

## STATE OF MINNESOTA

## NINETY-FIRST SESSION — 2019

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 THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 23, 2019

The House of Representatives convened at 9:00 a.m. and was called to order by Melissa Hortman, Speaker of the House.

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

A quorum was present.

Kiel was excused until 6:25 p.m.

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

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 12, 2019

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 Files:

H. F. No. 608, relating to local government; amending the St. Louis County Civil Service Commission; making technical changes; removing obsolete language.

H. F. No. 50, relating to transportation; prohibiting use of cell phones while driving under specified circumstances.

H. F. No. 679, relating to human services; amending the effective date for children's residential treatment payment provisions; appropriating money.

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 Acts of the 2019 Session of the State Legislature have been received from the Office of the Governor and are 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 2019</i>	<i>Date Filed 2019</i>
131		7	3:10 p.m. April 11	April 11
584		8	3:10 p.m. April 11	April 11
	608	9	1:35 p.m. April 12	April 12
1339		10	3:39 p.m. April 12	April 12
	50	11	10:23 a.m. April 12	April 12
	679	12	1:35 p.m. April 12	April 12

Sincerely,

STEVE SIMON  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 1487, A bill for an act relating to elections; making technical and policy changes to provisions related to elections administration including provisions related to voting, voter registration, polling places, ballots, recounts, contests, candidates, and various other election-related provisions; amending Minnesota Statutes 2018, sections 5B.06; 201.071, subdivisions 1, 2, 3, 8; 201.12, subdivision 2; 201.121, subdivision 3; 201.13, subdivision 3; 201.1611, subdivision 1; 201.225, subdivision 2; 202A.16, subdivision 1; 203B.04, subdivision 1; 203B.081, subdivisions 1, 2; 203B.12, subdivision 7; 203B.121, subdivision 4; 203B.16, subdivision 2; 203B.24, subdivision 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 3; 204B.16, subdivision 1; 204B.19, subdivision 6; 204B.21, subdivision 2; 204B.36, subdivision 2; 204B.45, subdivision 2; 204B.46; 204C.05, subdivisions 1a, 1b; 204C.21, subdivision 1; 204C.27; 204C.33, subdivision 3; 204C.35, subdivision 3, by adding a subdivision; 204C.36, subdivision 1; 204D.08, subdivision 4; 204D.13, subdivision 1; 204D.27, subdivision 5; 204D.28, subdivisions 9, 10; 205.13, subdivision 5; 205A.10, subdivision 5; 205A.12, subdivision 5; 206.89, subdivisions 4, 5; 206.90, subdivision 6; 207A.12; 207A.14, subdivision 2; 209.021, subdivision 2; 211B.11, subdivision 1; 367.03, subdivision 6; 367.25, subdivision 1; 412.02, subdivision 2a; 447.32, subdivision 4.

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

The report was adopted.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 1543, A bill for an act relating to human services; modifying background study set aside criteria; amending Minnesota Statutes 2018, sections 144.057, subdivision 3; 245C.02, by adding a subdivision; 245C.22, subdivisions 4, 5.

Reported the same back with the following amendments:

Page 3, after line 3, insert:

"(4) the individual is not disqualified for convictions of the following offenses: sections 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.498, subdivision 1 or 1b (tampering with a witness in the first degree or aggravated first-degree tampering with a witness); and repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty);"

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

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

Page 3, line 11, delete "(6)" and insert "(7)"

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

The report was adopted.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 1581, A bill for an act relating to agriculture; appropriating money for farmer mental health counseling; canceling an appropriation.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **CANCELLATION.**

Of the amount appropriated to the commissioner of agriculture for the agricultural growth, research, and innovation program for fiscal year 2019 in Laws 2017, chapter 88, article 1, section 2, subdivision 4, \$100,000 is canceled to the general fund.

Sec. 2. **APPROPRIATION.**

(a) \$100,000 in fiscal year 2019 is appropriated from the general fund to the commissioner of agriculture for the following purposes:

(1) \$15,000 is for transfer to the Board of Trustees of the Minnesota State Colleges and Universities to increase compensation for the counselor currently providing statewide mental health counseling support to farm families and business operators through the Minnesota State Agricultural Centers of Excellence. South Central College and Central Lakes College shall serve as the fiscal agents;

(2) \$40,000 is for transfer to the Board of Trustees of the Minnesota State Colleges and Universities to provide additional statewide mental health counseling support to farm families and business operators through the Minnesota State Agricultural Centers of Excellence. South Central College and Central Lakes College shall serve as the fiscal agents;



Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>88,541,000</u>	<u>92,092,000</u>
<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. <b>Senate</b></u>	<u>32,105,000</u>	<u>32,105,000</u>
<u>Subd. 3. <b>House of Representatives</b></u>	<u>37,420,000</u>	<u>38,857,000</u>
<u>Subd. 4. <b>Legislative Coordinating Commission</b></u>	<u>19,144,000</u>	<u>21,258,000</u>

Appropriations by Fund

<u>General</u>	<u>19,016,000</u>	<u>21,130,000</u>
<u>Health Care Access</u>	<u>128,000</u>	<u>128,000</u>

(a) \$161,000 the first year and \$156,000 the second year are to support the Office on the Economic Status of Women and other duties under Minnesota Statutes, section 3.303, subdivision 7.

(b) \$140,000 the first year and \$1,039,000 the second year are to implement the accessibility standards established in Minnesota Statutes, section 3.199, including support for the working group on the legislature's accessibility measures established in article 2. The base for this appropriation is \$780,000 each year beginning in fiscal year 2022.

(c) \$218,000 the second year is for the Redistricting Advisory Commission established in Minnesota Statutes, section 2.032. The base for the commission is \$190,000 in fiscal year 2022 and \$0 in fiscal year 2023.

(d) \$135,000 the first year and \$130,000 the second year are for the Legislative Commission on Data Practices and Personal Data Privacy.

(e) \$10,000 each year is for purposes of the legislators' forum, through which Minnesota legislators meet with counterparts from South Dakota, North Dakota, and Manitoba to discuss issues of mutual concern.

**Legislative Auditor.** \$7,205,000 the first year and \$7,596,000 the second year are for the Office of the Legislative Auditor.

**Revisor of Statutes.** \$6,768,000 the first year and \$7,207,000 the second year are for the Office of the Revisor of Statutes.

**Legislative Reference Library.** \$1,664,000 the first year and \$1,775,000 the second year are for the Legislative Reference Library.

Sec. 3. **GOVERNOR AND LIEUTENANT GOVERNOR** **\$3,972,000** **\$3,972,000**

(a) This appropriation is to fund the Office of the Governor and Lieutenant Governor.

(b) \$350,000 each year is for the Office of Public Engagement.

(c) Up to \$19,000 each year is for necessary expenses in the normal performance of the governor's and lieutenant governor's duties for which no other reimbursement is provided.

