

STATE OF MINNESOTA

# Journal of the House

NINETY-FIRST SESSION — 2020

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SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 5, 2020

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

Prayer was offered by Rabbi Marcia Zimmerman, Temple Israel, Minneapolis, Minnesota.

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:

Acomb	Dehn	Heinrich	Lillie	Noor	Schultz
Albright	Demuth	Heintzeman	Lippert	Nornes	Scott
Anderson	Dettmer	Her	Lislegard	Novotny	Stephenson
Bahner	Drazkowski	Hertaus	Long	O'Driscoll	Sundin
Bahr	Ecklund	Hornstein	Lucero	Olson	Swedzinski
Baker	Edelson	Howard	Lueck	O'Neill	Tabke
Becker-Finn	Elkins	Huot	Mahoney	Pelowski	Theis
Bennett	Erickson	Johnson	Mann	Persell	Torkelson
Bernardy	Fabian	Jordan	Mariani	Petersburg	Urdahl
Bierman	Fischer	Jurgens	Marquart	Pierson	Vang
Boe	Freiberg	Kiel	Masin	Pinto	Vogel
Brand	Garofalo	Klevorn	McDonald	Poppe	Wagenius
Cantrell	Gomez	Koegel	Miller	Poston	Wazlawik
Carlson, A.	Green	Kotyza-Witthuhn	Moller	Pryor	West
Carlson, L.	Grossell	Koznick	Moran	Quam	Winkler
Christensen	Gruenhagen	Kresha	Morrison	Richardson	Wolgamott
Claflin	Gunther	Kunesh-Podein	Munson	Robbins	Xiong, J.
Considine	Haley	Layman	Murphy	Runbeck	Xiong, T.
Daniels	Halverson	Lee	Nash	Sandell	Youakim
Daudt	Hamilton	Lesch	Nelson, M.	Sandstede	Spk. Hortman
Davids	Hansen	Liebling	Nelson, N.	Sauke	
Davnie	Hausman	Lien	Neu	Schomacker	

A quorum was present.

Backer, Franson and Hassan were excused.

Mekeland was excused until 6:05 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.

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**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 1149, A bill for an act relating to public safety; expanding the authority of conservation officers under DWI law; amending Minnesota Statutes 2018, section 169A.03, subdivision 18.

Reported the same back with the following amendments:

Page 1, line 13, delete "2019" and insert "2020"

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

The report was adopted.

Lesch from the Judiciary Finance and Civil Law Division to which was referred:

H. F. No. 2898, A bill for an act relating to civil commitment; modifying provisions governing civil commitment; establishing engagement services pilot project; amending Minnesota Statutes 2018, sections 253B.02, subdivisions 4b, 7, 8, 9, 10, 13, 16, 17, 18, 19, 21, 22, 23, by adding subdivisions; 253B.03, subdivisions 1, 2, 3, 4a, 5, 6, 6b, 6d, 7, 10; 253B.04, subdivisions 1, 1a, 2; 253B.045, subdivisions 2, 3, 5, 6; 253B.06, subdivisions 1, 2, 3; 253B.07, subdivisions 1, 2, 2a, 2b, 2d, 3, 5, 7; 253B.08, subdivisions 1, 2a, 5, 5a; 253B.09, subdivisions 1, 2, 3a, 5; 253B.092; 253B.0921; 253B.095, subdivision 3; 253B.097, subdivisions 1, 2, 3, 6; 253B.10; 253B.12, subdivisions 1, 3, 4, 7; 253B.13, subdivision 1; 253B.14; 253B.141; 253B.15, subdivisions 1, 1a, 2, 3, 3a, 3b, 3c, 5, 7, 9, 10, by adding a subdivision; 253B.16; 253B.17; 253B.18, subdivisions 1, 2, 3, 4a, 4b, 4c, 5, 5a, 6, 7, 8, 10, 11, 12, 14, 15; 253B.19, subdivision 2; 253B.20, subdivisions 1, 2, 3, 4, 6; 253B.21, subdivisions 1, 2, 3; 253B.212, subdivisions 1, 1a, 1b, 2; 253B.22, subdivisions 1, 2, 3, 4; 253B.23, subdivisions 1, 1b, 2; 253B.24; 253D.02, subdivision 6; 253D.07, subdivision 2; 253D.10, subdivision 2; 253D.21; 253D.28, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 2018, sections 253B.02, subdivisions 6, 12a; 253B.05, subdivisions 1, 2, 2b, 3, 4; 253B.064; 253B.065; 253B.066; 253B.09, subdivision 3; 253B.12, subdivision 2; 253B.15, subdivision 11; 253B.20, subdivision 7.

Reported the same back with the following amendments:

Page 3, line 3, reinstate the stricken language

Page 3, line 4, delete the new language and reinstate the stricken language

Page 3, line 6, delete "(4)" and insert "(5)"

Page 3, line 8, delete "(5)" and insert "(6)"

Page 3, line 11, after the stricken "section" insert "(7) a formally designated member of a prepetition screening unit established by section"

Page 3, line 12, reinstate the stricken language

Page 6, delete section 15

Page 8, line 33, reinstate the stricken language and delete "psychotropic"

Page 9, line 34, after "issued" insert "or an emergency has been declared under section 253B.092, subdivision 3"

Page 12, line 20, reinstate the stricken language and delete "psychotropic"

Page 14, lines 1 to 3, strike the old language and delete the new language

Page 16, line 2, delete "shall" and insert "may"

Page 21, line 17, delete "treatment" and insert "treating"

Page 21, line 27, delete "treating" and insert "treatment"

Page 23, line 14, reinstate the stricken language and delete "psychotropic"

Page 23, line 18, reinstate the stricken language

Page 23, line 19, delete "psychotropic"

Page 25, line 26, reinstate the stricken language and delete "psychotropic"

Page 25, line 27, reinstate the stricken language

Page 25, line 28, reinstate the stricken language and delete the new language

Page 25, line 32, reinstate the stricken language and delete "psychotropic"

Page 25, line 33, reinstate the stricken language and delete "psychotropic"

Page 29, line 13, reinstate "neuroleptic" and delete "psychotropic"

Page 29, line 18, reinstate the stricken language and delete "psychotropic"

Page 29, line 19, reinstate the stricken language

Page 29, line 20, reinstate the stricken language and delete "psychotropic"

Page 29, line 21, delete "psychotropic"

Page 29, line 22, reinstate the stricken language and delete "psychotropic"

Page 31, line 31, after "transferred" insert "to the commissioner"

Page 33, line 11, reinstate the stricken language and delete "PSYCHOTROPIC"

Page 33, line 13, reinstate the stricken language and delete "Psychotropic"

Page 33, line 20, delete everything after the third period and insert "(a) Neuroleptic"

Page 33, line 24, reinstate the stricken language and delete "psychotropic"

Page 33, line 28, reinstate the stricken language and delete "psychotropic"

Page 33, line 30, reinstate the stricken language and delete "psychotropic"

Page 34, line 1, reinstate the stricken language and delete "psychotropic"

Page 34, line 5, delete "psychotropic" and insert "neuroleptic"

Page 34, line 6, reinstate the stricken language and delete "psychotropic"

Page 34, line 9, reinstate the stricken language and delete "psychotropic"

Page 34, line 14, delete "psychotropic" and insert "neuroleptic"

Page 34, line 18, reinstate the stricken language and delete "psychotropic"

Page 35, line 2, reinstate the stricken language

Page 35, line 3, delete "psychotropic"

Page 35, line 7, reinstate the stricken language and delete "psychotropic"

Page 35, line 9, reinstate "neuroleptic" and delete "psychotropic"

Page 35, line 12, reinstate the stricken language and delete "psychotropic"

Page 35, line 13, reinstate "neuroleptic"

Page 35, line 14, delete "psychotropic"

Page 35, line 16, reinstate the stricken language and delete "psychotropic"

Page 35, line 23, reinstate "neuroleptic" and delete "psychotropic"

Page 35, line 24, reinstate the stricken language and delete "psychotropic"

Page 35, line 26, reinstate the stricken language and delete "psychotropic"

Page 36, line 2, reinstate the stricken language and delete "psychotropic"

Page 36, line 9, reinstate "neuroleptic" and delete "psychotropic"

Page 36, line 21, reinstate the stricken language and delete "psychotropic"

Page 36, line 29, reinstate "neuroleptic"

Page 36, line 30, delete "psychotropic"

Page 36, line 32, reinstate the stricken language and delete "psychotropic"

Page 36, line 34, reinstate the stricken language and delete "psychotropic"

Page 36, line 35, reinstate the stricken language and delete "psychotropic"

Page 37, line 13, reinstate the stricken language and delete "psychotropic"

Page 37, line 21, reinstate "neuroleptic"

Page 37, line 22, delete "psychotropic"

Page 37, line 26, reinstate "neuroleptic"

Page 37, line 27, delete "psychotropic"

Page 37, line 29, delete "psychotropic" and insert "neuroleptic"

Page 37, line 30, reinstate the stricken language and delete "psychotropic"

Page 37, line 31, reinstate the stricken language and delete "psychotropic"

Page 38, line 7, reinstate the stricken language and delete "psychotropic"

Page 38, line 14, reinstate the stricken language

Page 38, line 15, delete "psychotropic"

Page 38, line 20, reinstate the stricken language

Page 38, line 21, delete "psychotropic"

Page 38, line 29, reinstate the stricken language and delete "psychotropic"

Page 38, line 33, reinstate the stricken language and delete "psychotropic"

Page 39, line 1, delete "psychotropic" and insert "neuroleptic"

Page 39, line 6, reinstate the stricken language and delete "psychotropic"

Page 39, line 8, reinstate "neuroleptic"

Page 39, line 14, delete "psychotropic" and insert "neuroleptic"

Page 39, line 22, reinstate the stricken language and delete "psychotropic"

Page 39, line 24, reinstate the stricken language and delete "psychotropic"

Page 44, line 20, reinstate "neuroleptic" and delete "psychotropic"

Page 55, line 15, reinstate the stricken language

Page 55, line 16, delete "psychotropic"

Page 75, line 27, reinstate the stricken language and delete "PSYCHOTROPIC"

Page 75, line 28, reinstate the stricken language and delete "Psychotropic"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

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

The report was adopted.

Considine from the Corrections Division to which was referred:

H. F. No. 3008, A bill for an act proposing an amendment to the Minnesota Constitution, article I, section 2; prohibiting slavery or involuntary servitude as criminal punishment for a crime.

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

The report was adopted.

Hornstein from the Transportation Finance and Policy Division to which was referred:

H. F. No. 3072, A bill for an act relating to motor vehicles; prohibiting smoking in passenger vehicles and public transportation vehicles used for personal use with persons under age 18 present; establishing a fine for violations; amending Minnesota Statutes 2018, sections 144.414, subdivision 4, by adding a subdivision; 144.4167, subdivision 3; 171.16, subdivision 3; 357.021, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 169.

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

The report was adopted.

Considine from the Corrections Division to which was referred:

H. F. No. 3109, A bill for an act relating to public safety; requiring a report on statistics for individuals convicted as an extended jurisdiction juvenile; amending Minnesota Statutes 2018, sections 241.016; 244.19, subdivision 3; 401.06.

Reported the same back with the recommendation that the bill be re-referred to the Public Safety and Criminal Justice Reform Finance and Policy Division without further recommendation.

The report was adopted.

Ecklund from the Veterans and Military Affairs Finance and Policy Division to which was referred:

H. F. No. 3176, A bill for an act relating to motor vehicles; establishing an Air Medal special veterans license plate; amending Minnesota Statutes 2018, section 168.123, subdivision 2.

Reported the same back with the recommendation that the bill be re-referred to the Transportation Finance and Policy Division.

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 3229, A bill for an act relating to public safety; modifying requirements for the Leech Lake Band of Ojibwe to exercise concurrent state law enforcement jurisdictional authority; amending Minnesota Statutes 2018, section 626.93, by adding a subdivision.

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

The report was adopted.

Hornstein from the Transportation Finance and Policy Division to which was referred:

H. F. No. 3240, A bill for an act relating to transportation; modifying operating standards for special transportation service providers; amending Minnesota Statutes 2018, section 174.30, subdivisions 2a, 4a, 8; repealing Minnesota Statutes 2018, section 174.30, subdivision 4b.

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

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 3243, A bill for an act relating to public safety; expanding access to information for law enforcement hiring; amending Minnesota Statutes 2018, section 626.87, subdivisions 2, 3, 5.

Reported the same back with the recommendation that the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

Lesch from the Judiciary Finance and Civil Law Division to which was referred:

H. F. No. 3274, A bill for an act relating to real property; amending the Minnesota Common Interest Ownership Act; creating a court approval process for proposed amendments to governing documents of a common interest community; amending Minnesota Statutes 2018, sections 515B.1-102; 515B.2-118.

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

The report was adopted.

Davnie from the Education Finance Division to which was referred:

H. F. No. 3316, A bill for an act relating to education finance; eliminating a required set aside of compensatory revenue for extended time programming; amending Minnesota Statutes 2018, section 126C.10, subdivision 3.

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

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3318, A bill for an act relating to human services; expanding the Metro Demo housing support program; amending Minnesota Statutes 2018, section 256I.04, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 256I.04, subdivision 3, is amended to read:

Subd. 3. **Moratorium on development of housing support beds.** (a) Agencies shall not enter into agreements for new housing support beds with total rates in excess of the MSA equivalent rate except:

(1) for establishments licensed under chapter 245D provided the facility is needed to meet the census reduction targets for persons with developmental disabilities at regional treatment centers;

(2) up to 80 beds in a single, specialized facility located in Hennepin County that will provide housing for chronic inebriates who are repetitive users of detoxification centers and are refused placement in emergency shelters because of their state of intoxication, and planning for the specialized facility must have been initiated before July 1, 1991, in anticipation of receiving a grant from the Housing Finance Agency under section 462A.05, subdivision 20a, paragraph (b);

(3) notwithstanding the provisions of subdivision 2a, for up to ~~226~~ 650 supportive housing units in Anoka, ~~Carver, Dakota, Hennepin, or Ramsey, Scott, or Washington~~ County for homeless adults with a mental illness, a history of substance abuse, or human immunodeficiency virus or acquired immunodeficiency syndrome. Of the 650 units, 46 units are for a provider located in Scott County providing site-based permanent supportive housing for families and 100 units are for a provider located in Hennepin County providing site-based permanent supportive housing for families. The 146 site-based permanent supportive housing units must be developed by December 31, 2026, or the undeveloped units may be claimed by other providers who meet the requirements of this clause. For purposes of this section, "homeless adult" means a person who is living on the street or in a shelter ~~or discharged from a regional treatment center, community hospital, or residential treatment program and~~, has no appropriate housing available, and lacks the resources and support necessary to access appropriate housing. ~~At least 70 percent of the supportive housing units must serve homeless adults with mental illness, substance abuse problems, or human immunodeficiency virus or acquired immunodeficiency syndrome who are about to be or, within the previous six months, have been discharged from a regional treatment center, or a state contracted psychiatric bed in a community hospital, or a residential mental health or chemical dependency treatment program.~~ If a person meets the requirements of subdivision 1, paragraph (a) or (b), and receives a federal or state housing subsidy, the housing support rate for that person is limited to the supplementary rate under section 256I.05, subdivision 1a, ~~and is determined by subtracting the amount of the person's countable income that exceeds the MSA equivalent rate from the housing support supplementary service rate.~~ A resident in a demonstration project site who no longer



participates in the demonstration program shall retain eligibility for a housing support payment in an amount determined under section 256I.06, subdivision 8, using the MSA equivalent rate. ~~Service funding under section 256I.05, subdivision 1a, will end June 30, 1997, if federal matching funds are available and the services can be provided through a managed care entity. If federal matching funds are not available, then service funding will continue under section 256I.05, subdivision 1a;~~

(4) for an additional two beds, resulting in a total of 32 beds, for a facility located in Hennepin County providing services for recovering and chemically dependent men that has had a housing support contract with the county and has been licensed as a board and lodge facility with special services since 1980;

(5) for a housing support provider located in the city of St. Cloud, or a county contiguous to the city of St. Cloud, that operates a 40-bed facility, that received financing through the Minnesota Housing Finance Agency Ending Long-Term Homelessness Initiative and serves chemically dependent clientele, providing 24-hour-a-day supervision;

(6) for a new 65-bed facility in Crow Wing County that will serve chemically dependent persons, operated by a housing support provider that currently operates a 304-bed facility in Minneapolis, and a 44-bed facility in Duluth;

(7) for a housing support provider that operates two ten-bed facilities, one located in Hennepin County and one located in Ramsey County, that provide community support and 24-hour-a-day supervision to serve the mental health needs of individuals who have chronically lived unsheltered; and

(8) for a facility authorized for recipients of housing support in Hennepin County with a capacity of up to 48 beds that has been licensed since 1978 as a board and lodging facility and that until August 1, 2007, operated as a licensed chemical dependency treatment program.

