

STATE OF MINNESOTA

# Journal of the House

NINETY-FIRST SESSION — 2020

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SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 14, 2020

Pursuant to the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly in accordance with House Concurrent Resolution No. 5, the House of Representatives convened at 12:00 noon and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by Representative Pat Garofalo, District 58B, Farmington, 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	Hausman	Lillie	Noor	Scott
Albright	Demuth	Heinrich	Lippert	Nornes	Stephenson
Anderson	Dettmer	Heintzeman	Lislegard	Novotny	Sundin
Backer	Drazkowski	Her	Long	O'Driscoll	Swedzinski
Bahner	Ecklund	Hertaus	Lucero	Olson	Tabke
Bahr	Edelson	Hornstein	Lueck	O'Neill	Theis
Baker	Elkins	Howard	Mahoney	Pelowski	Torkelson
Becker-Finn	Erickson	Huot	Mann	Persell	Urdahl
Bennett	Fabian	Johnson	Mariani	Petersburg	Vang
Bernardy	Fischer	Jordan	Marquart	Pierson	Vogel
Bierman	Franson	Jurgens	Masin	Pinto	Wagenius
Boe	Freiberg	Kiel	McDonald	Poppe	Wazlawik
Brand	Garofalo	Klevorn	Mekeland	Poston	West
Cantrell	Gomez	Koegel	Miller	Pryor	Winkler
Carlson, A.	Green	Kotyza-Witthuhn	Moller	Quam	Wolgamott
Carlson, L.	Grossell	Koznick	Moran	Richardson	Xiong, J.
Christensen	Gruenhagen	Kresha	Morrison	Robbins	Xiong, T.
Clafin	Gunther	Kunesh-Podein	Munson	Runbeck	Youakim
Considine	Haley	Layman	Murphy	Sandell	Spk. Hortman
Daniels	Halverson	Lee	Nash	Sandstede	
Daudt	Hamilton	Lesch	Nelson, M.	Sauke	
Davids	Hansen	Liebling	Nelson, N.	Schomacker	
Davnie	Hassan	Lien	Neu	Schultz	

A quorum was present.

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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**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 7, 2020

The Honorable Melissa Hortman  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Hortman:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 4537, relating to workers' compensation; providing a presumption for COVID-19 workers' compensation claims for certain employees; requiring a report; authorizing extension of the implementation date of the CAMPUS system.

Sincerely,

TIM WALZ  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Melissa Hortman  
Speaker of the House of Representatives

The Honorable Jeremy R. Miller  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2020 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2020</i>	<i>Date Filed 2020</i>
	4537	72	5:04 p.m. April 7	April 7

Sincerely,

STEVE SIMON  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Mahoney from the Jobs and Economic Development Finance Division to which was referred:

H. F. No. 1, A bill for an act relating to early childhood; creating additional funding and opportunities for children ages birth to three; governing certain programs and funding for prenatal care services, home visiting, early childhood education, and child care assistance; appropriating money; amending Minnesota Statutes 2018, sections 119B.13, subdivision 1; 124D.142; 124D.162; 124D.165, subdivisions 2, 4; 136A.128, subdivisions 2, 4; Minnesota Statutes 2019 Supplement, sections 124D.151, subdivision 6; 126C.05, subdivision 1; Laws 2019, First Special Session chapter 11, article 8, section 13, subdivisions 3, 8, 9; proposing coding for new law in Minnesota Statutes, chapters 119B; 145.

Reported the same back with the following amendments:

Page 8, after line 24, insert:

"Sec. 5. Minnesota Statutes 2018, section 124D.165, subdivision 3, is amended to read:

Subd. 3. **Administration.** (a) The commissioner shall establish application timelines and determine the schedule for awarding scholarships that meets operational needs of eligible families and programs. The commissioner must give highest priority to applications from children who:

(1) have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test;

(2) are in foster care or otherwise in need of protection or services; or

(3) have experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

The commissioner may prioritize applications on additional factors including family income, geographic location, and whether the child's family is on a waiting list for a publicly funded program providing early education or child care services.

(b) The commissioner shall establish a target for the average scholarship amount per child based on the results of the rate survey conducted under section 119B.02.

(c) A four-star rated program that has children eligible for a scholarship enrolled in or on a waiting list for a program beginning in July, August, or September may notify the commissioner, in the form and manner prescribed by the commissioner, each year of the program's desire to enhance program services or to serve more children than current funding provides. The commissioner may designate a predetermined number of scholarship slots for that program and notify the program of that number. For fiscal year 2018 and later, the statewide amount of funding directly designated by the commissioner must not exceed the funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district or Head Start program qualifying under this paragraph may use its established registration process to enroll scholarship recipients and may verify a scholarship recipient's family income in the same manner as for other program participants.

(d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not been accepted and subsequently enrolled in a rated program within ten months of the awarding of the scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. A child may not be awarded more than one scholarship in a 12-month period.

(e) A child who receives a scholarship who has not completed development screening under sections 121A.16 to 121A.19 must complete that screening within 90 days of first attending an eligible program or within 90 days of the child's third birthday if awarded a scholarship under the age of three.

(f) For fiscal year 2017 and later, a school district or Head Start program enrolling scholarship recipients under paragraph (c) may apply to the commissioner, in the form and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of the application, the commissioner must pay each program directly for each approved scholarship recipient enrolled under paragraph (c) according to the metered payment system or another schedule established by the commissioner."

Page 9, strike lines 3 and 4

Page 14, after line 6, insert:

**"EFFECTIVE DATE. This section is effective September 18, 2020."**

Page 18, line 23, after "including" insert "(i) outcomes of the program, including the number of new providers, the number of additional child care provider jobs created, and the number of additional child care slots, (ii)" and before "an" insert "(iii)"

Page 18, line 24, after the first comma, insert "(iv)" and before "an" insert "(v)"

Page 19, line 14, delete "six" and insert "12" and delete "criteria" and insert "criterion"

Page 19, line 17, delete "2021" and insert "2022"

Page 19, line 18, delete "2020" and insert "2021"

Page 19, after line 19, insert:

"(c) Notwithstanding Minnesota Statutes, section 119B.03, subdivisions 6, 6a, and 6b, the commissioner must allocate the additional basic sliding fee child care funds for calendar year 2021 to counties for updated maximum rates based on relative need to cover maximum rate increases. In distributing the additional funds, the commissioner must consider the following factors by county:

(1) number of children;

(2) provider type;

(3) age of children; and

(4) amount of the increase in maximum rates."

Page 20, line 10, after "appropriation" insert "and is available through June 30, 2022"

Page 20, line 14, before the period, insert ", unless the commissioner waives the requirement"

Page 20, line 24, after the period, insert "Within one month of all grant recipients reporting on program outcomes, the commissioner must report the grant recipients' outcomes to the chairs and ranking members of the legislative committees with jurisdiction over early learning and child care and economic development."

Page 21, line 20, before "outcomes" insert "program" and delete everything after "outcomes"

Page 21, line 21, delete everything before "to"

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 798, A bill for an act relating to data practices; authorizing disclosure to complainant of certain personnel data regarding status of sexual harassment investigations; amending Minnesota Statutes 2018, section 13.43, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **MOTIONS CONTESTING CHILD SUPPORT COST-OF-LIVING ADJUSTMENTS.**

Notwithstanding Minnesota Statutes, section 518A.75, subdivision 2a, a child support obligor to whom the public authority has sent notice of an intended cost-of-living adjustment effective May 1, 2020, under Minnesota Statutes, section 518A.75, subdivision 2, may file a motion contesting the May 1, 2020, cost-of-living adjustment until June 30, 2020. If the obligor is unable to file a motion contesting the May 1, 2020, cost-of-living adjustment before June 30, 2020, due to circumstances related to the COVID-19 pandemic, but files such a motion before October 31, 2020, the court may, in its discretion, order a full or partial adjustment to the child support obligation or decline to order an adjustment to the child support obligation. Any full or partial adjustment shall be effective on May 1, 2020, unless the court selects an alternative effective date based on the circumstances of the case. If the effective date creates an overpayment of support, the overpayment shall be reconciled pursuant to Minnesota Statutes, section 518A.52."

Delete the title and insert:

"A bill for an act relating to family law; modifying child support provisions."

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 6, H. F. No. 798 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1138, A bill for an act relating to commerce; providing for digital fair repair; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 5, line 3, delete "2020" and insert "2021"

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

The report was adopted.

Mahoney from the Jobs and Economic Development Finance Division to which was referred:

H. F. No. 1405, A bill for an act relating to energy; establishing the Clean Energy First Act; requiring utilities to meet resource needs using clean energy resources; authorizing certain cost recovery; establishing a pilot project; requiring reports; amending Minnesota Statutes 2018, sections 216B.16, subdivision 13; 216B.1645, subdivisions 1, 2; 216B.1691, subdivision 9; 216B.2422, subdivisions 2, 3, 4, 5, by adding subdivisions; 216E.03, subdivision 10; 216E.04, subdivision 9; 216F.04; 216H.02, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 216B.2422, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; 216F.

Reported the same back with the following amendments:

Page 1, line 12, delete "22" and insert "26"

Page 4, after line 15, insert:

"Sec. 7. **[216B.1684] PREVAILING WAGE.**

Erection, construction, installation, remodeling, and repairs approved or authorized by the commission are projects under section 177.42, subdivision 2. All laborers and mechanics on the project must be paid the prevailing wage rate as defined in section 177.42, subdivision 6, and the project is subject to the requirements of sections 177.30 and 177.41 to 177.45.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all applicable approvals or authorizations issued by the commission on or after that date."

Page 15, delete section 22

Page 16, delete section 23

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Energy and Climate Finance and Policy Division.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 2198, A bill for an act relating to education; integrating service-learning into Minnesota's education system; establishing an evidence-based service-learning technical assistance and grant program; appropriating money; amending Minnesota Statutes 2018, section 124D.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 124D.50, is amended by adding a subdivision to read:

Subd. 2a. **Service-learning specialist; service-learning work.** (a) The commissioner must create a service-learning specialist position in the department to expand evidence-based service-learning; coordinate service-learning grants under section 124D.501; and provide technical assistance to school districts, charter schools, schools, tribal contract or grant schools eligible for state aid under section 124D.83, school programs and their community-based partners, including nonprofit organizations, community education programs, state or federal agencies, and political subdivisions.

(b) The commissioner may provide or may contract for specialized expertise in school- and community-based service-learning best practices, professional development or training, service-learning research or evaluation, or development of service-learning learning communities.

**EFFECTIVE DATE.** This section is effective July 1, 2020.

Sec. 2. **[124D.501] INNOVATIVE INCUBATOR SERVICE-LEARNING GRANTS.**

Subdivision 1. **Establishment; eligibility criteria; application requirements.** (a) A five-year technical assistance and grant program is established to initiate or expand and strengthen innovative service-learning opportunities for students in kindergarten through grade 12; increase student engagement and academic achievement; close the academic achievement gap and the community, college, and career opportunity gaps; and create a positive school climate and safer schools and communities.

(b) At least one public school teacher, administrator, or program staff member and at least one service-learning specialist, service-learning coordinator, curriculum specialist, or other qualified employee designated to develop and share expertise in implementing service-learning best practices who are employed at a public school, tribal contract school, or charter school must work with students to form a student-adult partnership. The partnership must include at least one community-based organization, community education program, state or federal agency, or political subdivision. The partnership may invite other individuals or entities, such as a postsecondary faculty member or institution, parent, other community member, local business or business organization, or local media representative to become a partner or participate with the partnership, consistent with this paragraph. Before developing and submitting a grant application to the department, a participating student must work with at least one adult who is part of the initial partnership to identify a need or opportunity to pursue through a service-learning partnership and invite at least one partner to collaborate in developing and submitting a grant application. The fiscal agent for the grant is a school district, charter school, or tribal contract school that is a member of the partnership or has a school or school program that is a member of the partnership.

(c) An eligible service-learning partnership receiving an innovation service-learning grant must:

(1) include at least two or more enrolled students, two or more school employees in accordance with paragraph (b), and an eligible community-based organization, community education program, state or federal agency, or political subdivision; and

(2) assist students to:

(i) actively participate in service-learning experiences that meet identified student and community needs or opportunities;

(ii) operate collaboratively with service-learning partnership members;

(iii) align service-learning experiences with at least one state or local academic standard, which may include a local career and technical education standard;

(iv) apply students' knowledge and skills in their community and help solve community problems or address community opportunities;

(v) foster students' civic engagement; and

(vi) explore or pursue career pathways and support career and college readiness.

(d) A school district member in a partnership may participate in the partnership through a community education program established under section 124D.19.

(e) An eligible partnership interested in receiving a grant must apply to the commissioner of education in the form and manner determined by the commissioner. The partnership must work with a district, charter school, public school, tribal contract school, or public school program. Consistent with this subdivision, the application must describe the partnership plan to:

(1) incorporate student-designed and student-led service learning into the school curriculum or specific courses or across subject areas;

(2) provide students with instruction and experiences using service-learning best practices during the regular school day with an option to supplement their service-learning experiences outside of the school day;

(3) align service-learning experiences with at least one state or local academic standard, which may include a local career or technical education standard, and at least one goal of the world's best workforce in accordance with section 120B.11 or the state plan submitted and approved under the most recent reauthorization of the Elementary and Secondary Education Act;

(4) make implementing service-learning best practices an educational priority;

(5) provide student-designed, student-led service-learning experiences that help meet community needs or develop community opportunities; and

(6) identify at least one public school teacher, administrator, or program staff member and at least one service-learning specialist, service-learning coordinator, curriculum specialist, or other qualified employee designated to develop and share expertise in implementing service-learning best practices to work with students to form a student-adult partnership that includes at least one community-based organization, community education program, state or federal agency, or political subdivision.



Subd. 2. **Innovation grants.** The commissioner of education must annually award up to 32 grants of up to \$50,000 each to allow eligible partnerships, equitably distributed throughout Minnesota by congressional district, to provide student-designed, student-led service-learning opportunities consistent with this section. The commissioner may designate start-up or leader grant categories with differentiated maximum grant dollar amounts up to \$50,000. A grantee designated as leader grantee may be required to meet additional leader grant requirements as established by the commissioner in the grant application criteria developed by the commissioner. The commissioner may renew a grant annually as appropriated funds are available and consistent with the grant criteria established in this section and other criteria the commissioner may establish for grant eligibility or for renewing a grant. In order to receive a grant, a partnership must provide a 50 percent match in funds or in-kind contributions unless the commissioner waives the match requirement for an applicant serving a high number of students whose families meet federal poverty guidelines. A partnership grantee must allocate the grant amount according to its grant application. The partnership must convey 50 percent of the actual grant amount to at least one community-based organization, community education program, state or federal agency, or political subdivision to help implement or defray the direct costs of carrying out the service-learning strategies and activities described in the partnership's grant application.

Subd. 3. **Evaluation.** The commissioner of education must evaluate innovative, incubator, service-learning awarded grants based on the educational and developmental outcomes of participating students and on member districts' progress toward meeting at least one goal of the world's best workforce goals in accordance with section 120B.11 or the state plan submitted and approved under the most recent reauthorization of the Elementary and Secondary Education Act. The commissioner must evaluate the success of service-learning grants based on the community outcomes achieved through student service-learning experiences and the corresponding student service-activities. The commissioner must submit a report on participating student and community outcomes under this section to the legislative committees with jurisdiction over kindergarten through grade 12 education by February 15, 2027.

**EFFECTIVE DATE.** This section is effective July 1, 2020.

Sec. 3. **APPROPRIATION.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education in the fiscal years designated.

Subd. 2. **Service-learning specialist; service-learning work.** (a) For the service-learning specialist position at the Department of Education under Minnesota Statutes, section 124D.50, subdivision 2a, and for related service-learning work under Minnesota Statutes, section 124D.501:

<u>\$250,000</u>	<u>.....</u>	<u>2021</u>
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(b) The base for fiscal year 2022 is \$250,000.

Subd. 3. **Innovative service-learning grants.** (a) For innovative service-learning grants under Minnesota Statutes, section 124D.501:

<u>\$800,000</u>	<u>.....</u>	<u>2021</u>
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(b) The base for fiscal year 2022 is \$800,000."

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

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 2471, A bill for an act relating to religious holidays; modifying student absence from school for religious observances; amending Minnesota Statutes 2018, sections 120A.35; 120A.40.

Reported the same back with the following amendments:

Page 1, line 11, delete "2019-2020" and insert "2020-2021"

Page 2, line 8, delete "2019-2020" and insert "2020-2021"

With the recommendation that when so amended 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. 3028, A bill for an act relating to health boards; removing an unnecessary criminal background fee for certain health boards; amending Minnesota Statutes 2019 Supplement, sections 147.01, subdivision 7; 147A.28; 147B.08, subdivision 4; 147C.40, subdivision 5; 147D.27, subdivision 5; 147F.17, subdivision 1.

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. 3043, A bill for an act relating to health; modifying provisions of the Board of Medical Practice; amending Minnesota Statutes 2018, sections 147.038, subdivision 1; 147.039; 147.091, subdivision 8.

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. 3081, A bill for an act relating to health; making changes to requirements, licensing, and other regulatory provisions for social work practice; making technical, clarifying, and conforming changes; amending and providing definitions; amending Minnesota Statutes 2018, sections 148E.010, subdivisions 9, 11, 16, 17, 18, 19, by adding subdivisions; 148E.015; 148E.025, subdivision 2; 148E.055, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, 11, by adding subdivisions; 148E.060, subdivisions 1, 2, 2a; 148E.070, subdivisions 2, 3, 5; 148E.080; 148E.085; 148E.095, subdivision 1; 148E.130, subdivision 1, by adding subdivisions; 148E.145; proposing coding for new law in Minnesota Statutes, chapter 148E; repealing Minnesota Statutes 2018, sections 148E.045; 148E.055, subdivisions 7, 8; 148E.060, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13; 148E.075, subdivisions 1, 1a, 1b, 2, 3, 8; 148E.095, subdivision 2; 148E.130, subdivisions 2, 3, 4, 5, 6, 7; 148E.135; 148E.140; 148E.150; 148E.155; 148E.160; 148E.165; 148E.170.

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. 3159, A bill for an act relating to child welfare; requiring prenatal alcohol exposure screenings for children in out-of-home placement; amending Minnesota Statutes 2018, section 260C.157, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 260C.219, is amended to read:

**260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN PLACEMENT.**

Subdivision 1. Responsibilities for parents; noncustodial parents. (a) When a child is in foster care, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

~~(b)~~ (b) The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this ~~clause~~ paragraph may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

~~(c)~~ (c) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall:

~~(i)~~ (1) prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care; and

~~(ii)~~ (2) provide a parent who is the subject of a background study under section 260C.209 15 days' notice that it intends to use the study to recommend against putting the child with that parent, and the court shall afford the parent an opportunity to be heard concerning the study.

The results of a background study of a noncustodial parent shall not be used by the agency to determine that the parent is incapable of providing day-to-day care of the child unless the agency reasonably believes that placement of the child into the home of that parent would endanger the child's health, safety, or welfare.

~~(d)~~ (d) If, after the provision of services following an out-of-home placement plan under this ~~section~~ subdivision, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.515, subdivision 4. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

~~(e)~~ (e) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

Subd. 2. Notice to parent or guardian. ~~(b)~~ The responsible social services agency shall give notice to the parent or guardian of each child in foster care, other than a child in voluntary foster care for treatment under chapter 260D, of the following information:

(1) that the child's placement in foster care may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under this chapter and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

(3) the nature of the services available to the parent;

(4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;

(5) the first consideration for placement with relatives;

(6) the benefit to the child in getting the child out of foster care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;

(7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and

(8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care.

**Subd. 3. Information for a parent considering voluntary placement.** (e) The responsible social services agency shall inform a parent considering voluntary placement of a child under section 260C.227 of the following information:

(1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;

(2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;

(3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;

(4) if the responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and

(5) the timelines and procedures for review of voluntary placements under section 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under sections 260C.503 to 260C.521.

**Subd. 4. Medical examination.** (d) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years.

**Subd. 5. Children reaching age of majority; copies of records.** (e) Whether under state guardianship or not, if a child leaves foster care by reason of having attained the age of majority under state law, the child must be given at no cost a copy of the child's social and medical history, as defined in section 259.43, and education report.

**Subd. 6. Prenatal alcohol exposure screening.** (a) The responsible social services agency shall coordinate a prenatal alcohol exposure screening for any child who enters foster care as soon as practicable but no later than 45 days after the removal of the child from the child's home, if the agency has determined that the child has not previously been screened or identified as prenatally exposed to alcohol.

(b) The responsible social services agency shall ensure that the screening is conducted in accordance with (1) existing prenatal alcohol exposure screening best practice guidelines and (2) the criteria developed and provided to the responsible social services agency by the statewide organization that focuses solely on prevention and intervention with fetal alcohol spectrum disorder and that receives funding under the appropriation for fetal alcohol spectrum disorder in Laws 2007, chapter 147, article 19, section 4, subdivision 2.

**EFFECTIVE DATE.** This section is effective for children who enter foster care on or after August 1, 2020."

Delete the title and insert:

"A bill for an act relating to human services; foster care; requiring responsible social services agencies to coordinate prenatal alcohol exposure screenings for children in foster care; amending Minnesota Statutes 2018, section 260C.219."