Sec. 4. **STATE AUDITOR** **\$10,669,000** **\$10,943,000**

Sec. 5. **ATTORNEY GENERAL** **\$26,681,000** **\$27,740,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>23,822,000</u>	<u>24,824,000</u>
<u>State Government Special</u>		
<u>Revenue</u>	<u>2,464,000</u>	<u>2,521,000</u>
<u>Environmental</u>	<u>145,000</u>	<u>145,000</u>
<u>Remediation</u>	<u>250,000</u>	<u>250,000</u>

Sec. 6. **SECRETARY OF STATE** **\$7,525,000** **\$7,411,000**

\$163,000 the first year is transferred from the general fund to the Help America Vote Act account under Minnesota Statutes, section 5.30, and is credited to the state match requirement of the Omnibus Appropriations Act of 2018, Public Law 115-1410, and the Help America Vote Act of 2002, Public Law 107-252, section 101. This is a onetime appropriation.

Sec. 7. **CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD** **\$1,173,000** **\$1,123,000**

\$50,000 the first year is for updates to the Campaign Finance Reporter application. This is a onetime appropriation.

Sec. 8. **STATE BOARD OF INVESTMENT** **\$139,000** **\$139,000**

Sec. 9. **ADMINISTRATIVE HEARINGS** **\$8,231,000** **\$8,231,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>400,000</u>	<u>400,000</u>
<u>Workers' Compensation</u>	<u>7,831,000</u>	<u>7,831,000</u>

\$263,000 each year is for municipal boundary adjustments.

Sec. 10. **OFFICE OF MN.IT SERVICES****\$17,379,000****\$12,079,000**

(a) \$12,650,000 the first year and \$7,350,000 the second year are for enhancements to cybersecurity across state government. The base for this appropriation in fiscal years 2022 and 2023 is \$7,347,000 each year.

(b) \$2,050,000 each year is to expand the state information technology project portfolio and project management oversight across state government. The base for this appropriation in fiscal years 2022 and 2023 is \$1,200,000 each year.

(c) The commissioner of management and budget is authorized to provide cash flow assistance of up to \$50,000,000 from the special revenue fund or other statutory general funds as defined in Minnesota Statutes, section 16A.671, subdivision 3, paragraph (a), to the Office of MN.IT Services for the purpose of managing revenue and expenditure differences. These funds shall be repaid with interest by the end of the fiscal year 2021 closing period.

(d) During the biennium ending June 30, 2021, the Office of MN.IT Services must not charge fees to a public noncommercial educational television broadcast station eligible for funding under Minnesota Statutes, chapter 129D, for access to state broadcast infrastructure. If the access fees not charged to public noncommercial educational television broadcast stations total more than \$400,000 for the biennium, the office may charge for access fees in excess of that amount.

Sec. 11. **ADMINISTRATION**Subdivision 1. **Total Appropriation****\$28,826,000****\$25,661,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Government and Citizen Services****11,983,000****10,013,000**

(a) \$100,000 each year is for website accessibility grants under Minnesota Statutes, section 16B.90.

(b) \$30,000 the second year is for the Capitol flag program established in Minnesota Statutes, section 16B.276. This is a onetime appropriation and is available until June 30, 2023.

**Council on Developmental Disabilities.** \$74,000 each year is for the Council on Developmental Disabilities.

**Office of State Procurement.** \$2,862,000 each year is for the Office of State Procurement.

Of this amount, \$441,000 each year is for the state match to the Procurement Technical Assistance Center. This is a onetime appropriation. The base for the Office of State Procurement is \$2,421,000 in fiscal year 2022 and each year thereafter.

**State Demographer.** \$2,739,000 the first year and \$739,000 the second year are for the state demographer. Of this amount, \$2,000,000 the first year is for Minnesota Census 2020 mobilization, including the grant program required under article 2.

**State Historic Preservation Office.** \$527,000 each year is for the State Historic Preservation Office.

Subd. 3. <b><u>Strategic Management Services</u></b>	<u>2,671,000</u>	<u>2,651,000</u>
Subd. 4. <b><u>Fiscal Agent</u></b>	<u>14,172,000</u>	<u>12,997,000</u>

**In-Lieu of Rent.** \$9,391,000 each year is for space costs of the legislature and veterans organizations, ceremonial space, and statutorily free space.

**Public Television.** (a) \$1,550,000 each year is for matching grants for public television.

(b) \$250,000 each year is for public television equipment grants under Minnesota Statutes, section 129D.13.

(c) The commissioner of administration must consider the recommendations of the Minnesota Public Television Association before allocating the amounts appropriated in paragraphs (a) and (b) for equipment or matching grants.

**Public Radio.** (a) \$492,000 each year is for community service grants to public educational radio stations. This appropriation may be used to disseminate emergency information in foreign languages.

(b) \$142,000 each year is for equipment grants to public educational radio stations. This appropriation may be used for the repair, rental, and purchase of equipment including equipment under \$500.

(c) \$510,000 each year is for equipment grants to Minnesota Public Radio, Inc., including upgrades to Minnesota's Emergency Alert and AMBER Alert Systems.

(d) The appropriations in paragraphs (a) to (c) may not be used for indirect costs claimed by an institution or governing body.

(e) The commissioner of administration must consider the recommendations of the Association of Minnesota Public Educational Radio Stations before awarding grants under Minnesota Statutes, section 129D.14, using the appropriations in paragraphs (a) and (b). No grantee is eligible for a grant unless they are a member of the Association of Minnesota Public Educational Radio Stations on or before July 1, 2019.

(f) \$75,000 the first year is for a grant to the Association of Minnesota Public Educational Radio Stations for statewide programming to promote the Veterans' Voices program. The grant must be used to educate and engage communities regarding veterans' contributions, knowledge, skills, and experiences with an emphasis on Korean War veterans.

(g) Any unencumbered balance remaining the first year for grants to public television or public radio stations does not cancel and is available for the second year.

(h) \$1,600,000 the first year is for grants to Twin Cities Public Television and to the Association of Minnesota Public Educational Radio Stations to produce the Beyond Opioids Project in collaboration with the stations of the Minnesota Public Television Association. Seventy percent of this appropriation must be for a grant to Twin Cities Public Television and 30 percent must be for a grant to the Association of Minnesota Public Educational Radio Stations. The commissioner of administration may use up to five percent of the total appropriation under this paragraph for administrative costs.

(i) \$162,000 each year is for transfer to the Minnesota Film and TV Board. The appropriation in each year is available only upon receipt by the board of \$1 in matching contributions of money or in-kind contributions from nonstate sources for every \$3 provided by this appropriation, except that each year up to \$50,000 is available on July 1 even if the required matching contribution has not been received by that date. Beginning in fiscal year 2022, these amounts are added to the base for the Film and TV Board in the Department of Employment and Economic Development.