(b) An agency may enter into a housing support agreement for beds with rates in excess of the MSA equivalent rate in addition to those currently covered under a housing support agreement if the additional beds are only a replacement of beds with rates in excess of the MSA equivalent rate which have been made available due to closure of a setting, a change of licensure or certification which removes the beds from housing support payment, or as a result of the downsizing of a setting authorized for recipients of housing support. The transfer of available beds from one agency to another can only occur by the agreement of both agencies."

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

The report was adopted.

Ecklund from the Veterans and Military Affairs Finance and Policy Division to which was referred:

H. F. No. 3324, A bill for an act relating to veterans; appropriating funds for veteran retreats.

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

The report was adopted.

Halverson from the Committee on Commerce to which was referred:

H. F. No. 3369, A bill for an act relating to pet animals; prohibiting the sale of dogs and cats by retail pet shops; amending Minnesota Statutes 2018, sections 325F.79; 325F.792, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the recommendation that the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

Lesch from the Judiciary Finance and Civil Law Division to which was referred:

H. F. No. 3391, A bill for an act relating to civil law; modifying and modernizing certain provisions governing guardianship and conservatorship; amending Minnesota Statutes 2018, sections 484.76, subdivision 2; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions; 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303; 524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317; 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414; 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota Statutes, chapter 524.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 484.76, subdivision 2, is amended to read:

Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials, consensual special magistrates including retired judges and qualified attorneys to serve as special magistrates for binding proceedings with a right of appeal, and any other methods developed by the supreme court. The methods provided must be nonbinding unless otherwise agreed to in a valid agreement between the parties. Alternative dispute resolution may not be required in ~~guardianship, conservatorship, or~~ civil commitment matters; or in matters arising under section 144.651, 144.652, 518B.01, or 626.557.

Sec. 2. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 1a. **ABLE account.** "ABLE account" means an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code.

Sec. 3. Minnesota Statutes 2018, section 524.5-102, subdivision 6, is amended to read:

Subd. 6. **Incapacitated person.** "Incapacitated person" means an individual who, for reasons other than being a minor, is impaired to the extent of lacking sufficient understanding or capacity to make ~~or communicate responsible~~ personal decisions, and who ~~has demonstrated deficits in behavior which evidence an inability~~ is unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision making assistance.

Sec. 4. Minnesota Statutes 2018, section 524.5-102, subdivision 7, is amended to read:

Subd. 7. **Interested person.** "Interested person" includes:

- (i) the adult subject to guardianship or conservatorship, ward, protected person, or respondent;
- (ii) a nominated guardian or conservator, or the duly appointed guardian or conservator;
- (iii) legal representative;
- (iv) the spouse, parent, adult children including adult step-children of a living spouse, and siblings, or if none of such persons is living or can be located, the next of kin of the ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent;
- (v) an adult person who has lived with a ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent for a period of more than six months;
- (vi) an attorney for the ~~ward~~ person subject to guardianship or ~~protected~~ person subject to conservatorship;
- (vii) a governmental agency paying or to which an application has been made for benefits for the respondent, ~~ward, or protected~~ person subject to guardianship, or person subject to conservatorship, including the county social services agency for the person's county of residence and the county where the proceeding is venued;
- (viii) a representative of a state ombudsman's office or a federal protection and advocacy program that has notified the court that it has a matter regarding the ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent;
- (ix) a health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state; ~~and~~
- (x) in the case of a minor who is an Indian as defined under United States Code, title 25, section 1903, (1) the tribal chairman or delegated agent and (2) the regional director of the minor child's tribe with service by registered or certified mail under Code of Federal Regulations, title 25, parts 23.11 and 23.12; and
- (~~x~~) (xi) any other person designated by the court.

Sec. 5. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 7a. **Interested party.** "Interested party" means a person who has suffered some injury-in-fact, a person who is the beneficiary of some legislative enactment granting standing, or a person who must have sufficient personal interest in the matter so that it is appropriate to allow that person to participate in the matter.

Sec. 6. Minnesota Statutes 2018, section 524.5-102, subdivision 13a, is amended to read:

Subd. 13a. ~~**Professional guardian or professional conservator**~~ **Person subject to conservatorship.** ~~"Professional guardian" or "professional conservator" means a person acting as guardian or conservator for three or more individuals not related by blood, adoption, or marriage.~~ "Person subject to conservatorship" means a minor or other individual for whom a conservator has been appointed.

Sec. 7. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 13b. **Person subject to guardianship.** "Person subject to guardianship" means an individual for whom a guardian has been appointed.

Sec. 8. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 13c. **Professional guardian or professional conservator.** "Professional guardian" or "professional conservator" means a person acting as guardian or conservator for three or more individuals not related by blood, adoption, or marriage.

Sec. 9. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 16a. **Supported decision making.** "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions which enables the individual to make the decisions and, when consistent with the individual's wishes, in communicating a decision once made.

Sec. 10. Minnesota Statutes 2018, section 524.5-104, is amended to read:

#### **524.5-104 FACILITY OF TRANSFER.**

(a) A person ~~required to~~ who may transfer money or personal property to a minor may do so, as to an amount or value not exceeding ~~\$5,000 per year~~ the amount allowable as a tax exclusion gift under section 2503(b) of the Internal Revenue Code or a different amount that is approved by the court, by transferring it to:

- (1) a person who has the care and custody of the minor and with whom the minor resides;
- (2) a guardian of the minor;
- (3) a custodian under the Uniform Transfers To Minors Act or custodial trustee under the Uniform Custodial Trust Act; ~~or~~
- (4) a financial institution as a deposit in an interest-bearing account or certificate in the sole name of the minor and giving notice of the deposit to the minor; or

(5) an ABLE account. A guardian only has the authority to establish an ABLE account. The guardian may not administer the ABLE account in the guardian's capacity as guardian.

(b) This section does not apply if the person making payment or delivery knows that a conservator has been appointed or that a proceeding for appointment of a conservator of the minor is pending.

(c) A person who transfers money or property in compliance with this section is not responsible for its proper application.

(d) A guardian or other person who receives money or property for a minor under paragraph (a), clause (1) or (2), may only apply it to the support, care, education, health, and welfare of the minor, and may not derive a personal financial benefit except for reimbursement for necessary expenses. Any excess must be preserved for the future support, care, education, health, and welfare of the minor and any balance must be transferred to the minor upon emancipation or attaining majority.

Sec. 11. Minnesota Statutes 2018, section 524.5-110, is amended to read:

**524.5-110 LETTERS OF OFFICE.**

The court shall issue appropriate letters of guardianship upon the guardian's filing of an acceptance of office. The court shall issue appropriate letters of conservatorship upon the conservator's filing of an acceptance of office and any required bond. Letters of guardianship must indicate whether the guardian was appointed by the court, a parent, or the spouse. Any limitation on duration or on the powers of a guardian or conservator or of the assets subject to a conservatorship must be endorsed on the guardian's or conservator's letters.

Sec. 12. Minnesota Statutes 2018, section 524.5-113, is amended to read:

**524.5-113 NOTICE.**

(a) Except for notice for which specific requirements are otherwise provided in this article or as otherwise ordered by the court for good cause, notice of a hearing on a petition is required for all petitions in the manner prescribed by this section. The petitioner shall give notice of the time and place of the hearing to all interested persons. Subject to paragraph (f), notice must be given by mail postmarked at least 14 days before the hearing.

(b) Proof of notice must be made before or at the hearing and filed in the proceeding.

(c) A notice under this article must be given in plain language.

(d) If a patient of a state hospital, regional center, or any state-operated service has a guardianship or conservatorship established, modified, or terminated, the head of the state hospital, regional center, or state-operated service shall be notified. The notice shall require the institution to advise the court of the existence, if known, of a health care directive as defined in section 145C.01, executed by the proposed ~~ward~~ person subject to guardianship, incapacitated person, or ~~protected~~ person subject to conservatorship, a living will executed under chapter 145B, or any other similar document executed in another state and enforceable under the laws of this state. If a ~~ward~~ person subject to guardianship, incapacitated person, or ~~protected~~ person subject to conservatorship is under the guardianship or conservatorship of the commissioner of human services as developmentally disabled or dependent and neglected or is under the temporary custody of the commissioner of human services, the court shall notify the commissioner of human services if the public guardianship or conservatorship is established, modified, or terminated.

(e) If a conservator is required to file a bond pursuant to section 524.5-415, notice of any proceeding seeking a surcharge of any interested party must be sent or delivered to the surety at the address shown in the court records at the place where the bond is filed and to any other address then known to the petitioner.

(f) Except where personal service is required by statute for the petition to appoint a guardian under section 524.5-308 or conservator under section 524.5-404, service of all documents and notices under this chapter may, and where required by supreme court rule or order shall, be made by electronic means other than facsimile transmission if authorized by rule or order of the supreme court and if service is made in accordance with the rule or order.

(g) An interested person may notify the court in writing that the interested person does not wish to receive copies of notices required under any provision of this article after which time neither the court nor any other person is required to give notice to any person who has waived notice.

(h) After an initial hearing on any guardianship or conservatorship matter, the court may limit the notices and reports required under any provision of this article to the persons determined by the court.

Sec. 13. Minnesota Statutes 2018, section 524.5-120, is amended to read:

**524.5-120 BILL OF RIGHTS FOR ~~WARDS AND PROTECTED~~ PERSONS SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.**

The ~~ward or protected~~ person subject to guardianship or person subject to conservatorship retains all rights not restricted by court order and these rights must be enforced by the court. These rights include the right to:

- (1) treatment with dignity and respect;
- (2) due consideration of current and previously stated personal desires, and preferences, including but not limited to medical treatment preferences, cultural practices, religious beliefs, and other preferences and opinions in decisions made by the guardian or conservator;
- (3) participate in decision making about and receive timely and appropriate health care and medical treatment that does not violate known preferences or conscientious, religious, or moral beliefs of the ~~ward or protected~~ person subject to guardianship or person subject to conservatorship;
- (4) exercise control of all aspects of life ~~not~~ unless delegated specifically to the guardian or conservator by court order ~~to the guardian or conservator~~;
- (5) guardianship or conservatorship services individually suited to the ~~ward's or protected person's~~ conditions and needs of the person subject to guardianship or the person subject to conservatorship;
- (6) petition the court to prevent or initiate a change in abode;
- (7) care, comfort, social and recreational needs, employment and employment supports, training, education, habilitation, and rehabilitation care and services, within available resources;
- (8) be consulted concerning, and to decide to the extent possible, the reasonable care and disposition of the ~~ward's or protected person's~~ clothing, furniture, vehicles, and other personal property and effects of the person subject to guardianship or person subject to conservatorship, to object to the disposition of personal property and effects, and to petition the court for a review of the guardian's or conservator's proposed disposition;
- (9) personal privacy;
- (10) ~~communication and visitation with persons of the ward's or protected person's choice, provided that if the guardian has found that certain communication or visitation may result in harm to the ward's or protected person's health, safety, or well being, that communication or visitation may be restricted but only to the extent necessary to prevent the harm~~ communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid the significant harm. In all cases, the guardian shall provide written notice of the restrictions imposed to the court, to the person subject to guardianship, and to the person subject to restrictions. The person subject to guardianship or the person subject to restrictions may petition the court to remove or modify the restrictions;
- (11) marry and procreate, unless court approval is required, ~~and to consent~~;
- (12) elect or object to sterilization as provided in section 524.5-313, paragraph (c), clause (4), item (iv);

~~(12)~~ (13) at any time, petition the court for termination or modification of the guardianship or conservatorship, and any decisions made by the guardian or conservator in relation to powers granted, or for other appropriate relief;

~~(13)~~ (14) be represented by an attorney in any proceeding or for the purpose of petitioning the court;

~~(14)~~ (15) vote, unless restricted by the court; and

(16) be consulted concerning, and make decisions to the extent possible, about personal image and name, unless restricted by the court; and

~~(15)~~ (17) execute a health care directive, including both health care instructions and the appointment of a health care agent, if the court has not granted a guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4).

Sec. 14. **[524.5-121] BILL OF PARTICULARS.**

(a) When a bill of particulars is required to be filed under this chapter, it shall be filed pursuant to a form approved by the court. In the absence of a court form, a bill of particulars shall specify the confidential or nonpublic information within the text of the form or as an appendix to the form, including a reference to where the information is located in the pleadings, captioned consistent with the current proceedings, and identification of the bill of particulars as a confidential document. A bill of particulars must be filed consistent with all applicable court rules for submitting confidential or nonpublic documents, including Rule 11 of the Minnesota Rules of General Practice and the Rules of Public Access to Records of the Judicial Branch.

(b) Notwithstanding any provision of this article or of any other law to the contrary, a bill of particulars filed pursuant to this chapter shall be served upon:

(1) the respondent or the respondent's attorneys;

(2) the person subject to guardianship or their attorneys;

(3) the person subject to conservatorship or their attorneys; and

(4) interested persons or their attorneys who file objections in a guardianship or conservatorship or protective proceeding or object to a particular account, report or pleading filed with a bill of particulars.

(c) Notwithstanding any provision of this article or of any other law to the contrary, a bill of particulars filed pursuant to this chapter shall be served upon or otherwise provided to:

(1) any person upon consent of: the respondent or the respondent's attorneys, the person subject to guardianship or the person's attorneys, the person subject to conservatorship or the person's attorneys, the respondent's guardian or conservator, or the guardian or conservator's attorneys; and

(2) other persons by order of the court for good cause shown.

(d) Any person served or provided with a bill of particulars may only disclose the information within it to those authorized to receive the information as provided for in this section. This limitation of disclosure shall be stated in the bill of particulars.

(e) A filing of a bill of particulars consistent with this chapter is not a violation of the Minnesota Health Records Act or section 144.293.

Sec. 15. Minnesota Statutes 2018, section 524.5-205, is amended to read:

**524.5-205 JUDICIAL APPOINTMENT OF GUARDIAN: PROCEDURE.**

(a) A person interested in the welfare of a minor may petition for appointment of a guardian.

(b) After a petition is filed, the court shall set a date for hearing, and the petitioner shall give notice of the time and place for hearing the petition, together with a copy of the petition, to:

(1) the minor, if the minor has attained 14 years of age and is not the petitioner;

(2) any person alleged to have had the primary care and custody of the minor during the 60 days before the filing of the petition;

(3) each living parent of the minor or, if there is none, the adult nearest in kinship that can be found;

(4) any person nominated as guardian by the minor if the minor has attained 14 years of age;

(5) any appointee of a parent whose appointment has not been prevented or terminated under section 524.5-203; and

(6) any guardian or conservator currently acting for the minor in this state or elsewhere.

(c) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

~~(e)~~ (d) The court, upon hearing, shall make the appointment if it finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the conditions of section 524.5-204, paragraph (a), have been met, and the best interest of the minor will be served by the appointment. In other cases, the court may dismiss the proceeding or make any other disposition of the matter that will serve the best interest of the minor.

~~(d)~~ (e) If the court determines at any stage of the proceeding, before or after appointment, that the interests of the minor are or may be inadequately represented, it may appoint a lawyer to represent the minor, giving consideration to the choice of the minor if the minor has attained 14 years of age, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing guardian or the order dismissing a petition or upon such other time or event as the court may direct.

~~(e)~~ (f) Within 14 days after an appointment, a guardian shall send or deliver to the minor ~~ward~~ person subject to guardianship, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the minor ~~ward~~ person subject to guardianship of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

Sec. 16. Minnesota Statutes 2018, section 524.5-211, is amended to read:

**524.5-211 DELEGATION OF POWER BY PARENT OR GUARDIAN.**

(a) A parent, legal custodian, or nonprofessional guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding one year, any powers regarding care, custody, or property of the minor or ~~ward~~ person subject to guardianship, except the power to consent to marriage or adoption of a minor ~~ward~~ person subject to guardianship.



(b) A professional guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 30 days, any powers regarding care, custody, or property of the minor or person subject to guardianship, except the power to consent to marriage or adoption of a minor person subject to guardianship. A professional guardian delegating parental rights under this paragraph must submit the power of attorney to the court.

~~(b)~~ (c) A parent who executes a delegation of powers under this section must mail or give a copy of the document to any other parent within 30 days of its execution unless:

(1) the other parent does not have parenting time or has supervised parenting time; or

(2) there is an existing order for protection under chapter 518B or a similar law of another state in effect against the other parent to protect the parent, legal custodian, or guardian executing the delegation of powers or the child.