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. 3181, A bill for an act relating to environment; providing for labeling of certain nonwoven disposable products; proposing coding for new law in Minnesota Statutes, chapter 325E.

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. 3199, A bill for an act relating to health; allowing patients who receive disability payments from the Railroad Retirement Board to pay a lower enrollment fee for the medical cannabis program; amending Minnesota Statutes 2018, section 152.35.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 152.35, is amended to read:

**152.35 FEES; DEPOSIT OF REVENUE.**

(a) The commissioner shall collect an enrollment fee of \$200 from patients enrolled under this section. If the patient ~~attests to~~ provides evidence of receiving Social Security disability insurance (SSDI), Supplemental Security ~~Insurance~~ Income (SSI), veterans disability, or railroad disability payments, or being enrolled in medical assistance or MinnesotaCare, then the fee shall be \$50. For purposes of this section:

(1) a patient is considered to receive SSDI if the patient was receiving SSDI at the time the patient was transitioned to retirement benefits by the United States Social Security Administration; and

(2) veterans disability payments include VA dependency and indemnity compensation.

Unless a patient provides evidence of receiving payments from or participating in one of the programs specifically listed in this paragraph, the commissioner of health must collect the \$200 enrollment fee from a patient to enroll the patient in the registry program. The fees shall be payable annually and are due on the anniversary date of the patient's enrollment. The fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(b) The commissioner shall collect an application fee of \$20,000 from each entity submitting an application for registration as a medical cannabis manufacturer. Revenue from the fee shall be deposited in the state treasury and credited to the state government special revenue fund.

(c) The commissioner shall establish and collect an annual fee from a medical cannabis manufacturer equal to the cost of regulating and inspecting the manufacturer in that year. Revenue from the fee amount shall be deposited in the state treasury and credited to the state government special revenue fund.

(d) A medical cannabis manufacturer may charge patients enrolled in the registry program a reasonable fee for costs associated with the operations of the manufacturer. The manufacturer may establish a sliding scale of patient fees based upon a patient's household income and may accept private donations to reduce patient fees."

Delete the title and insert:

"A bill for an act relating to health; allowing patients who receive veterans disability or railroad disability payments to pay a lower enrollment fee for the medical cannabis program; amending Minnesota Statutes 2018, section 152.35."

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

The report was adopted.

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

H. F. No. 3223, A bill for an act relating to health; allowing pharmacy and provider choice related to the prescribing and dispensing of biological products; amending Minnesota Statutes 2018, sections 151.01, by adding subdivisions; 256B.0625, by adding a subdivision; 256L.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62W.

Reported the same back with the following amendments:

Page 2, after line 9, insert:

"(d) This section does not apply to coverage provided through a public health care program under chapter 256B or 256L, or health plan coverage through the State Employee Group Insurance Plan (SEGIP) under chapter 43A.

**EFFECTIVE DATE.** This section is effective January 1, 2021."

Page 2, after lines 22 and 29, insert:

**"EFFECTIVE DATE.** This section is effective January 1, 2021."

Page 3, delete sections 4 and 5 and insert:

"Sec. 4. **STUDY OF PHARMACY AND PROVIDER CHOICE OF BIOLOGICAL PRODUCTS.**

The commissioner of health, within the limits of existing resources, shall analyze the effect of Minnesota Statutes, section 62W.0751, on the net price for different payors of biological products, interchangeable biological products, and biosimilar products. The commissioner of health shall report findings to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, and insurance, by December 15, 2022."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

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.

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

H. F. No. 3338, A bill for an act relating to plastic straws; prohibiting providing plastic straws to customers unless requested; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 1, line 18, after "establishment" insert "will receive no penalty for its initial violation of subdivision 2, but" and delete everything after "each" and insert "subsequent"

Page 1, line 19, delete everything before "violation" and after "\$500" insert a comma

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

The report was adopted.

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

H. F. No. 3398, A bill for an act relating to health care coverage; modifying requirements governing utilization review and prior authorization of health care services; making conforming changes; amending Minnesota Statutes 2018, sections 62M.01, subdivision 2; 62M.02, subdivisions 2, 5, 8, 20, 21, by adding subdivisions; 62M.04, subdivisions 1, 2, 3, 4; 62M.05, subdivisions 3, 3a, 4, 5, by adding a subdivision; 62M.06, subdivisions 1, 3, 4; 62M.07; 62M.09, subdivisions 3, 3a, 4, 4a, 5; 62M.10, subdivision 7, by adding a subdivision; 62M.11; 62M.12; 62M.14; 62Q.71; 62Q.73, subdivision 1; 256B.0625, subdivision 25; proposing coding for new law in Minnesota Statutes, chapters 62A; 62M; repealing Minnesota Statutes 2018, sections 62D.12, subdivision 19; 62M.02, subdivision 19; 62M.05, subdivision 3b; 62M.06, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
UTILIZATION REVIEW AND PRIOR AUTHORIZATION  
OF HEALTH CARE SERVICES

Section 1. **[62A.58] COVERAGE OF SERVICE; PRIOR AUTHORIZATION.**

A health carrier may not deny or limit coverage of a service the enrollee has already received solely on the basis of lack of prior authorization or second opinion, to the extent that the service would otherwise have been covered by the health carrier under the enrollee's health plan had prior authorization or second opinion been obtained. For purposes of this section, "prior authorization" has the meaning given in section 62M.02, subdivision 15.

**EFFECTIVE DATE.** This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 62M.01, subdivision 2, is amended to read:

Subd. 2. **Jurisdiction.** ~~Sections 62M.01 to 62M.16 apply~~ This chapter applies to any insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; the Minnesota Comprehensive Health Association created under chapter 62E; a community integrated service network licensed under chapter 62N; an accountable provider network operating under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third-party administrator licensed under section 60A.23, subdivision 8, that provides utilization review services for the administration of benefits under a health benefit plan ~~as defined in section 62M.02;~~ any other entity that provides, offers, or administers hospital, outpatient, medical, prescription drug, or other health benefits to individuals treated by a health professional under a policy, plan, or contract; or any entity performing utilization review on behalf of a business entity in this state pursuant to a health benefit plan covering a Minnesota resident.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 3. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 1a. **Adverse determination.** "Adverse determination" means a decision by a utilization review organization relating to an admission, extension of stay, or health care service that is partially or wholly adverse to the enrollee, including a decision to deny an admission, extension of stay, or health care service on the basis that it is not medically necessary.



**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 4. Minnesota Statutes 2018, section 62M.02, subdivision 5, is amended to read:

Subd. 5. **Certification Authorization.** "~~Certification~~" "Authorization" means a determination by a utilization review organization that an admission, extension of stay, or other health care service has been reviewed and that ~~it~~, based on the information provided, ~~meets~~ it satisfies the utilization review requirements of the applicable health plan and the health plan company will then pay for the covered benefit, provided the preexisting limitation provisions, the general exclusion provisions, and any deductible, co-payment, coinsurance, or other policy requirements have been met.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 5. Minnesota Statutes 2018, section 62M.02, subdivision 8, is amended to read:

Subd. 8. **Clinical criteria.** "Clinical criteria" means the written policies, ~~decision~~ rules, clinical protocols, medical protocols, or guidelines any other criteria or rationale used by the utilization review organization to determine ~~certification~~ whether a health care service is authorized.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 6. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 10a. **Emergency services.** "Emergency services" has the meaning given in section 62Q.55, subdivision 3.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 7. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 13a. **Medically necessary.** "Medically necessary" has the meaning given in section 62Q.53.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 8. Minnesota Statutes 2018, section 62M.02, subdivision 20, is amended to read:

Subd. 20. **Utilization review.** "Utilization review" means the evaluation of the necessity, appropriateness, and efficacy of the use of health care services, procedures, and facilities, by a person or entity other than the attending health care professional, for the purpose of determining the medical necessity of the service or admission. Utilization review also includes prior authorization and review conducted after the admission of the enrollee. It includes situations where the enrollee is unconscious or otherwise unable to provide advance notification. Utilization review does not include a referral or participation in a referral process by a participating provider unless the provider is acting as a utilization review organization.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 9. Minnesota Statutes 2018, section 62M.02, subdivision 21, is amended to read:

Subd. 21. **Utilization review organization.** "Utilization review organization" means an entity including but not limited to an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a prepaid limited health service organization issued a certificate of authority and operating under sections 62A.451 to 62A.4528; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network licensed under

chapter 62N; an accountable provider network operating under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third-party administrator licensed under section 60A.23, subdivision 8, which conducts utilization review and ~~determines certification of~~ authorizes or makes adverse determinations regarding an admission, extension of stay, or other health care services for a Minnesota resident; any other entity that provides, offers, or administers hospital, outpatient, medical, prescription drug, or other health benefits to individuals treated by a health professional under a policy, plan, or contract; or any entity performing utilization review that is affiliated with, under contract with, or conducting utilization review on behalf of, a business entity in this state. Utilization review organization does not include a clinic or health care system acting pursuant to a written delegation agreement with an otherwise regulated utilization review organization that contracts with the clinic or health care system. The regulated utilization review organization is accountable for the delegated utilization review activities of the clinic or health care system.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 10. Minnesota Statutes 2018, section 62M.05, subdivision 3a, is amended to read:

Subd. 3a. **Standard review determination.** (a) Notwithstanding subdivision 3b, ~~an initial~~ a standard review determination on all requests for utilization review must be communicated to the provider and enrollee in accordance with this subdivision within ~~ten~~ four business days ~~of~~ after receiving the request, provided that all information reasonably necessary to make a determination on the request has been made available to the utilization review organization.

(b) When ~~an initial~~ a determination is made to ~~certify~~ authorize, notification must be provided promptly by telephone to the provider. The utilization review organization shall send written notification to the provider or shall maintain an audit trail of the determination and telephone notification. For purposes of this subdivision, "audit trail" includes documentation of the telephone notification, including the date; the name of the person spoken to; the enrollee; the service, procedure, or admission ~~certified~~ authorized; and the date of the service, procedure, or admission. If the utilization review organization indicates ~~certification~~ authorization by use of a number, the number must be called the "~~certification~~ authorization number." For purposes of this subdivision, notification may also be made by facsimile to a verified number or by electronic mail to a secure electronic mailbox. These electronic forms of notification satisfy the "audit trail" requirement of this paragraph.

(c) When an ~~initial~~ adverse determination is made ~~not to certify~~, notification must be provided within four business days after receiving the request by telephone, by facsimile to a verified number, or by electronic mail to a secure electronic mailbox ~~within one working day after making the determination~~ to the attending health care professional and hospital or physician office as applicable. Written notification must also be sent to the hospital or physician office as applicable and attending health care professional if notification occurred by telephone. For purposes of this subdivision, notification may be made by facsimile to a verified number or by electronic mail to a secure electronic mailbox. Written notification must be sent to the enrollee and may be sent by United States mail, facsimile to a verified number, or by electronic mail to a secure mailbox. The written notification must include ~~the principal reason or~~ all reasons relied on by the utilization review organization for the determination and the process for initiating an appeal of the determination. Upon request, the utilization review organization shall provide the provider or enrollee with the criteria used to determine the necessity, appropriateness, and efficacy of the health care service and identify the database, professional treatment parameter, or other basis for the criteria. Reasons for ~~a~~ an adverse determination ~~not to certify~~ may include, among other things, the lack of adequate information to ~~certify~~ authorize after a reasonable attempt has been made to contact the provider or enrollee.

(d) When an ~~initial~~ adverse determination is made ~~not to certify~~, the written notification must inform the enrollee and the attending health care professional of the right to submit an appeal to the internal appeal process described in section 62M.06 and the procedure for initiating the internal appeal. The written notice shall be provided in a culturally and linguistically appropriate manner consistent with the provisions of the Affordable Care Act as defined under section 62A.011, subdivision 1a.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 11. Minnesota Statutes 2018, section 62M.05, subdivision 3b, is amended to read:

Subd. 3b. **Expedited review determination.** (a) An expedited ~~initial~~ determination must be utilized if the attending health care professional believes that an expedited determination is warranted.

(b) Notification of an expedited ~~initial~~ determination to ~~either certify or not to certify~~ authorize or an expedited adverse determination must be provided to the hospital, the attending health care professional, and the enrollee as expeditiously as the enrollee's medical condition requires, but no later than ~~72~~ 48 hours ~~from~~ after the initial request. When an expedited ~~initial~~ adverse determination is made ~~not to certify~~, the utilization review organization must also notify the enrollee and the attending health care professional of the right to submit an appeal to the expedited internal appeal as described in section 62M.06 and the procedure for initiating an expedited internal ~~expedited~~ appeal.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 12. Minnesota Statutes 2018, section 62M.05, subdivision 4, is amended to read:

Subd. 4. **Failure to provide necessary information.** A utilization review organization must have written procedures to address the failure of a provider or enrollee to provide the ~~necessary~~ information ~~for review~~ necessary to make a determination on the request. If the enrollee or provider will not release the necessary information to the utilization review organization, the utilization review organization may ~~deny certification~~ make an adverse determination in accordance with its own policy or the policy described in the health benefit plan.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 13. Minnesota Statutes 2018, section 62M.06, subdivision 3, is amended to read:

Subd. 3. **Standard appeal.** (a) The utilization review organization must establish procedures for appeals to be made either in writing or by telephone.

(b) A utilization review organization shall notify in writing the enrollee, attending health care professional, and claims administrator of its determination on the appeal within ~~30 days upon~~ 15 days after receipt of the notice of appeal. If the utilization review organization cannot make a determination within ~~30~~ 15 days due to circumstances outside the control of the utilization review organization, the utilization review organization may take up to ~~44~~ 72 additional ~~days~~ hours to notify the enrollee, attending health care professional, and claims administrator of its determination. If the utilization review organization takes any additional days beyond the initial ~~30-day~~ 15-day period to make its determination, it must inform the enrollee, attending health care professional, and claims administrator, in advance, of the extension and the reasons for the extension.

(c) The documentation required by the utilization review organization may include copies of part or all of the medical record and a written statement from the attending health care professional.

(d) Prior to upholding the ~~initial adverse~~ determination ~~not to certify~~ for clinical reasons, the utilization review organization shall conduct a review of the documentation by a physician who did not make the ~~initial adverse~~ determination ~~not to certify~~.

(e) The process established by a utilization review organization may include defining a period within which an appeal must be filed to be considered. The time period must be communicated to the enrollee and attending health care professional when the ~~initial~~ determination is made.

(f) An attending health care professional or enrollee who has been unsuccessful in an attempt to reverse a an adverse determination ~~not to certify~~ shall, consistent with section 72A.285, be provided the following:

(1) a complete summary of the review findings;

(2) qualifications of the reviewers, including any license, certification, or specialty designation; and

(3) the relationship between the enrollee's diagnosis and the review criteria used as the basis for the decision, including the specific rationale for the reviewer's decision.

(g) In cases of appeal to reverse a an adverse determination ~~not to certify~~ for clinical reasons, the utilization review organization must ensure that a physician of the utilization review organization's choice in the same or a similar specialty as typically manages the medical condition, procedure, or treatment under discussion is reasonably available to review the case.

(h) If the ~~initial adverse~~ determination is not reversed on appeal, the utilization review organization must include in its notification the right to submit the appeal to the external review process described in section 62Q.73 and the procedure for initiating an appeal under the external process.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 14. Minnesota Statutes 2018, section 62M.07, is amended to read:

**62M.07 PRIOR AUTHORIZATION OF SERVICES.**

Subdivision 1. Written standards. ~~(a)~~ Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 62M.05, subdivisions 3a and 3b, regarding time frames for ~~approving and disapproving~~ authorizing and making adverse determinations regarding prior authorization requests;

(4) written procedures ~~for appeals of denials~~ to appeal adverse determinations of prior authorization requests which specify the responsibilities of the enrollee and provider, and which meet the requirements of sections 62M.06 and 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

**Subd. 2. Prior authorization of emergency services prohibited.** ~~(b)~~ No utilization review organization, health plan company, or claims administrator may conduct or require prior authorization of emergency confinement or an emergency treatment service. The enrollee or the enrollee's authorized representative may be required to notify the health plan company, claims administrator, or utilization review organization as soon as reasonably possible after the beginning of the emergency confinement or emergency ~~treatment as reasonably possible~~ service.

**Subd. 3. Retrospective revocation or limitation of prior authorization.** No utilization review organization, health plan company, or claims administrator may revoke, limit, condition, or restrict a prior authorization that has been authorized unless there is evidence that the prior authorization was authorized based on fraud or misinformation or a previously approved prior authorization conflicts with state or federal law. Application of a deductible, coinsurance, or other cost-sharing requirement does not constitute a limit, condition, or restriction under this subdivision.

**Subd. 4. Submission of prior authorization requests.** ~~(e)~~ If prior authorization for a health care service is required, the utilization review organization, health plan company, or claim administrator must allow providers to submit requests for prior authorization of the health care services without unreasonable delay by telephone, facsimile, or voice mail or through an electronic mechanism 24 hours a day, seven days a week. This ~~paragraph~~ subdivision does not apply to dental service covered under MinnesotaCare or medical assistance.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 15. Minnesota Statutes 2018, section 62M.09, subdivision 3, is amended to read:

**Subd. 3. Physician reviewer involvement; determinations.** (a) A physician must review and make the determination under section 62M.05 in all cases in which the utilization review organization has concluded that ~~a~~ an adverse determination not to certify for clinical reasons is appropriate.

(b) The physician conducting the review and making the determination ~~must be licensed;~~

(1) hold a current, unrestricted license to practice medicine in this state; and

(2) have the same or similar medical specialty as the provider that typically treats or manages the condition for which the health care service has been requested.

This paragraph does not apply to reviews conducted in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

(c) The physician should be reasonably available by telephone to discuss the determination with the attending health care professional.

(d) This subdivision does not apply to outpatient mental health or substance abuse services governed by subdivision 3a.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 16. Minnesota Statutes 2018, section 62M.10, subdivision 7, is amended to read:

**Subd. 7. Availability of criteria.** ~~Upon request,~~ (a) For utilization review determinations other than prior authorization, a utilization review organization shall, upon request, provide to an enrollee, a provider, and the commissioner of commerce the criteria used to determine the medical necessity, appropriateness, and efficacy of a procedure or service and identify the database, professional treatment guideline, or other basis for the criteria.

(b) For prior authorization determinations, a utilization review organization must submit the organization's current prior authorization requirements and restrictions, including written, evidence-based, clinical criteria used to make an authorization or adverse determination, to all health plan companies for which the organization performs utilization review. A health plan company must post on its public website the prior authorization requirements and restrictions of any utilization review organization that performs utilization review for the health plan company. These prior authorization requirements and restrictions must be detailed and written in language that is easily understandable to providers.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 17. Minnesota Statutes 2018, section 62M.10, is amended by adding a subdivision to read:

**Subd. 8. Notice; new prior authorization requirements or restrictions; change to existing requirement or restriction.** (a) Before a utilization review organization may implement a new prior authorization requirement or restriction or amend an existing prior authorization requirement or restriction, the utilization review organization must submit the new or amended requirement or restriction to all health plan companies for which the organization performs utilization review. A health plan company must post on its website the new or amended requirement or restriction.

(b) At least 45 days before a utilization review organization implements a new prior authorization requirement or restriction or amends an existing prior authorization requirement or restriction, the utilization review organization must provide written or electronic notice of the new or amended requirement or restriction to all Minnesota-based, in-network attending health care professionals who are subject to the utilization review organization's prior authorization requirements and restrictions.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 18. **[62M.17] CONTINUITY OF CARE; PRIOR AUTHORIZATIONS.**

**Subdivision 1. Compliance with prior authorization approved by previous utilization review organization; change in health plan company.** If an enrollee obtains coverage from a new health plan company and the health plan company for the enrollee's new health benefit plan uses a different utilization review organization from the enrollee's previous health benefit plan to conduct utilization review, the health plan company for the enrollee's new health benefit plan shall comply with a prior authorization for health care services approved by the utilization review organization used by the enrollee's previous health benefit plan for at least the first 60 days that the enrollee is covered under the new health benefit plan. In order to obtain coverage for this 60-day time period, the enrollee or the enrollee's attending health care professional must submit documentation of the previous prior authorization to the enrollee's new health plan company according to procedures in the enrollee's new health benefit plan. During this 60-day time period, the utilization review organization used by the enrollee's new health plan company may conduct its own utilization review of these health care services.

**Subd. 2. Effect of change in prior authorization clinical criteria.** (a) If, during a plan year, a utilization review organization changes coverage terms for a health care service or the clinical criteria used to conduct prior authorizations for a health care service, a utilization review organization shall not apply the change in coverage terms or change in clinical criteria until the next plan year for any enrollee who received prior authorization for a health care service using the coverage terms or clinical criteria in effect before the effective date of the change.

(b) Paragraph (a) does not apply if a utilization review organization changes coverage terms for a drug or device that has been deemed unsafe by the United States Food and Drug Administration (FDA); that has been withdrawn by either the FDA or the product manufacturer; or when an independent source of research, clinical guidelines, or evidence-based standards has issued drug- or device-specific warnings or recommended changes in drug or device usage.