**Sec. 12. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD**

**\$351,000**

**\$351,000**

**Sec. 13. MINNESOTA MANAGEMENT AND BUDGET**

**\$33,223,000**

**\$27,591,000**

(a) \$1,168,000 the first year and \$868,000 the second year are for efforts to support enhanced sexual harassment prevention activities, to support the Office of Inclusion and Equity, to fund state workforce recruitment activities, and to implement a statewide compensation study.

(b) \$205,000 the first year and \$252,000 the second year are to enhance capacity to provide legislators, executive branch officials, local governments, and other Minnesota stakeholders access to data-driven information.

(c) \$5,500,000 the first year is for system security and risk management. This is a onetime appropriation.

Sec. 14. **REVENUE**

<b><u>Subdivision 1. Total Appropriation</u></b>		<b><u>\$165,005,000</u></b>	<b><u>\$167,204,000</u></b>
<u>Appropriations by Fund</u>			
	<u>2020</u>	<u>2021</u>	
<u>General</u>	<u>160,745,000</u>	<u>162,944,000</u>	
<u>Health Care Access</u>	<u>1,760,000</u>	<u>1,760,000</u>	
<u>Highway User Tax</u>			
<u>Distribution</u>	<u>2,195,000</u>	<u>2,195,000</u>	
<u>Environmental</u>	<u>305,000</u>	<u>305,000</u>	
<b><u>Subd. 2. Tax System Management</u></b>			<b><u>136,190,000</u></b> <b><u>137,892,000</u></b>
<u>Appropriations by Fund</u>			
	<u>2020</u>	<u>2021</u>	
<u>General</u>	<u>131,930,000</u>	<u>133,632,000</u>	
<u>Health Care Access</u>	<u>1,760,000</u>	<u>1,760,000</u>	
<u>Highway User Tax</u>			
<u>Distribution</u>	<u>2,195,000</u>	<u>2,195,000</u>	
<u>Environmental</u>	<u>305,000</u>	<u>305,000</u>	
<b><u>Subd. 3. Debt Collection Management</u></b>			<b><u>28,815,000</u></b> <b><u>29,312,000</u></b>
Sec. 15. <b><u>GAMBLING CONTROL</u></b>			<b><u>\$3,472,000</u></b> <b><u>\$3,472,000</u></b>

These appropriations are from the lawful gambling regulation account in the special revenue fund.

Sec. 16. <b><u>RACING COMMISSION</u></b>	<b><u>\$913,000</u></b>	<b><u>\$913,000</u></b>
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These appropriations are from the racing and card playing regulation accounts in the special revenue fund.

Sec. 17. **STATE LOTTERY**

Notwithstanding Minnesota Statutes, section 349A.10, subdivision 3, the State Lottery's operating budget must not exceed \$35,000,000 in fiscal year 2020 and \$36,500,000 in fiscal year 2021.

Sec. 18. <b><u>AMATEUR SPORTS COMMISSION</u></b>	<b><u>\$1,266,000</u></b>	<b><u>\$306,000</u></b>
<u>(a) \$600,000 the first year is for grants under Minnesota Statutes, section 240A.09, paragraph (b).</u>		
<u>(b) \$250,000 the first year is for grants to reimburse local governments that made improvements between January 1, 2017, and the effective date of this section that would have been eligible for grants under Minnesota Statutes, section 240A.09, paragraph (b), if funding had been available.</u>		
<u>(c) \$75,000 the first year is to determine a site and plans for a new velodrome for track cycling.</u>		
Sec. 19. <b><u>COUNCIL FOR MINNESOTANS OF AFRICAN HERITAGE</u></b>	<b><u>\$681,000</u></b>	<b><u>\$682,000</u></b>
Sec. 20. <b><u>COUNCIL ON LATINO AFFAIRS</u></b>	<b><u>\$679,000</u></b>	<b><u>\$685,000</u></b>
Sec. 21. <b><u>COUNCIL ON ASIAN-PACIFIC MINNESOTANS</u></b>	<b><u>\$609,000</u></b>	<b><u>\$616,000</u></b>
Sec. 22. <b><u>INDIAN AFFAIRS COUNCIL</u></b>	<b><u>\$1,119,000</u></b>	<b><u>\$1,106,000</u></b>
<u>\$533,000 the first year and \$520,000 the second year are to implement Minnesota Statutes, section 307.08.</u>		
Sec. 23. <b><u>MINNESOTA HISTORICAL SOCIETY</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$24,063,000</u></b>	<b><u>\$24,213,000</u></b>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <b><u>Operations and Programs</u></b>	<b><u>23,342,000</u></b>	<b><u>23,892,000</u></b>
<u>\$395,000 each year is for digital preservation and access to preserve and make available resources related to Minnesota history.</u>		
Subd. 3. <b><u>Fiscal Agent</u></b>		
<u>(a) Global Minnesota</u>	<b><u>39,000</u></b>	<b><u>39,000</u></b>
<u>(b) Minnesota Air National Guard Museum</u>	<b><u>17,000</u></b>	<b><u>17,000</u></b>
<u>(c) Minnesota Military Museum</u>	<b><u>450,000</u></b>	<b><u>50,000</u></b>

Of these amounts, \$400,000 the first year is to:

(1) care for, catalog, and display the recently acquired collection of the personal and professional effects belonging to General John W. Vessey, Minnesota's most decorated veteran; and

(2) conduct a statewide story-sharing program to honor the distinct service of post 9/11 veterans in anticipation of the 2021 anniversary.

<u>(d) Farmamerica</u>	<u>115,000</u>	<u>115,000</u>
<u>(e) Hockey Hall of Fame</u>	<u>50,000</u>	<u>50,000</u>

Any unencumbered balance remaining in this subdivision the first year does not cancel but is available for the second year of the biennium.

Sec. 24. **BOARD OF THE ARTS**

<u>Subdivision 1. Total Appropriation</u>	<b><u>\$8,241,000</u></b>	<b><u>\$7,541,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. Operations and Services</u>	<u>1,302,000</u>	<u>602,000</u>
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\$700,000 in the first year is for moving and relocation expenses for the board. Moving and relocation expenses are limited to the design and construction of new leased office space; moving, installing and reconfiguring information technology systems and audio visual equipment; purchasing and installing work stations; and professional moving services necessary to complete the relocation. The board may use no more than \$5,000 for other miscellaneous services, provided that the services must be directly related to the office relocation. On June 30, 2020, any unexpended amounts appropriated for moving and relocation expenses cancel to the general fund.

<u>Subd. 3. Grants Program</u>	<u>4,800,000</u>	<u>4,800,000</u>
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<u>Subd. 4. Regional Arts Councils</u>	<u>2,139,000</u>	<u>2,139,000</u>
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Any unencumbered balance remaining in this section the first year does not cancel, but is available for the second year.

Money appropriated in this section and distributed as grants may only be spent on projects located in Minnesota. A recipient of a grant funded by an appropriation in this section must not use more than five percent of the total grant for costs related to travel outside the state of Minnesota.