~~(c)~~ (d) A parent, legal custodian, or guardian of a minor child may also delegate those powers by designating a standby or temporary custodian under chapter 257B.

Sec. 17. Minnesota Statutes 2018, section 524.5-303, is amended to read:

**524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.**

(a) An individual or a person interested in the individual's welfare may petition for a determination of incapacity, in whole or in part, and for the appointment of a guardian, limited or unlimited guardian in duration or power, for the individual.

(b) The petition must set forth the petitioner's name, residence, current address ~~if different~~, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling in which it is proposed that the respondent will reside if the appointment is made;

(2) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children including adult step-children of a living spouse or, if the respondent has none, the respondent's parents and adult brothers and sisters, or if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(3) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(4) the name and address or post office box of any legal representative for the respondent;

(5) the name, address or post office box, and telephone number of any person nominated as guardian by the respondent in any manner permitted by law, including a health care agent nominated in a health care directive;

(6) the name, address, and telephone number of any proposed guardian and the reason why the proposed guardian should be selected;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) the reason why guardianship is necessary, including a brief description of the nature and extent of the respondent's alleged incapacity;

(9) what less restrictive means have been attempted and considered, how long such less restrictive means have been attempted, and a description of why such less restrictive means are not sufficient to meet the respondent's identified needs;

~~(9)~~ (10) if an unlimited guardianship is requested, the reason why limited guardianship is inappropriate and, if a limited guardianship is requested, the powers to be granted to the limited guardian; and

~~(10)~~ (11) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts.

(c) The petition must also set forth the following information regarding the proposed guardian or any employee of the guardian responsible for exercising powers and duties under the guardianship:

(1) whether the proposed guardian has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(2) if the proposed guardian is a professional guardian or conservator, a summary of the proposed guardian's educational background and relevant work and other experience;

(3) whether the proposed guardian has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed guardian has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed guardian has ~~ever~~ filed for or received protection under the bankruptcy laws in the last five years, and if so, the case number and court location;

(6) whether the proposed guardian has any outstanding civil monetary judgments against the proposed guardian, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed guardian, and if so, the case number and court location; ~~and~~

(8) whether the proposed guardian has ever been convicted of a ~~crime other than a petty misdemeanor or traffic offense~~ gross misdemeanor or felony, and if so, the case number and the crime of which the guardian was convicted; ~~and~~

(9) if the proposed guardian is a professional, the proposed guardian's current customary rates, and if the proposed guardian is not a professional, the proposed guardian's current anticipated rates.

(d) Any documents or information disclosing or pertaining to paragraph (b), clauses (7) to (11), or health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 18. Minnesota Statutes 2018, section 524.5-304, is amended to read:

**524.5-304 JUDICIAL APPOINTMENT OF GUARDIAN: PRELIMINARIES TO HEARING.**

(a) Upon receipt of a petition to establish a guardianship, the court shall set a date and time for hearing the petition and may appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition.

(b) A proposed ward person subject to guardianship has the right to be represented by counsel at any proceeding under this article. The court shall appoint counsel to represent the proposed ward person subject to guardianship for the initial proceeding held pursuant to section 524.5-307 if neither the proposed ward person subject to guardianship nor others provide counsel unless in a meeting with a visitor the proposed ward person subject to guardianship makes an informed decision in writing to specifically waive the right to counsel. Before appointment, and at any time during the course of the representation when a risk of a conflict of interest may arise, the proposed or appointed counsel shall disclose to the court, the proposed ward person subject to guardianship or ward person subject to guardianship, and interested persons whether there are concurrent proceedings in which the counsel is the attorney for the proposed guardian or guardian and whether there is a risk of a conflict of interest under Rule 1.7 of the Rules of Professional Conduct so that the representation of the proposed ward person subject to guardianship or ward person subject to guardianship will be materially limited by counsel's concurrent responsibilities to the proposed guardian or guardian. If there is a risk of a conflict of interest, the counsel must not be appointed or new counsel must be appointed, unless:

(1) the court determines that the proposed ward person subject to guardianship or ward person subject to guardianship is able to give informed consent to the representation and, if the proposed ward person subject to guardianship or ward person subject to guardianship consents, the consent is confirmed in writing pursuant to Rule 1.7; or

(2) the court determines that there is not a risk of a conflict of interest under Rule 1.7 requiring the appointment of different counsel.

(c) Counsel must be appointed immediately after any petition under this article is served under section 524.5-308. Counsel has the full right of subpoena. In all proceedings under this article, counsel shall:

(1) consult with the proposed ward person subject to guardianship before any hearing;

(2) be given adequate time to prepare for all hearings; and

(3) continue to represent the person throughout any proceedings under section 524.5-307, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing guardian or the order dismissing a petition, or upon such other time or event as the court may direct.

The court need not appoint counsel to represent the proposed ward person subject to guardianship on a voluntary petition, and the court may remove a court-appointed attorney at any time if the court finds that the proposed ward person subject to guardianship has made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

(d) The visitor shall personally serve the notice and petition upon the respondent and shall offer to read the notice and petition to the respondent, and if so requested the visitor shall read the notice and petition to such person. The visitor shall also interview the respondent in person, and to the extent that the respondent is able to understand:

(1) explain to the respondent the substance of the petition; the nature, purpose, and effect of the proceeding; the respondent's rights at the hearing; and the general powers and duties of a guardian;

(2) determine the respondent's views about the proposed guardian, the proposed guardian's powers and duties, and the scope and duration of the proposed guardianship;

(3) inform the respondent of the right to employ and consult with a lawyer at the respondent's own expense and the right to request a court-appointed lawyer; and

(4) inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys fees, will be paid from the respondent's estate.

(e) In addition to the duties in paragraph (d), the visitor shall make any other investigation the court directs.

(f) The visitor shall promptly file, as a confidential document consistent with the bill of particulars under section 524.5-121, a report in writing with the court, which must include:

(1) recommendations regarding the appropriateness of guardianship, including whether less restrictive means of intervention are available, the type of guardianship, and, if a limited guardianship, the powers to be granted to the limited guardian;

(2) a statement as to whether the respondent approves or disapproves of the proposed guardian, and the powers and duties proposed or the scope of the guardianship; and

(3) any other matters the court directs.

(g) The county social service agency may create a screening committee to review a petition involving an indigent person. The screening committee must consist of individuals selected by the agency with knowledge of alternatives that are less restrictive than guardianship. If the agency has created a screening committee, the court shall make its decision after the screening committee has reviewed the petition. For an indigent person, the court may appoint a guardian under contract with the county to provide these services.

Sec. 19. Minnesota Statutes 2018, section 524.5-307, is amended to read:

**524.5-307 ~~JUDICIAL APPOINTMENT OF GUARDIAN PROCEEDINGS; PRESENCE AND RIGHTS AT HEARING.~~**

(a) Unless excused by the court for good cause, the petitioner and the proposed guardian shall attend the hearing. The respondent shall attend and participate in the hearing, unless excused by the court for good cause. The petitioner and respondent may present evidence and subpoena witnesses and documents; examine witnesses, including the visitor; and otherwise participate in the hearing. The hearing may be held in a location convenient to the respondent and may be closed upon the request of the respondent and a showing of good cause.

(b) Any person may request permission to participate in the proceeding. The court may grant the request, with or without hearing, upon a showing of good cause and after determining that the best interest of the respondent will be served. The court may attach appropriate conditions to the participation.

(c) A respondent to any guardianship petition and any person subject to guardianship in any other guardianship proceeding has not placed his or her health, physical, or mental condition in controversy. Any denials, allegations or affirmative assertions by the respondent or person subject to guardianship regarding capacity do not place these matters in controversy.

Sec. 20. Minnesota Statutes 2018, section 524.5-310, is amended to read:

**524.5-310 FINDINGS; ORDER OF APPOINTMENT.**

(a) The court may appoint a guardian, limited or unlimited guardian in duration or power, for a respondent only if it finds by clear and convincing evidence that:

(1) the respondent is an incapacitated person; and

(2) the respondent's identified needs cannot be met by less restrictive means, including but not limited to use of appropriate technological assistance, supported decision making, community or residential services, or appointment of a health care agent under section 145C.01, subdivision 2. The court must make specific findings particular to the respondent why less restrictive alternatives do not work.

(b) Alternatively, the court, with appropriate findings, may treat the petition as one for a protective order under section 524.5-401, enter any other appropriate order, or dismiss the proceeding.

(c) The court shall grant to a guardian only those powers necessitated by the ward's limitations and demonstrated needs of the person subject to guardianship and, whenever feasible, make appointive and other orders that will encourage the development of the ward's maximum self-reliance and independence of the person subject to guardianship. Any power not specifically granted to the guardian, following a written finding by the court of a demonstrated need for that power, is retained by the ward person subject to guardianship.

(d) The court may limit the duration of any guardianship. However, if the person subject to guardianship is under the age of 30 years old on the date the court files an order appointing a guardian, the guardianship must be of a limited duration determined by the court, not exceeding a period over 72 months.

(e) Notwithstanding paragraph (d), a petition for guardianship for an indefinite period of time may be filed for any person who is 29 years or older and is currently subject to a guardianship of limited duration.

~~(d)~~ (f) If the court grants the guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4), the authority of a previously appointed health care agent to make health care decisions, as defined in section 145C.01, subdivision 5, is suspended until further order of the court or as otherwise provided by this section. The court may declare a health care directive unenforceable as provided in section 145C.09, subdivision 3. The court may declare that a health care directive has been revoked by the ward person subject to guardianship if the court finds, by clear and convincing evidence, that the ward person subject to guardianship has revoked the health care directive as provided in section 145C.09, subdivision 1.

~~(e)~~ (g) A health care agent or other person legally appointed by the ward person subject to guardianship to control final disposition of the ward's remains of the person subject to guardianship under section 145C.05, subdivision 2, clause (7), or 149A.80, or a health care agent authorized to make organ or tissue donations under section 525A.04 or 525A.09, may make health care decisions as defined in section 145C.01, subdivision 5, on behalf of the ward person subject to guardianship for the purpose of preparing the ward's body of the person subject to guardianship for organ or tissue donation or final disposition of the ward's remains of the person subject to guardianship, as applicable.

~~(f)~~ (h) Within 14 days after an appointment, a guardian shall send or deliver to the ward person subject to guardianship, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ward person subject to guardianship of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

~~(g)~~ (i) Each year, within 30 days after the anniversary date of an appointment, a guardian shall send or deliver to the ward person subject to guardianship and to interested persons of record with the court (1) a notice of the right to request termination or modification of the guardianship or to request an order that is in the best interests of the ward person subject to guardianship or for other appropriate relief, ~~and~~ (2) notice of the status of the ward's right to vote of the person subject to guardianship, and (3) a copy of the bill of rights for persons subject to guardianship as provided in section 524.5-120.

Sec. 21. Minnesota Statutes 2018, section 524.5-311, is amended to read:

#### **524.5-311 EMERGENCY GUARDIAN.**

(a) If the court finds that compliance with the procedures of this article will likely result in substantial harm to the respondent's health, safety, or welfare, and that no other person appears to have authority and willingness to act in the circumstances, the court, on petition by a person interested in the respondent's welfare, may appoint an emergency guardian whose authority may not exceed 60 days and who may exercise only the powers specified in the order. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of an emergency guardian on behalf of a vulnerable adult may be granted authority to act for a period not to exceed 90 days. An emergency guardian's appointment under this section may only be extended once for a period not to exceed 60 days if the court finds good cause for the continuation of the guardianship. Immediately upon receipt of the petition for an emergency guardianship, the court shall appoint a lawyer to represent the respondent in the proceeding. Except as otherwise provided in paragraph (b), reasonable notice of the time and place of a hearing on the petition must be given to the respondent and any other persons as the court directs.

(b) An emergency guardian may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from affidavit or other sworn testimony that the respondent will be substantially harmed before a hearing on the appointment can be held. If the court appoints an emergency guardian without notice to the respondent, the respondent must be given notice of the appointment within 48 hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within five days after the appointment.

(c) Appointment of an emergency guardian, with or without notice, is not a determination of the respondent's incapacity.

(d) The court may remove an emergency guardian at any time. An emergency guardian shall make any report the court requires. In other respects, the provisions of this article concerning guardians apply to an emergency guardian.

(e) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 22. Minnesota Statutes 2018, section 524.5-313, is amended to read:

**524.5-313 POWERS AND DUTIES OF GUARDIAN.**

(a) A guardian shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a guardian only those powers necessary to provide for the demonstrated needs of the ward person subject to guardianship.

(c) The court may appoint a guardian if it determines that all the powers and duties listed in this section are needed to provide for the needs of the incapacitated person. The court may also appoint a guardian if it determines that a guardian is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a guardian or those which the court may grant to a guardian include, but are not limited to:

(1) the power to have custody of the ward person subject to guardianship and the power to establish a place of abode within or outside the state, except as otherwise provided in this clause. The ward person subject to guardianship or any interested person may petition the court to prevent or to initiate a change in abode. A ward person subject to guardianship may not be admitted to a regional treatment center by the guardian except:

(i) after a hearing under chapter 253B;

(ii) for outpatient services; or

(iii) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year;

(2) the duty to provide for the ~~ward's~~ care, comfort, and maintenance needs of the person subject to guardianship, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian should meet these requirements through governmental benefits or services to which the ward person subject to guardianship is entitled, rather than from the ~~ward's~~ estate of the person subject to guardianship. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian, but the guardian shall have no personal or monetary liability;

(3) the duty to take reasonable care of the ~~ward's~~ clothing, furniture, vehicles, and other personal effects of the person subject to guardianship, and, if other property requires protection, the power to seek appointment of a conservator of the estate. The guardian must give notice by mail to interested persons prior to the disposition of the ~~ward's~~ clothing, furniture, vehicles, or other personal effects of the person subject to guardianship. The notice must inform the person of the right to object to the disposition of the property within ten days of the date of mailing and to petition the court for a review of the guardian's proposed actions. Notice of the objection must be served by mail or personal service on the guardian and the ward person subject to guardianship unless the ward person subject to guardianship is the objector. The guardian served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing;

(4)(i) the power to give any necessary consent to enable the ward person subject to guardianship to receive necessary medical or other professional care, counsel, treatment, or service, except that no guardian may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the ward person subject to guardianship which violates the known conscientious, religious, or moral belief of the ward person subject to guardianship;

(ii) a guardian who believes a procedure described in item (i) requiring prior court approval to be necessary for the proper care of the ward person subject to guardianship, shall petition the court for an order and, in the case of a public guardianship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward person subject to guardianship in such manner as specified in section 524.5-308 and to interested persons. The court shall appoint an attorney to represent the ward person subject to guardianship who is not represented by counsel, provided that such appointment shall expire upon the expiration of the appeal time for the order issued by the court under this section or the order dismissing a petition, or upon such other time or event as the court may direct. In every case the court shall determine if the procedure is in the best interest of the ward person subject to guardianship. In making its determination, the court shall consider a written medical report which specifically considers the medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interest of the ward person subject to guardianship, and any recommendation of the commissioner of human services for a public ward person subject to guardianship. The standard of proof is that of clear and convincing evidence;

(iii) in the case of a petition for sterilization of a ~~developmentally disabled~~ ward person with developmental disabilities subject to guardianship, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of developmental disability, and a social worker who is familiar with the ward's social history and adjustment of the person subject to guardianship or the case manager for the ward person subject to guardianship to examine or evaluate the ward person subject to guardianship and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interest of the ward person subject to guardianship. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interest of the ward person subject to guardianship;

(iv) any ward person subject to guardianship whose right to consent to a sterilization has not been restricted under this section or section 252A.101 may be sterilized only if the ward person subject to guardianship consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the ward person subject to guardianship. The consent must certify that the ward person subject to guardianship has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization;

(v) a guardian or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including, but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or the public guardian's designee has consented;

(5) in the event there is no duly appointed conservator of the ward's estate of the person subject to guardianship, the guardian shall have the power to approve or withhold approval of any contract, except for necessities, which the ward person subject to guardianship may make or wish to make;

(6) the duty and power to exercise supervisory authority over the ward person subject to guardianship in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services. A guardian may not restrict the ability of the person subject to guardianship to communicate, visit, or



interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid such significant harm. In all cases, the guardian shall provide written notice of the restrictions imposed to the court, to the person subject to guardianship, and to the person subject to restrictions. The person subject to guardianship or the person subject to restrictions may petition the court to remove or modify the restrictions;

(7) if there is no acting conservator of the estate for the ~~ward~~ person subject to guardianship, the guardian has the power to apply on behalf of the ~~ward~~ person subject to guardianship for any assistance, services, or benefits available to the ~~ward~~ person subject to guardianship through any unit of government;

(8) unless otherwise ordered by the court, the ~~ward~~ person subject to guardianship retains the right to vote;

(9) the power to establish an ABLE account for a person subject to guardianship or conservatorship. By this provision a guardian only has the authority to establish an ABLE account, but may not administer the ABLE account in the guardian's capacity as guardian; and

(10) if there is no conservator appointed for the person subject to guardianship, the guardian has the duty and power to institute suit on behalf of the person subject to guardianship and represent the person subject to guardianship in expungement proceedings, harassment proceedings, and all civil court proceedings, including but not limited to restraining orders, orders for protection, name changes, conciliation court, housing court, family court, probate court, and juvenile court, provided that a guardian may not settle or compromise any claim or debt owed to the estate without court approval.