(c) Paragraph (a) does not apply if a utilization review organization removes a brand name drug from its formulary or places a brand name drug in a benefit category that increases the enrollee's cost, provided (1) the organization adds to its formulary a generic or multisource brand name drug rated as therapeutically equivalent according to the FDA Orange Book, or a biologic drug rated as interchangeable according to the FDA Purple Book, at a lower cost to the enrollee, and (2) the organization provides at least a 60-day notice to prescribers, pharmacists, and affected enrollees.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 19. **[62M.18] ANNUAL POSTING ON WEBSITE; PRIOR AUTHORIZATIONS.**

(a) By April 1, 2022, and each April 1 thereafter, a health plan company must post on the health plan company's public website the following data for the immediately preceding calendar year for each commercial product:

(1) the number of prior authorization requests for which an authorization was issued; and

(2) the number of prior authorization requests for which an adverse determination was issued and sorted by: (i) health care service; (ii) whether the adverse determination was appealed; and (iii) whether the adverse determination was upheld or reversed on appeal.

(b) All information posted under this section must be written in easily understandable language.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 20. **REPEALER.**

(a) Minnesota Statutes 2018, sections 62D.12, subdivision 19; and 62M.02, subdivision 19, are repealed effective January 1, 2021.

(b) Minnesota Rules, part 4685.0100, subpart 9b, is repealed effective January 1, 2021.

ARTICLE 2  
CONFORMING CHANGES

Section 1. Minnesota Statutes 2018, section 62M.02, subdivision 2, is amended to read:

Subd. 2. **Appeal.** "Appeal" means a formal request, either orally or in writing, to reconsider a an adverse determination ~~not to certify~~ regarding an admission, extension of stay, or other health care service.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 2. Minnesota Statutes 2018, section 62M.04, subdivision 1, is amended to read:

Subdivision 1. **Responsibility for obtaining ~~certification~~ authorization.** A health benefit plan that includes utilization review requirements must specify the process for notifying the utilization review organization in a timely manner and obtaining certification authorization for health care services. Each health plan company must provide a clear and concise description of this process to an enrollee as part of the policy, subscriber contract, or certificate of coverage. In addition to the enrollee, the utilization review organization must allow any provider or provider's designee, or responsible patient representative, including a family member, to fulfill the obligations under the health plan.

A claims administrator that contracts directly with providers for the provision of health care services to enrollees may, through contract, require the provider to notify the review organization in a timely manner and obtain ~~certification~~ authorization for health care services.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 3. Minnesota Statutes 2018, section 62M.04, subdivision 2, is amended to read:

Subd. 2. **Information upon which utilization review is conducted.** (a) If the utilization review organization is conducting routine prospective and concurrent utilization review, utilization review organizations must collect only the information necessary to ~~certify~~ authorize the admission, procedure of treatment, and length of stay.

(b) Utilization review organizations may request, but may not require providers to supply, numerically encoded diagnoses or procedures as part of the ~~certification~~ authorization process.

(c) Utilization review organizations must not routinely request copies of medical records for all patients reviewed. In performing prospective and concurrent review, copies of the pertinent portion of the medical record should be required only when a difficulty develops in ~~certifying~~ authorizing the medical necessity or appropriateness of the admission or extension of stay.

(d) Utilization review organizations may request copies of medical records retrospectively for a number of purposes, including auditing the services provided, quality assurance review, ensuring compliance with the terms of either the health benefit plan or the provider contract, and compliance with utilization review activities. Except for reviewing medical records associated with an appeal or with an investigation or audit of data discrepancies, providers must be reimbursed for the reasonable costs of duplicating records requested by the utilization review organization for retrospective review unless otherwise provided under the terms of the provider contract.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 4. Minnesota Statutes 2018, section 62M.04, subdivision 3, is amended to read:

Subd. 3. **Data elements.** (a) Except as otherwise provided in ~~sections 62M.01 to 62M.16~~ this chapter, for purposes of ~~certification~~ authorization a utilization review organization must limit its data requirements to the following elements:

(b) Patient information that includes the following:

- (1) name;
- (2) address;
- (3) date of birth;
- (4) sex;
- (5) Social Security number or patient identification number;
- (6) name of health plan company or health plan; and
- (7) plan identification number.

(c) Enrollee information that includes the following:



- (1) name;
  - (2) address;
  - (3) Social Security number or employee identification number;
  - (4) relation to patient;
  - (5) employer;
  - (6) health benefit plan;
  - (7) group number or plan identification number; and
  - (8) availability of other coverage.
- (d) Attending health care professional information that includes the following:
- (1) name;
  - (2) address;
  - (3) telephone numbers;
  - (4) degree and license;
  - (5) specialty or board certification status; and
  - (6) tax identification number or other identification number.
- (e) Diagnosis and treatment information that includes the following:
- (1) primary diagnosis with associated ICD or DSM coding, if available;
  - (2) secondary diagnosis with associated ICD or DSM coding, if available;
  - (3) tertiary diagnoses with associated ICD or DSM coding, if available;
  - (4) proposed procedures or treatments with ICD or associated CPT codes, if available;
  - (5) surgical assistant requirement;
  - (6) anesthesia requirement;
  - (7) proposed admission or service dates;
  - (8) proposed procedure date; and
  - (9) proposed length of stay.
- (f) Clinical information that includes the following:

- (1) support and documentation of appropriateness and level of service proposed; and
- (2) identification of contact person for detailed clinical information.
- (g) Facility information that includes the following:
  - (1) type;
  - (2) licensure and certification status and DRG exempt status;
  - (3) name;
  - (4) address;
  - (5) telephone number; and
  - (6) tax identification number or other identification number.
- (h) Concurrent or continued stay review information that includes the following:
  - (1) additional days, services, or procedures proposed;
  - (2) reasons for extension, including clinical information sufficient for support of appropriateness and level of service proposed; and
  - (3) diagnosis status.
- (i) For admissions to facilities other than acute medical or surgical hospitals, additional information that includes the following:
  - (1) history of present illness;
  - (2) patient treatment plan and goals;
  - (3) prognosis;
  - (4) staff qualifications; and
  - (5) 24-hour availability of staff.

Additional information may be required for other specific review functions such as discharge planning or catastrophic case management. Second opinion information may also be required, when applicable, to support benefit plan requirements.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 5. Minnesota Statutes 2018, section 62M.04, subdivision 4, is amended to read:

Subd. 4. **Additional information.** A utilization review organization may request information in addition to that described in subdivision 3 when there is significant lack of agreement between the utilization review organization and the provider regarding the appropriateness of ~~certification~~ authorization during the review or appeal process. For purposes of this subdivision, "significant lack of agreement" means that the utilization review organization has:

- (1) tentatively determined through its professional staff that a service cannot be ~~certified~~ authorized;
- (2) referred the case to a physician for review; and
- (3) talked to or attempted to talk to the attending health care professional for further information.

Nothing in ~~sections 62M.01 to 62M.16~~ this chapter prohibits a utilization review organization from requiring submission of data necessary to comply with the quality assurance and utilization review requirements of chapter 62D or other appropriate data or outcome analyses.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 6. Minnesota Statutes 2018, section 62M.05, subdivision 3, is amended to read:

Subd. 3. **Notification of adverse determinations and authorizations.** A utilization review organization must have written procedures for providing notification of ~~its determinations on~~ all ~~certifications~~ its adverse determinations and authorizations in accordance with this section.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 7. Minnesota Statutes 2018, section 62M.05, subdivision 5, is amended to read:

Subd. 5. **Notification to claims administrator.** If the utilization review organization and the claims administrator are separate entities, the utilization review organization must forward, electronically or in writing, a notification of ~~certification or determination not to certify an authorization or adverse determination~~ to the appropriate claims administrator for the health benefit plan. If it is determined by the claims administrator that the ~~certified authorized~~ health care service is not covered by the health benefit plan, the claims administrator must promptly notify the claimant and provider of this information.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 8. Minnesota Statutes 2018, section 62M.06, subdivision 1, is amended to read:

Subdivision 1. **Procedures for appeal.** (a) A utilization review organization must have written procedures for appeals of adverse determinations ~~not to certify~~. The right to appeal must be available to the enrollee and to the attending health care professional.

(b) The enrollee shall be allowed to review the information relied upon in the course of the appeal, present evidence and testimony as part of the appeals process, and receive continued coverage pending the outcome of the appeals process. This paragraph does not apply to managed care plans or county-based purchasing plans serving state public health care program enrollees under section 256B.69, 256B.692, or chapter 256L, or to grandfathered plans as defined under section 62A.011, subdivision 1c. Nothing in this paragraph shall be construed to limit or restrict the appeal rights of state public health care program enrollees provided under section 256.045 and Code of Federal Regulations, title 42, section 438.420(d).

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 9. Minnesota Statutes 2018, section 62M.06, subdivision 2, is amended to read:

Subd. 2. **Expedited appeal.** (a) When an ~~initial~~ adverse determination ~~not to certify~~ for a health care service is made prior to or during an ongoing service requiring review and the attending health care professional believes that the determination warrants an expedited appeal, the utilization review organization must ensure that the enrollee and

the attending health care professional have an opportunity to appeal the determination over the telephone on an expedited basis. In such an appeal, the utilization review organization must ensure reasonable access to its consulting physician or health care provider.

(b) The utilization review organization shall notify the enrollee and attending health care professional by telephone of its determination on the expedited appeal as expeditiously as the enrollee's medical condition requires, but no later than 72 hours after receiving the expedited appeal.

(c) If the adverse determination ~~not to certify~~ is not reversed through the expedited appeal, the utilization review organization must include in its notification the right to submit the appeal to the external appeal process described in section 62Q.73 and the procedure for initiating the process. This information must be provided in writing to the enrollee and the attending health care professional as soon as practical.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 10. Minnesota Statutes 2018, section 62M.06, subdivision 4, is amended to read:

Subd. 4. **Notification to claims administrator.** If the utilization review organization and the claims administrator are separate entities, the utilization review organization must notify, either electronically or in writing, the appropriate claims administrator for the health benefit plan of any adverse determination ~~not to certify~~ that is reversed on appeal.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 11. Minnesota Statutes 2018, section 62M.09, subdivision 3a, is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating mental health or substance abuse provider, a doctoral-level psychologist, or a physician must review requests for outpatient services in which the utilization review organization has concluded that a an adverse determination ~~not to certify~~ for a mental health or substance abuse service for clinical reasons is appropriate, provided that any final adverse determination ~~not to certify~~ issued under section 62M.05 for a treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology and appropriately licensed in this state or by a doctoral-level psychologist licensed in this state.

(b) Notwithstanding paragraph (a), a doctoral-level psychologist shall not review any request or final adverse determination ~~not to certify~~ for a mental health or substance abuse service or treatment if the treating provider is a psychiatrist.

(c) Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made ~~an initial decision~~ a determination to certify authorize in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

(d) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 12. Minnesota Statutes 2018, section 62M.09, subdivision 4, is amended to read:

Subd. 4. **Dentist plan reviews.** A dentist must review all cases in which the utilization review organization has concluded that a an adverse determination ~~not to certify~~ for a dental service or procedure for clinical reasons is appropriate and an appeal has been made by the attending dentist, enrollee, or designee.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 13. Minnesota Statutes 2018, section 62M.09, subdivision 4a, is amended to read:

Subd. 4a. **Chiropractic review.** A chiropractor must review all cases in which the utilization review organization has concluded that a an adverse determination ~~not to certify~~ for a chiropractic service or procedure for clinical reasons is appropriate and an appeal has been made by the attending chiropractor, enrollee, or designee.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 14. Minnesota Statutes 2018, section 62M.09, subdivision 5, is amended to read:

Subd. 5. **Written clinical criteria.** A utilization review organization's decisions must be supported by written clinical criteria and review procedures. Clinical criteria and review procedures must be established with appropriate involvement from actively practicing physicians. A utilization review organization must use written clinical criteria, as required, for determining the appropriateness of the ~~certification~~ authorization request. The utilization review organization must have a procedure for ensuring, at a minimum, the annual evaluation and updating of the written criteria based on sound clinical principles.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 15. Minnesota Statutes 2018, section 62M.11, is amended to read:

#### **62M.11 COMPLAINTS TO COMMERCE OR HEALTH.**

Notwithstanding the provisions of ~~sections 62M.01 to 62M.16~~ this chapter, an enrollee may file a complaint regarding a an adverse determination ~~not to certify~~ directly to the commissioner responsible for regulating the utilization review organization.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 16. Minnesota Statutes 2018, section 62M.12, is amended to read:

#### **62M.12 PROHIBITION OF INAPPROPRIATE INCENTIVES.**

No individual who is performing utilization review may receive any financial incentive based on the number of ~~denials of certifications~~ adverse determinations made by such individual, provided that utilization review organizations may establish medically appropriate performance standards. This prohibition does not apply to financial incentives established between health plan companies and providers.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 17. Minnesota Statutes 2018, section 62Q.71, is amended to read:

#### **62Q.71 NOTICE TO ENROLLEES.**

Each health plan company shall provide to enrollees a clear and concise description of its complaint resolution procedure, if applicable under section 62Q.68, subdivision 1, and the procedure used for utilization review as defined under chapter 62M as part of the member handbook, subscriber contract, or certificate of coverage. If the health plan company does not issue a member handbook, the health plan company may provide the description in another written document. The description must specifically inform enrollees:

- (1) how to submit a complaint to the health plan company;
- (2) if the health plan includes utilization review requirements, how to notify the utilization review organization in a timely manner and how to obtain ~~certification~~ authorization for health care services;
- (3) how to request an appeal either through the procedures described in section 62Q.70, if applicable, or through the procedures described in chapter 62M;
- (4) of the right to file a complaint with either the commissioner of health or commerce at any time during the complaint and appeal process;
- (5) of the toll-free telephone number of the appropriate commissioner; and
- (6) of the right, for individual and group coverage, to obtain an external review under section 62Q.73 and a description of when and how that right may be exercised, including that under most circumstances an enrollee must exhaust the internal complaint or appeal process prior to external review. However, an enrollee may proceed to external review without exhausting the internal complaint or appeal process under the following circumstances:
  - (i) the health plan company waives the exhaustion requirement;
  - (ii) the health plan company is considered to have waived the exhaustion requirement by failing to substantially comply with any requirements including, but not limited to, time limits for internal complaints or appeals; or
  - (iii) the enrollee has applied for an expedited external review at the same time the enrollee ~~qualifies for and~~ has applied for an ~~expedited~~ internal review under chapter 62M.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 18. Minnesota Statutes 2018, section 62Q.73, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section, "adverse determination" means:

- (1) for individual health plans, a complaint decision relating to a health care service or claim that is partially or wholly adverse to the complainant;
- (2) an individual health plan that is grandfathered plan coverage may instead apply the definition of adverse determination for group coverage in clause (3);
- (3) for group health plans, a complaint decision relating to a health care service or claim that has been appealed in accordance with section 62Q.70 and the appeal decision is partially or wholly adverse to the complainant;
- (4) any ~~initial~~ adverse determination ~~not to certify, as defined in section 62M.02, subdivision 1a,~~ that has been appealed in accordance with section 62M.06 and the appeal did not reverse the ~~initial~~ adverse determination ~~not to certify~~;
- (5) a decision relating to a health care service made by a health plan company licensed under chapter 60A that denies the service on the basis that the service was not medically necessary; or
- (6) the enrollee has met the requirements of subdivision 6, paragraph (e).

An adverse determination does not include complaints relating to fraudulent marketing practices or agent misrepresentation.

**EFFECTIVE DATE.** This section is effective January 1, 2021.

Sec. 19. **REVISOR INSTRUCTIONS.**

(a) In Minnesota Statutes, chapter 62M, the revisor of statutes shall replace references to "sections 62M.01 to 62M.16" with "this chapter." In Minnesota Statutes, section 256B.692, subdivision 2, the revisor of statutes shall replace a reference to "sections 62M.01 to 62M.16" with "chapter 62M." The revisor shall make any necessary technical and conforming changes to sentence structure to preserve the meaning of the text.

(b) The revisor of statutes shall replace the term "DETERMINATIONS NOT TO CERTIFY" with "ADVERSE DETERMINATIONS" in the section headnote for Minnesota Statutes, section 62M.06.

**EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2020. Paragraph (b) is effective January 1, 2021."

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3603, A bill for an act relating to domestic violence; enacting the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; amending Minnesota Statutes 2018, section 518B.01, subdivision 19a; proposing coding for new law as Minnesota Statutes, chapter 518F.

Reported the same back with the following amendments:

Page 1, line 9, delete "DOMESTIC-VIOLENCE PROTECTION ORDERS" and insert "ORDERS FOR PROTECTION"

Page 1, line 12, delete "Domestic-Violence Protection Orders" and insert "Orders for Protection"

Page 1, delete section 2 and insert:

"Sec. 2. **[518F.02] DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of this chapter, the following terms have the meanings given them.

Subd. 2. **Canadian order for protection.** "Canadian order for protection" means a civil protection order, judgment or part of a judgment, or other order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic abuse, would be a protective order under this chapter, and prohibits a respondent from:

(1) committing acts of domestic abuse;

(2) being in physical proximity to a protected individual or following a protected individual;

(3) having contact with the petitioner whether in person, by telephone, mail, or e-mail or messaging, through a third party, or by any other means;

(4) being within a certain distance of a specified place or location associated with a protected individual; or

(5) molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01, subdivision 2, paragraph (a).

Subd. 4. **Issuing court.** "Issuing court" means the court that issues a Canadian order for protection.

Subd. 5. **Order for protection.** "Order for protection" means an order issued under section 518B.01.

Subd. 6. **Peace officer.** "Peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

Subd. 7. **Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

Subd. 8. **Protected individual.** "Protected individual" means an individual protected by a Canadian order for protection.

Subd. 9. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 10. **Respondent.** "Respondent" means an individual against whom a Canadian order for protection is issued."

Page 2, line 23, delete "DOMESTIC-VIOLENCE" and insert "ORDERS FOR"

Page 2, line 24, delete "ORDER" and delete "LAW ENFORCEMENT" and insert "PEACE"

Page 2, line 25, delete "law enforcement" and insert "peace"

Page 2, line 26, delete "domestic-violence protection order" and insert "order for protection"

Page 2, line 28, delete "domestic-violence protection order" and insert "order for protection" and delete "of a tribunal" and insert "issued by a court in this state"

Page 2, line 29, delete "law enforcement" and insert "peace" and delete "domestic-violence" and insert "order for"

Page 2, line 30, delete "order" and after the period, insert "A peace officer who has probable cause to believe that an order exists and has been violated shall make an arrest for a violation of the order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state."

Page 3, line 1, delete "law enforcement" and insert "peace" and delete "domestic-violence" and insert "order for"

Page 3, line 2, delete "order"



Page 3, lines 4, 7, 9, 22, 28, and 29, delete "domestic-violence protection order" and insert "order for protection"

Page 3, line 5, 8, and 17, delete "law enforcement" and insert "peace"

Page 3, line 16, after the period, insert "The provisions of section 518B.01, subdivisions 8 and 9a, apply to service of a Canadian order for protection by a peace officer."

Page 3, line 19, delete "DOMESTIC-VIOLENCE" and insert "ORDER FOR"

Page 3, line 20, delete "ORDER" and delete "TRIBUNAL" and insert "COURT"

Page 3, lines 21 and 26, delete "tribunal" and insert "court"

Page 3, lines 24 and 27, delete "a domestic protection order" and insert "an order for protection"

Page 3, delete lines 30 and 31

Page 4, delete lines 1 to 8 and insert:

"(1) the order states the name of the protected individual and the individual against whom enforcement is sought;

(2) the order has not expired;

(3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and

(4) the order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued."

Page 4, lines 9, 14, 24, and 27, delete "domestic-violence protection order" and insert "order for protection"

Page 4, line 11, delete "claim" and insert "person claiming" and delete "domestic-violence protection order does not comply with" and insert "order for protection is not enforceable has the burden to show, by a preponderance of the evidence, that the requirements under"

Page 4, line 12, delete "is an affirmative defense in a proceeding seeking enforcement of the order" and insert "were not met"

Page 4, line 13, delete "tribunal" and insert "court" and delete "tribunal" and insert "court"

Page 4, line 16, delete "domestic-violence" and insert "order for"

Page 4, line 17, delete the first "order"

Page 4, after line 21, insert:

"(g) A person who violates a valid Canadian order for protection is subject to the penalties provided in section 518B.01, subdivision 14, paragraphs (b) to (d)."