Sec. 25. **MINNESOTA HUMANITIES CENTER** **\$700,000** **\$700,000**

\$325,000 each year is for grants under Minnesota Statutes, section 138.912. No more than three percent of the appropriation may be used for the nonprofit administration of the program. Beginning in fiscal year 2022, these amounts are added to the base in the Department of Agriculture.

Sec. 26. **BOARD OF ACCOUNTANCY** **\$736,000** **\$667,000**

\$50,000 the first year is to update the online permitting system. The base in fiscal year 2023 is \$657,000.

Sec. 27. **BOARD OF ARCHITECTURE ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE, AND INTERIOR DESIGN** **\$905,000** **\$851,000**

\$50,000 the first year is to update the online permitting system. The base in fiscal year 2022 is \$831,000 and in fiscal year 2023 is \$821,000.

Sec. 28. **BOARD OF COSMETOLOGIST EXAMINERS** **\$2,916,000** **\$2,935,000**

Sec. 29. **BOARD OF BARBER EXAMINERS** **\$343,000** **\$343,000**

Sec. 30. **GENERAL CONTINGENT ACCOUNTS** **\$1,000,000** **\$500,000**

Appropriations by Fund

	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>500,000</u>	<u>-0-</u>
<u>State Government Special</u>		
<u>Revenue</u>	<u>400,000</u>	<u>400,000</u>
<u>Workers' Compensation</u>	<u>100,000</u>	<u>100,000</u>

(a) The appropriations in this section may only be spent with the approval of the governor after consultation with the Legislative Advisory Commission pursuant to Minnesota Statutes, section 3.30.

(b) If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

(c) If a contingent account appropriation is made in one fiscal year, it should be considered a biennial appropriation.

Sec. 31. **TORT CLAIMS** **\$161,000** **\$161,000**

These appropriations are to be spent by the commissioner of management and budget according to Minnesota Statutes, section 3.736, subdivision 7. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 32. **MINNESOTA STATE RETIREMENT SYSTEM**

Subdivision 1. **Total Appropriation**

**\$15,111,000**

**\$15,151,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Combined Legislators and Constitutional Officers Retirement Plan**

9,111,000

9,151,000

Under Minnesota Statutes, sections 3A.03, subdivision 2; 3A.04, subdivisions 3 and 4; and 3A.115.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Subd. 3. **Judges Retirement Plan**

6,000,000

6,000,000

For transfer to the judges retirement fund under Minnesota Statutes, section 490.123. This transfer continues each fiscal year until the judges retirement plan reaches 100 percent funding as determined by an actuarial valuation prepared according to Minnesota Statutes, section 356.214.

Sec. 33. **PUBLIC EMPLOYEES RETIREMENT ASSOCIATION**

**\$20,500,000**

**\$25,000,000**

General employees retirement plan of the Public Employees Retirement Association relating to the merged former MERF division.

State payments from the general fund to the Public Employees Retirement Association on behalf of the former MERF division account are \$16,000,000 on September 15, 2019, and \$16,000,000 on September 15, 2020.

These amounts are estimated to be needed under Minnesota Statutes, section 353.505.

Sec. 34. **TEACHERS RETIREMENT ASSOCIATION**

**\$29,831,000**

**\$29,831,000**

The amounts estimated to be needed are as follows:

**Special Direct State Aid.** \$27,331,000 each year is for special direct state aid authorized under Minnesota Statutes, section 354.436.

**Special Direct State Matching Aid.** \$2,500,000 each year is for special direct state matching aid authorized under Minnesota Statutes, section 354.435.

Sec. 35. **ST. PAUL TEACHERS RETIREMENT FUND** **\$14,827,000** **\$14,827,000**

The amounts estimated to be needed for special direct state aid to the first class city teachers retirement fund association authorized under Minnesota Statutes, section 354A.12, subdivisions 3a and 3c.

Sec. 36. **APPROPRIATION; SECRETARY OF STATE; COURT ORDERED ATTORNEY FEES.**

\$1,290,000 is appropriated in fiscal year 2019 from the general fund to the secretary of state for the payment of attorney fees awarded by court order in *Minnesota Voters Alliance v. Mansky*. This is a onetime appropriation.

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

Sec. 37. **CONTRACTS FOR PROFESSIONAL OR TECHNICAL SERVICES.**

(a) During the biennium ending June 30, 2021, the commissioner of management and budget must reduce total general fund appropriations across all executive branch state agencies for planned expenditures on contracts for professional or technical services by at least \$890,000. Contracts that provide services to support client-facing health care workers, corrections officers, public safety workers, mental health workers, and state cybersecurity systems; contracts that support the enterprise resource planning system replacement at the Minnesota State Colleges and Universities; and contracts that support information technology systems or services that were not part of an agency's base budget prior to the effective date of this act may not be reduced under this paragraph.

(b) The commissioner of management and budget, in consultation with the commissioner of administration, may authorize an agency to exceed the expenditure restriction provided by this section if a contract for professional or technical services is required to respond to an emergency.

(c) For purposes of this section:

(1) "professional or technical services" has the meaning given in Minnesota Statutes, section 16C.08, subdivision 1;

(2) "emergency" has the meaning given in Minnesota Statutes, section 16C.02, subdivision 6b; and

(3) "executive branch state agency" has the meaning given in Minnesota Statutes, section 16A.011, subdivision 12a, and includes the Minnesota State Colleges and Universities.

Sec. 38. **HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS; SECRETARY OF STATE.**

(a) \$6,595,610 is appropriated in fiscal year 2019 from the HAVA account established in Minnesota Statutes, section 5.30, to the secretary of state for the purposes of improving the administration and security of elections as authorized by federal law. Use of the appropriation is limited to the following activities:

(1) modernizing, securing, and updating the statewide voter registration system and for cybersecurity upgrades as authorized by federal law;

(2) improving accessibility;

(3) preparing training materials and training local election officials; and

(4) implementing security improvements for election systems.

(b) Any amount earned in interest on the amount appropriated under paragraph (a) is appropriated from the HAVA account to the secretary of state for purposes of improving the administration and security of elections as authorized by federal law.

(c) The appropriations under paragraphs (a) and (b) are onetime and available until March 23, 2023.

(d) \$167,000 expended by the secretary of state in fiscal years 2018 and 2019 for increasing secure access to the statewide voter registration system is deemed:

(1) to be money used for carrying out the purposes authorized under the Omnibus Appropriations Act of 2018, Public Law 115-1410, and the Help America Vote Act of 2002, Public Law 107-252, section 101; and

(2) to be credited toward any match required by those laws.

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

## ARTICLE 2 STATE GOVERNMENT OPERATIONS

### Section 1. **[3.199] ACCESSIBILITY IN THE LEGISLATURE'S INFORMATION TECHNOLOGY.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following term has the meaning given.