Sec. 23. Minnesota Statutes 2018, section 524.5-316, is amended to read:

**524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.**

(a) A guardian shall report to the court in writing on the condition of the ~~ward~~ person subject to guardianship at least annually and whenever ordered by the court. A copy of the report must be provided to the ~~ward~~ person subject to guardianship and to interested persons of record with the court. A report must state or contain:

(1) the current mental, physical, and social condition of the ~~ward~~ person subject to guardianship;

(2) the living arrangements for all addresses of the ~~ward~~ person subject to guardianship during the reporting period;

(3) any restrictions placed on the ~~ward's~~ right of the person subject to guardianship to ~~communication and visitation with persons of the ward's choice~~ communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, and the factual bases for those restrictions;

(4) the medical, educational, vocational, and other services provided to the ~~ward~~ person subject to guardianship and the guardian's opinion as to the adequacy of the ~~ward's~~ care of the person subject to guardianship;

(5) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

(6) an address or post office box and a telephone number where the guardian can be contacted; and

(7) if applicable, the amount of ~~reimbursement~~ payment received as guardian for services rendered to the ~~ward~~ person subject to guardianship that the guardian received during the previous year that were not ~~reimbursed~~ paid by county contract, and the guardian's current rates.

(b) A guardian shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The guardian must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the guardian responsible for exercising powers and duties under the guardianship. A copy of the report must be provided to the ~~ward~~ person subject to guardianship and to interested persons of record with the court. A guardian shall report when:

(1) the guardian is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the guardian has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the guardian is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the guardian files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the guardian, and if so, the case number, court location, and outstanding amount owed;

(6) the guardian is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the guardian, and if so, the case number and court location.

(c) A ~~ward~~ person subject to guardianship or interested person of record with the court may submit to the court a written statement disputing statements or conclusions regarding the condition of the ~~ward~~ person subject to guardianship or addressing any disciplinary or legal action that is contained in the guardian's reports and may petition the court for an order that is in the best interests of the ~~ward~~ person subject to guardianship or for other appropriate relief.

(d) Unless communication is prohibited by court order, a guardian shall communicate to all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi):

(1) within one day of awareness of:

(i) a significant or unexpected change in health or medical condition requiring physician treatment or hospitalization of the person subject to guardianship;

(ii) a significant situation that requires action by ambulance, law enforcement, or fire department for the person subject to guardianship; or

(iii) the death of the person subject to guardianship, provided that the court shall also be notified of the death of the person subject to guardianship; and

(2) at least 14 days in advance of a permanent change in the primary dwelling of the person subject to guardianship or a permanent move to a nursing home, mental health facility, or other facility unless the move was by prior order of the court. Prior notice is not necessary for any change of primary dwelling due to accident, injury, illness, or other involuntary actions of the person subject to guardianship or guardian, but notice shall be provided to interested persons defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), within seven days of such a move caused by involuntary actions of the person subject to guardianship or guardian.

~~(d)~~ (e) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

~~(e)~~ (f) The court may appoint a visitor to review a report, interview the ~~ward~~ person subject to guardianship or guardian, and make any other investigation the court directs.

~~(f)~~ (g) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

~~(g)~~ (h) If a guardian fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

(i) Any documents or information disclosing or pertaining to health information in the guardian's annual report shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 24. Minnesota Statutes 2018, section 524.5-317, is amended to read:

#### **524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP; COURT ORDERS.**

(a) A guardianship terminates upon the death of the ~~ward~~ person subject to guardianship, upon the expiration of the duration of guardianship established in the order appointing the guardian, or upon order of the court.

(b) On petition of any person interested in the ~~ward's~~ welfare of the person subject to guardianship the court may terminate a guardianship if the ~~ward~~ person subject to guardianship no longer needs the assistance or protection of a guardian. The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ~~ward's~~ capacity of the person subject to guardianship to provide for support, care, education, health, and welfare has so changed as to warrant that action. The court may make any other order that is in the best interests of the ~~ward~~ person subject to guardianship or may grant other appropriate relief.

(c) Except as otherwise ordered by the court for good cause, the court, before terminating a guardianship, shall follow the same procedures to safeguard the rights of the ~~ward~~ person subject to guardianship as apply to a petition for guardianship. Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination and discharge the guardian unless it is proven that continuation of the guardianship is in the best interest of the ~~ward~~ person subject to guardianship.

(d) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

(e) A guardian has the right to petition the court for discharge from the guardianship.

Sec. 25. Minnesota Statutes 2018, section 524.5-403, is amended to read:

**524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER.**

(a) The following may petition for the appointment of a conservator or for any other appropriate protective order:

- (1) the person to be protected;
- (2) an individual interested in the estate, affairs, or welfare of the person to be protected; or
- (3) a person who would be adversely affected by lack of effective management of the property and business affairs of the person to be protected.

(b) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment or other protective order, and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling where it is proposed that the respondent will reside if the appointment is made;

(2) if the petition alleges impairment in the respondent's ability to receive and evaluate information, a brief description of the nature and extent of the respondent's alleged impairment;

(3) if the petition alleges that the respondent is missing, detained, or unable to return to the United States, a statement of the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning the respondent's whereabouts;

(4) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children including adult step-children of a living spouse or, if the respondent has none, the respondent's parents and adult brothers and sisters or, if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(5) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(6) the name and address of any legal representative for the respondent;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(9) the reason why a conservatorship or other protective order is in the best interest of the respondent; and

(10) what less restrictive means have been attempted and considered, how long such less restrictive means have been attempted, and a description of why such less restrictive means are not sufficient to meet the respondent's identified needs.

(c) If a conservatorship is requested, the petition must also set forth to the extent known:

(1) the name, address or post office box, and telephone number of any proposed conservator and the reason why the proposed conservator should be selected;

(2) the name, address or post office box, and telephone number of any person nominated as conservator by the respondent if the respondent has attained 14 years of age; and

(3) the type of conservatorship requested and, if an unlimited conservatorship, the reason why limited conservatorship is inappropriate or, if a limited conservatorship, the property to be placed under the conservator's control and any limitation on the conservator's powers and duties.

(d) The petition must also set forth the following information regarding the proposed conservator or any employee of the conservator responsible for exercising powers and duties under the conservatorship:

(1) whether the proposed conservator has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(2) if the proposed conservator is a professional guardian or conservator, a summary of the proposed conservator's educational background and relevant work and other experience;

(3) whether the proposed conservator has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed conservator has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed conservator has ~~ever~~ filed for or received protection under the bankruptcy laws in the last five years, and if so, the case number and court location;

(6) whether the proposed conservator has any outstanding civil monetary judgments against the proposed conservator, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed conservator, and if so, the case number and court location; ~~and~~

(8) whether the proposed conservator has ever been convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and the crime of which the conservator was convicted; and

(9) if the proposed conservator is a professional, the proposed conservator's current customary rates, and if the proposed conservator is not a professional, the proposed conservator's current anticipated rates.

(e) Any documents or information disclosing or pertaining to the following information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121:

(1) health or financial information;

(2) information submitted pursuant to paragraph (b), clause (2);

(3) information submitted pursuant to paragraph (b), clauses (7) to (10); or

(4) information submitted pursuant to paragraph (c), clause (3).

Sec. 26. Minnesota Statutes 2018, section 524.5-406, is amended to read:

**524.5-406 ORIGINAL PETITION: PERSONS UNDER DISABILITY; PRELIMINARIES TO HEARING.**

(a) Upon the filing of a petition for a conservatorship or other protective order for a respondent for reasons other than being a minor, the court shall set a date for hearing and the court may appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition.

(b) A respondent has the right to be represented by counsel at any proceeding under this article. The court shall appoint counsel to represent the respondent for the initial proceeding held pursuant to section 524.5-408 if neither the respondent nor others provide counsel, unless in a meeting with a visitor, the proposed respondent makes an informed decision in writing to specifically waive the right to counsel. Before appointment, and at any time during the course of the representation when a risk of a conflict of interest may arise, the proposed or appointed counsel shall disclose to the court, the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship, and interested persons whether there are concurrent proceedings in which the counsel is the attorney for the proposed conservator or conservator and whether there is a risk of a conflict of interest under Rule 1.7 of the Rules of Professional Conduct so that the representation of the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship will be materially limited by counsel's concurrent responsibilities to the proposed conservator or conservator. If there is a risk of a conflict of interest, the counsel must not be appointed, unless:

(1) the court determines that the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship is able to give informed consent to the representation and, if the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship consents, the consent is confirmed in writing pursuant to Rule 1.7; or

(2) the court determines that there is not a risk of a conflict of interest under Rule 1.7 requiring the appointment of different counsel.

(c) Counsel must be appointed immediately after any petition under this part is served pursuant to section 524.5-404. Counsel has the full right of subpoena. In all proceedings under this part, counsel shall:

(1) consult with the respondent before any hearing;

(2) be given adequate time to prepare for all hearings; and

(3) continue to represent the respondent throughout any proceedings under section 524.5-408, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing conservator or the order dismissing a petition, or upon such other time or event as the court may direct.

The court need not appoint counsel to represent the respondent on a voluntary petition, and the court may remove a court-appointed attorney at any time if the court finds that the respondent has made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

(d) The visitor shall personally serve the notice and petition upon the respondent and shall offer to read the notice and petition to the respondent, and if so requested, the visitor shall read the notice and petition to such person. The visitor shall also interview the respondent in person, and to the extent that the respondent is able to understand:

(1) explain to the respondent the substance of the petition and the nature, purpose, and effect of the proceeding;

(2) if the appointment of a conservator is requested, inform the respondent of the general powers and duties of a conservator and determine the respondent's views regarding the proposed conservator, the proposed conservator's powers and duties, and the scope and duration of the proposed conservatorship;

(3) inform the respondent of the respondent's rights, including the right to employ and consult with a lawyer at the respondent's own expense, and the right to request a court-appointed lawyer; and

(4) inform the respondent that all costs and expenses of the proceeding, including respondent's attorney fees, will be paid from the respondent's estate.

(e) In addition to the duties set out in paragraph (d), the visitor shall make any other investigations the court directs.

(f) The visitor shall promptly file, as a confidential document consistent with the bill of particulars under section 524.5-121, a report with the court which must include:

(1) recommendations regarding the appropriateness of a conservatorship, including whether less restrictive means of intervention are available, the type of conservatorship, and, if a limited conservatorship, the powers and duties to be granted the limited conservator, and the assets over which the conservator should be granted authority;

(2) a statement as to whether the respondent approves or disapproves of the proposed conservator, and the powers and duties proposed or the scope of the conservatorship; and

(3) any other matters the court directs.

(g) While a petition to establish a conservatorship or for another protective order is pending, after preliminary hearing and without notice to others, the court may make orders to preserve and apply the property of the respondent as may be required for the support of the respondent or individuals who are in fact dependent upon the respondent, and may appoint an agent to assist in that task.

Sec. 27. Minnesota Statutes 2018, section 524.5-408, is amended to read:

**524.5-408 ORIGINAL PETITION CONSERVATORSHIP PROCEEDINGS: PROCEDURE AT HEARING.**

(a) Unless excused by the court for good cause, the petitioner and the proposed conservator shall attend the hearing. The respondent shall attend and participate in the hearing unless excused by the court for good cause. The petitioner and respondent may present evidence and subpoena witnesses and documents, examine witnesses, including the visitor, and otherwise participate in the hearing. The hearing may be held in a location convenient to the respondent and may be closed upon request of the respondent and a showing of good cause.

(b) Any person may request permission to participate in the proceeding. The court may grant the request, with or without hearing, upon a showing of good cause and after determining that the best interest of the respondent will be served. The court may attach appropriate conditions to the participation.

(c) A respondent to any conservatorship or protective proceeding petition and any person subject to conservatorship in any other conservatorship or protective proceeding has not placed his or her health, physical or mental condition in controversy and any denials, allegations or affirmative assertions by the respondent or person subject to conservatorship regarding capacity or their ability to receive and evaluate information do not place such matters in controversy.

Sec. 28. Minnesota Statutes 2018, section 524.5-409, is amended to read:

**524.5-409 FINDINGS; ORDER OF APPOINTMENT.**

Subdivision 1. **Limited or unlimited conservator.** (a) The court may appoint a limited or unlimited conservator for a respondent only if it finds that:

(1) by clear and convincing evidence, the individual is unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions, even with the use of appropriate technological assistance, or because the individual is missing, detained, or unable to return to the United States;

(2) by a preponderance of evidence, the individual has property that will be wasted or dissipated unless management is provided or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money; and

(3) the respondent's identified needs cannot be met by less restrictive means, including but not limited to use of appropriate technological assistance, supported decision making, representative payee, trusts, banking or bill paying assistance, or appointment of an attorney-in-fact under section 523.01. The court must make specific findings particular to the respondent why less restrictive alternatives do not work.

(b) Alternatively, the court, with appropriate findings, may enter any other appropriate order, or dismiss the proceeding.

(c) The court, whenever feasible, shall grant to a conservator only those powers necessitated by the ~~protected person's~~ limitations and demonstrated needs of the person subject to conservatorship and make appointive and other orders that will encourage the development of the ~~protected person's~~ maximum self-reliance and independence of the person subject to conservatorship.

(d) Within 14 days after an appointment, the conservator shall send or deliver to the ~~protected~~ person subject to conservatorship, if the ~~protected~~ person subject to conservatorship has attained 14 years of age and is not missing, detained, or unable to return to the United States, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ~~protected~~ person subject to conservatorship of the right to appeal the conservatorship appointment in the time and manner provided by the Rules of Appellate Procedure.

(e) Each year, within 30 days after the anniversary date of an appointment, a conservator shall send or deliver to the ~~protected~~ person subject to conservatorship and to interested persons of record with the court a notice of the right to request termination or modification of the conservatorship or for any order that is in the best interests of the ~~protected~~ person subject to conservatorship or for other appropriate relief as well as a copy of the bill of rights for the person subject to conservatorship as provided in section 524.5-120.



(f) The appointment of a conservator or the entry of another protective order is not a determination of incapacity of the ~~protected~~ person subject to conservatorship.

Subd. 2. **Emergency and temporary conservator.** (a) If the court finds that compliance with the procedures of this article will likely result in the immediate loss, waste, or dissipation of the individual's assets or income unless management is provided, or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money, and that no other person appears to have authority and willingness to act in the circumstances, the court, on petition by a person interested in the respondent's welfare, may appoint an emergency conservator whose authority may not exceed 60 days and who may exercise only the powers specified in the order. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of an emergency conservator on behalf of a vulnerable adult may be granted authority to act for a period not to exceed 90 days. An emergency conservator's appointment under this section may be extended once for a period not to exceed 60 days if the court finds good cause for the continuation of the conservatorship. Immediately upon receipt of the petition for an emergency conservatorship, the court shall appoint a lawyer to represent the respondent in the proceeding. Except as otherwise provided in paragraph (b), reasonable notice of the time and place of a hearing on the petition must be given to the respondent and any other persons as the court directs.

(b) An emergency conservator may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from affidavit or other sworn testimony that the respondent will be substantially harmed before a hearing on the appointment can be held. If the court appoints an emergency conservator without notice to the respondent, the respondent must be given notice of the appointment within 48 hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within five days after the appointment.

(c) Appointment of an emergency conservator, with or without notice, is not a determination of the respondent's incapacity.

(d) The court may remove an emergency conservator at any time. An emergency conservator shall make any report the court requires. In other respects, the provisions of this article concerning conservators apply to an emergency conservator.

(e) If the court finds that a conservator is not effectively performing the conservator's duties and that the security and preservation of the ~~protected person's~~ assets of the person subject to conservatorship requires immediate action, the court may appoint a temporary substitute conservator for the ~~protected~~ person subject to conservatorship for a specified period not exceeding six months. Except as otherwise ordered by the court, a temporary substitute conservator so appointed has the powers set forth in the previous order of appointment. The authority of any unlimited or limited conservator previously appointed by the court is suspended as long as a temporary substitute conservator has authority. If an appointment is made without previous notice to the ~~protected~~ person subject to conservatorship or the affected conservator within five days after the appointment, the court shall inform the ~~protected~~ person subject to conservatorship or conservator of the appointment.