Page 4, line 22, delete "DOMESTIC-VIOLENCE" and insert "ORDER FOR"

Page 4, line 23, delete "ORDER"

Page 4, line 30, delete "law enforcement" and insert "peace"

Page 4, line 31, delete "clerk of" and after "court" insert "administrator"

Page 5, lines 2, 3, 19, and 21, delete "domestic-violence protection order" and insert "order for protection"

Page 5, delete section 8

Page 5, line 22, delete "domestic-violence" and insert "order for"

Page 5, line 23, delete the first "order"

Page 6, line 7, delete "domestic-violence protection order" and insert "order for protection"

Page 7, after line 17, insert:

"Sec. 2. Minnesota Statutes 2018, section 518B.01, subdivision 14, is amended to read:

Subd. 14. **Violation of an order for protection.** (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, ~~or~~ United States territories, Canada, or a Canadian province, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates this subdivision:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, ~~or~~ United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short-form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, ~~or~~ United States territories, Canada, or a Canadian province, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, ~~or~~ United States territories, Canada, or a Canadian province, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "Domestic-Violence Protection Orders" and insert "Orders for Protection"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3654, A bill for an act relating to human services; establishing enrollment requirements for personal care assistance agencies; establishing additional duties for personal care assistants and qualified professionals; establishing a payment rate methodology for personal care assistance services; requiring commissioner of human services to study methodology; requiring providers to submit workforce data; requiring reports; amending

Minnesota Statutes 2018, sections 256B.0625, by adding a subdivision; 256B.0659, subdivision 14, by adding a subdivision; 256B.69, subdivision 5a; Minnesota Statutes 2019 Supplement, sections 256B.0659, subdivisions 21, 24; 256B.85, subdivision 2; 256S.18, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2018, section 256B.0659, is amended by adding a subdivision to read:

Subd. 11b. **Personal care assistants; notice of change of employment required.** Within six months of ceasing employment as a personal care assistant with any personal care assistance provider agency, the personal care assistant must notify the commissioner on a form prescribed by the commissioner that the personal care assistant is no longer providing personal care assistance services on behalf of a personal care assistance provider agency with whom the personal care assistant was previously affiliated."

Page 10, line 30, delete "in which" and insert "that follows" and delete "occurs"

Page 20, line 1, delete "most recent" and after "Handbook" insert "available January 1, 2020"

Page 20, line 6, delete "July 1, 2022" and insert "August 1, 2020" and after "and" insert "July 1"

Page 20, line 16, delete "....." and insert "0.00."

Page 21, line 6, delete "..." and insert "2.47"

Page 21, line 7, delete "..." and insert "11.56"

Page 21, line 8, delete "..." and insert "4.56"

Page 21, line 9, delete "..." and insert "1.4"

Page 21, line 10, delete "..." and insert "4.29"

Page 21, line 11, delete "..." and insert "13.5"

Page 21, line 12, delete "..." and insert "0"

Page 21, line 13, delete "..." and insert "0"

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.

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

H. F. No. 3677, A bill for an act relating to health; occupational therapy; making clarifying, technical, and conforming changes; amending Minnesota Statutes 2018, sections 148.6402, subdivisions 5, 21; 148.6403, subdivisions 1, 5, 6; 148.6404; 148.6405; 148.6412, subdivision 2; 148.6415; 148.6418, subdivision 4; 148.6420, subdivisions 4, 5; 148.6423; 148.6425, subdivision 2; 148.6428; 148.6430; 148.6432, subdivision 3; 148.6435; 148.6443, as amended; 148.6445, subdivision 11; 148.6448, subdivision 2; 148.6449, subdivision 2; Minnesota Statutes 2019 Supplement, sections 148.6420, subdivision 1; 148.6448, subdivision 1; repealing Minnesota Statutes 2018, sections 148.6402, subdivisions 10, 15; 148.6412, subdivision 1; Minnesota Rules, part 4664.0003, subpart 28.

Reported the same back with the following amendments:

Page 7, after line 13, insert:

"Sec. 11. Minnesota Statutes 2018, section 148.6418, subdivision 5, is amended to read:

**Subd. 5. Expiration of temporary licensure.** (a) A temporary license issued to a person pursuant to subdivision 2, clause (1), must demonstrate to the board within the temporary licensure period successful completion of the qualifying examination requirement under section 148.6408, subdivision 2, or 148.6410, subdivision 2. A temporary license holder who fails the qualifying examination for a second time shall have their temporary license revoked effective upon notification to the temporary license holder of the examination score. It is the temporary license holder's obligation to submit to the board their qualifying examination scores and to refrain from practice if their temporary license is revoked. Failure to do so subjects the temporary license holder to disciplinary action pursuant to section 148.6448, subdivision 1, clause (5).

~~(b) A temporary license issued to a person pursuant to subdivision 2, clause (1), expires six months from the date of issuance for occupational therapists and occupational therapy assistants or on the date the board grants or denies licensure, whichever occurs first. A temporary license issued to a person pursuant to subdivision 2, clause (2) or (3), expires 90 days after it is issued. Upon application for renewal, a temporary license shall be renewed once to persons who have not met the examination requirement under section 148.6408, subdivision 2, or 148.6410, subdivision 2, within the initial temporary licensure period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1. Upon application for renewal, a temporary license shall be renewed once to persons who are able to demonstrate good cause for failure to meet the requirements for licensure under section 148.6412 or 148.6415 within the initial temporary licensure period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1.~~

(c) A temporary license is not renewable."

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 placed on the General Register.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 3741, A bill for an act relating to teachers; reducing school district reporting; amending Minnesota Statutes 2018, section 122A.091, subdivision 3.

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

The report was adopted.

Halverson from the Committee on Commerce to which was referred:

H. F. No. 3842, A bill for an act relating to insurance; establishing an Insurance Data Security Law; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[60A.985] DEFINITIONS.**

Subdivision 1. **Terms.** As used in sections 60A.985 to 60A.9857, the following terms have the meanings given.

Subd. 2. **Authorized individual.** "Authorized individual" means an individual known to and screened by the licensee and determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information systems.

Subd. 3. **Consumer.** "Consumer" means an individual, including but not limited to an applicant, policyholder, insured, beneficiary, claimant, and certificate holder who is a resident of this state and whose nonpublic information is in a licensee's possession, custody, or control.

Subd. 4. **Cybersecurity event.** "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or nonpublic information stored on an information system.

Cybersecurity event does not include the unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization.

Cybersecurity event does not include an event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

Subd. 5. **Encrypted.** "Encrypted" means the transformation of data into a form which results in a low probability of assigning meaning without the use of a protective process or key.

Subd. 6. **Information security program.** "Information security program" means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information.

Subd. 7. **Information system.** "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of nonpublic electronic information, as well as any specialized system such as industrial or process controls systems, telephone switching and private branch exchange systems, and environmental control systems.

Subd. 8. **Licensee.** "Licensee" means any person licensed, authorized to operate, or registered, or required to be licensed, authorized, or registered by the Department of Commerce or the Department of Health but shall not include a purchasing group or a risk retention group chartered and licensed in a state other than this state or a person that is acting as an assuming insurer that is domiciled in another state or jurisdiction.

Subd. 9. **Multifactor authentication.** "Multifactor authentication" means authentication through verification of at least two of the following types of authentication factors:

(1) knowledge factors, such as a password;

(2) possession factors, such as a token or text message on a mobile phone; or

(3) inherence factors, such as a biometric characteristic.

Subd. 10. **Nonpublic information.** "Nonpublic information" means electronic information that is not publicly available information and is:

(1) any information concerning a consumer which because of name, number, personal mark, or other identifier can be used to identify the consumer, in combination with any one or more of the following data elements:

(i) Social Security number;

(ii) driver's license number or nondriver identification card number;

(iii) financial account number, credit card number, or debit card number;

(iv) any security code, access code, or password that would permit access to a consumer's financial account; or

(v) biometric records; or

(2) any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer that can be used to identify a particular consumer and that relates to:

(i) the past, present, or future physical, mental, or behavioral health or condition of any consumer or a member of the consumer's family;

(ii) the provision of health care to any consumer; or

(iii) payment for the provision of health care to any consumer.

Subd. 11. **Person.** "Person" means any individual or any nongovernmental entity, including but not limited to any nongovernmental partnership, corporation, branch, agency, or association.

Subd. 12. **Publicly available information.** "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from: federal, state, or local government records; widely distributed media; or disclosures to the general public that are required to be made by federal, state, or local law.

For the purposes of this definition, a licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

(1) that the information is of the type that is available to the general public; and

(2) whether a consumer can direct that the information not be made available to the general public and, if so, that such consumer has not done so.

Subd. 13. **Risk assessment.** "Risk assessment" means the risk assessment that each licensee is required to conduct under section 60A.9853, subdivision 3.

Subd. 14. **State.** "State" means the state of Minnesota.



Subd. 15. **Third-party service provider.** "Third-party service provider" means a person, not otherwise defined as a licensee, that contracts with a licensee to maintain, process, or store nonpublic information, or is otherwise permitted access to nonpublic information through its provision of services to the licensee.

Sec. 2. **[60A.9851] INFORMATION SECURITY PROGRAM.**

Subdivision 1. **Implementation of an information security program.** Commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control, each licensee shall develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment and that contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee's information system.

Subd. 2. **Objectives of an information security program.** A licensee's information security program shall be designed to:

- (1) protect the security and confidentiality of nonpublic information and the security of the information system;
- (2) protect against any threats or hazards to the security or integrity of nonpublic information and the information system;
- (3) protect against unauthorized access to, or use of, nonpublic information, and minimize the likelihood of harm to any consumer; and
- (4) define and periodically reevaluate a schedule for retention of nonpublic information and a mechanism for its destruction when no longer needed.

Subd. 3. **Risk assessment.** The licensee shall:

- (1) designate one or more employees, an affiliate, or an outside vendor authorized to act on behalf of the licensee who is responsible for the information security program;
- (2) identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including threats to the security of information systems and nonpublic information that are accessible to, or held by, third-party service providers;
- (3) assess the likelihood and potential damage of the threats identified pursuant to clause (2), taking into consideration the sensitivity of the nonpublic information;
- (4) assess the sufficiency of policies, procedures, information systems, and other safeguards in place to manage these threats, including consideration of threats in each relevant area of the licensee's operations, including:
  - (i) employee training and management;
  - (ii) information systems, including network and software design, as well as information classification, governance, processing, storage, transmission, and disposal; and
  - (iii) detecting, preventing, and responding to attacks, intrusions, or other systems failures; and
- (5) implement information safeguards to manage the threats identified in its ongoing assessment, and no less than annually, assess the effectiveness of the safeguards' key controls, systems, and procedures.

Subd. 4. **Risk management.** Based on its risk assessment, the licensee shall:

(1) design its information security program to mitigate the identified risks, commensurate with the size and complexity of the licensee, the nature and scope of the licensee's activities, including its use of third-party service providers, and the sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control;

(2) determine which of the following security measures are appropriate and implement any appropriate security measures:

(i) place access controls on information systems, including controls to authenticate and permit access only to authorized individuals, to protect against the unauthorized acquisition of nonpublic information;

(ii) identify and manage the data, personnel, devices, systems, and facilities that enable the organization to achieve business purposes in accordance with their relative importance to business objectives and the organization's risk strategy;

(iii) restrict physical access to nonpublic information to authorized individuals only;

(iv) protect, by encryption or other appropriate means, all nonpublic information while being transmitted over an external network and all nonpublic information stored on a laptop computer or other portable computing or storage device or media;

(v) adopt secure development practices for in-house developed applications utilized by the licensee;

(vi) modify the information system in accordance with the licensee's information security program;

(vii) utilize effective controls, which may include multifactor authentication procedures for any authorized individual accessing nonpublic information;

(viii) regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems;

(ix) include audit trails within the information security program designed to detect and respond to cybersecurity events and designed to reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;

(x) implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage, other catastrophes, or technological failures; and

(xi) develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format;

(3) include cybersecurity risks in the licensee's enterprise risk management process;

(4) stay informed regarding emerging threats or vulnerabilities and utilize reasonable security measures when sharing information relative to the character of the sharing and the type of information shared; and

(5) provide its personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in the risk assessment.

**Subd. 5. Oversight by board of directors.** If the licensee has a board of directors, the board or an appropriate committee of the board shall, at a minimum:

(1) require the licensee's executive management or its delegates to develop, implement, and maintain the licensee's information security program;

(2) require the licensee's executive management or its delegates to report in writing, at least annually, the following information:

(i) the overall status of the information security program and the licensee's compliance with this act; and

(ii) material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and management's responses thereto, and recommendations for changes in the information security program; and

(3) if executive management delegates any of its responsibilities under this section, it shall oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegate and shall receive a report from the delegate complying with the requirements of the report to the board of directors.

**Subd. 6. Oversight of third-party service provider arrangements.** (a) A licensee shall exercise due diligence in selecting its third-party service provider.

(b) A licensee shall require a third-party service provider to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the third-party service provider.

**Subd. 7. Program adjustments.** The licensee shall monitor, evaluate, and adjust, as appropriate, the information security program consistent with any relevant changes in technology, the sensitivity of its nonpublic information, internal or external threats to information, and the licensee's own changing business arrangements, such as mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems.

**Subd. 8. Incident response plan.** (a) As part of its information security program, each licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises the confidentiality, integrity, or availability of nonpublic information in its possession, the licensee's information systems, or the continuing functionality of any aspect of the licensee's business or operations.

(b) The incident response plan shall address the following areas:

(1) the internal process for responding to a cybersecurity event;

(2) the goals of the incident response plan;

(3) the definition of clear roles, responsibilities, and levels of decision-making authority;

(4) external and internal communications and information sharing;

(5) identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;

(6) documentation and reporting regarding cybersecurity events and related incident response activities; and

(7) the evaluation and revision, as necessary, of the incident response plan following a cybersecurity event.

Subd. 9. **Annual certification to commissioner.** By February 15 of each year, an insurer domiciled in this state shall certify in writing to the commissioner that the insurer is in compliance with the requirements set forth in this section. Each insurer shall maintain all records, schedules, and data supporting this certificate for a period of five years and shall permit examination by the commissioner. To the extent an insurer has identified areas, systems, or processes that require material improvement, updating, or redesign, the insurer shall document the identification and the remedial efforts planned and underway to address such areas, systems, or processes. Such documentation must be available for inspection by the commissioner.

Sec. 3. **[60A.9852] INVESTIGATION OF A CYBERSECURITY EVENT.**

Subdivision 1. **Prompt investigation.** If the licensee learns that a cybersecurity event has or may have occurred, the licensee, or an outside vendor or service provider designated to act on behalf of the licensee, shall conduct a prompt investigation.

Subd. 2. **Investigation contents.** During the investigation, the licensee, or an outside vendor or service provider designated to act on behalf of the licensee, shall, at a minimum and to the extent possible:

(1) determine whether a cybersecurity event has occurred;

(2) assess the nature and scope of the cybersecurity event, if any;

(3) identify whether any nonpublic information was involved in the cybersecurity event and, if so, what nonpublic information was involved; and

(4) perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.

Subd. 3. **Third-party systems.** If the licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee will complete the steps listed in subdivision 2 or confirm and document that the third-party service provider has completed those steps.

Subd. 4. **Records.** The licensee shall maintain records concerning all cybersecurity events for a period of at least five years from the date of the cybersecurity event and shall produce those records upon demand of the commissioner.

Sec. 4. **[60A.9853] NOTIFICATION OF A CYBERSECURITY EVENT.**

Subdivision 1. **Notification to the commissioner.** Each licensee shall notify the commissioner of commerce or commissioner of health, whichever commissioner otherwise regulates the licensee, without unreasonable delay but in no event later than three business days from a determination that a cybersecurity event has occurred when either of the following criteria has been met:

(1) this state is the licensee's state of domicile, in the case of an insurer, or this state is the licensee's home state, in the case of a producer, as those terms are defined in chapter 60K and the cybersecurity event has a reasonable likelihood of materially harming:

(i) any consumer residing in this state; or

(ii) any part of the normal operations of the licensee; or

(2) the licensee reasonably believes that the nonpublic information involved is of 250 or more consumers residing in this state and that is either of the following:

(i) a cybersecurity event impacting the licensee of which notice is required to be provided to any government body, self-regulatory agency, or any other supervisory body pursuant to any state or federal law; or

(ii) a cybersecurity event that has a reasonable likelihood of materially harming:

(A) any consumer residing in this state; or

(B) any part of the normal operations of the licensee.

Subd. 2. **Information; notification.** A licensee making the notification required under subdivision 1 shall provide the information in electronic form as directed by the commissioner. The licensee shall have a continuing obligation to update and supplement initial and subsequent notifications to the commissioner concerning material changes to previously provided information relating to the cybersecurity event. The licensee shall provide as much of the following information as possible:

(1) date of the cybersecurity event;

(2) description of how the information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of third-party service providers, if any;

(3) how the cybersecurity event was discovered;

(4) whether any lost, stolen, or breached information has been recovered and, if so, how this was done;

(5) the identity of the source of the cybersecurity event;

(6) whether the licensee has filed a police report or has notified any regulatory, government, or law enforcement agencies and, if so, when such notification was provided;

(7) description of the specific types of information acquired without authorization. Specific types of information means particular data elements including, for example, types of medical information, types of financial information, or types of information allowing identification of the consumer;

(8) the period during which the information system was compromised by the cybersecurity event;

(9) the number of total consumers in this state affected by the cybersecurity event. The licensee shall provide the best estimate in the initial report to the commissioner and update this estimate with each subsequent report to the commissioner pursuant to this section;

(10) the results of any internal review identifying a lapse in either automated controls or internal procedures, or confirming that all automated controls or internal procedures were followed;

(11) description of efforts being undertaken to remediate the situation which permitted the cybersecurity event to occur;

(12) a copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event; and

(13) name of a contact person who is familiar with the cybersecurity event and authorized to act for the licensee.

**Subd. 3. Notification to consumers.** The licensee shall comply with section 325E.61, as applicable, and provide a copy of the notice sent to consumers under that statute to the commissioner when a licensee is required to notify the commissioner under subdivision 1.

**Subd. 4. Notice regarding cybersecurity events of third-party service providers.** (a) In the case of a cybersecurity event in a system maintained by a third-party service provider, of which the licensee has become aware, the licensee shall treat such event as it would under subdivision 1 unless the third-party service provider provides the notice required under subdivision 1.

(b) The computation of a licensee's deadlines shall begin on the day after the third-party service provider notifies the licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner.

(c) Nothing in this act shall prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider, or any other party to fulfill any of the investigation requirements imposed under section 60A.9854 or notice requirements imposed under this section.

**Subd. 5. Notice regarding cybersecurity events of reinsurers to insurers.** (a) In the case of a cybersecurity event involving nonpublic information that is used by the licensee that is acting as an assuming insurer or in the possession, custody, or control of a licensee that is acting as an assuming insurer and that does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three business days of making the determination that a cybersecurity event has occurred.

(b) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under section 325E.61 and any other notification requirements relating to a cybersecurity event imposed under this section.

(c) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a third-party service provider of a licensee that is an assuming insurer, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three business days of receiving notice from its third-party service provider that a cybersecurity event has occurred.

(d) The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under section 325E.61 and any other notification requirements relating to a cybersecurity event imposed under this section.

(e) Any licensee acting as an assuming insurer shall have no other notice obligations relating to a cybersecurity event or other data breach under this section.

**Subd. 6. Notice regarding cybersecurity events of insurers to producers of record.** (a) In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a licensee that is an insurer or its third-party service provider and for which a consumer accessed the insurer's services through an independent insurance producer, the insurer shall notify the producers of record of all affected consumers no later than the time at which notice is provided to the affected consumers.

(b) The insurer is excused from this obligation for those instances in which it does not have the current producer of record information for any individual consumer or in those instances in which the producer of record is no longer appointed to sell, solicit, or negotiate on behalf of the insurer.

Sec. 5. **[60A.9854] POWER OF COMMISSIONER.**

(a) The commissioner of commerce or commissioner of health, whichever commissioner otherwise regulates the licensee, shall have power to examine and investigate into the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of sections 60A.985 to 60A.9857. This power is in addition to the powers which the commissioner has under section 60A.031. Any such investigation or examination shall be conducted pursuant to section 60A.031.

(b) Whenever the commissioner of commerce or commissioner of health has reason to believe that a licensee has been or is engaged in conduct in this state which violates sections 60A.985 to 60A.9857, the commissioner of commerce or commissioner of health may take action that is necessary or appropriate to enforce those sections.

Sec. 6. **[60A.9855] CONFIDENTIALITY.**

Subdivision 1. **Licensee information.** Any documents, materials, or other information in the control or possession of the department that are furnished by a licensee or an employee or agent thereof acting on behalf of a licensee pursuant to section 60A.9851, subdivision 9; section 60A.9853, subdivision 2, clauses (2), (3), (4), (5), (8), (10), and (11); or that are obtained by the commissioner in an investigation or examination pursuant to section 60A.9854 shall be classified as confidential, protected nonpublic, or both; shall not be subject to subpoena; and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties.

Subd. 2. **Certain testimony prohibited.** Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subdivision 1.

Subd. 3. **Information sharing.** In order to assist in the performance of the commissioner's duties under this act, the commissioner:

(1) may share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subdivision 1, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners, its affiliates or subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information;

(2) may receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the National Association of Insurance Commissioners, its affiliates or subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

(3) may share documents, materials, or other information subject to subdivision 1, with a third-party consultant or vendor provided the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information; and

(4) may enter into agreements governing sharing and use of information consistent with this subdivision.

Subd. 4. **No waiver of privilege or confidentiality.** No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subdivision 3.

Subd. 5. **Certain actions public.** Nothing in sections 60A.985 to 60A.9857 shall prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection pursuant to chapter 13 to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries.

Subd. 6. **Classification, protection, and use of information by others.** Documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners or a third-party consultant pursuant to sections 60A.985 to 60A.9857 are classified as confidential, protected nonpublic, and privileged; are not subject to subpoena; and are not subject to discovery or admissible in evidence in a private civil action.