(b) "Responsible authority" means:

(1) for the house of representatives, the chief clerk of the house;

(2) for the senate, the secretary of the senate;

(3) for the Office of the Revisor of Statutes, the revisor of statutes;

(4) for the Office of the Legislative Auditor, the legislative auditor;

(5) for the Legislative Reference Library, the library director;

(6) for the Legislative Budget Office, the director of the Legislative Budget Office; and

(7) for any entity administered by the legislative branch not listed in clauses (1) to (6), the director of the Legislative Coordinating Commission.

Subd. 2. **Accessibility standards; compliance.** The senate, the house of representatives, and joint legislative offices and commissions must comply with accessibility standards adopted for state agencies by the chief information officer under section 16E.03, subdivision 9, for technology, software, and hardware procurement, unless the responsible authority for a legislative body or office has approved an exception for a standard for that body or office.

Subd. 3. **Not subject to MN.IT authority.** The chief information officer is not authorized to manage or direct compliance of the legislature with accessibility standards.

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

Sec. 2. Minnesota Statutes 2018, section 3.8843, subdivision 7, is amended to read:

Subd. 7. **Expiration.** This section expires June 30, ~~2019~~ 2026.

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

Sec. 3. Minnesota Statutes 2018, section 3.886, subdivision 6, is amended to read:

Subd. 6. **Expiration.** This section expires July 1, ~~2019~~ 2025.

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

Sec. 4. **[5.42] DISPLAY OF BUSINESS ADDRESS ON WEBSITE.**

(a) A business entity may request in writing that all addresses submitted by the business entity to the secretary of state be omitted from display on the secretary of state's website. A business entity may only request that all addresses be omitted from display if the entity certifies that:

(1) there is only one shareholder, member, manager, or owner of the business entity;

(2) the shareholder, manager, member, or owner is a natural person; and

(3) at least one of the addresses provided is the residential address of the sole shareholder, manager, member, or owner.

The secretary of state shall post a notice that this option is available and a link to the form needed to make a request on the secretary's website. The secretary of state shall also attach a copy of the request form to all business filing forms provided in a paper format that require a business entity to submit an address.

(b) This section does not change the classification of data under chapter 13 and addresses shall be made available to the public in response to requests made by telephone, mail, e-mail, and facsimile transmission.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to business entity filings filed with the secretary of state on or after that date.

Sec. 5. Minnesota Statutes 2018, section 15A.083, subdivision 6a, is amended to read:

Subd. 6a. **Administrative law judge; salaries.** The salary of the chief administrative law judge is 98.52 percent of the salary of a chief district court judge. The salaries of the assistant chief administrative law judge and administrative law judge supervisors are ~~93.60~~ 100 percent of the salary of a chief district court judge. The salary of an administrative law judge employed by the Office of Administrative Hearings is 98.52 percent of the salary of a district court judge as set under section 15A.082, subdivision 3.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 6. Minnesota Statutes 2018, section 16A.013, is amended by adding a subdivision to read:

Subd. 1a. **Opportunity to make gifts via website.** The commissioner of management and budget must maintain a secure website which permits any person to make a gift of money electronically for any purpose authorized by subdivision 1. Gifts made using the website are subject to all other requirements of this section, sections 16A.014 to 16A.016, and any other applicable law governing the receipt of gifts by the state and the purposes for which a gift may be used. The website must include historical data on the total amount of gifts received using the site, itemized by month.

Sec. 7. **[16A.1335] EMPLOYEE SALARIES AND BENEFITS IN EVENT OF STATE GOVERNMENT SHUTDOWN.**

Subdivision 1. **Definition.** As used in this section, "government shutdown" means that, as of July 1 of an odd-numbered year, legislation appropriating money for the general operations of:

(1) an executive agency;

(2) an office or department of the legislature, including each house of the legislature and the Legislative Coordinating Commission; or

(3) a judicial branch agency or department, including a court;

has not been enacted for the biennium beginning July 1 of that year.

Subd. 2. **Payment required.** Notwithstanding section 16A.17, subdivision 8, state employees must be provided payment for lost salary and benefits resulting from their absence from work during a government shutdown. An employee is eligible for a payment under this section only upon the employee's return to work.

Subd. 3. **Appropriation; limitation.** (a) In the event of a government shutdown, the amount necessary to pay the salary and benefits of employees of any impacted agency, office, or department is appropriated beginning on that July 1 to that agency, office, or department. The appropriation is made from the fund or funds from which an appropriation was made in the previous fiscal year for salary and benefits paid to each affected employee.

(b) Amounts appropriated under this subdivision may not exceed the amount or amounts appropriated for general operations of the affected agency, office, or department in the previous fiscal year.

Subd. 4. **Certification of amount for employees in the legislative and judicial branches.** By June 25 of an odd-numbered year, if a government shutdown appears imminent, the chief clerk of the house of representatives, the secretary of the senate, and the chief clerk of the supreme court must each certify to the commissioner of management and budget the amount needed for salaries and benefits for each fiscal year of the next biennium, and the commissioner of management and budget shall make the certified amount available on July 1 of that year, or on another schedule that permits payment of all salary and benefit obligations required by this section in a timely manner.

Subd. 5. **Subsequent appropriations.** A subsequent appropriation to the agency, office, or department for regular operations for a biennium in which this section has been applied may only supersede and replace the appropriation provided by subdivision 3 by express reference to this section.

Sec. 8. Minnesota Statutes 2018, section 16A.90, is amended to read:

**16A.90 EMPLOYEE GAINSHARING SYSTEM.**

Subdivision 1. **Commissioner must establish program.** (a) The commissioner shall establish a program to provide onetime bonus compensation to state employees for ~~efforts made to reduce~~ suggestions that are implemented and result in a reduction of the costs of operating state government or for ways of providing better or more efficient state services. The commissioner may authorize an executive branch appointing authority to make a onetime award to an employee or group of employees whose suggestion ~~or involvement in a project~~ is determined by the commissioner to have resulted in documented cost-savings to the state. Before authorizing awards under this section, the commissioner shall establish guidelines for the program including but not limited to:

(1) the maximum award is ten percent of the documented savings ~~in the first fiscal year~~ within the first year after implementation of the employee suggestion in which the savings are realized up to \$50,000;

~~(2) the award must be paid from the appropriation to which the savings accrued; and~~

~~(3) (2) employees whose primary job responsibility is to identify cost savings or ways of providing better or more efficient state services are generally not eligible for bonus compensation under this section except in extraordinary circumstances as defined by the commissioner; and~~

(3) employees are eligible for awards under this section notwithstanding chapter 179A.

(b) The program required by this section must be in addition to any existing monetary or nonmonetary performance-based recognition programs for state employees, including achievement awards, continuous improvement awards, and general employee recognitions.