(f) The court may remove a temporary substitute conservator at any time. A temporary substitute conservator shall make any report the court requires. In other respects, the provisions of this article concerning conservators apply to a temporary substitute conservator.

(g) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 29. Minnesota Statutes 2018, section 524.5-411, is amended to read:

**524.5-411 REQUIRED COURT APPROVAL.**

(a) After notice to affected persons as provided in this section, and after hearing, and upon express authorization of the court, a conservator may:

(1) make gifts;

(2) convey, release, or disclaim contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entireties;

(3) exercise or release a power of appointment;

(4) create a revocable or irrevocable trust of property of the estate, whether or not the trust extends beyond the duration of the conservatorship, or to revoke or amend a trust revocable by the ~~protected~~ person subject to conservatorship;

(5) subject to the terms of the plan document, contract, or agreement, exercise rights to elect options and change beneficiaries under insurance policies and annuities or surrender the policies and annuities for their cash value, and any change pursuant to this clause, shall invalidate the existing elections and beneficiary designations;

(6) exercise any right to exempt property and an elective share in the estate of the ~~protected person's~~ deceased spouse of the person subject to conservatorship and to renounce or disclaim any interest by testate or intestate succession or by transfer inter vivos;

(7) subject to the terms of the plan document, contract, or agreement, exercise rights to elect options and change beneficiaries under any qualified or nonqualified retirement plan including, but not limited to, defined benefit plans, defined contribution plans, plans governed by sections 401(k), 403, 408, or 457 of the Internal Revenue Code and the regulations thereto, and the right to exercise the options provided a plan participant or beneficiary under section 401 and related provisions of the Internal Revenue Code and the regulations thereto, and any change pursuant to this clause, shall invalidate the existing elections and beneficiary designations;

(8) exercise the power to create, terminate, or alter the beneficial interests and beneficiaries of, a payable on death (POD) account, a transfer on death (TOD) security registration or account, or joint tenancy interests with rights of survivorship; and

(9) make, amend, or revoke the ~~protected person's~~ will of the person subject to conservatorship.

(b) Notice of any hearing pursuant to this section shall not be given pursuant to section 524.5-113. Notice of any hearing under this section shall be given to all affected persons, in plain language, and shall provide the time and place of the hearing and be given by mail postmarked at least 14 days before the hearing. Proof of notice must be made before or at the hearing and filed in the proceeding. For purposes of this section, notice to "affected persons":

(1) shall always include (i) the ~~protected~~ person subject to conservatorship, (ii) the duly appointed conservator, (iii) the ~~protected person's~~ heirs-at-law of the person subject to conservatorship, (iv) any state agency or county social services agency paying benefits to or for the benefit of the ~~protected~~ person subject to conservatorship, (v) any state agency to which an application for benefits has been submitted and any state or county agency that has prepared an asset assessment or could prepare an asset assessment under section 256B.059, subdivision 2, for the ~~protected~~ person subject to conservatorship or spouse, and (vi) subject to the limitations of paragraph (c), all beneficiaries of the ~~protected person's~~ existing will or revocable trust of the person subject to conservatorship;

(2) shall also include, subject to the limitations of paragraph (c), any person who has a beneficial vested or contingent interest that may be affected by the exercise of the power under this section; and

(3) shall also include any other persons designated by the court.

(c) For purposes of this section, when giving notice, or for purposes of giving consent or approval, or objecting with regard to any proceedings under this section, the sole holder or all coholders of a presently exercisable or testamentary general power of appointment, power of revocation, or unlimited power of withdrawal, under an existing will or trust, are deemed to represent and act for beneficiaries to the extent that their interests as objects, takers in default, or otherwise, are subject to the power.

(d) A conservator, in making, amending, or revoking the ~~protected person's~~ will of the person subject to conservatorship, shall comply with sections 524.2-501 to 524.2-517 acting on behalf of the ~~protected~~ person subject to conservatorship.

(e) The court, in exercising or in approving a conservator's exercise of the powers listed in paragraph (a), shall consider primarily the decision that the ~~protected~~ person subject to conservatorship would have made, to the extent that the decision can be ascertained. The court shall also consider:

(1) the financial needs of the ~~protected~~ person subject to conservatorship and the needs of individuals who are dependent on the ~~protected~~ person subject to conservatorship for support and the interests of creditors;

(2) possible effect on income, estate, gift, inheritance, or other tax liabilities;

(3) eligibility for governmental assistance with the goal of avoiding reliance on such programs;

(4) the ~~protected person's~~ previous pattern of giving or level of support of the person subject to conservatorship;

(5) the existing estate plan;

(6) the ~~protected person's~~ life expectancy of the person subject to conservatorship and the probability that the conservatorship will terminate before the ~~protected person's~~ death of the person subject to conservatorship;

(7) whether the ~~protected person's~~ needs of the person subject to conservatorship can be met from the person's remaining assets after any transfer is made, taking into account the effect of any transfer on eligibility for medical assistance long-term care services; and

(8) any other factors the court considers relevant.

(f) If an affected person, as defined in this article, is a minor or an incapacitated person as defined by this article and has no guardian or conservator within the state, or if an affected person is unborn, unascertained, or a person whose identity or address is unknown to the petitioner, the court shall represent that person, unless the court, upon the application of the guardian, conservator, or any other affected person, appoints a guardian ad litem to represent the affected person.

(g) Notwithstanding the power granted to the conservator by the court under this section, the conservator owes no duty to any person other than the ~~protected~~ person subject to conservatorship. The conservator shall not be held liable for the exercise or the failure to exercise, or the decision to exercise or the decision to decline to exercise, the powers granted by this section. The conservator, however, may be held liable to the ~~protected person's~~ estate of the person subject to conservatorship for gross negligence related to the implementation of any action approved by the court under this section.

(h) The Uniform Guardianship and Protective Proceedings Act does not repeal section 524.2-215 as it applies to ~~wards, protected~~ persons subject to guardianship, persons subject to conservatorship, or respondents, expressly or by implication. If there is a conflict between the act and section 524.2-215, section 524.2-215 controls and the guardian or conservator shall exercise the rights of the ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent under section 524.2-215 without the need for any court order.

(i) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 30. Minnesota Statutes 2018, section 524.5-412, is amended to read:

**524.5-412 PROTECTIVE ARRANGEMENTS AND SINGLE TRANSACTIONS.**

(a) If a basis is established for a protective order with respect to an individual, the court, without appointing a conservator, may:

(1) authorize, direct, or ratify any transaction necessary or desirable to achieve any arrangement for security, service, or care meeting the foreseeable needs of the ~~protected~~ person subject to conservatorship, including:

(i) subject to the procedural and notice requirements of section 524.5-418, the sale, mortgage, lease, or other transfer of property;

(ii) purchase of an annuity;

(iii) making a contract for lifetime care, a deposit contract, or a contract for training and education; ~~or~~

(iv) addition to or establishment of a suitable trust, including a trust created under the Uniform Custodial Trust Act; ~~and or~~

(v) establish, fund, and administer an ABLE account for the person subject to conservatorship. The conservator may exercise all powers over the ABLE account for the benefit of the person subject to conservatorship and shall direct investment of the ABLE accounts property in accordance with the provisions of sections 48A.07, subdivision 6; 501C.0901; and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all ABLE account investments by a conservator; and

(2) authorize, direct, or ratify any other contract, trust, will, or transaction relating to the ~~protected person's~~ property and business affairs of the person subject to conservatorship, including a settlement of a claim, upon determining that it is in the best interest of the ~~protected~~ person subject to conservatorship.

(b) In deciding whether to approve a protective arrangement or other transaction under this section, the court shall consider the factors listed in section 524.5-411, paragraph (e).

(c) The court may appoint an agent to assist in the accomplishment of any protective arrangement or other transaction authorized under this section. The agent has the authority conferred by the order and shall serve until discharged by order after report to the court; provided, however, that if a conservator is appointed, only the conservator has the power to sign all real estate deeds.

(d) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 31. Minnesota Statutes 2018, section 524.5-414, is amended to read:

**524.5-414 PETITION FOR ORDER SUBSEQUENT TO APPOINTMENT.**

(a) A ~~protected~~ person subject to conservatorship or an interested person may file a petition in the appointing court for an order:

(1) requiring bond or collateral or additional bond or collateral, or reducing bond;

(2) requiring an accounting for the administration of the ~~protected person's~~ estate of the person subject to conservatorship;

(3) directing distribution;

(4) removing the conservator and appointing a temporary or successor conservator;

(5) modifying the type of appointment or powers granted to the conservator if the extent of protection or management previously granted is currently excessive or insufficient or the ~~protected person's~~ ability of the person subject to conservatorship to manage the estate and business affairs has so changed as to warrant the action; or

(6) acting in the ~~protected person's~~ best interests of the person subject to conservatorship or granting other appropriate relief.

(b) A conservator may petition the appointing court for instructions concerning fiduciary responsibility.

(c) On notice and hearing the petition, the court may give appropriate instructions and make any appropriate order.

(d) The court may, at its own discretion, waive the notice or hearing requirements for the relief requested in a petition filed under this section.

(e) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 32. Minnesota Statutes 2018, section 524.5-415, is amended to read:

**524.5-415 BOND.**

The court may require a conservator to furnish a bond conditioned upon faithful discharge of all duties of the conservatorship according to law, with sureties as it may specify. A bond is not required for any conservator that is a bank or trust company provided the total conservatorship assets do not exceed \$1,000,000. If the conservator is a bank or trust company then a bond shall be required if the conservatorship assets exceed \$1,000,000.

Sec. 33. Minnesota Statutes 2018, section 524.5-416, is amended to read:

**524.5-416 TERMS AND REQUIREMENTS OF BOND.**

(a) The following rules apply to any bond required:

(1) Except as otherwise provided by the terms of the bond, sureties and the conservator are jointly and severally liable.

(2) By executing the bond of a conservator, a surety submits to the jurisdiction of the court that issued letters to the primary obligor in any proceeding pertaining to the fiduciary duties of the conservator in which the surety is named as a party. Notice of any proceeding seeking to surcharge any interested party or the bond must be sent or delivered to the surety at the address shown in the court records at the place where the bond is filed and to any other address then known to the petitioner.

(3) On petition of a successor conservator or any interested person, a proceeding may be brought against a surety for breach of the obligation of the bond of the conservator.

(4) The bond of the conservator may be proceeded against until liability under the bond is exhausted.

(5) Except as otherwise provided in this section, in any proceeding where the value of the personal property of the estate of the proposed ~~protected~~ person subject to conservatorship in the initial inventory of the estate filed by the conservator under section 524.5-419 is expected to be at least \$10,000, the court shall require the conservator to furnish a bond in an amount that the court determines is necessary to reasonably protect the ~~protected person's~~ assets of the person subject to conservatorship. Joint conservators may unite in a bond or each may give a separate bond.

(b) In lieu of executing and filing a bond, the conservator may request that access to certain assets of the ~~protected~~ person subject to conservatorship be blocked. The court may grant the request if sufficient evidence is filed with the court to establish that those assets are being held in a manner that prevents the conservator from accessing the assets without a specific court order or the court finds that the manner in which the assets are held is sufficient to protect the assets. To the extent that assets not placed in blocked accounts are expected to be at least \$10,000, the bond requirement under paragraph (a) applies.

(c) A proceeding may not be brought against a surety on any matter as to which an action or proceeding against the primary obligor is barred.

Sec. 34. Minnesota Statutes 2018, section 524.5-417, is amended to read:

#### **524.5-417 GENERAL POWERS AND DUTIES OF CONSERVATOR.**

(a) A conservator shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a conservator only those powers necessary to provide for the demonstrated needs of the ~~protected~~ person subject to conservatorship.

(c) The court may appoint a conservator if it determines that all the powers and duties listed in this section are needed to provide for the needs of the ~~protected~~ person subject to conservatorship. The court may also appoint a conservator if it determines that a conservator is necessary to provide for the needs of the ~~protected~~ person subject to conservatorship through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a conservator include, but are not limited to:

(1) the duty to pay the reasonable charges for the support, maintenance, and education of the ~~protected~~ person subject to conservatorship in a manner suitable to the ~~protected person's~~ station in life of the person subject to conservatorship and the value of the estate. Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The conservator has no duty to pay for these requirements out of personal funds. Wherever possible and appropriate, the conservator should meet these requirements through governmental benefits or services to which the ~~protected~~ person subject to conservatorship is entitled, rather than from the ~~protected person's~~ estate of the person subject to conservatorship. Failure to satisfy the needs and requirements of this section shall be grounds for removal, but the conservator shall have no personal or monetary liability;

(2) the duty to pay out of the ~~protected person's~~ estate of the person subject to conservatorship all lawful debts of the ~~protected~~ person subject to conservatorship and the reasonable charges incurred for the support, maintenance, and education of the ~~protected person's~~ spouse and dependent children of the person subject to conservatorship and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is legally entitled to support from the ~~protected~~ person subject to conservatorship;

(3) the duty to possess and manage the estate, collect all debts and claims in favor of the ~~protected~~ person subject to conservatorship, or, with the approval of the court, compromise them, institute suit on behalf of the ~~protected~~ person subject to conservatorship and represent the ~~protected~~ person subject to conservatorship in ~~any court proceedings, expungement proceedings, harassment proceedings, and all civil court proceedings, including but not limited to restraining orders, orders for protection, name changes, conciliation court, housing court, family court, probate court and juvenile court~~; and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all investments by a conservator. A conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause (b);

(4) where a ~~protected~~ person subject to conservatorship has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ~~protected~~ person subject to conservatorship, may authorize an exchange or sale of the ~~protected person's~~ interest of the person subject to conservatorship or a purchase by the ~~protected~~ person subject to conservatorship of any interest other heirs may have in the real estate, subject to the procedures and notice requirements of section 524.5-418;

(5) the power to approve or withhold approval of any contract, except for necessities, which the ~~protected~~ person subject to conservatorship may make or wish to make; ~~and~~

(6) the power to apply on behalf of the ~~protected~~ person subject to conservatorship for any assistance, services, or benefits available to the ~~protected~~ person subject to conservatorship through any unit of government; ~~and~~

(7) the power to establish an ABLÉ account for the person subject to conservatorship. The conservator may exercise all powers over the ABLÉ account for the benefit of the person subject to conservatorship and shall direct investment of the ABLÉ accounts property in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all ABLÉ account investments by a conservator.

(d) The conservator shall have the power to revoke, suspend, or terminate all or any part of a durable power of attorney of which the ~~protected~~ person subject to conservatorship is the principal with the same power the principal would have if the principal were not incapacitated. If a durable power of attorney is in effect, a decision of the conservator takes precedence over that of an attorney-in-fact.

(e) Transaction set aside. If a ~~protected~~ person subject to conservatorship has made a financial transaction or gift or entered into a contract during the two-year period before establishment of the conservatorship, the conservator may petition for court review of the transaction, gift, or contract. If the court finds that the ~~protected~~ person subject to conservatorship was incapacitated or subject to duress, coercion, or undue influence when the transaction, gift, or contract was made, the court may declare the transaction, gift, or contract void except as against a bona fide transferee for value and order reimbursement or other appropriate relief. This paragraph does not affect any other right or remedy that may be available to the ~~protected~~ person subject to conservatorship with respect to the transaction, gift, or contract.

(f) After the filing of the petition, a certificate of the district court certified to that fact may be filed for record with the Minnesota secretary of state in the same manner as provided in section 336.9-501. The certificate shall state that a petition is pending and the name and address of the person for whom a conservator is sought. If a conservator is appointed on the petition, and if the conservatorship order removes or restricts the right of the ~~protected~~ person subject to conservatorship to transfer property or to contract, then all contracts except for necessities, and all transfers of personal property, tangible or intangible, including, but not limited to, cash or securities transfers at banks, brokerage houses, or other financial institutions, or transfers of cash or securities, made by the ~~protected~~ person subject to conservatorship after the filing and before the termination of the conservatorship shall be voidable.

(g) Unless otherwise ordered by the court, if the person subject to conservatorship shall at any time during the continuance of the conservatorship be employed, the wages or salary for employment of the person subject to conservatorship shall not be a part of the conservatorship estate and the wages and salaries shall be paid to the person subject to conservatorship and shall be subject to the control of the person subject to conservatorship to the same extent as if the conservatorship did not exist. The conservator shall not have to account for the wages and salary.