Sec. 7. **[60A.9856] EXCEPTIONS.**

Subdivision 1. **Generally.** The following exceptions shall apply to sections 60A.985 to 60A.9857:

(1) a licensee with fewer than 25 employees is exempt from sections 60A.9851 and 60A.9852;

(2) a licensee subject to Public Law 104-191, enacted August 21, 1996 (Health Insurance Portability and Accountability Act), that has established and maintains an information security program pursuant to such statutes, rules, regulations, procedures, or guidelines established thereunder, will be considered to meet the requirements of section 60A.9851, provided that the licensee is compliant with, and submits a written statement certifying its compliance with, the same;

(3) a licensee affiliated with a depository institution that maintains an information security program in compliance with the interagency guidelines establishing standards for safeguarding customer information as set forth pursuant to United States Code, title 15, sections 6801 and 6805, shall be considered to meet the requirements of section 60A.9851 provided that the licensee produce, upon request, documentation satisfactory to the commission that independently validates the affiliated depository institution's adoption of an information security program that satisfies the interagency guidelines;

(4) an employee, agent, representative, or designee of a licensee, who is also a licensee, is exempt from sections 60A.9851 and 60A.9852 and need not develop its own information security program to the extent that the employee, agent, representative, or designee is covered by the information security program of the other licensee; and

(5) an employee, agent, representative, or designee of a producer licensee, as defined under section 60K.31, subdivision 6, who is also a licensee, is exempt from sections 60A.985 to 60A.9857.

Subd. 2. **Exemption lapse; compliance.** In the event that a licensee ceases to qualify for an exception, such licensee shall have 180 days to comply with this act.

Sec. 8. **[60A.9857] PENALTIES.**

In the case of a violation of sections 60A.985 to 60A.9856, a licensee may be penalized in accordance with section 60A.052.



Sec. 9. **REPEALER.**

Minnesota Statutes 2018, sections 60A.98; 60A.981; and 60A.982, are repealed.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 are effective August 1, 2020. Licensees shall have one year from the effective date to implement section 60A.9851, subdivisions 1 to 5 and 7 to 9, and two years from the effective date of this act to implement section 60A.9851, subdivision 6."

With the recommendation that when so amended the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

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

H. F. No. 3847, A bill for an act relating to environment; requiring fee on certain single-use plastic bags; authorizing discretionary fees on other bags; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 3, after line 1, insert:

"(c) The fee required in paragraph (a) may not be charged to a customer who receives benefits from any of the following programs:

(1) Temporary Assistance for Needy Families, Code of Federal Regulations, title 45, part 260;

(2) Supplemental Nutrition Assistance Program, United States Code, title 7, chapter 51; or

(3) Special Supplemental Nutrition Program for Women, Infants, and Children, United States Code, title 42, section 1786."

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

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 3852, A bill for an act relating to education; clarifying the reporting requirements for reading proficiency and screening by third grade; amending Minnesota Statutes 2019 Supplement, section 120B.12, subdivision 2.

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. 3867, A bill for an act relating to natural resources; classifying data on individuals who are minors; amending Minnesota Statutes 2018, section 13.7931, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 13.7931, is amended by adding a subdivision to read:

Subd. 1b. **Data on individuals who are minors.** Data on individuals who are minors that are collected, created, received, maintained, or disseminated by the Department of Natural Resources are classified under section 84.0873.

Sec. 2. **[84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.**

(a) When the Department of Natural Resources collects, creates, receives, maintains, or disseminates the following data on individuals who the department knows are minors, the data are considered private data on individuals, as defined in section 13.02, subdivision 12, except for data classified as public data according to section 13.43:

(1) name;

(2) date of birth;

(3) Social Security number;

(4) telephone number;

(5) e-mail address;

(6) physical or mailing address;

(7) location data;

(8) online account access information;

(9) data associated with the location of electronic devices; and

(10) other data that would identify participants who have registered for events, programs, or classes sponsored by the Department of Natural Resources.

(b) Access to such data is subject to Minnesota Rules, part 1205.0500. Data about minors classified under this section maintain their classification as private data on individuals after the individual is no longer a minor."

With the recommendation that when so amended 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. 3878, A bill for an act relating to taxation; property tax refunds; modifying requirements for certificates of rent paid; amending Minnesota Statutes 2019 Supplement, section 290A.19.

Reported the same back with the recommendation that the bill be re-referred to the Property and Local Tax Division.

The report was adopted.

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

H. F. No. 3907, A bill for an act relating to human services; requiring the commissioner of human services to develop a process to identify and report 340B drugs at point of sale.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **ENCOUNTER REPORTING OF 340B ELIGIBLE DRUGS.**

(a) The commissioner of human services, in consultation with federally qualified health centers (FQHCs) and other impacted providers, shall report as provided in paragraph (b) on the feasibility of identifying at the point of sale 340B drugs dispensed by 340B contract pharmacies to enrollees of managed care organizations served by FQHCs in order to exclude these claims from the Medicaid drug rebate program. In developing this report, the commissioner shall work with managed care organizations and contracted pharmacies to explore options for allowing FQHCs to maximize the 340B program and reimbursement through the 340B program, while ensuring that duplicate discounts for these drugs do not occur. The report must also detail how profits realized through the 340B program by covered entities are currently being invested in the health care of enrollees of the managed care organizations and how the additional revenue from the inclusion of 340B contract pharmacies would be used by the FQHCs.

(b) The commissioner, by February 1, 2021, shall present the report described in paragraph (a) to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance."

Amend the title as follows:

Page 1, line 3, after "sale" insert "; requiring a report"

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

The report was adopted.

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

H. F. No. 3975, A bill for an act relating to judiciary; modifying when a court may hear a petition for postconviction relief; amending Minnesota Statutes 2018, section 590.01, subdivision 4.

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

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 3992, A bill for an act relating to education finance; authorizing Independent School District No. 709, Duluth, to transfer levy authority from the long-term facilities maintenance revenue program to the debt redemption fund; requiring a report; authorizing the sale of bonds.

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

The report was adopted.

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

H. F. No. 4044, A bill for an act relating to legislative enactments; making miscellaneous technical corrections to laws and statutes; correcting erroneous, obsolete, and omitted text and references; removing redundant, conflicting, and superseded provisions; amending Minnesota Statutes 2018, sections 3.842, subdivision 2; 12.09, subdivision 10; 13.7905, subdivisions 2, 3, 4a, 5, 6; 34.02; 60B.32, subdivision 5; 60B.38, subdivision 1; 60B.40, subdivision 2; 60B.46, subdivision 2; 62J.498, subdivision 1; 62J.4981, subdivision 3; 62J.812; 88.01, subdivision 1; 88.17, subdivision 3; 97A.052, subdivision 1; 97C.081, subdivision 10; 97C.825, subdivision 2; 103C.201, subdivision 8; 103G.411; 115.72, subdivision 2; 116J.395, subdivision 3; 116J.8737, subdivision 8; 122A.40, subdivision 14; 123A.19, subdivisions 3, 5; 123A.75, subdivisions 2, 4; 124D.77; 124D.98, subdivision 3; 126C.13, subdivision 4; 137.38, subdivision 1; 144.292, subdivision 7; 144A.19, subdivision 2; 145.901, subdivision 2; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13, subdivision 6; 148.10, subdivision 1; 148.261, subdivision 5; 148.5194, subdivision 5; 148.754; 148B.5905; 148E.065, subdivision 1; 148E.075, subdivision 2; 148E.245, subdivision 5; 148F.09, subdivision 6; 151.01, subdivision 27a; 151.071, subdivision 10; 155A.271, subdivision 2; 156.125, subdivision 3; 160.262, subdivision 3; 160.266, subdivision 1b; 160.276, subdivision 2a; 161.082, subdivision 2; 161.166, subdivision 2; 161.53; 169.18, subdivision 6; 169.791, subdivision 5; 169A.03, subdivision 20; 171.02, subdivision 2a; 171.075, subdivision 1; 171.17, subdivision 4; 171.175, subdivision 1; 171.187, subdivisions 1, 3; 174.30, subdivision 3; 216B.1641; 245.814, subdivision 2; 270A.03, subdivision 8; 297E.02, subdivisions 1, 6; 298.28, subdivision 7a; 299A.11, subdivision 1; 308A.711, subdivision 1; 326A.05, subdivision 1; 326A.14, subdivision 1; 353G.08, subdivision 3; 504B.211, subdivision 2; 571.74; 576.21; 576.22; 576.29, subdivision 1; 576.42, subdivision 6; 609.2111; 609.224, subdivision 3; 609.535, subdivision 6; 609.80; 609.891, subdivision 3; 609.902, subdivision 4; 628.26; 629.344; 629.364; Minnesota Statutes 2019 Supplement, sections 16A.968, subdivision 2; 28A.075; 116.155, subdivision 3; 116J.8737, subdivision 5; 121A.335, subdivision 5; 122A.635, subdivision 2; 144G.50, subdivision 2; 151.01, subdivision 27; 151.43; 151.441, subdivision 1; 152.126, subdivision 6; 157.22; 169.881, subdivision 3; 169A.24, subdivision 1; 176.231, subdivision 1; 245A.11, subdivision 7a; 245C.22, subdivision 5; 256B.85, subdivision 2; 260B.331, subdivision 2; 290.0121, subdivision 3; 297A.75, subdivision 1; 349.12, subdivision 25; 609.52, subdivision 1; Laws 2019, First Special Session chapter 4, article 3, section 109; Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6; repealing Minnesota Statutes 2018, sections 13.383, subdivision 9; 115.71, subdivision 4; 161.1231, subdivision 10; Minnesota Statutes 2019 Supplement, section 13.7905, subdivision 7; Laws 2019, chapter 37, section 1.

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. 4058, A bill for an act relating to environment; modifying provisions for priority qualified facilities; modifying authority to acquire property interests; requiring rulemaking to modify scoring system for superfund sites; amending Minnesota Statutes 2018, sections 115B.406, subdivisions 1, 9; 115B.407; 116.07, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 115B.17, subdivision 13, is amended to read:

Subd. 13. **Priorities; rules.** By November 1, 1983, the Pollution Control Agency shall establish a temporary list of priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action under this section. The temporary list, with any necessary modifications, shall remain in effect until the Pollution Control Agency adopts rules establishing state criteria for determining priorities among releases and threatened releases. The Pollution Control Agency shall adopt the rules by July 1, 1984. After rules are adopted, a permanent priority list shall be established, and may be modified from time to time, using the current guidance and tools for the Hazard Ranking System adopted by the federal Environmental Protection Agency and according to the criteria set forth in the rules. Before any list is established under this subdivision the Pollution Control Agency shall publish the list in the State Register and allow 30 days for comments on the list by the public.

The temporary list and the rules required by this subdivision shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the Pollution Control Agency, and other appropriate factors.

Sec. 2. Minnesota Statutes 2018, section 115B.406, subdivision 1, is amended to read:

Subdivision 1. **Legislative findings.** The legislature recognizes the need to protect the public health and welfare and the environment at priority qualified facilities. To implement a timely and effective cleanup and prevent multiparty litigation, the legislature finds it is in the public interest to direct the commissioner of the Pollution Control Agency to:

(1) take environmental response actions that the commissioner deems reasonable and necessary to protect the public health or welfare or the environment at priority qualified facilities ~~and to~~;

(2) acquire real property interests at priority qualified facilities to ensure the completion and long-term effectiveness of environmental response actions; ~~and~~

(3) prevent both an unjust financial windfall to and double liability of owners and operators of priority qualified facilities.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to actions commenced on or after January 1, 2020.

Sec. 3. Minnesota Statutes 2018, section 115B.406, subdivision 9, is amended to read:

Subd. 9. **Environmental response costs; liens.** (a) All environmental response costs and reasonable and necessary expenses, including administrative and legal expenses, incurred by the commissioner at a priority qualified facility constitute a lien in favor of the state upon any real property located in the state, other than homestead property, owned by the owner or operator of the priority qualified facility who is subject to the requirements of section 115B.40, subdivision 4 or 5. A lien under this paragraph may not be extinguished, limited, or impaired by application of section 500.20 or 541.023. Notwithstanding section 514.672, a lien under this paragraph continues until the lien is satisfied or is released according to paragraph (c).

(b) If the commissioner conducts an environmental response action at a priority qualified facility and the environmental response action increases the fair market value of the facility above the fair market value of the facility that existed before the response action was initiated, then the state has a lien on the facility for the increase in fair market value of the property attributable to the response action, valued at the time that construction of the final environmental response action was completed, not including operation and maintenance. A lien under this paragraph may not be extinguished, limited, or impaired by application of section 500.20 or 541.023. Notwithstanding section 514.672, a lien under this paragraph continues until the lien is satisfied or is released according to paragraph (c).

(c) A lien under this subdivision paragraph (a) or (b) attaches when the environmental response costs are first incurred. Notwithstanding section 514.672, a lien under this subdivision continues until the lien is satisfied or six years after completion of construction of the final environmental response action, not including operation and maintenance. Notice, filing, and release, and enforcement of the lien are governed by sections 514.671 to 514.676, except where those requirements specifically are related to only cleanup action expenses as defined in section 514.671. The commissioner may release a lien under this subdivision if the commissioner determines that attachment or enforcement of the lien is not in the public interest. A lien under this subdivision is not subject to the foreclosure limitation described in section 514.674, subdivision 2. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in any permit for the priority qualified facility takes precedence over all other liens regardless of when the other liens were or are perfected. Amounts received to satisfy all or a part of a lien must be deposited in the remediation fund.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to actions commenced on or after January 1, 2020.

Sec. 4. Minnesota Statutes 2018, section 115B.407, is amended to read:

**115B.407 ACQUISITION AND DISPOSITION ACQUIRING AND DISPOSING OF REAL PROPERTY AT PRIORITY QUALIFIED FACILITIES.**

**Subdivision 1. Acquiring and disposing of real property.** (a) The commissioner may acquire interests in real property by donation or eminent domain at all or a portion of a priority qualified facility. Condemnation under this section includes acquisition of fee title or an easement. After acquiring an interest in real property under this section, the commissioner must take environmental response actions at the priority qualified facility according to sections 115B.39 to 115B.414 after the legislature makes an appropriation for that purpose.

(b) The commissioner may dispose of real property acquired under this section according to section 115B.17, subdivision 16.

(c) Except as modified by this section, chapter 117 governs condemnation proceedings by the commissioner under this section. The exceptions under section 117.189 apply to the use of eminent domain authority under this section. Section 117.226 does not apply to properties acquired by the use of eminent domain authority under this section.

(d) The state is not liable under this chapter solely as a result of acquiring an interest in real property under this section.

Subd. 2. Eminent domain damages. (a) For purposes of this subdivision, the following terms have the meanings given:

(1) "after-market value" means the property value of that portion of the subject property remaining after a partial taking;

(2) "as remediated" means the condition of the property assuming the environmental response actions selected by the commissioner have been completed, including environmental covenants and easements and other institutional controls that may apply;

(3) "before-market value" means the property value of the entire subject property before the taking, less the remediation costs;

(4) "property value" means the fair market value of the real property, as remediated, less any reduction in value attributable to the stigma of pollution; and

(5) "remediation costs" means the reasonably foreseeable costs and expenses, including administrative and legal expenses, that the commissioner will incur to implement the environmental response actions that the commissioner selected for the property according to section 115B.406, subdivision 3, less the amount, if any, that the property owner demonstrates was released under section 115B.443, subdivision 8, which must not be greater than the extent of insurance coverage under policies for the property included in a settlement consistent with section 115B.443, subdivision 8.

(b) The damages awarded for condemnation of real property under this section is the greater of \$500 or:

(1) for a total taking of the subject property, the before-market value; or

(2) for a partial taking of the subject property, the before-market value less the after-market value.

(c) When awarding damages in a condemnation proceeding under this section, in addition to any other requirement of chapter 117, the finder of fact must report:

(1) the amount determined for the property value of the entire subject property before the taking; and

(2) the itemized amount determined for remediation costs.

(d) The commissioner may seek recovery of environmental response costs only to the extent the costs exceed the lower of the remediation costs or the property value of the entire subject property before the taking as reported under paragraph (c).

(e) If the actual expenses incurred by the commissioner to take environmental response actions at the priority qualified facility as determined at the time construction of the final environmental response action was completed would have yielded a higher award of damages under this section, then the commissioner must reimburse the owner an amount equal to the amount of damages as if the actual expenses were used instead of the remediation costs, less any damages already awarded.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to actions commenced on or after January 1, 2020.

Sec. 5. Minnesota Statutes 2018, section 116.07, is amended by adding a subdivision to read:

Subd. 4l. **Real property interests.** (a) To prevent, mitigate, or minimize the threat to public health and the environment posed by closed disposal facilities, the commissioner may acquire interests in real property at a solid waste disposal facility, including easements and environmental covenants under chapter 114E, when the commissioner determines that the property interests are needed to implement activity and use limitations related to:

(1) closure;

(2) postclosure care; and

(3) any other actions needed after the postclosure care period expires.

(b) The state is not liable under this chapter or any other law solely as a result of acquiring an interest in real property under this section.

Sec. 6. **REPEALER.**

Minnesota Rules, part 7044.0350, is repealed."

Delete the title and insert:

"A bill for an act relating to environment; modifying provisions for priority qualified facilities; modifying authority to acquire property interests; amending Minnesota Statutes 2018, sections 115B.17, subdivision 13; 115B.406, subdivisions 1, 9; 115B.407; 116.07, by adding a subdivision; repealing Minnesota Rules, part 7044.0350."

With the recommendation that when so amended 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. 4100, A bill for an act relating to human rights; prohibiting employers from inquiring about past pay; amending Minnesota Statutes 2018, section 363A.08, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Jobs and Economic Development Finance Division.

The report was adopted.

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

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.



Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325E.381] PERCHLOROETHYLENE PROHIBITION.**

On or after January 1, 2022, using perchloroethylene as a dry cleaning solvent is prohibited.

Sec. 2. Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 10, is amended to read:

Subd. 10. **Transfers**

(a) The commissioner must transfer up to \$44,000,000 from the environmental fund to the remediation fund for purposes of the remediation fund under Minnesota Statutes, section 116.155, subdivision 2.

(b) \$600,000 the first year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, with reimbursement prioritized to persons who meet the definition in Minnesota Statutes, section 115B.48, subdivision 10, clause (2), and who have made a request to the commissioner, as required under Minnesota Statutes, section 115B.50, subdivision 2.

(c) Notwithstanding Minnesota Statutes, section 115B.49, subdivision 3, paragraph (a), \$600,000 the first year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for the commissioner for preparing to prepare a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources finance that includes an assessment of the possibility of recovering environmental response costs from insurance held by dry cleaning facilities. The report must be submitted by January 15, 2021.

(d) \$600,000 the second year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, ~~if legislation is enacted in the 2020 legislative session to address the insolvency of the dry cleaner environmental response and reimbursement account.~~

Sec. 3. **APPROPRIATION; COST-SHARE PROGRAM FOR DRY CLEANERS.**

\$400,000 in fiscal year 2021 is appropriated from the environmental fund to the commissioner of the Pollution Control Agency for a cost-share program to reimburse owners or operators of dry cleaning facilities for the costs of transitioning to using solvents that are technically viable and environmentally preferred alternatives to perchloroethylene. The commissioner must reimburse up to 75 percent of an owner's or operator's transition expenses. This is a onetime appropriation and is available until June 30, 2022."

Delete the title and insert:

"A bill for an act relating to environment; prohibiting using perchloroethylene as dry cleaning solvent; modifying prior appropriations; appropriating money; amending Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 325E."

With the recommendation that when so amended 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. 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.

Reported the same back with the following amendments:

Page 1, line 13, delete "OR WITH A PHYSICAL OR MENTAL DISABILITY"

Page 1, delete lines 21 to 24

Reletter the paragraphs in sequence

Page 2, lines 20 and 21, delete "or (b)"

Page 2, line 24, delete "(e)" and insert "(d)"

Page 3, line 9, delete "OR WITH A PHYSICAL OR"

Page 3, line 10, delete "MENTAL DISABILITY"

Page 3, delete lines 18 to 20

Reletter the paragraphs in sequence

Page 4, lines 7 and 8, delete "or (b)"

Page 4, line 10, delete "(e)" and insert "(d)"

With the recommendation that when so amended the bill be re-referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

The report was adopted.

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

H. F. No. 4286, A bill for an act relating to environment; modifying enforcement authority; amending Minnesota Statutes 2018, sections 115.03, subdivision 1; 115.071, subdivisions 1, 4, by adding subdivisions; 116.07, subdivision 9, by adding subdivisions; 116.11.

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. 4327, A bill for an act relating to public health; authorizing a peacetime declaration of emergency for a public health emergency; establishing a health care response revolving account and loan program; transferring money to the health care response revolving account; amending Minnesota Statutes 2018, sections 12.03, by adding a subdivision; 12.31, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 1, line 15, after the semicolon, insert "or"

Page 1, line 17, delete the semicolon and insert a period

Page 1, delete lines 18 to 21

Page 2, line 15, after "a" insert "peacetime emergency declared due to a" and delete "continued" and insert "extended by resolution of the Legislative Advisory Commission as established under section 3.30"

Page 2, line 21, before the period, insert ", except when the peacetime emergency is a public health emergency that has been extended by resolution of the Legislative Advisory Commission"

Page 5, delete subdivision 8 and insert:

"Subd. 8. **Data classification.** (a) Data collected by the commissioner during the application process under subdivisions 4 and 7, paragraph (a), are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9.