Subd. 2. **Biannual Legislative report.** No later than ~~August 1, 2017, and biannually July 1, 2020, and annually~~ thereafter, the commissioner must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over Minnesota Management and Budget on ~~the status of the program required by this section. The report must detail:~~

(1) the specific program guidelines established by the commissioner as required by subdivision 1, if the guidelines have not been described in a previous report;

(2) any proposed modifications to the established guidelines under consideration by the commissioner, including the reason for the proposed modifications; and

~~(3) the methods used by the commissioner to promote the program to state employees, if the methods have not been described in a previous report;~~

~~(4) a summary of the results of the program that includes the following, categorized by agency:~~

~~(i) the number of state employees whose suggestions or involvement in a project were considered for possible bonus compensation, and a description of each suggestion or project that was considered;~~

~~(ii) the total amount of bonus compensation actually awarded, itemized by each suggestion or project that resulted in an award and the amount awarded for that suggestion or project; and~~

~~(iii) the total amount of documented cost savings that accrued to the agency as a result of each suggestion or project for which bonus compensation was granted; and~~

~~(5) (3) any recommendations for legislation that, in the judgment of the commissioner, would improve the effectiveness of the bonus compensation program established by this section or which would otherwise increase opportunities for state employees to actively participate in the development and implementation of strategies for reducing the costs of operating state government or for providing better or more efficient state services.~~

Subd. 3. **Pilot program.** To the extent that appropriations are not available to fully implement the program required by subdivision 1, the commissioner must use available resources to implement a pilot program that meets the requirements of subdivision 1 within a single agency designated by the commissioner. If established, details on the pilot program must be included in the legislative report required under subdivision 2.

Sec. 9. **[16B.276] CAPITOL FLAG PROGRAM.**

Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given them.

(b) "Active service" has the meaning given in section 190.05, subdivision 5.

(c) "Eligible family member" means a surviving spouse, parent or legal guardian, child, or sibling of (1) a public safety officer killed in the line of duty, or (2) a person who has died while serving honorably in active service in the United States armed forces. For purposes of this section, an eligibility relationship may be established by birth or adoption.

(d) "Killed in the line of duty" has the meaning given in section 299A.41, subdivision 3.

(e) "Public safety officer" has the meaning given in section 299A.41, subdivision 4.

Subd. 2. **Establishment.** A Capitol flag program is established. The purpose of the program is to make a Minnesota state flag and an American flag that was flown over the Minnesota State Capitol available to the family members of a public safety officer killed in the line of duty or a member of the United States armed forces who died while in active service. In addition to appropriations provided by law, the commissioner of management and budget may receive gifts to support the program as authorized in sections 16A.013 to 16A.016. The program established by this section is required only to the extent that sufficient funds are available through appropriations or gifts to support its operations.

Subd. 3. **Submission of request; presentation.** (a) A flag request may only be made by a legislator or state constitutional officer on behalf of an eligible family member, after verification of the family member's eligibility under the procedures adopted under subdivision 4. The request must be made to the commissioner of administration, and must indicate the type of flag requested, a certification that the family member's eligibility has been verified, special requests for the date the flag is flown over the Capitol, and the method of presentment. The commissioner may adopt a form to be used for this purpose. With at least 30 days' notice, the commissioner must honor a request that a flag be flown on a specific commemorative date.

(b) Upon receipt of a request, the commissioner must present a flag to the eligible family member, or to the requesting legislator or constitutional officer for coordination of a later presentment ceremony. If relevant information is made available, the commissioner shall provide a certificate memorializing the details of the occasion and the date the flag was flown with each flag presented.

Subd. 4. **Verification of eligibility.** The house of representatives, the senate, and each constitutional officer must adopt procedures for the administration of flag requests received from eligible family members, including a procedure for verification of a family member's eligibility to receive a flag.

Subd. 5. **No fee for first flag.** The family of a public safety officer killed in the line of duty or service member of the United States armed forces who died in active service is entitled to receive one United States flag and one Minnesota state flag free of charge under this section. If multiple flags of the same type are requested to be flown in honor of the same decedent, the commissioner may charge a reasonable fee that does not exceed the actual cost of flying each flag and preparing a certificate memorializing the occasion.

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

Sec. 10. Minnesota Statutes 2018, section 16B.32, subdivision 1a, is amended to read:

Subd. 1a. **Onsite Energy generation from renewable sources.** A state agency that prepares a predesign for a new building must consider meeting at least two percent of the energy needs of the building from renewable sources ~~located on the building site~~. For purposes of this subdivision, "renewable sources" are limited to wind and the sun. The predesign must include an explicit cost and price analysis of complying with the two-percent requirement compared with the present and future costs of energy supplied by a public utility from a location away from the building site and the present and future costs of controlling carbon emissions. If the analysis concludes that the building should not meet at least two percent of its energy needs from renewable sources ~~located on the building site~~, the analysis must provide explicit reasons why not. The building may not receive further state appropriations for design or construction unless at least two percent of its energy needs are designed to be met from renewable sources, unless the commissioner finds that the reasons given by the agency for not meeting the two-percent requirement were supported by evidence in the record.

Sec. 11. Minnesota Statutes 2018, section 16B.323, subdivision 2, is amended to read:

Subd. 2. **Solar energy system.** (a) As provided in paragraphs (b) and (c), a project for the construction or major renovation of a state building, after the completion of a cost-benefit analysis, may include installation of solar energy systems of ~~up to 300 kilowatts capacity on, adjacent, or in proximity to the state building on state-owned buildings and land.~~

(b) The capacity of a solar energy system ~~must be less than 300 kilowatts to the extent necessary to match the electrical load of the building, or the capacity~~ must be no more than necessary to keep the costs for the installation below the five percent maximum set by paragraph (c).

(c) The cost of the solar energy system must not exceed five percent of the appropriations from the bond proceeds fund for the construction or renovation of the state building. Purchase and installation of a solar thermal system may account for no more than 25 percent of the cost of a solar energy system installation.

(d) A project subject to this section is ineligible to receive a rebate for the installation of a solar energy system under section 116C.7791 or from any utility.

Sec. 12. **[16B.372] OFFICE OF ENTERPRISE SUSTAINABILITY.**

Subdivision 1. **Enterprise sustainability.** The Office of Enterprise Sustainability is established under the jurisdiction of the commissioner to assist all state agencies in making measurable progress toward improving the sustainability of government operations by reducing the impact on the environment, controlling unnecessary waste of natural resources and public funds, and spurring innovation. The office shall create new tools and share best practices, assist state agencies to plan for and implement improvements, and monitor progress toward achieving intended outcomes. Specific duties include but are not limited to:

(1) managing a sustainability metrics and reporting system, including a public dashboard that allows Minnesotans to track progress;

(2) assisting agencies in developing and executing sustainability plans; and

(3) publishing an annual report.

Subd. 2. **Local governments.** The Office of Enterprise Sustainability shall make reasonable attempts to share tools and best practices with local governments.

Sec. 13. **[16B.90] WEBSITE ACCESSIBILITY GRANTS; ADVISORY COUNCIL.**

Subdivision 1. **Grant program established.** A website accessibility grant program is established. Within available appropriations, grants must be awarded by the commissioner to local governments to improve the accessibility of local government websites for persons with disabilities.

