 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on State Government Finance. The motion prevailed.

MOTION TO SUSPEND RULES

Hortman moved that the rules of the House be so far suspended so that H. F. No. 3030 be recalled from the Committee on Rules and Legislative Administration, be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Hortman motion and the roll was called. There were 48 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Applebaum	Carlson, L.	Ecklund	Hornstein	Kunesh-Podein	Loeffler
Becker-Finn	Clark	Fischer	Hortman	Lee	Mahoney
Bernardy	Considine	Hansen	Johnson, C.	Liebling	Mariani
Bly	Davnie	Hausman	Knoblach	Lien	Marquart
Carlson, A.	Dehn, R.	Hilstrom	Koegel	Lillie	Masin

Maye Quade	Murphy, M.	Omar	Sandstede	Slocum	Wagenius
Metsa	Nelson	Pinto	Sauke	Sundin	Ward
Murphy, E.	Olson	Pryor	Schultz	Thissen	Youakim

Those who voted in the negative were:

Albright	Dettmer	Hertaus	Lueck	Peterson	Torkelson
Anderson, P.	Drazkowski	Hoppe	McDonald	Pierson	Uglen
Anderson, S.	Fabian	Jessup	Miller	Poston	Urdahl
Bahr, C.	Fenton	Johnson, B.	Munson	Pugh	Vogel
Baker	Franson	Jurgens	Nash	Quam	West
Barr, R.	Garofalo	Kiel	Neu	Rarick	Whelan
Bennett	Green	Kresha	Newberger	Runbeck	Wills
Bliss	Gruenhagen	Layman	Nornes	Schomacker	Zerwas
Christensen	Gunther	Lohmer	O'Driscoll	Scott	Spk. Daudt
Daniels	Haley	Loon	O'Neill	Smith	
Davids	Hamilton	Loonan	Peppin	Swedzinski	
Dean, M.	Heintzeman	Lucero	Petersburg	Theis	

The motion did not prevail.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 3:30 p.m., Monday, April 9, 2018. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:30 p.m., Monday, April 9, 2018.

PATRICK D. MURPHY, Chief Clerk, House of Representatives