(b) Data specified in paragraph (a) become public when the applicant receives a grant or loan, except that the following data remain private data on individuals or nonpublic data:

(1) financial information collected by the commissioner during the application process;

(2) data on patients; and

(3) design, market, and feasibility studies collected by the commissioner during the application process."

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

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 4415, A bill for an act relating to education; requiring compensation for hourly employees for school days canceled due to COVID-19 during the 2019-2020 school year.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
DISTANCE LEARNING DUE TO COVID-19

Section 1. **DISTANCE LEARNING PERIOD; 2019-2020 SCHOOL YEAR.**

Subdivision 1. **Definitions.** (a) For the purposes of this act, "distance learning period" means March 18, 2020, through May 4, 2020, or later, if extended by emergency executive order.

(b) For the purposes of this section, a "school district" includes a cooperative unit under Minnesota Statutes, section 123A.24, subdivision 2, that serves students on site.

Subd. 2. **Distance learning period; employees.** (a) This subdivision applies to an employee of a school district or charter school, during the distance learning period, who:

(1) was scheduled to work during the distance learning period;

(2) did not work on a scheduled day or worked fewer than the number of scheduled hours for the employee that day; and

(3) did not receive compensation for all scheduled hours that day.

(b) In addition to paragraph (a), this subdivision applies to any day or portion of a day not worked, during which the employee was scheduled to work, that the employee did not work at the recommendation or direction of a health care provider acting within the provider's scope of practice or a Department of Health staff member due to the possibility the employee was exposed to or infected with COVID-19.

(c) Notwithstanding any law to the contrary, for each day or portion of a day identified in paragraph (a) or (b), a school district or charter school must compensate any school district or charter school employee for any hours scheduled but not worked at the employee's regular rate of pay.

(d) Notwithstanding any law to the contrary, for the purposes of this subdivision, an employee is deemed scheduled to work if:

(1) a school district or charter school notified the employee of the schedule orally or in writing;

(2) the employee works a fixed or periodically recurring schedule and had not notified the school district or charter school that the employee intended to deviate from that schedule; or

(3) if neither clause (1) nor (2) apply, the employee is deemed scheduled to work the same number of hours and days as the most recent prior schedule for which the school district or charter school provided notice.

(e) Subject to Department of Health guidelines, labor agreements, and school district or charter school policies, a school district or charter school may schedule an employee to work on tasks outside of their normal purview.

(f) Notwithstanding any law to the contrary, compensation under this subdivision must not be deducted from accrued sick or paid leave unless the employee is unable to work due to illness, injury, or other incapacity, including treatment for a COVID-19 infection.

(g) Notwithstanding any law to the contrary, a school district or charter school must count any hours or days for which an employee is entitled to compensation under this subdivision as hours or days worked for the purpose of entitlement to or accrual of any benefits to which the employee would be otherwise entitled.

(h) A school district or charter school is encouraged to use hourly employees for COVID-19 response related work. This may include but is not limited to appropriate work in food distribution, cleaning and disinfecting, or distance learning.

Subd. 3. **Distance learning period; contract employer compensation for eligible employees.** (a) For purposes of this subdivision, "contract employer" means an employer who provides student-related services throughout the school year to a school district or charter school, and "eligible employee" means a person who:

(1) has the primary task of providing services to students attending a school district or charter school;

(2) was scheduled to work for the contract employer on any day or days of the distance learning period;

(3) did not work on any or all of those days; and

(4) did not receive compensation for any or all of the employee's regularly scheduled shifts or hours on those school days.

(b) A contract employer who agrees to compensate eligible employees at the regular rate of pay for the hours of pay lost during the distance learning period must notify the school district or charter school of the intended compensation and, once notified, the school district or charter school must fully compensate the contract employer for the days identified.

(c) Notwithstanding paragraph (b), a school district or charter school and contract employer may, by mutual agreement, adjust the full, regularly scheduled daily contract rate if special circumstances within the school district or charter school warrant an adjustment.

## Sec. 2. **PROBATIONARY TEACHERS.**

For the 2019-2020 school year only, for purposes of Minnesota Statutes, sections 122A.40, subdivision 5, paragraph (e), and 122A.41, subdivision 2, paragraph (d), the minimum number of days of teacher service that a probationary teacher must complete equals the difference between 120 days and the number of scheduled instructional days that were canceled for COVID-19-related reasons.

## Sec. 3. **TRUANCY.**

Notwithstanding Minnesota Statutes, section 260A.02, subdivision 3, a student's absence, without valid excuse, beginning March 1, 2020, and through the end of the distance learning period on May 4, 2020, or any extension of the distance learning period, does not bring the student within the definition of a continuing truant.

## Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment and are effective retroactively from the beginning of the 2019-2020 school year. Sections 1 to 3 expire June 30, 2020.

ARTICLE 2  
FORMULA ADJUSTMENTS

Section 1. **SCHOOL AID FORMULAS ADJUSTED.**

Subdivision 1. **Special education.** Notwithstanding any law to the contrary, fiscal year 2020 expenditures for employees and contracted services that would have been eligible for state special education aid under Minnesota Statutes, section 125A.76, and for special education tuition billing under Minnesota Statutes, sections 125A.11 and 127A.47, in the absence of school closures or learning plan modifications due to COVID-19 must be included as eligible expenditures for the calculation of state special education aid and special education tuition billing.

Subd. 2. **School meals.** (a) Notwithstanding any law to the contrary, for school meals served beginning on or after March 18, 2020, the commissioner of education may adjust the appropriations remaining under Laws 2019, First Special Session chapter 11, article 7, section 1, subdivisions 2, 3, and 4, as specified in paragraph (b).

(b) On June 30, 2020, the commissioner must subtract the amount actually paid to participants for the 2019-2020 school year under Laws 2019, First Special Session chapter 11, article 7, section 1, subdivisions 2, 3, and 4, through March 17, 2020, from the total appropriations for each program. The commissioner must then allocate the remaining funds under each appropriation to participants in the summer food service program on a per-meal basis for meals served on or after March 18, 2020, and before July 1, 2020.

Subd. 3. **Career and technical aid.** Notwithstanding any law to the contrary, for fiscal years 2020 and 2021, the commissioner of education may recalculate career and technical revenue for school districts, cooperative units, and charter schools to ensure that the total statewide career and technical revenue does not fall below the amount estimated for fiscal years 2020 and 2021 based on the February 2020 forecast. For expenses incurred on or after March 18, 2020, the commissioner may recalculate school district, cooperative unit, and charter school amounts based on any other mechanism that allows for the full amount of this appropriation to be equitably paid to school districts, cooperative units, and charter schools. These amounts must be prorated at the end of each fiscal year if career and technical revenue is to exceed the February 2020 forecast estimate of this revenue for these fiscal years.

Subd. 4. **Nonpublic pupil transportation aid.** Notwithstanding any law to the contrary, the commissioner of education may adjust the fiscal year 2020 pupil transportation expenditures used to determine nonpublic pupil transportation aid for fiscal year 2022 based on any mechanism that allows for the full amount of the state total fiscal year 2020 expenditure estimated in the February 2020 forecast to be equitably allocated among school districts.

Subd. 5. **Interdistrict desegregation or integration transportation grants.** Notwithstanding any law to the contrary, the commissioner of education may adjust the fiscal year 2020 pupil transportation expenditures used to determine interdistrict desegregation and integration aid for fiscal year 2021 based on any mechanism that allows for the full amount of the state total fiscal year 2020 expenditure estimated in the February 2020 forecast to be equitably allocated among school districts.

Subd. 6. **Adult basic education aid.** Notwithstanding any law to the contrary, for the 2020-2021 school year only, the commissioner of education may recalculate adult basic education aid to ensure that the total aid does not fall below the amount estimated for the 2020-2021 school year based on the February 2020 forecast. The commissioner may recalculate contract hourly rates or otherwise adjust the formula based on any mechanism that allows for the full amount of this appropriation to be equitably paid to aid recipients. These amounts must be prorated at the end of the fiscal year if adult basic education aid were to exceed the February 2020 forecast estimate of this aid.

Subd. 7. **School employees; ensuring state revenue.** Notwithstanding any law to the contrary, for purposes of state aid formulas under subdivisions 1 and 3, the commissioner of education may include in any counts and costs of essential personnel the services provided by individuals who were essential personnel prior to March 13, 2020, for the purpose of ensuring state aid payments to school districts, cooperative units, and charter schools are consistent with the February 2020 forecast.

Subd. 8. **Literacy incentive aid.** (a) Notwithstanding Minnesota Statutes, section 124D.98, subdivision 2, for purposes of calculating literacy proficiency aid for fiscal years 2021, 2022, and 2023 only, tests administered during the 2019-2020 school year must be excluded from the three-year average proficiency percentages.

(b) Notwithstanding Minnesota Statutes, section 124D.98, subdivision 3, for purposes of calculating literacy growth aid for fiscal years 2021, 2022, and 2023 only, tests administered during the 2019-2020 school year must be excluded from the three-year average growth percentages.

Subd. 9. **Community education after-school enrichment revenue.** Notwithstanding Minnesota Statutes, section 124D.19, subdivision 12, for fiscal year 2020 only, for spending occurring on or after March 18, 2020, after-school enrichment revenue under Minnesota Statutes, section 124D.20, subdivision 4a, continues and may be spent consistent with the process, uses, and limitations of section 3.

Subd. 10. **School-age care revenue.** Notwithstanding Minnesota Statutes, section 124D.22, for fiscal year 2020 only, for spending on or after March 18, 2020, each district's school-age care revenue continues at its approved amounts and program funds may be spent consistent with the process, uses, and limitations of section 3.

Subd. 11. **Early childhood screening revenue.** Notwithstanding the per-child dollar amounts in Minnesota Statutes, section 121A.19, at the conclusion of fiscal year 2021 only, the commissioner must increase the per-child amount for each child screened at age three in fiscal year 2021 by multiplying the allowance in Minnesota Statutes, section 121A.19, clause (1), by the statewide ratio of the number of three-year-old children screened in fiscal year 2019 to the number of three-year-old children screened in 2020.

Subd. 12. **Achievement and integration revenue.** Notwithstanding Minnesota Statutes, section 124D.861 or 124D.862, or any other law to the contrary, for fiscal year 2020 only, a school district or charter school that has not spent the full approved amount of its achievement and integration revenue may carry the unspent portion of that revenue forward into fiscal year 2021.

Subd. 13. **Report.** The commissioner of education must notify school districts and charter schools of these formula changes as soon as practicable. The commissioner must issue a report by January 15, 2021, to the chairs and ranking minority members of the legislative committees having jurisdiction over kindergarten through grade 12 education describing the formula changes and the distributional impact on school districts and charter schools.

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

## **Sec. 2. FUND TRANSFERS; FISCAL YEAR 2020 ONLY.**

Subdivision 1. **Fund and account transfers allowed.** Notwithstanding Minnesota Statutes, section 123B.80, subdivision 3, for fiscal year 2020 only, and for the purposes listed in subdivision 3, a school district, charter school, or cooperative unit may transfer any funds not already assigned to or encumbered by staff salary and benefits, or otherwise encumbered by federal law, from any reserved account or operating fund to the undesignated balance in any other operating fund.

Subd. 2. **Definitions.** For purposes of this act:

(1) "eligible on-site child" means a school-aged child of an employee providing services in a critical sector as defined in Executive Order 20-02, 20-19, or 20-20, or any subsequent order receiving services at a school facility;

(2) "closure period" means the time period specified by Executive Order 20-02 during which schools were closed to students while staff engaged in planning for distance learning; and

(3) "distance learning period" means the time period during the 2019-2020 school year specified by Executive Order 20-19 or a future emergency executive order during which schools are closed and the time during which distance learning plans are implemented to provide instructional programming to all students.

Subd. 3. **Revenue uses for transferred funds.** Funds transferred under this section may be used to:

(1) provide care to eligible on-site children during the school day;

(2) pay for additional transportation costs needed in providing distance learning instruction and meal delivery during the closure period and the distance learning period;

(3) pay for additional costs related to technology needed to provide distance learning instruction;

(4) pay the portion of staff salary and benefits of employees paid through the community service fund normally funded by fees that were refunded, waived, or otherwise not paid during the closure period and distance learning period; or

(5) pay the portion of food service fund staff salary and benefits normally funded by meal reimbursement revenue during the closure period or distance learning period.

Subd. 4. **No aid or levy effect.** A fund or account transfer is allowed under this section if the transfer does not increase state aid obligations to the district or school, or result in additional property tax authority for the district. A fund or account transfer is limited to the operating funds and accounts of a school district, charter school, or cooperative unit.

Subd. 5. **Board approval required; reporting; audit trail.** A fund or account transfer under this section is effective June 30, 2020, and the school board must approve any fund or account transfer before the reporting deadline for fiscal year 2020. A school district, charter school, or cooperative unit must maintain accounting records for the purposes of this section that are sufficient to document both the specific funds transferred and use of those funds. The accounting records are subject to auditor review. Any execution of flexibility must not interfere with or jeopardize funding per federal requirements. Any transfer must not interfere with the equitable delivery of distance learning or social distancing models.

Subd. 6. **Commissioner's guidance.** The commissioner must prepare and post to the department's website a document providing guidance on the allowable uses and fund and account balance transfers authorized under this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from March 18, 2020.



Sec. 3. **CASH FLOW ADJUSTMENT; FISCAL YEAR 2021 ONLY.**

Notwithstanding any law to the contrary, for fiscal year 2021 only, a school district unable to make a required payment from its debt service fund because of a delay in receipt of its anticipated property tax proceeds may apply for modified cash flow payments under Minnesota Statutes, section 127A.45. The school district must apply in the form and manner specified by the commissioner of education and the commissioner must adjust the state aid cash flow payments accordingly.

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

Sec. 4. **INSTRUCTION TO COMMISSIONER; FEDERAL EDUCATION STABILIZATION FUND APPLICATION.**

In applying for education stabilization fund grants authorized under the federal Coronavirus Aid, Relief, and Economic Security Act, the Department of Education must prioritize distribution and expenditure of funds that enable a school to comply with Executive Order 20-19 and any future executive order on kindergarten through grade 12 education that relates to the infectious disease known as COVID-19, as well as the corresponding Department of Education guidance related to the COVID-19 pandemic, including employee compensation.

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires June 30, 2020.

ARTICLE 3  
STATE AGENCY COVID-19 EMERGENCY POWERS

Section 1. **COMMISSIONER OF EDUCATION AND PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD COVID-19 EMERGENCY POWERS.**

(a) Notwithstanding Minnesota Statutes, chapters 120A and 120B, or Minnesota Rules, chapter 3501, the commissioner of education is granted authority to waive for students and schools negatively affected by a COVID-19 disruption provisions relating to the:

- (1) required number of instructional days and hours;
- (2) required credits and earning of credits, including credits for advancement in grade; and
- (3) state graduation requirements.

In authorizing a waiver, the commissioner must consider the quality of the continuity of education and the mastery of academic standards with provisions for students to demonstrate the potential toward grade advancement and graduation. Before authorizing a waiver under this paragraph, the commissioner must consult with representatives of school boards reflective of school districts throughout the state.

(b) Notwithstanding Minnesota Statutes, section 120B.30, for the 2019-2020 school year only, the commissioner of education is granted authority to waive the state requirements on statewide assessments, including requirements allowing students to take a college entrance exam in school on a regular school day. The commissioner must waive any state accountability and reporting requirements linked to the statewide assessments. The commissioner must distribute any savings attributable to this paragraph equitably among schools for purposes of complying with Executive Order 20-19 and the corresponding Department of Education guidance related to the COVID-19 pandemic, including employee compensation.

(c) Notwithstanding Minnesota Statutes, section 122A.183, Minnesota Rules, part 8710.0313, or any other law to the contrary, the Professional Educator Licensing and Standards Board must issue a one-year conditional Tier 3 license to an applicant that is otherwise qualified under Minnesota Statutes, section 122A.183, but was unable to complete a required licensure exam under Minnesota Statutes, section 122A.185, because of a COVID-19-related disruption. As a condition of renewing the Tier 3 license, the applicant must pass all required licensure exams under Minnesota Statutes, section 122A.185. The term of the renewed Tier 3 license under this section must be two years. The board must waive the licensure renewal fee.

(d) Notwithstanding any law to the contrary, the Professional Educator Licensing and Standards Board must extend by six months any calendar year 2020 deadline for completion of license renewal requirements for licenses under their jurisdiction.

**EFFECTIVE DATE.** Paragraphs (a) and (b) expire June 30, 2020. Paragraph (c) expires October 31, 2020.

Sec. 2. **REPORTING; RIGHT OF ACTION.**

(a) A court must not construe anything in this article as creating a right of action for a student, parent, teacher license applicant, or any other individual or entity to enforce any provisions of this article.

(b) By December 15, 2020, the Professional Educator Licensing and Standards Board must report on waivers made under section 1, paragraph (a), and all conditional licenses issued under section 1, paragraph (c), to the chairs and ranking minority members of the committees in the house of representatives and senate with jurisdiction over kindergarten through grade 12 education policy and finance."

Delete the title and insert:

"A bill for an act relating to education; providing for compensation for school employees during distance learning periods during the 2019-2020 school year due to COVID-19; making exceptions for probationary teachers and truancy during the 2019-2020 school year due to COVID-19; making formula adjustments for school aid and revenue calculations and providing for fund transfers due to COVID-19; granting emergency powers to the commissioner of education and Professional Educator Licensing and Standards Board due to COVID-19; requiring a report."

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

Pursuant to Joint Rule 2.03, as interpreted under House Rules 5.05 and 10.01, deadlines for further action on H. F. No. 4415 were waived by the Committee on Rules and Legislative Administration, on Tuesday, April 14, 2020.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 4507, A bill for an act relating to Open Meeting Law; modifying requirements for attendance by interactive television; amending Minnesota Statutes 2019 Supplement, section 13D.02, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 13D.02, subdivision 1, is amended to read:

Subdivision 1. **Conditions.** (a) A meeting governed by section 13D.01, subdivisions 1, 2, 4, and 5, and this section may be conducted by interactive television so long as:

(1) all members of the body participating in the meeting, wherever their physical location, can hear and see one another and can hear and see all discussion and testimony presented at any location at which at least one member is present;

(2) members of the public present at the regular meeting location of the body can hear and see all discussion and testimony and all votes of members of the body;

(3) at least one member of the body is physically present at the regular meeting location; ~~and~~

(4) all votes are conducted by roll call so each member's vote on each issue can be identified and recorded; and

(5) each location at which a member of the body is present is open and accessible to the public.

~~(b) A meeting satisfies the requirements of paragraph (a), although a member of the public body participates from a location that is not open or accessible to the public if:~~

~~(1) the member is serving in the military and is at a required drill, deployed, or on active duty; and~~

~~(2) the member has not participated more than three times in a calendar year from a location that is not open or accessible to the public.~~

(b) Up to a total of three times per calendar year, a member of a public body may be exempted from paragraph (a), clause (5), and may participate from a location other than the regular meeting location if:

(1) the member is serving in the military and is at a required drill, deployed, or on active duty; or

(2) the member has been advised by a health care professional against being in a public place for personal or family medical reasons. This clause only applies when a state of emergency has been declared under section 12.31, and expires 60 days after the removal of the state of emergency.

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

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 6, H. F. No. 4507 was re-referred to the Committee on Rules and Legislative Administration.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1138, 2471, 3028, 3043, 3081, 3159, 3181, 3603, 3677, 3741, 3852, 3975 and 4044 were read for the second time.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 3100

A bill for an act relating to health care; establishing an emergency insulin program; establishing a Minnesota insulin patient assistance program; requiring participation by pharmacies and insulin manufacturers; requiring reports; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 151.252, subdivision 1; 214.122; proposing coding for new law in Minnesota Statutes, chapters 16B; 62Q; 62V; 151.

April 8, 2020

The Honorable Melissa Hortman  
Speaker of the House of Representatives

The Honorable Jeremy R. Miller  
President of the Senate

We, the undersigned conferees for H. F. No. 3100 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 3100 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **CITATION.**

This act may be cited as the "Alec Smith Insulin Affordability Act."

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

Sec. 2. **[62Q.678] DEPENDENT CHILD NOTICE.**

Group health plans and health plan companies that offer group or individual health plans with dependent coverage must provide written notice to an enrollee with dependent child coverage that the dependent child's coverage ends when the child reaches the age of 26. Notice must be sent to the enrollee at the enrollee's last known address at least 60 days before the dependent child reaches the age of 26. The notice must include the date on which coverage ends and information on accessing the MNsure website as applicable.