Subd. 2. **Website Accessibility Grant Advisory Council.** (a) A Website Accessibility Grant Advisory Council is established. The purpose of the advisory council is to assist the commissioner in awarding grants under subdivision 1. The advisory council consists of the following members:

- (1) one representative of the League of Minnesota Cities, appointed by the league;
- (2) one representative of the Association of Minnesota Counties, appointed by the association;
- (3) one representative of the Minnesota Council on Disability, appointed by the council;
- (4) one member of the public who is a self-advocate, appointed by the governor; and
- (5) the state chief information officer, or a designee.

(b) The terms, compensation, and removal of members is governed by section 15.059. The council must elect a chair from among its members.

(c) The advisory council is subject to chapter 13D. The council must meet at the request of the commissioner or the chair, but no fewer than two times per year to fulfill its duties. The commissioner must provide meeting space and other administrative assistance to support the work of the council.

(d) The council must review applications from local governments for grant funding to support website accessibility projects and to make recommendations to the commissioner for the award of grants. The commissioner may not award a grant unless it has been reviewed by the advisory council. Consistent with the policies and procedures established by the commissioner under sections 16B.97 and 16B.98, the council must establish uniform, objective criteria to be used in evaluating grant applications. The criteria must include standards to ensure grant funding is distributed equitably across the state, and that grant funds are available without regard to a local government's population size.

Subd. 3. **Report to legislature.** No later than January 15, 2020, and annually thereafter, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over state government finance and local government detailing the grants awarded under this section, including the number of grant applications received, the number of grants awarded, the geographic distribution of grant applications and awards, and the amount of each grant awarded and how it was used.

Sec. 14. **[16C.0531] PROHIBITING STATE CONTRACTS WITH STATE SPONSORS OF TERRORISM AND FOREIGN TERRORIST ORGANIZATIONS.**

(a) A state contract for goods or services must require the vendor to certify that the vendor is not currently engaged in, and agrees for the duration of the contract not to engage in, business with countries designated as state sponsors of terrorism by the State Department and groups designated by the United States Secretary of State as foreign terrorist organizations. This section applies to all state agencies, including the Minnesota State Colleges and Universities and to contracts entered into by entities in the legislative branch.

(b) The commissioners of the Department of Administration and Minnesota Management and Budget shall exercise appropriate due diligence in selecting vendors for goods or services to avert contracting with countries designated as state sponsors of terrorism and groups designated as foreign terrorist organizations or with vendors who do business with countries designated as state sponsors of terrorism and groups designated as foreign terrorist organizations. The commissioners shall implement measures designed to meet the objective of this section and take the steps necessary to confirm that vendors have satisfied the requirement of this section.

Sec. 15. Minnesota Statutes 2018, section 16C.055, subdivision 2, is amended to read:

Subd. 2. **Restriction.** An agency may not enter into a contract or otherwise agree with a nongovernmental entity to receive total nonmonetary consideration valued at more than \$100,000 annually in exchange for the agency providing nonmonetary consideration, unless such an agreement is specifically authorized by law. This subdivision does not apply to the State Lottery, state-owned optical fiber, or private aquaculture businesses involved in state stocking contracts.

Sec. 16. **[16C.067] CONFLICT-FREE MINERALS.**

Subdivision 1. **Definitions.** (a) The following terms have the meanings given them.

(b) "Conflict mineral" means a mineral or mineral derivative determined under federal law to be financing human conflict. Conflict mineral includes columbite-tantalite (coltan), cassiterite, gold, wolframite, or derivatives of those minerals.

(c) "Noncompliant person" means a person:

(1) who is required to disclose under federal law information relating to conflict minerals that originated in the Democratic Republic of the Congo or its neighboring countries; and

(2) for whom the disclosure is not filed, is considered under federal law to be an unreliable determination, or contains false information.

Subd. 2. **Compliance.** By execution of a state contract to provide goods or services, a vendor attests that it is not a noncompliant person and is in compliance with the required disclosures under federal law related to conflict minerals.

Subd. 3. **Exemption; commissioner may waive.** (a) This section does not apply to contracts with a value of less than \$100,000.

(b) The commissioner may waive application of this section in a contract if the commissioner determines that compliance is not practicable or in the best interest of the state.

Subd. 4. **Notice.** In any solicitation for supplies or services, a commissioner shall provide notice of the requirements of this section.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to solicitations issued on or after that date.

Sec. 17. Minnesota Statutes 2018, section 16C.10, subdivision 2, is amended to read:

Subd. 2. **Emergency acquisition.** The solicitation process described in this chapter and chapter 16B is not required in emergencies. In emergencies, the commissioner may make or authorize any purchases necessary for the design, construction, repair, rehabilitation, and improvement of a state-owned publicly owned structure or may make or authorize an agency to do so and may purchase, or may authorize an agency to purchase, any purchases of goods, services, or utility services directly for immediate use.

Sec. 18. Minnesota Statutes 2018, section 16C.19, is amended to read:

**16C.19 ELIGIBILITY; RULES.**

(a) A small business wishing to participate in the programs under section 16C.16, subdivisions 4 to 7, must be certified by the commissioner or, if authorized by the commissioner, by a nationally recognized certifying organization. The commissioner may choose to authorize a nationally recognized certifying organization if the certification requirements are substantially the same as those adopted under the rules authorized in this section and the business meets the requirements in section 16C.16, subdivision 2.

(b) The commissioner shall adopt by rule standards and procedures for certifying that small targeted group businesses, small businesses located in economically disadvantaged areas, and veteran-owned small businesses are eligible to participate under the requirements of sections 16C.16 to 16C.21. The commissioner shall adopt by rule standards and procedures for hearing appeals and grievances and other rules necessary to carry out the duties set forth in sections 16C.16 to 16C.21.

~~(b)~~ (c) The commissioner may make rules which exclude or limit the participation of nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers, manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21.

~~(c)~~ (d) The commissioner may make rules that set time limits and other eligibility limits on business participation in programs under sections 16C.16 to 16C.21.

~~(d)~~ (e) Notwithstanding paragraph (a), for purposes of sections 16C.16 to 16C.21, a veteran-owned small business, the principal place of business of which is in Minnesota, is certified if:

(1) it has been verified by the United States Department of Veterans Affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business, in accordance with Public Law 109-461 and Code of Federal Regulations, title 38, part 74; or

(2) the veteran-owned small business supplies the commissioner with proof that the small business is majority-owned and operated by:

(i) a veteran as defined in section 197.447; or

(ii) a veteran with a service-connected disability, as determined at any time by the United States Department of Veterans Affairs.