Sec. 35. Minnesota Statutes 2018, section 524.5-420, is amended to read:

**524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING; COURT ORDERS.**

(a) A conservator shall report to the court for administration of the estate annually unless the court otherwise directs, upon resignation or removal, upon termination of the conservatorship, and at other times as the court directs. An order, after notice and hearing, allowing an intermediate report of a conservator adjudicates liabilities concerning the matters adequately disclosed in the accounting. An order, after notice and hearing, allowing a final report adjudicates all previously unsettled liabilities relating to the conservatorship.

(b) A report must state or contain a listing of the assets of the estate under the conservator's control and a listing of the receipts, disbursements, and distributions during the reporting period.

(c) The report must also state an address or post office box and a telephone number where the conservator can be contacted.

(d) A conservator shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The conservator must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the conservator responsible for exercising powers and duties under the conservatorship. A copy of the report must be provided to the ~~protected~~ person subject to conservatorship and to interested persons of record with the court. A conservator shall report when:

(1) the conservator is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the conservator has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the conservator is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the conservator files for or receives protection under the bankruptcy laws, and if so, the case number and court location;



(5) a civil monetary judgment is entered against the conservator, and if so, the case number, court location, and outstanding amount owed;

(6) the conservator is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the conservator, and if so, the case number and court location.

(e) A ~~protected~~ person subject to conservatorship or an interested person of record with the court may submit to the court a written statement disputing account statements regarding the administration of the estate or addressing any disciplinary or legal action that is contained in the reports and may petition the court for any order that is in the best interests of the ~~protected~~ person subject to conservatorship and the estate or for other appropriate relief.

(f) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section after which time neither the court nor any other person is required to give notice to any person who has waived notice.

(g) The court may appoint a visitor to review a report or plan, interview the ~~protected~~ person subject to conservatorship or conservator, and make any other investigation the court directs. In connection with a report, the court may order a conservator to submit the assets of the estate to an appropriate examination to be made in a manner the court directs.

(h) The court shall establish a system for monitoring of conservatorships, including the filing and review of conservators' reports and plans. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause. Unless otherwise ordered by the court, a report under this section shall be filed publicly.

(i) If there is no acting guardian, a conservator that becomes aware of the death of the person subject to conservatorship shall notify in writing; orally; or by phone, text message, e-mail, or electronic service, all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), and the court as soon as is reasonably practical, that the person subject to conservatorship has died. The conservator may delegate this task under reasonable circumstances.

⊕ (j) If a conservator fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

Sec. 36. Minnesota Statutes 2018, section 524.5-423, is amended to read:

**524.5-423 SALE, ENCUMBRANCE, OR OTHER TRANSACTION INVOLVING CONFLICT OF INTEREST.**

Any transaction involving the conservatorship estate which is affected by a conflict between the conservator's fiduciary and personal interests is voidable unless the transaction is expressly authorized by the court after notice to interested persons. A transaction affected by a conflict between personal and fiduciary interests includes any sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, the spouse, descendant, agent, or lawyer of a conservator, or corporation or other enterprise in which the conservator has a beneficial interest. ~~Notwithstanding a conflict between the conservator's fiduciary and personal interests, if the protected person is a parent, child, or sibling of the conservator, the court has discretion to allow a transaction of beneficial interest to the conservator, as long as the conservator can prove that this transaction is primarily in the best interest of the protected person.~~

Sec. 37. Minnesota Statutes 2018, section 524.5-431, is amended to read:

**524.5-431 TERMINATION OF PROCEEDINGS.**

(a) A conservatorship terminates upon the death of the ~~protected~~ person subject to conservatorship or upon order of the court. Unless created for reasons other than that the ~~protected~~ person subject to conservatorship is a minor, a conservatorship created for a minor also terminates when the ~~protected~~ person subject to conservatorship attains majority or is emancipated.

(b) Upon the death of a ~~protected~~ person subject to conservatorship, the conservator shall conclude the administration of the estate by distribution of probate property to the personal representative of the ~~protected person's estate~~ of the person subject to conservatorship. The conservator shall distribute nonprobate property to the successor in interest. The conservator shall file a final report and petition for discharge no later than 30 days after distribution, and notice of hearing for allowance of said report shall be given to interested persons and to the personal representative of the ~~protected person's estate~~ of the person subject to conservatorship.

(c) On petition of any person interested in the ~~protected person's~~ welfare of the person subject to conservatorship, the court may terminate the conservatorship if the ~~protected~~ person subject to conservatorship no longer needs the assistance or protection of a conservator. Termination of the conservatorship does not affect a conservator's liability for previous acts or the obligation to account for funds and assets of the ~~protected~~ person subject to conservatorship.

(d) Except as otherwise ordered by the court for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the ~~protected~~ person subject to conservatorship that apply to a petition for conservatorship. Upon the establishment of a prima facie case for termination, the court shall order termination unless it is proved that continuation of the conservatorship is in the best interest of the ~~protected~~ person subject to conservatorship.

(e) Upon termination of a conservatorship, whether or not formally distributed by the conservator, title to assets of the estate remains vested in the formerly ~~protected~~ person subject to conservatorship or passes to the person's successors subject to administration, including claims of creditors and allowances of surviving spouse and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and ademption. The order of termination must provide for payment of expenses of administration and include payment of fees and costs of final administration for guardians, conservators, and attorneys. The order must direct the conservator to execute appropriate instruments to evidence the transfer of title or confirm a distribution previously made and to file a final report and a petition for discharge upon approval of the final report.

(f) The court shall enter a final order of discharge upon the approval of the final report and satisfaction by the conservator of any other conditions placed by the court on the conservator's discharge.

(g) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

(h) A conservator may petition the court for discharge from the conservatorship.

Sec. 38. Minnesota Statutes 2018, section 524.5-502, is amended to read:

**524.5-502 COMPENSATION AND EXPENSES.**

(a) The court may authorize a proceeding under this article to proceed in forma pauperis, as provided in chapter 563.

(b) In proceedings under this article, a lawyer or health professional rendering necessary services with regard to the appointment of a guardian or conservator, the administration of the protected person's estate or personal affairs, or the restoration of that person's capacity or termination of the protective proceeding shall be entitled to compensation from the ~~protected person's estate~~ of the person subject to guardianship or conservatorship or from the county having jurisdiction over the proceedings if the ~~ward or protected~~ person subject to guardianship or conservatorship is indigent. When the court determines that other necessary services have been provided for the benefit of the ~~ward or protected~~ person subject to guardianship or conservatorship by a lawyer or health professional, the court may order fees to be paid from the estate of the ~~protected~~ person subject to guardianship or conservatorship or from the county having jurisdiction over the proceedings if the ~~ward or protected~~ person subject to guardianship or conservatorship is indigent. If, however, the court determines that a petitioner, guardian, or conservator has not acted in good faith, the court shall order some or all of the fees or costs incurred in the proceedings to be borne by the petitioner, guardian, or conservator not acting in good faith. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ~~ward or protected~~ person subject to guardianship or conservatorship. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(c) When the court determines that a guardian or conservator has rendered necessary services or has incurred necessary expenses for the benefit of the ~~ward or protected~~ person subject to guardianship or conservatorship, the court may order reimbursement or compensation to be paid from the estate of the ~~protected~~ person subject to guardianship or conservatorship or from the county having jurisdiction over the guardianship or protective proceeding if the ~~ward or protected~~ person subject to guardianship or conservatorship is indigent. The court may not deny an award of fees solely because the ~~ward or protected~~ person subject to guardianship or conservatorship is a recipient of medical assistance. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or protected person. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(d) The court shall order reimbursement or compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or protective proceeding services necessary to prevent maltreatment of a vulnerable adult, as defined in section 626.5572, subdivision 15. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ~~ward or protected~~ person subject to guardianship or conservatorship. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(e) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the protected person's estate for compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator.

Sec. 39. Minnesota Statutes 2018, section 609.748, subdivision 2, is amended to read:

Subd. 2. **Restraining order; court jurisdiction.** A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section. The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining

order from the district court on behalf of the minor. An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

Sec. 40. Minnesota Statutes 2018, section 611A.01, is amended to read:

**611A.01 DEFINITIONS.**

For the purposes of sections 611A.01 to 611A.06:

(a) "Crime" means conduct that is prohibited by local ordinance and results in bodily harm to an individual; or conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (1) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (2) the act was alleged or found to have been committed by a juvenile.

(b) "Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and 611A.045, also includes (1) a corporation that incurs loss or harm as a result of a crime, (2) a government entity that incurs loss or harm as a result of a crime, and (3) any other entity authorized to receive restitution under section 609.10 or 609.125. The term "victim" includes the family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated, or deceased person. In a case where the prosecutor finds that the number of family members makes it impracticable to accord all of the family members the rights described in sections 611A.02 to 611A.0395, the prosecutor shall establish a reasonable procedure to give effect to those rights. The procedure may not limit the number of victim impact statements submitted to the court under section 611A.038. The term "victim" does not include the person charged with or alleged to have committed the crime.

(c) "Juvenile" has the same meaning as given to the term "child" in section 260B.007, subdivision 3.

Sec. 41. **REVISOR INSTRUCTION.**

The revisor of statutes shall substitute the term "person subject to guardianship" for the term "ward" and "person subject to conservatorship" for the term "protected person" in Minnesota Statutes, sections 524.5-101 to 524.5-505, except in section 524.5-102, subdivisions 7, 14, and 17. The revisor shall make grammatical changes related to the change in terms.

Sec. 42. **EFFECTIVE DATE.**

Sections 17, 20, 25, and 28 are effective August 1, 2020, and apply to cases commenced on or after August 1, 2020. Sections 1 to 16, 18, 19, 21 to 24, 26, 27, and 29 to 41 are effective August 1, 2020, and apply to cases commenced before, on, or after that date."

Delete the title and insert:

"A bill for an act relating to civil law; modifying and modernizing certain provisions governing guardianship and conservatorship; amending Minnesota Statutes 2018, sections 484.76, subdivision 2; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions; 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303;

524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317; 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414; 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 524.5-502; 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota Statutes, chapter 524."

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

The report was adopted.

Considine from the Corrections Division to which was referred:

H. F. No. 3414, A bill for an act relating to corrections; establishing the Indeterminate Sentence Release Board; requiring a report; amending Minnesota Statutes 2018, section 244.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 244.

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

The report was adopted.

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

H. F. No. 3423, A bill for an act relating to environment; appropriating money for water quality standards for perfluoroalkyl and polyfluoroalkyl substances; authorizing rulemaking.

Reported the same back with the following amendments:

Page 1, line 9, after the period, insert "The commissioner must adopt the rules establishing the PFOA and PFOS water quality standards by July 1, 2023."

With the recommendation that when so amended the bill be re-referred to the Water Division.

The report was adopted.

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

H. F. No. 3489, A bill for an act relating to natural resources; requiring report to set goals for carbon sequestration in public and private forests.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **CARBON SEQUESTRATION IN FORESTS OF THE STATE; GOALS.**

The commissioner of natural resources must establish goals for increasing carbon sequestration in public and private forests in the state. To achieve the goals, the commissioner must identify sustainable forestry management strategies that increase the ability of forests to sequester atmospheric carbon while enhancing other ecosystem

services, such as improved soil and water quality. Consistent with Minnesota Statutes, section 15.014, the commissioner may create an advisory group to advise the commissioner in meeting the requirements of this section. By January 15, 2021, the commissioner must submit a progress report identifying high level strategies to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over natural resources policy. By January 15, 2022, the commissioner must submit a final report to the legislative committees and divisions with the goals, recommended forestry management strategies, and steps taken to achieve the goals."

With the recommendation that when so amended the bill be re-referred to the Environment and Natural Resources Finance Division.

The report was adopted.

Ecklund from the Veterans and Military Affairs Finance and Policy Division to which was referred:

H. F. No. 3552, A bill for an act relating to transportation; providing fee exemptions for motor vehicles bearing Purple Heart medal special plates; amending Minnesota Statutes 2018, sections 168.12, subdivision 2a; 168.123, subdivision 2; 168.1293, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 168.

Reported the same back with the recommendation that the bill be re-referred to the Transportation Finance and Policy Division.

The report was adopted.

Schultz from the Long-Term Care Division to which was referred:

H. F. No. 3557, A bill for an act relating to health care; removing the prohibition on nursing facility settings from receiving medical education and research costs funding; amending Minnesota Statutes 2018, section 62J.692, subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"**EFFECTIVE DATE.** This section is effective July 1, 2020, or upon federal approval, whichever is later. The commissioner shall notify the revisor of statutes when federal approval is obtained."

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

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 3568, A bill for an act relating to criminal justice; providing for a planning group to decriminalize mental illness; requiring reports.

Reported the same back with the recommendation that the bill be re-referred to the Corrections Division without further recommendation.

The report was adopted.

Ecklund from the Veterans and Military Affairs Finance and Policy Division to which was referred:

H. F. No. 3618, A bill for an act relating to the military; authorizing rental of and specifying rental terms for certain Military Department buildings; amending Minnesota Statutes 2018, section 190.16, subdivision 6a.

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

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3632, A bill for an act relating to human services; modifying the family assets for independence initiative; amending Minnesota Statutes 2018, section 256E.35.

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

The report was adopted.

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

H. F. No. 3643, A bill for an act relating to natural resources; increasing certain penalties related to aquatic invasive species; amending Minnesota Statutes 2018, section 84D.13, subdivision 5.

Reported the same back with the recommendation that the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

Hansen from the Environment and Natural Resources Finance Division to which was referred:

H. F. No. 3649, A bill for an act relating to natural resources; extending appropriation for grants to address emerald ash borer; amending Laws 2019, First Special Session chapter 4, article 1, section 3, subdivision 4.

Reported the same back with the following amendments:

Page 3, after line 33, insert:

"Sec. 2. **APPROPRIATION; CONVERTING ASH FORESTS ON STATE LANDS.**

\$500,000 in fiscal year 2021 is appropriated from the forest management investment account in the natural resources fund to the commissioner of natural resources to identify and convert ash forests on state lands to climate-adapted species."

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 Ways and Means.

The report was adopted.

Bernardy from the Higher Education Finance and Policy Division to which was referred:

H. F. No. 3663, A bill for an act relating to capital investment; authorizing the use of general fund appropriations that pay debt service on University of Minnesota debt for the biomedical research facilities to also be used to pay for debt service on bonds issued for the clinical research facility; appropriating money; amending Minnesota Statutes 2018, sections 137.61; 137.62, subdivision 2, by adding a subdivision; 137.63; 137.64.

Reported the same back with the recommendation that the bill be re-referred to the Capital Investment Division.

The report was adopted.

Hornstein from the Transportation Finance and Policy Division to which was referred:

H. F. No. 3687, A bill for an act relating to transportation; making technical corrections to the designation for the Specialist Noah Pierce Bridge in Eveleth; amending Minnesota Statutes 2019 Supplement, section 161.14, subdivision 94.

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

The report was adopted.

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

H. F. No. 3753, A bill for an act relating to environment; requiring analysis of certain demographic factors in permits and environmental review documents; amending Minnesota Statutes 2018, sections 116.07, subdivision 4a, by adding a subdivision; 116D.04, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Environment and Natural Resources Finance Division.

The report was adopted.



Considine from the Corrections Division to which was referred:

H. F. No. 3772, A bill for an act relating to corrections; providing feminine hygiene products to female inmates; clarifying authority of fugitive apprehension units to do general law enforcement; authorizing medical director of Department of Corrections to make health care decisions for certain inmates lacking decision-making capacity and placed in an outside facility on conditional medical release; providing cultural programming services for American Indian inmates; clarifying Department of Corrections billing to counties for juvenile confinements; removing punishment as goal of intensive community supervision program; amending Minnesota Statutes 2018, sections 241.021, by adding a subdivision; 241.025, subdivisions 1, 2, 3; 241.75, subdivision 2; 241.80; 242.192; 244.14, subdivision 1; repealing Minnesota Statutes 2018, section 401.13.

Reported the same back with the following amendments:

Page 4, line 30, delete "section" and insert "sections 383A.404; and" and delete "is" and insert "are"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3819, A bill for an act relating to natural resources; modifying definition of all-terrain vehicle; amending Minnesota Statutes 2018, section 84.92, subdivision 8.

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

The report was adopted.

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

H. F. No. 3830, A bill for an act relating to environment; banning perchloroethylene; modifying prior appropriation; appropriating money for cost-share program; amending Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the recommendation that the bill be re-referred to the Environment and Natural Resources Finance Division.

The report was adopted.

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

H. F. No. 3906, A bill for an act relating to natural resources; establishing Lorax Act; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

Reported the same back with the recommendation that the bill be re-referred to the Environment and Natural Resources Finance Division.

The report was adopted.