Sec. 3. Minnesota Statutes 2019 Supplement, section 151.06, subdivision 6, is amended to read:

Subd. 6. **Information provision; sources of lower cost prescription drugs.** (a) The board shall publish a page on its website that provides regularly updated information concerning:

(1) patient assistance programs offered by drug manufacturers, including information on how to access the programs;

(2) the insulin safety net program established in section 151.74, including information on how to access the program;

(3) the prescription drug assistance program established by the Minnesota Board of Aging under section 256.975, subdivision 9;

~~(3)~~ (4) the websites through which individuals can access information concerning eligibility for and enrollment in Medicare, medical assistance, MinnesotaCare, and other government-funded programs that help pay for the cost of health care;

~~(4)~~ (5) availability of providers that are authorized to participate under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b;

~~(5)~~ (6) having a discussion with the pharmacist or the consumer's health care provider about alternatives to a prescribed drug, including a lower cost or generic drug if the drug prescribed is too costly for the consumer; and

~~(6)~~ (7) any other resource that the board deems useful to individuals who are attempting to purchase prescription drugs at lower costs.

(b) The board must prepare educational materials, including brochures and posters, based on the information it provides on its website under paragraph (a). The materials must be in a form that can be downloaded from the board's website and used for patient education by pharmacists and by health care practitioners who are licensed to prescribe. The board is not required to provide printed copies of these materials.

(c) The board shall require pharmacists and pharmacies to make available to patients information on sources of lower cost prescription drugs, including information on the availability of the website established under paragraph (a).

#### Sec. 4. **[151.74] INSULIN SAFETY NET PROGRAM.**

Subdivision 1. **Establishment.** (a) By July 1, 2020, each manufacturer must establish procedures to make insulin available in accordance with this section to eligible individuals who are in urgent need of insulin or who are in need of access to an affordable insulin supply.

(b) For purposes of this section, the following definitions apply:

(1) "manufacturer" means a manufacturer engaged in the manufacturing of insulin that is self-administered on an outpatient basis;

(2) "MNsure" means the Board of Directors of MNsure established in chapter 62V;

(3) "navigator" has the meaning provided in section 62V.02; and

(4) "pharmacy" means a pharmacy located in Minnesota and licensed under section 151.19 that operates in the community or outpatient license category under Minnesota Rules, part 6800.0350.

(c) Any manufacturer with an annual gross revenue of \$2,000,000 or less from insulin sales in Minnesota is exempt from this section. To request a waiver under this paragraph, the manufacturer must submit a request to the Board of Pharmacy that includes documentation indicating that the manufacturer is eligible for an exemption.

(d) An insulin product is exempt from this section if the wholesale acquisition cost of the insulin is \$8 or less per milliliter or applicable National Council for Prescription Drug Plan billing unit, for the entire assessment time period, adjusted annually based on the consumer price index.

Subd. 2. **Eligibility for urgent-need safety net program.** (a) To be eligible to receive an urgent-need supply of insulin under this section, an individual must attest to:

(1) being a resident of Minnesota;

(2) not being enrolled in medical assistance or MinnesotaCare;

(3) not being enrolled in prescription drug coverage that limits the total amount of cost-sharing that the enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance, to \$75 or less, regardless of the type or amount of insulin prescribed;

(4) not having received an urgent-need supply of insulin through this program within the previous 12 months, unless authorized under subdivision 9; and

(5) being in urgent need of insulin.

(b) For purposes of this subdivision, "urgent need of insulin" means having readily available for use less than a seven-day supply of insulin and in need of insulin in order to avoid the likelihood of suffering significant health consequences.

Subd. 3. **Access to urgent-need insulin.** (a) MNsure shall develop an application form to be used by an individual who is in urgent need of insulin. The application must ask the individual to attest to the eligibility requirements described in subdivision 2. The form shall be accessible through MNsure's website. MNsure shall also make the form available to pharmacies and health care providers who prescribe or dispense insulin, hospital emergency departments, urgent care clinics, and community health clinics. By submitting a completed, signed, and dated application to a pharmacy, the individual attests that the information contained in the application is correct.

(b) If the individual is in urgent need of insulin, the individual may present a completed, signed, and dated application form to a pharmacy. The individual must also:

(1) have a valid insulin prescription; and

(2) present the pharmacist with identification indicating Minnesota residency in the form of a valid Minnesota identification card, driver's license, or permit. If the individual in urgent need of insulin is under the age of 18, the individual's parent or legal guardian must provide the pharmacist with proof of residency.

(c) Upon receipt of a completed and signed application, the pharmacist shall dispense the prescribed insulin in an amount that will provide the individual with a 30-day supply. The pharmacy must notify the health care practitioner who issued the prescription order no later than 72 hours after the insulin is dispensed.

(d) The pharmacy may submit to the manufacturer of the dispensed insulin product or to the manufacturer's vendor a claim for payment that is in accordance with the National Council for Prescription Drug Program standards for electronic claims processing, unless the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse the pharmacy in an amount that covers the pharmacy's acquisition cost.

(e) The pharmacy may collect an insulin co-payment from the individual to cover the pharmacy's costs of processing and dispensing in an amount not to exceed \$35 for the 30-day supply of insulin dispensed.

(f) The pharmacy shall also provide each eligible individual with the information sheet described in subdivision 7 and a list of trained navigators provided by the Board of Pharmacy for the individual to contact if the individual is in need of accessing ongoing insulin coverage options, including assistance in:

(1) applying for medical assistance or MinnesotaCare;

(2) applying for a qualified health plan offered through MNsure, subject to open and special enrollment periods;

(3) accessing information on providers who participate in prescription drug discount programs, including providers who are authorized to participate in the 340B program under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b; and

(4) accessing insulin manufacturers' patient assistance programs, co-payment assistance programs, and other foundation-based programs.

(g) The pharmacist shall retain a copy of the application form submitted by the individual to the pharmacy for reporting and auditing purposes.

**Subd. 4. Continuing safety net program; general.** (a) Each manufacturer shall make a patient assistance program available to any individual who meets the requirements of this subdivision. Each manufacturer's patient assistance programs must meet the requirements of this section. Each manufacturer shall provide the Board of Pharmacy with information regarding the manufacturer's patient assistance program, including contact information for individuals to call for assistance in accessing their patient assistance program.

(b) To be eligible to participate in a manufacturer's patient assistance program, the individual must:

(1) be a Minnesota resident with a valid Minnesota identification card that indicates Minnesota residency in the form of a Minnesota identification card or driver's license or permit. If the individual is under the age of 18, the individual's parent or legal guardian must provide proof of residency;

(2) have a family income that is equal to or less than 400 percent of the federal poverty guidelines;

(3) not be enrolled in medical assistance or MinnesotaCare;

(4) not be eligible to receive health care through a federally funded program or receive prescription drug benefits through the Department of Veterans Affairs; and

(5) not be enrolled in prescription drug coverage through an individual or group health plan that limits the total amount of cost-sharing that an enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance to \$75 or less, regardless of the type or amount of insulin needed.

(c) Notwithstanding the requirement in paragraph (b), clause (4), an individual who is enrolled in Medicare Part D is eligible for a manufacturer's patient assistance program if the individual has spent \$1,000 on prescription drugs in the current calendar year and meets the eligibility requirements in paragraph (b), clauses (1) to (3).

(d) An individual who is interested in participating in a manufacturer's patient assistance program may apply directly to the manufacturer; apply through the individual's health care practitioner, if the practitioner participates; or contact a trained navigator for assistance in finding a long-term insulin supply solution, including assistance in applying to a manufacturer's patient assistance program.

**Subd. 5. Continuing safety net program; manufacturer's responsibilities.** (a) Upon receipt of an application for the manufacturer's patient assistance program, the manufacturer shall process the application and determine eligibility. The manufacturer shall notify the applicant of the determination within ten business days of receipt of the application. If necessary, the manufacturer may request additional information from the applicant. If additional information is needed, the manufacturer must notify the applicant within five business days of receipt of the application as to what information is being requested. Within three business days of the requested information, the manufacturer must determine eligibility and notify the applicant of the determination. If the individual has been determined to be not eligible, the manufacturer must include the reasons for denying eligibility in the notification. The individual may seek an appeal of the determination in accordance with subdivision 8.

(b) If the individual is determined to be eligible, the manufacturer shall provide the individual with an eligibility statement or other indication that the individual has been determined eligible for the manufacturer's patient assistance program. An individual's eligibility is valid for 12 months, and is renewable upon a redetermination of eligibility.

(c) If the eligible individual has prescription drug coverage through an individual or group health plan, the manufacturer may determine that the individual's insulin needs are better addressed through the use of the manufacturer's co-payment assistance program, in which case, the manufacturer shall inform the individual and provide the individual with the necessary coupons to submit to a pharmacy. In no instance shall an eligible individual be required to pay more than the co-payment amount specified under subdivision 6, paragraph (e).

**Subd. 6. Continuing safety net program; process.** (a) The individual shall submit to a pharmacy the statement of eligibility provided by the manufacturer under subdivision 5, paragraph (b). Upon receipt of an individual's eligibility status, the pharmacy shall submit an order containing the name of the insulin product and the daily dosage amount as contained in a valid prescription to the product's manufacturer.

(b) The pharmacy must include with the order to the manufacturer the following information:

(1) the pharmacy's name and shipping address;

(2) office telephone number, fax number, e-mail address, and contact name; and

(3) any specific days or times when deliveries are not accepted by the pharmacy.

(c) Upon receipt of an order from a pharmacy and the information described in paragraph (b), the manufacturer shall send to the pharmacy a 90-day supply of insulin as ordered, unless a lesser amount is requested in the order, at no charge to the individual or pharmacy.

(d) Except as authorized under paragraph (e), the pharmacy shall provide the insulin to the individual at no charge to the individual. The pharmacy shall not provide insulin received from the manufacturer to any individual other than the individual associated with the specific order. The pharmacy shall not seek reimbursement for the insulin received from the manufacturer or from any third-party payer.

(e) The pharmacy may collect a co-payment from the individual to cover the pharmacy's costs for processing and dispensing in an amount not to exceed \$50 for each 90-day supply if the insulin is sent to the pharmacy.

(f) The pharmacy may submit to a manufacturer a reorder for an individual if the individual's eligibility statement has not expired. Upon receipt of a reorder from a pharmacy, the manufacturer must send to the pharmacy an additional 90-day supply of the product, unless a lesser amount is requested, at no charge to the individual or pharmacy if the individual's eligibility statement has not expired.

(g) Notwithstanding paragraph (c), a manufacturer may send the insulin as ordered directly to the individual if the manufacturer provides a mail order service option.

**Subd. 7. Board of Pharmacy and MNsure responsibilities.** (a) The Board of Pharmacy shall develop an information sheet to post on its website and provide a link to the information sheet on the board's website for pharmacies, health care practitioners, hospital emergency departments, urgent care clinics, and community health clinics. The information sheet must contain:

(1) a description of the urgent-need insulin safety net program, including how to access the program;



(2) a description of each insulin manufacturer's patient assistance program and cost-sharing assistance program, including contact information on accessing the assistance programs for each manufacturer;

(3) information on how to contact a trained navigator for assistance in applying for medical assistance, MinnesotaCare, a qualified health plan, or an insulin manufacturer's patient assistance programs;

(4) information on how to contact the Board of Pharmacy if a manufacturer determines that an individual is not eligible for the manufacturer's patient assistance program; and

(5) notification that an individual in need of assistance may contact their local county social service department for more information or assistance in accessing ongoing affordable insulin options.

(b) The board shall also inform each individual who accesses urgent-need insulin through the insulin safety net program or accesses a manufacturer's patient assistance program that the individual may participate in a survey conducted by the Department of Health regarding satisfaction with the program. The board shall provide contact information for the individual to learn more about the survey and how to participate. This information may be included on the information sheet described in paragraph (a).

(c) MNsure, in consultation with the Board of Pharmacy and the commissioner of human services, shall develop a training program for navigators to provide navigators with information and resources necessary to assist individuals in accessing appropriate long-term insulin options.

(d) MNsure, in consultation with the Board of Pharmacy, shall compile a list of navigators who have completed the training program, and who are available to assist individuals in accessing affordable insulin coverage options. The list shall be made available through the board's website and to pharmacies and health care practitioners who dispense and prescribe insulin.

(e) If a navigator assists an individual in accessing an insulin manufacturer's patient assistance program, MNsure, within the available appropriation, shall pay the navigator a onetime application assistance bonus of no less than \$25. If a navigator receives a payment per enrollee of an assistance bonus under section 62V.05, subdivision 4, or 256.962, subdivision 5, the navigator shall not receive compensation under this paragraph.

**Subd. 8. Dispute resolution.** (a) If an individual disagrees with a manufacturer's determination of eligibility under subdivision 5, the individual may contact the Board of Pharmacy to request the use of a three-person panel to review eligibility. The panel shall be composed of three members of the board. The individual requesting the review shall submit to the board, with the request, all documents submitted by the individual to the manufacturer. The board shall provide the panel with the documents submitted by the individual. The panel shall render a decision within ten business days of receipt of all the necessary documents from the individual. The decision of the panel is final.

(b) If the panel determines that the individual is eligible, the manufacturer shall provide the individual with an eligibility statement in accordance with subdivision 5.

**Subd. 9. Additional 30-day urgent-need insulin supply.** (a) If an individual has applied for medical assistance or MinnesotaCare but has not been determined eligible or has been determined eligible but coverage has not become effective or the individual has been determined ineligible for the manufacturers' patient assistance program by the manufacturer and the individual has requested a review pursuant to subdivision 8 but the panel has not rendered a decision, the individual may access urgent-need insulin under subdivision 3 if the individual is in urgent need of insulin as defined under subdivision 2, paragraph (b).

(b) To access an additional 30-day supply of insulin, the individual must attest to the pharmacy that the individual meets the requirements of paragraph (a) and must comply with subdivision 3, paragraph (b).

Subd. 10. **Penalty.** (a) If a manufacturer fails to comply with this section, the board may assess an administrative penalty of \$200,000 per month of noncompliance, with the penalty increasing to \$400,000 per month if the manufacturer continues to be in noncompliance after six months, and increasing to \$600,000 per month if the manufacturer continues to be in noncompliance after one year. The penalty shall remain at \$600,000 per month for as long as the manufacturer continues to be in noncompliance.

(b) In addition, a manufacturer is subject to the administrative penalties specified in paragraph (a) if the manufacturer fails to:

(1) provide a hotline for individuals to call or access between 8 a.m. and 10 p.m. on weekdays and between 10 a.m. and 6 p.m. on Saturdays; and

(2) list on the manufacturer's website the eligibility requirements for the manufacturer's patient assistance programs for Minnesota residents.

(c) Any penalty assessed under this subdivision shall be deposited in a separate insulin assistance account in the special revenue fund.

Subd. 11. **Data.** (a) Any data collected, created, received, maintained, or disseminated by the Board of Pharmacy, the legislative auditor, the commissioner of health, MNsure, or a trained navigator under this section related to an individual who is seeking to access urgent-need insulin or participate in a manufacturer's patient assistance program under this section is classified as private data on individuals as defined in section 13.02, subdivision 2, and may not be retained for longer than ten years.

(b) A manufacturer must maintain the privacy of all data received from any individual applying for the manufacturer's patient assistance program under this section and is prohibited from selling, sharing, or disseminating data received under this section unless required to under this section or the individual has provided the manufacturer with a signed authorization.

Subd. 12. **State and federal anti-kickback provisions.** (a) The conduct of any person or entity participating in or administering the insulin safety net program under this section is not subject to liability under section 62J.23, subdivisions 1 and 2.

(b) No person or entity, including but not limited to any drug manufacturer, pharmacy, pharmacist, or third-party administrator, as part of the person's or entity's participation in or administration of the insulin safety net program established under this section, shall request or seek, or cause another to request or seek, any reimbursement or other compensation for which payment may be made in whole or in part under a federal health care program, as defined in United States Code, title 42, section 1320a-7b(f).

Subd. 13. **Reports.** (a) By February 15 of each year, beginning February 15, 2021, each manufacturer shall report to the Board of Pharmacy the following:

(1) the number of Minnesota residents who accessed and received insulin on an urgent-need basis under this section in the preceding calendar year;

(2) the number of Minnesota residents participating in the manufacturer's patient assistance program in the preceding calendar year, including the number of Minnesota residents who the manufacturer determined were ineligible for their patient assistance program; and

(3) the value of the insulin provided by the manufacturer under clauses (1) and (2).

For purposes of this paragraph, "value" means the wholesale acquisition cost of the insulin provided.

(b) By March 15 of each year, beginning March 15, 2021, the Board of Pharmacy shall submit the information reported in paragraph (a) to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance. The board shall also include in the report any administrative penalties assessed under subdivision 10, including the name of the manufacturer and amount of the penalty assessed.

Subd. 14. **Program review; legislative auditor.** (a) The legislative auditor is requested to conduct a program review to determine:

(1) whether the manufacturers are meeting the responsibilities required under this section, including but not limited to:

(i) reimbursing pharmacies for urgent-need insulin dispensed under subdivision 3;

(ii) determining eligibility in a timely manner and notifying the individuals as required under subdivision 5; and

(iii) providing pharmacies with insulin product under the manufacturers' patient assistance program; and

(2) whether the training program developed for navigators is adequate and easily accessible for navigators interested in becoming trained, and that there is a sufficient number of trained navigators to provide assistance to individuals in need of assistance.

(b) The legislative auditor may access application forms retained by pharmacies under subdivision 3, paragraph (g), to determine whether urgent-need insulin is being dispensed in accordance with this section.

Subd. 15. **Program satisfaction; surveys.** (a) The commissioner of health, in consultation with the Board of Pharmacy and individuals who are insulin-dependent, shall develop and conduct a survey of individuals who have accessed urgent-need insulin through the program and who are accessing or have accessed a manufacturers' patient assistance program since the commencement of the insulin safety net program; and a survey of pharmacies that have dispensed insulin on an urgent-need basis under the program and have participated in the manufacturers' patient assistance programs under this section.

(b) The survey for individuals shall cover overall satisfaction with the program, including but not limited to:

(1) accessibility to urgent-need insulin;

(2) adequacy of the information sheet and list of navigators received from the pharmacy;

(3) whether the individual contacted a trained navigator and, if so, if the navigator was helpful and knowledgeable;

(4) whether the individual accessed the manufacturers' patient assistance program and, if so, how easy was it to access application forms, apply to the manufacturers' programs, and receive the insulin product from the pharmacy; and

(5) whether the individual is still in need of a long-term solution for affordable insulin.

(c) The survey for the pharmacies shall include, but is not limited to:

(1) timeliness of reimbursement from the manufacturers for urgent-need insulin dispensed by the pharmacy;

(2) ease in submitting insulin product orders to the manufacturers; and

(3) timeliness of receiving insulin orders from the manufacturers.

(d) The commissioner may contract with a nonprofit entity to develop and conduct the survey and to evaluate the survey results.

(e) By January 15, 2022, the commissioner shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance containing the results of the surveys.

**Subd. 16. Legislative review; sunset.** (a) The legislature shall review the reports from the Board of Pharmacy under subdivision 13, paragraph (b); the program review by the legislative auditor under subdivision 14; and the report from the commissioner of health on the survey results under subdivision 15, paragraph (e); and any other relevant information related to the cost, access, and affordability of insulin, and make a determination on whether there is a need for the continued implementation of the long-term safety net program described in subdivisions 4 to 6 to ensure that Minnesota residents have access to affordable emergency and long-term insulin or whether the market has sufficiently changed to where the continuation of this program is no longer needed past December 31, 2024, or whether there are more appropriate options available to ensure access to affordable insulin for all Minnesota residents.

(b) Subdivisions 4 to 6, 8, and 9 expire December 31, 2024, unless the legislature affirmatively determines the need for the continuation of the long-term safety net program described in subdivisions 4 to 6.

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

Sec. 5. Minnesota Statutes 2019 Supplement, section 214.122, is amended to read:

**214.122 INFORMATION PROVISION; PHARMACEUTICAL ASSISTANCE PROGRAMS.**

(a) The Board of Medical Practice and the Board of Nursing shall at least annually inform licensees who are authorized to prescribe prescription drugs of the availability of the Board of Pharmacy's website that contains information on resources and programs to assist patients with the cost of prescription drugs. The boards shall provide licensees with the website address established by the Board of Pharmacy under section 151.06, subdivision 6, and the materials described under section 151.06, subdivision 6, paragraph (b). The boards shall also ensure that licensees are provided with information on the insulin safety net program established in section 151.74, and a link to the Board of Pharmacy's information sheet on how patients can apply for the program.

(b) Licensees must make available to patients information on sources of lower cost prescription drugs, including information on the availability of the website established by the Board of Pharmacy under section 151.06, subdivision 6.

Sec. 6. **PUBLIC AWARENESS CAMPAIGN.**

The Board of Directors of MNsure shall conduct a public awareness campaign to create awareness of the insulin safety net program established under Minnesota Statutes, section 151.74, including how to access insulin if an individual is in urgent need, and the availability of insulin manufacturers' patient assistance programs.

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

Sec. 7. **SEVERABILITY.**

If any provision of this act is found to be unconstitutional or void, the remaining provisions of this act are valid.

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

Sec. 8. **APPROPRIATIONS.**

(a) \$297,000 is appropriated in fiscal year 2020 from the health care access fund to the Board of Directors of MNsure to train navigators to assist individuals and provide compensation as required under Minnesota Statutes, section 151.74, subdivision 7. Of this appropriation, \$108,000 is for implementing the training requirements for navigators and \$189,000 is for application assistance bonus payments. This is a onetime appropriation and is available until December 31, 2024.

(b) \$250,000 is appropriated in fiscal year 2020 from the health care access fund to the Board of Directors of MNsure for a public awareness campaign for the insulin safety net program established under Minnesota Statutes, section 151.74. This is a onetime appropriation and is available until December 31, 2024.

(c) \$76,000 is appropriated in fiscal year 2021 from the health care access fund to the Board of Pharmacy to implement Minnesota Statutes, section 151.74. The base for this appropriation is \$76,000 in fiscal year 2022; \$76,000 in fiscal year 2023; \$76,000 in fiscal year 2024; \$38,000 in fiscal year 2025; and \$0 in fiscal year 2026.

(d) \$136,000 in fiscal year 2021 is appropriated from the health care access fund to the commissioner of health to implement the survey to assess program satisfaction in Minnesota Statutes, section 151.74, subdivision 12. The base for this appropriation is \$80,000 in fiscal year 2022 and \$0 in fiscal year 2023. This is a onetime appropriation.

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

Delete the title and insert:

"A bill for an act relating to health care; requiring a dependent child notice; establishing the Alec Smith Insulin Affordability Act; requiring reports; requiring a public awareness campaign; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 214.122; proposing coding for new law in Minnesota Statutes, chapters 62Q; 151."

We request the adoption of this report and repassage of the bill.

House Conferees: MICHAEL HOWARD, TINA LIEBLING, KELLY MORRISON and TONY ALBRIGHT.

Senate Conferees: SCOTT JENSEN, MICHELLE BENSON, ERIC PRATT, JULIE ROSEN and MELISSA WIKLUND.

Howard moved that the report of the Conference Committee on H. F. No. 3100 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3100, A bill for an act relating to health care; establishing an emergency insulin program; establishing a Minnesota insulin patient assistance program; requiring participation by pharmacies and insulin manufacturers; requiring reports; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 151.252, subdivision 1; 214.122; proposing coding for new law in Minnesota Statutes, chapters 16B; 62Q; 62V; 151.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 111 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hassan	Lillie	Nornes	Schultz
Albright	Dehn	Hausman	Lippert	Novotny	Stephenson
Anderson	Demuth	Her	Lislegard	Olson	Sundin
Backer	Dettmer	Hornstein	Long	O'Neill	Tabke
Bahner	Ecklund	Howard	Lueck	Pelowski	Theis
Baker	Edelson	Huot	Mahoney	Persell	Torkelson
Becker-Finn	Elkins	Jordan	Mann	Petersburg	Urdahl
Bennett	Erickson	Jurgens	Mariani	Pierson	Vang
Bernardy	Fischer	Klevorn	Marquart	Pinto	Wagenius
Bierman	Franson	Koegel	Masin	Poppe	Wazlawik
Boe	Freiberg	Kotyza-Witthuhn	McDonald	Poston	West
Brand	Garofalo	Koznick	Miller	Pryor	Winkler
Cantrell	Gomez	Kresha	Moller	Quam	Wolgammott
Carlson, A.	Gruenhagen	Kunesh-Podein	Moran	Richardson	Xiong, J.
Carlson, L.	Gunther	Layman	Morrison	Robbins	Youakim
Christensen	Haley	Lee	Murphy	Sandell	Spk. Hortman
Clafin	Halverson	Lesch	Nelson, M.	Sandstede	
Considine	Hamilton	Liebling	Nelson, N.	Sauke	
Davids	Hansen	Lien	Noor	Schomacker	

Those who voted in the negative were:

Bahr	Fabian	Heintzeman	Lucero	Neu	Swedzinski
Daniels	Green	Hertaus	Mekeland	O'Driscoll	Vogel
Daudt	Grossell	Johnson	Munson	Runbeck	
Drazkowski	Heinrich	Kiel	Nash	Scott	

The bill was repassed, as amended by Conference, and its title agreed to.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Poppe introduced:

H. F. No. 4538, A bill for an act relating to agriculture; establishing a farm safety grant and outreach program; increasing funding for farm and rural mental health services; making policy and technical changes to various agriculture-related provisions including provisions related to farm products, loans, and food; appropriating money; amending Minnesota Statutes 2018, sections 27.001; 27.01; 27.03, subdivisions 3, 4; 27.0405, subdivision 1; 27.06;

27.07; 27.08; 27.09; 27.10; 27.11; 27.13; 27.131; 27.133; 27.137, subdivisions 5, 7, 9, 10; 27.138; 27.19, subdivision 1; 31.175; 41B.056, subdivision 4; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 2018, sections 13.6435, subdivision 5; 27.03, subdivision 1; 27.04; 27.041.

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

Hornstein introduced:

H. F. No. 4539, A bill for an act relating to transportation finance; providing additional funding for certain transportation and public safety activities; modifying various provisions governing transportation policy and finance; establishing penalties; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 161.23, subdivisions 2, 2a; 161.44, subdivisions 6a, 6b; 168.012, subdivision 1c; 168.27, subdivision 16; 169.09, subdivisions 5, 13; 216D.01, subdivision 5; 216D.03, by adding a subdivision; 216D.06, subdivision 1; 219.015, subdivisions 1, 2; 219.1651; 221.0314, subdivision 3a; 299D.03, subdivision 5; 299F.60, subdivision 1; 299J.16, subdivision 1; 360.013, by adding subdivisions; 360.018, by adding a subdivision; 360.55, by adding a subdivision; 360.59, subdivision 10; 360.62; Minnesota Statutes 2019 Supplement, sections 169.86, subdivision 5; 360.024, subdivision 1; Laws 2010, chapter 351, section 69; proposing coding for new law in Minnesota Statutes, chapters 169; 216F; 360; 473; repealing Minnesota Statutes 2018, section 169.09, subdivision 7.

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

Mariani introduced:

H. F. No. 4540, A bill for an act relating to public safety; modifying certain provisions relating to sexual assault examination kits, background checks, and Board of Public Defense; appropriating money for the supreme court, corrections, sentencing guidelines, and public safety; transferring funds to disaster contingency account; amending Minnesota Statutes 2018, sections 244.19, subdivision 5; 299C.106, subdivision 3, by adding subdivisions; 299C.46, subdivision 3; 611.27, subdivisions 9, 10, 11, 13, 15; Minnesota Statutes 2019 Supplement, section 477A.03, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Hausman and Howard introduced:

H. F. No. 4541, A bill for an act relating to housing; providing eviction and mortgage foreclosure protection and emergency housing assistance during a public health emergency; requiring a report; prescribing penalties for false statements; appropriating money.

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

Davnie introduced:

H. F. No. 4542, A bill for an act relating to education finance; making forecast adjustments to funding for general education, education excellence, teachers, special education, facilities, fund transfers, and accounting, nutrition and libraries, early childhood, and community education and lifelong learning; clarifying the responsibilities for the Department of Education and Department of Labor and Industry for construction and skills trades career counseling services; clarifying the operation referendum calculation; clarifying the appropriation for

the Grow Your Own program; adjusting base appropriations; amending Minnesota Statutes 2018, section 126C.17, subdivision 7b; Minnesota Statutes 2019 Supplement, section 126C.17, subdivision 2; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivisions 2, 3, 4, 6, 7, 9; article 2, section 33, subdivisions 2, 3, 4, 5, 6, 16; article 3, section 23, subdivisions 3, 6; article 4, section 11, subdivisions 2, 3, 4, 5; article 6, section 7, subdivisions 2, 3, 6; article 7, section 1, subdivisions 2, 3, 4; article 8, section 13, subdivisions 5, 6, 14; article 9, section 3, subdivisions 2, 8; article 10, sections 5, subdivision 2; 6; 7; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Green introduced:

H. F. No. 4543, A bill for an act relating to local government; transportation; requiring temporary halt to public transit in metropolitan area during a public health emergency.

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

Green introduced:

H. F. No. 4544, A bill for an act relating to civil actions; requiring state agencies to pay disbursements to prevailing defendants; amending Minnesota Statutes 2018, section 549.04.

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

Green introduced:

H. F. No. 4545, A bill for an act relating to civil actions; creating immunity defense for manufacturers producing COVID-19 products; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Green introduced:

H. F. No. 4546, A bill for an act relating to local government; transportation; requiring temporary halt to all nonessential travel in the metropolitan transit area during a public health emergency.

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

Gruenhagen introduced:

H. F. No. 4547, A bill for an act relating to health; modifying requirements for information on patient medical bills; establishing health care price transparency requirements; amending Minnesota Statutes 2018, sections 62J.701; 62J.72, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62J.

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



Gruenhagen introduced:

H. F. No. 4548, A bill for an act relating to health care; establishing requirements for health care providers whose act or omission causes a health-care-associated infection; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Gruenhagen introduced:

H. F. No. 4549, A bill for an act relating to health; modifying requirements for information on patient medical bills; amending Minnesota Statutes 2018, sections 62J.701; 62J.72, subdivision 3.

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

Sauke introduced:

H. F. No. 4550, A bill for an act relating to capital investment; appropriating money for reconstruction of interchange at County Road 104 and marked Trunk Highway 14 in Olmsted County; authorizing the sale and issuance of state bonds.

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

Bahr introduced:

H. F. No. 4551, A bill for an act relating to state government; prohibiting state agencies and the Metropolitan Council from soliciting or obtaining certain cellular telephone data; requiring the destruction of existing data; proposing coding for new law in Minnesota Statutes, chapters 15; 473.

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

Nelson, M., introduced:

H. F. No. 4552, A bill for an act relating to state government; applying a freeze on full-time equivalent positions in executive branch state agencies.

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

Bernardy introduced:

H. F. No. 4553, A bill for an act relating to higher education; amending certain institutional approval provisions; establishing and increasing fees; amending Minnesota Statutes 2018, sections 136A.103; 136A.65, subdivisions 4, 7, 8; 136A.653, subdivision 1; 136A.657, subdivisions 1, 2; 136A.658; 136A.675; 136A.69, subdivisions 1, 4, by adding a subdivision; 136A.824, subdivision 4, by adding a subdivision; 136A.829, subdivision 1; 136A.833, subdivision 1; 136A.834, subdivision 2; Minnesota Statutes 2019 Supplement, sections 136A.64, subdivision 1; 136A.646; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Hansen introduced:

H. F. No. 4554, A bill for an act relating to state government; appropriating money for environment and natural resources; creating soil and water conservation fund; modifying state park permit provisions; modifying provisions for conveying state land interests; modifying provisions for closed landfill investment fund; reestablishing Advisory Council on Water Supply Systems and Wastewater Treatment Facilities; modifying provisions for riparian protection aid; modifying prior appropriations; authorizing sales of certain surplus state land; requiring rulemaking; amending Minnesota Statutes 2018, sections 16A.531, by adding a subdivision; 84.63; 85.053, by adding a subdivision; 92.502; 115B.421; 477A.21, subdivisions 2, 4; Laws 2019, First Special Session chapter 4, article 1, section 2, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapters 84; 92; 115.

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

Davnie introduced:

H. F. No. 4555, A bill for an act relating to education finance; providing supplemental funding for prekindergarten through grade 12 education; modifying provisions for general education, education excellence, special education, health and safety, early childhood, community education and lifelong learning, and state agencies; making forecast adjustments; appropriating money; requiring reports; amending Minnesota Statutes 2018, sections 119A.52; 120B.021, subdivision 1; 122A.415, by adding a subdivision; 124D.231; 126C.15, subdivisions 1, 5; 126C.17, subdivision 7b; 126C.44; 134.355, subdivisions 8, 10; Minnesota Statutes 2019 Supplement, sections 122A.21, by adding a subdivision; 126C.17, subdivision 2; Laws 2017, First Special Session chapter 5, article 8, section 8, as amended; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivisions 2, 3, 4, 6, 7, 9; article 2, section 33, subdivisions 2, 3, 4, 5, 6, 16; article 3, section 23, subdivisions 3, 6; article 4, section 11, subdivisions 2, 3, 4, 5; article 6, section 7, subdivisions 2, 3, 6; article 7, section 1, subdivisions 2, 3, 4; article 8, section 13, subdivisions 4, 5, 6, 14; article 9, section 3, subdivisions 2, 8; article 10, sections 5, subdivision 2; 6; 7; 8; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Winkler introduced:

H. F. No. 4556, A bill for an act relating to state government; providing for COVID-19 policy and certain other policy changes; extending certain deadlines; covering certain COVID-19 health expenses; providing temporary emergency authority; expanding usage of electronic communication, applications, and signatures; appropriating additional money for grants to Second Harvest Heartland to purchase commodities from Minnesota farmers; modifying certain vehicle registration provisions; allowing nonposting of tax delinquency and suspension of nondelivery of liquor or beer related to delinquency; modifying certain treatment provisions; correcting errors in health and human services appropriations; making forecast adjustments; requiring reports; amending Minnesota Statutes 2018, sections 168.013, by adding a subdivision; 245F.03; 245F.04, by adding a subdivision; 254B.03, subdivision 1; 299C.46, subdivision 3; Minnesota Statutes 2019 Supplement, sections 13D.02, subdivision 1; 168.013, subdivision 1a; 254A.03, subdivision 3; 256B.0759, subdivisions 3, 4; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 5; Laws 2019, First Special Session chapter 9, article 14, section 2, subdivisions 2, 24, 30, 31, by adding a subdivision; Laws 2020, chapter 71, article 2, section 15, subdivision 3, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524; 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.

## DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Winkler moved that the rule therein be suspended and an urgency be declared and that the rules of the House be so far suspended so that H. F. No. 4556 be given its second and third readings and be placed upon its final passage.

The question was taken on the Winkler motion and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hansen	Liebling	Nelson, N.	Sauke
Albright	Dehn	Hassan	Lien	Neu	Schomacker
Anderson	Demuth	Hausman	Lillie	Noor	Schultz
Backer	Dettmer	Heinrich	Lippert	Nornes	Scott
Bahner	Drazkowski	Heintzeman	Lislegard	Novotny	Stephenson
Bahr	Ecklund	Her	Long	O'Driscoll	Sundin
Baker	Edelson	Hertaus	Lueck	Olson	Swedzinski
Becker-Finn	Elkins	Hornstein	Mahoney	O'Neill	Tabke
Bennett	Erickson	Huot	Mann	Pelowski	Theis
Bernardy	Fabian	Johnson	Mariani	Persell	Torkelson
Bierman	Fischer	Jordan	Marquart	Petersburg	Urdahl
Boe	Franson	Jurgens	Masin	Pierson	Vang
Brand	Freiberg	Kiel	McDonald	Pinto	Vogel
Cantrell	Garofalo	Klevorn	Mekeland	Poppe	Wagenius
Carlson, A.	Gomez	Koegel	Miller	Poston	Wazlawik
Carlson, L.	Green	Kotyza-Witthuhn	Moller	Pryor	West
Christensen	Grossell	Koznick	Moran	Quam	Winkler
Clafin	Gruenhagen	Kresha	Morrison	Richardson	Wolgamott
Considine	Gunther	Kunesh-Podein	Munson	Robbins	Xiong, J.
Daniels	Haley	Layman	Murphy	Runbeck	Youakim
Daudt	Halverson	Lee	Nash	Sandell	Spk. Hortman
Dauids	Hamilton	Lesch	Nelson, M.	Sandstede	

Those who voted in the negative were:

Lucero

The motion prevailed.

H. F. No. 4556 was read for the second time.

Drazkowski moved to amend H. F. No. 4556 as follows:

Page 11, delete lines 27 to 29

ReNUMBER the clauses

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

H. F. No. 4556, A bill for an act relating to state government; providing for COVID-19 policy and certain other policy changes; extending certain deadlines; covering certain COVID-19 health expenses; providing temporary emergency authority; expanding usage of electronic communication, applications, and signatures; appropriating additional money for grants to Second Harvest Heartland to purchase commodities from Minnesota farmers; modifying certain vehicle registration provisions; allowing nonposting of tax delinquency and suspension of nondelivery of liquor or beer related to delinquency; modifying certain treatment provisions; correcting errors in health and human services appropriations; making forecast adjustments; requiring reports; amending Minnesota Statutes 2018, sections 168.013, by adding a subdivision; 245F.03; 245F.04, by adding a subdivision; 254B.03, subdivision 1; 299C.46, subdivision 3; Minnesota Statutes 2019 Supplement, sections 13D.02, subdivision 1; 168.013, subdivision 1a; 254A.03, subdivision 3; 256B.0759, subdivisions 3, 4; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 5; Laws 2019, First Special Session chapter 9, article 14, section 2, subdivisions 2, 24, 30, 31, by adding a subdivision; Laws 2020, chapter 71, article 2, section 15, subdivision 3, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524; 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 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 103 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Acomb	Dehn	Howard	Lislegard	O'Driscoll	Theis
Anderson	Demuth	Huot	Long	Olson	Torkelson
Backer	Dettmer	Johnson	Lueck	Pelowski	Urdahl
Bahner	Ecklund	Jordan	Mahoney	Persell	Vang
Baker	Edelson	Jurgens	Mann	Petersburg	Wagenius
Becker-Finn	Elkins	Kiel	Mariani	Pinto	Wazlawik
Bernardy	Fabian	Klevorn	Marquart	Poppe	West
Bierman	Fischer	Koegel	Masin	Poston	Winkler
Boe	Freiberg	Kotyza-Witthuhn	Moller	Pryor	Wolgamott
Brand	Gomez	Kresha	Moran	Richardson	Xiong, J.
Cantrell	Haley	Kunesh-Podein	Morrison	Sandell	Xiong, T.
Carlson, A.	Halverson	Layman	Murphy	Sandstede	Youakim
Carlson, L.	Hamilton	Lee	Nelson, M.	Sauke	Spk. Hortman
Christensen	Hansen	Lesch	Nelson, N.	Schomacker	
Clafin	Hassan	Liebling	Neu	Schultz	
Considine	Hausman	Lien	Noor	Stephenson	
Daudt	Her	Lillie	Nornes	Sundin	
Davnie	Hornstein	Lippert	Novotny	Tabke	

Those who voted in the negative were:

Albright	Erickson	Gunther	McDonald	Pierson	Vogel
Bahr	Franson	Heinrich	Mekeland	Quam	
Bennett	Garofalo	Heintzeman	Miller	Robbins	
Daniels	Green	Hertaus	Munson	Runbeck	
Davids	Grossell	Koznick	Nash	Scott	
Drazkowski	Gruenhagen	Lucero	O'Neill	Swedzinski	

The bill was passed and its title agreed to.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 4537, A bill for an act relating to workers' compensation; providing a presumption for COVID-19 workers' compensation claims for certain employees; requiring a report; authorizing extension of the implementation date of the CAMPUS system; amending Minnesota Statutes 2018, section 176.011, subdivision 15.

CAL R. LUDEMAN, Secretary of the Senate

Madam Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 5, A House concurrent resolution relating to adjournment of the House of Representatives and Senate until the public interest warrants it.

CAL R. LUDEMAN, Secretary of the Senate

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

**MOTIONS AND RESOLUTIONS**

Howard moved that the names of Her and Pinto be added as authors on H. F. No. 3205. The motion prevailed.

Acomb moved that the name of Bierman be added as an author on H. F. No. 3318. The motion prevailed.

Schultz moved that the name of Robbins be added as an author on H. F. No. 3402. The motion prevailed.

Hornstein moved that the name of Fischer be added as an author on H. F. No. 3837. The motion prevailed.

Sundin moved that the name of Bierman be added as an author on H. F. No. 4249. The motion prevailed.

Davnie moved that the names of Bahner and Acomb be added as authors on H. F. No. 4415. The motion prevailed.

Hansen moved that the names of Lien, Moran and Her be added as authors on H. F. No. 4514. The motion prevailed.

Wolgamott moved that the names of Christensen and Sandstede be added as authors on H. F. No. 4515. The motion prevailed.

Wolgamott moved that the names of Becker-Finn and Cantrell be added as authors on H. F. No. 4537. The motion prevailed.

Hortman introduced:

House Concurrent Resolution No. 6, A House concurrent resolution relating to the peacetime emergency declared by Governor Tim Walz by Executive Order 20-01.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Winkler introduced:

House Concurrent Resolution No. 7, A House concurrent resolution relating to adjournment of the House of Representatives and Senate until the public interest warrants reconvening.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Drazkowski, Bahr, Munson, Miller and Lucero introduced:

House Concurrent Resolution No. 8, A House concurrent resolution relating to Minnesota's peacetime emergency; terminating the peacetime emergency pursuant to the authority granted under Minnesota Statutes, section 12.31, subdivision 2, paragraph (b).

#### MOTION TO SUSPEND RULES

Drazkowski moved that the rules be so far suspended so that House Concurrent Resolution No. 8 be now considered and be placed upon its adoption. The motion did not prevail.

House Concurrent Resolution No. 8 was referred to the Committee on Rules and Legislative Administration.

Daudt introduced:

House Concurrent Resolution No. 9, A House concurrent resolution relating to Executive Orders 20-01 and 20-35; terminating a peacetime emergency declaration.

#### MOTION TO SUSPEND RULES

Daudt moved that the rules be so far suspended so that House Concurrent Resolution No. 9 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the Daudt motion and the roll was called. There were 57 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

House Concurrent Resolution No. 9 was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 12:00 noon, Friday, April 17, 2020. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Friday, April 17, 2020.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