Considine from the Corrections Division to which was referred:

H. F. No. 3911, A bill for an act relating to corrections; prohibiting the flying of unmanned aerial vehicles over state correctional facilities; providing for criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 243.

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

The report was adopted.

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

H. F. No. 3924, A bill for an act relating to environment; establishing grant program for pilot projects to encourage and increase composting in multifamily buildings; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the recommendation that the bill be re-referred to the Environment and Natural Resources Finance Division.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 4010, A bill for an act relating to health; changing a groundwater protection provision; amending Minnesota Statutes 2018, section 103H.201, subdivision 1.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1149, 3072, 3229, 3240, 3274, 3316, 3557, 3618, 3632, 3687, 3772, 3819 and 3911 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Becker-Finn, Kunesh-Podein and Lee introduced:

H. F. No. 4158, A bill for an act relating to capital investment; appropriating money for a family and child services building for the Red Lake Band of Chippewa Indians.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Davnie, Wolgamott, Jordan, Noor and Her introduced:

H. F. No. 4159, A bill for an act relating to economic development; authorizing a grant for Project Success; requiring a report; appropriating money.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

Kresha introduced:

H. F. No. 4160, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 1; providing for a fundamental right to quality public education for all children.

The bill was read for the first time and referred to the Committee on Education Policy.

Kresha, Erickson, Neu, Haley, Theis, Jurgens and Demuth introduced:

H. F. No. 4161, A bill for an act relating to education finance; creating a grant program to support activities to close the literacy gap in Minnesota's public schools; requiring a report; appropriating money.

The bill was read for the first time and referred to the Education Finance Division.

Scott and Schomacker introduced:

H. F. No. 4162, A bill for an act relating to open government; transferring certain responsibilities under chapter 13 from the commissioner of administration to the Office of Administrative Hearings; establishing a data practices coordinator position; amending the administrative remedy under chapter 13; appropriating money; amending Minnesota Statutes 2018, sections 13.02, by adding a subdivision; 13.08, subdivision 4; 13.085, subdivisions 2, 5, 6, by adding a subdivision; 13.685; 13D.06, subdivision 4; 14.54; proposing coding for new law in Minnesota Statutes, chapters 13; 14; repealing Minnesota Statutes 2018, sections 13.02, subdivision 2; 13.072, subdivisions 1, 2, 4; 13.085, subdivision 7.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Urdahl, Erickson, Sandell, Bennett, Hassan, Christensen, Gruenhagen, Bahr, Baker, Moller and Edelson introduced:

H. F. No. 4163, A bill for an act relating to civics education; creating civics test reporting requirements; amending Minnesota Statutes 2019 Supplement, section 120B.36, subdivision 1.

The bill was read for the first time and referred to the Committee on Education Policy.

Albright introduced:

H. F. No. 4164, A bill for an act relating to human services; prohibiting transfer of unexpended health care access funds to the information and telecommunications technology systems and services account; amending Minnesota Statutes 2018, section 16E.0466, subdivision 1.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Urdahl, Brand, Hamilton, Nornes, Poppe and Gunther introduced:

H. F. No. 4165, A bill for an act relating to capital investment; appropriating money for a greater Minnesota housing infrastructure grant program; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Capital Investment Division.

Persell, Nornes, Poppe and Gunther introduced:

H. F. No. 4166, A bill for an act relating to housing; appropriating money to rehabilitate housing outside of the seven-county metropolitan area.

The bill was read for the first time and referred to the Housing Finance and Policy Division.

Nash introduced:

H. F. No. 4167, A bill for an act relating to emergency management; protecting information and telecommunications technology systems and services during emergencies; amending Minnesota Statutes 2018, sections 12.03, by adding subdivisions; 12.21, subdivision 2; 12.31, subdivision 2; 12.35, subdivision 4; 12.36; repealing Minnesota Statutes 2018, section 12.03, subdivision 5d.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Demuth and Nornes introduced:

H. F. No. 4168, A bill for an act relating to higher education; requiring disclosure of tuition and fees and other information related to higher education majors and programs; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Higher Education Finance and Policy Division.

Hassan introduced:

H. F. No. 4169, A bill for an act relating to education; modifying requirements for test result reports; amending Minnesota Statutes 2018, section 120B.30, subdivision 3.

The bill was read for the first time and referred to the Committee on Education Policy.

Vang; Carlson, L.; Stephenson; Klevorn and Youakim introduced:

H. F. No. 4170, A bill for an act relating to capital investment; appropriating money for Mississippi Gateway Regional Park improvements; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Huot, Pryor, Bierman, Poston, Olson, Marquart, Theis, Wazlawik, Brand, Poppe, Quam, Lislegard and Fischer introduced:

H. F. No. 4171, A bill for an act relating to health; establishing an emergency medical services task force; appropriating money for the task force and for ambulance service personnel training programs.

The bill was read for the first time and referred to the Committee on Government Operations.

Lislegard, Lillie, Davids and Ecklund introduced:

H. F. No. 4172, A bill for an act relating to economic development; providing a grant to the Mountain Iron Economic Development Authority to expand a city-owned building housing a solar panel manufacturer; appropriating money.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Jordan introduced:

H. F. No. 4173, A bill for an act relating to education finance; modifying uses of general community education revenue; amending Minnesota Statutes 2018, sections 124D.19, subdivision 2; 124D.20, subdivisions 8, 10.

The bill was read for the first time and referred to the Committee on Education Policy.

Jordan and Youakim introduced:

H. F. No. 4174, A bill for an act relating to public safety; requiring certain bus operators to make certain disclosures to employers and possess proof of physical qualifications to operate school buses; amending Minnesota Statutes 2018, section 171.02, subdivisions 2a, 2b.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Sandell, Hansen, Becker-Finn, Persell and Wagenius introduced:

H. F. No. 4175, A bill for an act relating to natural resources; appropriating money to develop strategies to manage PFAS.

The bill was read for the first time and referred to the Environment and Natural Resources Finance Division.

Schomacker introduced:

H. F. No. 4176, A bill for an act relating to human services; appropriating money to the commissioner of human services for grants for operating subsidies for rural mental health crisis facilities developed under a bonding program.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Mahoney introduced:

H. F. No. 4177, A bill for an act relating to workforce development; appropriating money for Summit Academy OIC; amending Laws 2019, First Special Session chapter 7, article 1, section 2, subdivision 3.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

Pinto introduced:

H. F. No. 4178, A bill for an act relating to child care rates; removing an obsolete date; amending Minnesota Statutes 2018, section 119B.13, subdivision 3a.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Vang and Koznick introduced:

H. F. No. 4179, A bill for an act relating to health; requiring cannabinoid product labels to contain a bar code or QR code; amending Minnesota Statutes 2019 Supplement, section 151.72, subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Hansen introduced:

H. F. No. 4180, A bill for an act relating to environment; modifying fees for dry cleaners; modifying a report to the legislature; amending Minnesota Statutes 2018, section 115B.49, by adding a subdivision; Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 10; repealing Minnesota Statutes 2018, section 115B.49, subdivisions 4, 4b.

The bill was read for the first time and referred to the Environment and Natural Resources Finance Division.

Stephenson, Garofalo and Long introduced:

H. F. No. 4181, A bill for an act relating to transportation; establishing preference for purchase of electric vehicles for state fleet; providing rebates for electric vehicle purchases; awarding grants to automobile dealers to defray cost of manufacturer certification allowing electric vehicle sales; appropriating money; amending Minnesota Statutes 2018, sections 16C.135, subdivision 3; 16C.137, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Committee on Government Operations.

Kunesh-Podein, Becker-Finn, Olson, Cantrell, Noor, Schultz, Moran and Liebling introduced:

H. F. No. 4182, A bill for an act relating to child protection; requiring training for child welfare workers and state agency staff to serve American Indian children and families; appropriating money for a tribal child welfare partnership; amending Minnesota Statutes 2018, section 626.559, by adding a subdivision.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Heintzeman introduced:

H. F. No. 4183, A bill for an act relating to education; allowing postsecondary enrollment in summer courses; amending Minnesota Statutes 2019 Supplement, section 124D.09, subdivision 9.

The bill was read for the first time and referred to the Committee on Education Policy.

Heintzeman introduced:

H. F. No. 4184, A bill for an act relating to construction licensing; repealing registration requirement for unlicensed electrical workers; amending Minnesota Statutes 2018, sections 326B.094, subdivision 2; 326B.33, subdivisions 12, 19; repealing Minnesota Statutes 2018, section 326B.33, subdivision 13.

The bill was read for the first time and referred to the Committee on Labor.

Heintzeman introduced:

H. F. No. 4185, A bill for an act relating to electrical inspectors; prohibiting mandatory extended reporting coverage in state electrical inspection vendor contracts; amending Minnesota Statutes 2018, section 16C.28, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor.

Heintzeman introduced:

H. F. No. 4186, A bill for an act relating to electricians; repealing requirement regarding information posted on electrical contractor's vehicle; repealing Minnesota Rules, part 3800.3570.

The bill was read for the first time and referred to the Committee on Labor.

Her; Lesch; Xiong, J.; Moran and Pinto introduced:

H. F. No. 4187, A bill for an act relating to capital investment; appropriating money for the Goodwill-Easter Seals Minnesota Career and Technical Training Center in St. Paul.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

Schultz, Schomacker and Moran introduced:

H. F. No. 4188, A bill for an act relating to health; appropriating money for advance care planning on end-of-life care choices.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Petersburg and Gunther introduced:

H. F. No. 4189, A bill for an act relating to legacy; appropriating money to restore honey house and wax shed at Hofmann Apiaries.

The bill was read for the first time and referred to the Legacy Finance Division.

Petersburg and Gunther introduced:

H. F. No. 4190, A bill for an act relating to capital investment; appropriating money for restoration of the honey house and wax shed at Hofmann Apiaries.

The bill was read for the first time and referred to the State Government Finance Division.

Ecklund and Lislegard introduced:

H. F. No. 4191, A bill for an act relating to state lands; allowing counties to lease tax-forfeited land for conservation easements; amending Minnesota Statutes 2018, section 282.04, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Property and Local Tax Division.

Long, Christensen and Howard introduced:

H. F. No. 4192, A bill for an act relating to public safety; establishing standards for crisis intervention and mental illness crisis training for peace officers; appropriating money; amending Minnesota Statutes 2018, section 626.8469.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.



Dehn introduced:

H. F. No. 4193, A bill for an act relating to corrections; employment and economic development; education; appropriating money to provide reentry services to individuals in and exiting criminal custody, and mentorship to boys in grades 6 to 12.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Dauids introduced:

H. F. No. 4194, A bill for an act relating to taxation; individual income; allowing an unlimited Social Security subtraction; amending Minnesota Statutes 2019 Supplement, section 290.0132, subdivision 26.

The bill was read for the first time and referred to the Committee on Taxes.

Sundin, Tabke, Petersburg, Masin and Heinrich introduced:

H. F. No. 4195, A bill for an act relating to transportation; providing for a penalty for violating requirements of motor carriers of railroad employees law; amending Minnesota Statutes 2018, section 221.0255, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Poppe introduced:

H. F. No. 4196, A bill for an act relating to taxes; property and local; providing an aid penalty forgiveness to certain cities.

The bill was read for the first time and referred to the Property and Local Tax Division.

Jordan, Lee, Hassan, Persell and Freiberg introduced:

H. F. No. 4197, A bill for an act relating to energy; extending the period covered by the cold weather rule; amending Minnesota Statutes 2018, sections 216B.096, subdivision 2; 216B.097, subdivisions 1, 2, 3.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Sandell, Lippert, Christensen, Persell and Lillie introduced:

H. F. No. 4198, A bill for an act relating to energy; establishing a rebate for the installation of solar energy devices on residences; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Sandell, Elkins and Huot introduced:

H. F. No. 4199, A bill for an act relating to real property; creating an Office of Ombudsperson for Common Interest Communities; creating a common interest community court calendar program; providing for resolution of common interest community disputes; requiring alternative dispute resolution in certain cases; providing for recovery of attorney fees; imposing fees and appropriating money; amending Minnesota Statutes 2018, sections 515B.3-106; 515B.4-116; proposing coding for new law in Minnesota Statutes, chapters 45; 484; 515B.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Cantrell, Liebling and Gruenhagen introduced:

H. F. No. 4200, A bill for an act relating to health; requiring notice prior to placing a hospital patient in observation status; permitting licensing actions against hospitals that fail to provide notice; prohibiting billing and collections for hospital services to patients in observation status who did not receive prior notice; amending Minnesota Statutes 2018, sections 144.55, subdivision 6; 144.586, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Sandell, Davnie, Kunesh-Podein, Youakim and Pryor introduced:

H. F. No. 4201, A bill for an act relating to state government; appropriating money to the state auditor for a school finance accountability team; exempting certain work from billing until July 1, 2024.

The bill was read for the first time and referred to the State Government Finance Division.

Persell introduced:

H. F. No. 4202, A bill for an act relating to human services; appropriating money for peer-run respite services; requiring a report.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Nelson, M.; Torkelson; Ecklund; Albright and Elkins introduced:

H. F. No. 4203, A bill for an act relating to public safety; modifying provisions governing the excavation notice system; amending Minnesota Statutes 2018, sections 216D.01, by adding a subdivision; 216D.03, subdivision 2, by adding subdivisions; 216D.04, subdivisions 1a, 3; 216D.06, subdivisions 2, 3.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Jordan introduced:

H. F. No. 4204, A bill for an act relating to human services; adjusting the eligibility requirements for children's mental health respite grants; modifying provisions regarding home and community-based services; authorizing the correction of housing support payments; defining "qualified professional" for purposes of applying for general assistance and housing support; amending Minnesota Statutes 2018, sections 245D.04, subdivision 3; 245D.071, subdivision 3; 245F.02, subdivisions 7, 14; 245F.06, subdivision 2; 245F.12, subdivisions 2, 3; 245G.02, subdivision 2; 245G.09, subdivision 1; 256B.0652, subdivision 10; 256B.0941, subdivisions 1, 3; 256B.0949, subdivisions 2, 5, 6, 9, 13, 14, 15, 16; 256D.02, subdivision 17; 256I.03, subdivisions 3, 14; 256I.05, subdivisions 1c, 1n, 8; 256I.06, subdivision 2, by adding a subdivision; 256J.08, subdivision 73a; 256P.01, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 245.4889, subdivision 1; 254A.03, subdivision 3; 254B.05, subdivision 1; 256I.04, subdivision 2b; repealing Minnesota Statutes 2018, section 245F.02, subdivision 20.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Pinto, Moller, Freiberg and Gunther introduced:

H. F. No. 4205, A bill for an act relating to judgments; enacting the Uniform Registration of Canadian Money Judgments Act adopted and recommended for passage by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Sundin and Albright introduced:

H. F. No. 4206, A bill for an act relating to workers' compensation; adopting recommendations of the 2020 Workers' Compensation Advisory Council; amending Minnesota Statutes 2018, sections 79A.02, subdivision 4; 79A.04, subdivision 2; 79A.06, subdivision 5; 79A.22, subdivision 13; 79A.24, subdivision 2; 176.011, subdivision 15; 176.102, subdivision 10; 176.111, subdivision 22; 176.135, subdivision 1; 176.185, by adding a subdivision; 176.223; Minnesota Statutes 2019 Supplement, sections 176.181, subdivision 2; 176.231, subdivisions 5, 6, 9, 9a; 176.2611, subdivision 5; 176.2612, subdivisions 1, 3; 176.275, subdivision 2; 176.285, subdivision 1; repealing Minnesota Statutes 2018, section 176.181, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce.

Lislegard and Ecklund introduced:

H. F. No. 4207, A bill for an act relating to capital investment; appropriating money for renovation of municipal buildings in Eveleth; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Lucero, Mekeland, Miller, Heintzeman, Gruenhagen, Johnson, Anderson, Heinrich and Nelson, N., introduced:

H. F. No. 4208, A bill for an act relating to education; providing for an exemption from statutory immunization requirements for a sincerely held religious belief; amending Minnesota Statutes 2018, section 121A.15, subdivisions 3, 3a, 8.

The bill was read for the first time and referred to the Committee on Education Policy.

Baker introduced:

H. F. No. 4209, A bill for an act relating to capital investment; appropriating money for a highway-rail grade separation on County State-Aid Highways 55, 5, and 15 in Kandiyohi County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Koegel introduced:

H. F. No. 4210, A bill for an act relating to transportation; taxation; modifying a vehicle excise tax exemption for certain passenger automobiles; amending Minnesota Statutes 2019 Supplement, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

Liebling introduced:

H. F. No. 4211, A bill for an act relating to human services; revising implementation provisions relating to the substance use disorder waiver demonstration project; amending Minnesota Statutes 2019 Supplement, section 256B.0759, subdivisions 3, 4.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Liebling introduced:

H. F. No. 4212, A bill for an act relating to human services; revising assessment processes for withdrawal management programs to facilitate direct access to substance use disorder treatment; correcting errors in the 2020-2021 biennial health and human services appropriation; amending Minnesota Statutes 2018, sections 245F.03; 245F.04, by adding a subdivision; 254B.03, subdivision 1; Minnesota Statutes 2019 Supplement, sections 254A.03, subdivision 3; 256B.0759, subdivision 4; Laws 2019, First Special Session chapter 9, article 14, section 2, subdivisions 2, 24, 30, 31, by adding a subdivision; repealing Minnesota Statutes 2019 Supplement, section 254B.03, subdivision 4a; Minnesota Rules, parts 9530.6600, subparts 1, 3; 9530.6605, subparts 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 21a, 21b, 24a, 25, 25a, 26; 9530.6610, subparts 1, 2, 3, 5; 9530.6615; 9530.6620; 9530.6622; 9530.6655.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Persell, Lien, Fabian, Kiel, Backer, Fischer and Lueck introduced:

H. F. No. 4213, A bill for an act relating to environment; requiring development of water quality management plan for Red River of the North; appropriating money.

The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division.

Richardson introduced:

H. F. No. 4214, A bill for an act relating to commerce; regulating the sale of catalytic converters to scrap metal dealers; amending Minnesota Statutes 2018, section 325E.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Hansen introduced:

H. F. No. 4215, A bill for an act relating to capital investment; appropriating money for RIM and other conservation purposes; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Gunther introduced:

H. F. No. 4216, A bill for an act relating to capital investment; appropriating money for renovating the former Winnebago Elementary School Building in Winnebago.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

Drazkowski, Miller, Bahr and Munson introduced:

H. F. No. 4217, A bill for an act relating to state government; repealing certain provider taxes; repealing Minnesota Statutes 2019 Supplement, section 295.52, subdivisions 1, 1a, 2, 3, 4, 8.

The bill was read for the first time and referred to the Committee on Taxes.

Lippert; Cantrell; Carlson, L., and Hansen introduced:

H. F. No. 4218, A bill for an act relating to capital investment; appropriating money for predesign of a poultry processing plant and associated industrial park in Northfield; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Persell, Christensen, Becker-Finn and Novotny introduced:

H. F. No. 4219, A bill for an act relating to natural resources; providing uniformity in enforcing driving under the influence provisions for certain recreational vehicles; providing criminal penalties; amending Minnesota Statutes 2018, sections 84.795, subdivision 5; 84.83, subdivision 5; 86B.705, subdivision 2; 97A.065, subdivision 2; 169A.03, subdivision 18; 169A.20, subdivision 1; 169A.52, by adding a subdivision; 169A.54, by adding a subdivision; 171.306, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 171; repealing Minnesota Statutes 2018, section 169A.20, subdivisions 1a, 1b, 1c; Minnesota Statutes 2019 Supplement, sections 84.91, subdivision 1; 86B.331, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Vang, Jurgens and Koznick introduced:

H. F. No. 4220, A bill for an act relating to taxation; property; expanding the definition of agricultural products for class 2 land; amending Minnesota Statutes 2019 Supplement, section 273.13, subdivision 23.

The bill was read for the first time and referred to the Property and Local Tax Division.

Ecklund and Dettmer introduced:

H. F. No. 4221, A bill for an act relating to veterans; making technical changes to the GI Bill; amending Minnesota Statutes 2018, section 197.791, subdivisions 4, 5, 5a, 5b.

The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division.

Edelson, Jurgens, Moller, Dettmer, Ecklund and Sundin introduced:

H. F. No. 4222, A bill for an act relating to veterans; authorizing the provision of dental services for residents of veterans homes; amending Minnesota Statutes 2018, section 198.006.

The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division.

Lippert, Ecklund, Moller, Dettmer and Sundin introduced:

H. F. No. 4223, A bill for an act relating to veterans; authorizing the commissioner of veteran's affairs to establish veteran adult day care programs; amending Minnesota Statutes 2018, section 198.006.

The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division.

Christensen, Moller, Dettmer, Ecklund and Sundin introduced:

H. F. No. 4224, A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to establish a veterans stable housing initiative; classifying certain homeless veterans data; authorizing data sharing; proposing coding for new law in Minnesota Statutes, chapter 196.

The bill was read for the first time and referred to the Veterans and Military Affairs Finance and Policy Division.

Johnson, Lucero, Novotny, Nash and Poston introduced:

H. F. No. 4225, A bill for an act relating to public safety; rejecting certain proposed modifications to the Sentencing Guidelines relating to lengths of probation; removing authority for Sentencing Guidelines Commission to establish guidelines on nonprison sanctions; requiring Sentencing Guidelines Commission to submit proposal to the legislature regarding lengths of probation; providing for collection of probation data; requiring a report on probation sentences; amending Minnesota Statutes 2018, section 244.09, subdivisions 5, 6, by adding a subdivision.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

**MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3564.

CAL R. LUDEMAN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 3564, A bill for an act relating to public safety; transferring money to the disaster contingency account.

The bill was read for the first time.

Pelowski moved that S. F. No. 3564 and H. F. No. 3633, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

**CALENDAR FOR THE DAY**

H. F. No. 5 was reported to the House.

Halverson moved to amend H. F. No. 5, the fourth engrossment, as follows:

Page 23, line 24, delete "a"

Page 42, line 27, delete "in fiscal year 2022 is appropriated from the general fund to" and before "\$630,000" insert "Of the fiscal year 2022 base," and after "\$630,000" insert "is for"

Page 43, line 4, delete everything after the period

Page 43, line 9, delete "is appropriated from the general fund to" and before "\$574,000" insert "The general fund base is" and after "2022" insert "for"

Page 43, line 15, after "year" insert "2021" and after "appropriated" insert "from the general fund"

The motion prevailed and the amendment was adopted.

Runbeck moved to amend H. F. No. 5, the fourth engrossment, as amended, as follows:

Page 36, line 27, delete "and"

Page 36, line 28, delete the period and insert a semicolon

Page 36, after line 28, insert:

"(10) the loss in the number of businesses and employers statewide, and to the extent practicable, the destination of businesses and employers that relocate to another state;

(11) the loss in the number of workers, and to the extent practicable, the destination of workers that relocate to another state;

(12) the loss of household income; and

(13) the loss of tax revenue.

The commissioner shall calculate and report the data required in paragraph (a), clauses 10 to 13, using the funds appropriated in article 3, section 1, paragraphs (a) and (b)."

Page 37, after line 12, insert:

"(c) Annually, beginning with enactment, the commissioner must publish a publicly available report for the previous fiscal year citing impacts on Minnesota's economy."

A roll call was requested and properly seconded.

The question was taken on the Runbeck amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Lucero	O'Driscoll	Swedzinski
Anderson	Drazkowski	Heinrich	Lueck	O'Neill	Theis
Bahr	Erickson	Heintzeman	McDonald	Petersburg	Torkelson
Baker	Fabian	Hertaus	Miller	Pierson	Urdahl
Bennett	Garofalo	Johnson	Munson	Poston	Vogel
Boe	Green	Jurgens	Nash	Quam	West
Daniels	Grossell	Kiel	Nelson, N.	Robbins	
Daudt	Gruenhagen	Koznick	Neu	Runbeck	
Davids	Gunther	Kresha	Nornes	Schomacker	
Demuth	Haley	Layman	Novotny	Scott	

Those who voted in the negative were:

Acomb	Brand	Clafin	Elkins	Hansen	Huot
Bahner	Cantrell	Davnie	Fischer	Hausman	Jordan
Becker-Finn	Carlson, A.	Dehn	Freiberg	Her	Klevorn
Bernardy	Carlson, L.	Ecklund	Gomez	Hornstein	Koegel
Bierman	Christensen	Edelson	Halverson	Howard	Kotzya-Witthuhn



Kunesh-Podein	Long	Morrison	Poppe	Sundin	Xiong, T.
Lee	Mahoney	Murphy	Pryor	Tabke	Youakim
Lesch	Mann	Nelson, M.	Richardson	Vang	Spk. Hortman
Liebling	Mariani	Noor	Sandell	Wagenius	
Lien	Marquart	Olson	Sandstede	Wazlawik	
Lillie	Masin	Pelowski	Sauke	Winkler	
Lippert	Moller	Persell	Schultz	Wolgamott	
Lislegard	Moran	Pinto	Stephenson	Xiong, J.	

The motion did not prevail and the amendment was not adopted.

Urdahl was excused between the hours of 7:10 p.m. and 7:30 p.m.

Pierson was excused for the remainder of today's session.

H. F. No. 5, A bill for an act relating to employment; providing for paid family, pregnancy, bonding, and applicant's serious medical condition benefits; regulating and requiring certain employment leaves; classifying certain data; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018, sections 13.719, by adding a subdivision; 177.27, subdivision 4; 256J.561, by adding a subdivision; 256J.95, subdivisions 3, 11; 256P.01, subdivision 3; 268.19, subdivision 1; Minnesota Statutes 2019 Supplement, section 181.032; proposing coding for new law as Minnesota Statutes, chapter 268B.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Howard	Lippert	Noor	Tabke
Bahner	Ecklund	Huot	Lislegard	Olson	Vang
Becker-Finn	Edelson	Jordan	Long	Persell	Wagenius
Bernardy	Elkins	Klevorn	Mahoney	Pinto	Wazlawik
Bierman	Fischer	Koegel	Mann	Pryor	Winkler
Brand	Freiberg	Kotyza-Witthuhn	Mariani	Richardson	Wolgamott
Cantrell	Gomez	Kunesh-Podein	Masin	Sandell	Xiong, J.
Carlson, A.	Halverson	Lee	Moller	Sandstede	Xiong, T.
Carlson, L.	Hansen	Lesch	Moran	Sauke	Youakim
Christensen	Hausman	Liebling	Morrison	Schultz	Spk. Hortman
Claflin	Her	Lien	Murphy	Stephenson	
Davnie	Hornstein	Lillie	Nelson, M.	Sundin	

Those who voted in the negative were:

Albright	Daudt	Garofalo	Heinrich	Kresha	Miller
Anderson	Dauids	Green	Heintzeman	Layman	Munson
Bahr	Demuth	Grossell	Hertaus	Lucero	Nash
Baker	Dettmer	Gruenhagen	Johnson	Lueck	Nelson, N.
Bennett	Drazkowski	Gunther	Jurgens	Marquart	Neu
Boe	Erickson	Haley	Kiel	McDonald	Nornes
Daniels	Fabian	Hamilton	Koznick	Mekeland	Novotny

O'Driscoll	Petersburg	Quam	Schomacker	Theis	Vogel
O'Neill	Poppe	Robbins	Scott	Torkelson	West
Pelowski	Poston	Runbeck	Swedzinski	Urdahl	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2959, A bill for an act relating to capital investment; appropriating money for the Rural Finance Authority; authorizing the sale and issuance of state bonds.

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 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Acomb	Demuth	Her	Lislegard	Novotny	Sundin
Albright	Dettmer	Hertaus	Long	O'Driscoll	Swedzinski
Anderson	Ecklund	Hornstein	Lucero	Olson	Tabke
Bahner	Edelson	Howard	Lueck	O'Neill	Theis
Baker	Elkins	Huot	Mahoney	Pelowski	Torkelson
Becker-Finn	Erickson	Johnson	Mann	Persell	Urdahl
Bennett	Fabian	Jordan	Mariani	Petersburg	Vang
Bernardy	Fischer	Jurgens	Marquart	Pinto	Vogel
Bierman	Freiberg	Kiel	Masin	Poppe	Wagenius
Boe	Garofalo	Klevorn	McDonald	Poston	Wazlawik
Brand	Gomez	Koegel	Mekeland	Pryor	West
Cantrell	Green	Kotzya-Witthuhn	Miller	Quam	Winkler
Carlson, A.	Grossell	Koznick	Moller	Richardson	Wolgamott
Carlson, L.	Gruenhagen	Kresha	Morrison	Robbins	Xiong, J.
Christensen	Gunther	Kunesh-Podein	Munson	Runbeck	Xiong, T.
Clafin	Haley	Layman	Murphy	Sandell	Youakim
Considine	Halverson	Lee	Nash	Sandstede	Spk. Hortman
Daniels	Hamilton	Lesch	Nelson, M.	Sauke	
Daudt	Hansen	Liebling	Nelson, N.	Schomacker	
Davids	Hausman	Lien	Neu	Schultz	
Davnie	Heinrich	Lillie	Noor	Scott	
Dehn	Heintzeman	Lippert	Nornes	Stephenson	

Those who voted in the negative were:

Bahr	Drazkowski
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The bill was passed and its title agreed to.

## MOTIONS AND RESOLUTIONS

Schultz moved that the name of Munson be added as an author on H. F. No. 1662. The motion prevailed.

Huot moved that the name of Lislegard be added as an author on H. F. No. 1993. The motion prevailed.

Davnie moved that the name of Freiberg be added as an author on H. F. No. 2212. The motion prevailed.

Kresha moved that the name of Wolgamott be added as an author on H. F. No. 2929. The motion prevailed.

Wolgamott moved that the name of Theis be added as an author on H. F. No. 3087. The motion prevailed.

Edelson moved that the name of Freiberg be added as an author on H. F. No. 3108. The motion prevailed.

Moran moved that the name of Albright be added as an author on H. F. No. 3127. The motion prevailed.

Moller moved that the name of Lislegard be added as an author on H. F. No. 3219. The motion prevailed.

Morrison moved that the names of Hansen, Freiberg and Wazlawik be added as authors on H. F. No. 3228. The motion prevailed.

Wazlawik moved that the name of Kunesh-Podein be added as an author on H. F. No. 3376. The motion prevailed.

Schultz moved that the name of Bernardy be added as an author on H. F. No. 3498. The motion prevailed.

Gruenhagen moved that the name of O'Driscoll be added as an author on H. F. No. 3500. The motion prevailed.

Hassan moved that the name of Lislegard be added as an author on H. F. No. 3540. The motion prevailed.

Moran moved that the name of Koegel be added as an author on H. F. No. 3632. The motion prevailed.

Boe moved that his name be stricken as an author on H. F. No. 3658. The motion prevailed.

Moran moved that the names of Theis and Noor be added as authors on H. F. No. 3660. The motion prevailed.

Hornstein moved that the name of Sundin be added as an author on H. F. No. 3702. The motion prevailed.

Lillie moved that the name of Theis be added as an author on H. F. No. 3732. The motion prevailed.

Lippert moved that the name of Brand be added as an author on H. F. No. 3739. The motion prevailed.

Lislegard moved that the names of Poppe and Sundin be added as authors on H. F. No. 3983. The motion prevailed.

Wolgamott moved that the name of Theis be added as an author on H. F. No. 4017. The motion prevailed.

Hausman moved that the name of Moran be added as an author on H. F. No. 4027. The motion prevailed.

Huot moved that the name of Poston be added as an author on H. F. No. 4057. The motion prevailed.

Ecklund moved that the name of Brand be added as an author on H. F. No. 4072. The motion prevailed.

Becker-Finn moved that the name of Youakim be added as an author on H. F. No. 4117. The motion prevailed.

Neu moved that the name of Dettmer be added as an author on H. F. No. 4135. The motion prevailed.

Koznick moved that H. F. No. 1738 be recalled from the Committee on Government Operations and be re-referred to the Jobs and Economic Development Finance Division. The motion prevailed.

Morrison moved that H. F. No. 3504 be recalled from the Committee on Education Policy and be re-referred to the Early Childhood Finance and Policy Division. The motion prevailed.

Hansen moved that H. F. No. 3839 be recalled from the Public Safety and Criminal Justice Reform Finance and Policy Division and be re-referred to the Transportation Finance and Policy Division. The motion prevailed.

Mahoney moved that H. F. No. 3694, now on the General Register, be re-referred to the Jobs and Economic Development Finance Division. The motion prevailed.

Brand moved that H. F. No. 3791 be recalled from the Health and Human Services Finance Division and be re-referred to the Long-Term Care Division. The motion prevailed.

Koegel moved that H. F. No. 3954 be recalled from the Education Finance Division and be re-referred to the Early Childhood Finance and Policy Division. The motion prevailed.

Stephenson moved that H. F. No. 4181 be recalled from the Committee on Government Operations and be re-referred to the Energy and Climate Finance and Policy Division. The motion prevailed.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 3:30 p.m., Monday, March 9, 2020. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:30 p.m., Monday, March 9, 2020.

PATRICK D. MURPHY, Chief Clerk, House of Representatives