~~(e)~~ (f) Until rules are adopted pursuant to paragraph (a) for the purpose of certifying veteran-owned small businesses, the provisions of Minnesota Rules, part 1230.1700, may be read to include veteran-owned small businesses. In addition to the documentation required in Minnesota Rules, part 1230.1700, the veteran owner must have been discharged under honorable conditions from active service, as indicated by the veteran owner's most current United States Department of Defense form DD-214.

~~(f)~~ (g) Notwithstanding paragraph (a), for purposes of sections 16C.16 to 16C.21, a minority- or woman-owned small business, the principal place of business of which is in Minnesota, is certified if it has been certified by the Minnesota unified certification program under the provisions of Code of Federal Regulations, title 49, part 26.

~~(g)~~ (h) The commissioner may adopt rules to implement the programs under section 16C.16, subdivisions 4 to 7, using the expedited rulemaking process in section 14.389.

Sec. 19. Minnesota Statutes 2018, section 16C.251, is amended to read:

**16C.251 BEST AND FINAL OFFER.**

A "best and final offer" solicitation process may not be used for building and construction contracts awarded based on competitive bids.

Sec. 20. Minnesota Statutes 2018, section 16E.03, subdivision 1, is amended to read:

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

(b) "Information and telecommunications technology systems and services" means all computing and telecommunications hardware and software, the activities undertaken to secure that hardware and software, and the activities undertaken to acquire, transport, process, analyze, store, and disseminate information electronically. "Information and telecommunications technology systems and services" includes all proposed expenditures for computing and telecommunications hardware and software, security for that hardware and software, and related consulting or other professional services.

(c) "Information and telecommunications technology project" means an effort to acquire or produce information and telecommunications technology systems and services.

(d) "Telecommunications" means voice, video, and data electronic transmissions transported by wire, wireless, fiber-optic, radio, or other available transport technology.

(e) "Cyber security" means the protection of data and systems in networks connected to the Internet.

(f) "State agency" means an agency in the executive branch of state government and includes the Minnesota Office of Higher Education, but does not include the Minnesota State Colleges and Universities unless specifically provided elsewhere in this chapter.

(g) "Total expected project cost" includes direct staff costs, all supplemental contract staff and vendor costs, and costs of hardware and software development or purchase. Breaking a project into several phases does not affect the cost threshold, which must be computed based on the full cost of all phases.

(h) "Cloud computing" has the meaning described by the National Institute of Standards and Technology of the United States Department of Commerce in special publication 800-145, September 2011.

Sec. 21. Minnesota Statutes 2018, section 16E.03, is amended by adding a subdivision to read:

Subd. 4a. **Cloud computing services.** The project evaluation procedure required by subdivision 4 must include a review of cloud computing service options, including any security benefits and cost savings associated with purchasing those service options from a cloud computing service provider.

Sec. 22. Minnesota Statutes 2018, section 16E.03, is amended by adding a subdivision to read:

Subd. 11. **Technical support to the legislature.** The chief information officer, or a designee, must provide technical support to assist the legislature to comply with accessibility standards under section 3.199, subdivision 2. Support under this subdivision must include:

(1) clarifying the requirements of the accessibility standards;

(2) providing templates for common software applications used in developing documents used by the legislature;

(3) assisting the development of training for staff to comply with the accessibility standards and assisting in providing the training; and

(4) assisting the development of technical applications that enable legislative documents to be fully accessible.

The chief information officer must provide these services at no cost to the legislature.

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

Sec. 23. **[16E.031] USER ACCEPTANCE TESTING.**

Subdivision 1. **Applicability.** As used in this section:

(1) "primary user" means an employee or agent of a state agency or local unit of government who uses an information technology business software application to perform an official function; and

(2) "local unit of government" does not include a school district.

Subd. 2. **User acceptance testing.** (a) A state agency implementing a new information technology business software application or new business software application functionality that significantly impacts the operations of a primary user must provide opportunities for user acceptance testing, unless the testing is deemed not feasible or necessary by the relevant agency commissioner, in consultation with the chief information officer and representatives of the primary user.

(b) The requirements in paragraph (a) do not apply to routine software upgrades or application changes that are primarily intended to comply with federal law, rules, or regulations.

Sec. 24. Minnesota Statutes 2018, section 138.081, is amended to read:

**138.081 FEDERAL FUNDS, ACTS.**

Subdivision 1. **Department of Administration as agency to accept federal funds.** The Department of Administration is hereby designated the state agency with power to accept any and all money provided for or made available to this state by the United States of America or any department or agency thereof for surveys, restoration, construction, equipping, or other purposes relating to the State Historic ~~sites~~ Preservation Program in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and are further authorized to do any and all things required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal money.

Subd. 2. **Commissioner's responsibilities.** The commissioner as the state historic preservation officer shall be responsible for the preparation, implementation and administration of the State Historic Preservation Plan and shall administer the State Historic Preservation Program authorized by the National Historic Preservation Act (United States Code, title ~~46~~ 54, section ~~470~~ 300101 et seq. ~~as amended~~). The commissioner shall review and approve in writing all grants-in-aid for architectural, archaeological and historic preservation made by state agencies and funded by the state or a combination of state and federal funds in accordance with the State Historic Preservation Program.

Subd. 3. **Administration of federal act.** The ~~Department of Administration~~ Minnesota Historical Society is designated as the state agency to administer the provisions of the federal act providing for the preservation of historical and archaeological data, United States Code, title ~~46~~ 54, ~~sections 469 to 469C~~ section 312501, as amended, insofar as the provisions of the act provide for implementation by the state.

Sec. 25. Minnesota Statutes 2018, section 138.31, is amended by adding a subdivision to read:

Subd. 13a. **State Historic Preservation Office.** "State Historic Preservation Office" means the State Historic Preservation Office at the Department of Administration.

Sec. 26. Minnesota Statutes 2018, section 138.34, is amended to read:

#### **138.34 ADMINISTRATION OF THE ACT.**

The state archaeologist shall act as the agent of the state to administer and enforce the provisions of sections 138.31 to 138.42. Some enforcement provisions are shared with the society and the State Historic Preservation Office.

Sec. 27. Minnesota Statutes 2018, section 138.40, is amended to read:

#### **138.40 COOPERATION OF STATE AGENCIES; DEVELOPMENT PLANS.**

Subdivision 1. **Cooperation.** The Department of Natural Resources, the Department of Transportation, and all other state agencies whose activities may be affected, shall cooperate with the historical society, the State Historic Preservation Office, and the state archaeologist to carry out the provisions of sections 138.31 to 138.42 and the rules issued thereunder, but sections 138.31 to 138.42 are not meant to burden persons who wish to use state property for recreational and other lawful purposes or to unnecessarily restrict the use of state property.

Subd. 2. **Compliance, enforcement, preservation.** State and other governmental agencies shall comply with and aid in the enforcement of provisions of sections 138.31 to 138.42. Conservation officers and other enforcement officers of the Department of Natural Resources shall enforce the provisions of sections 138.31 to 138.42 and report violations to the ~~director of the society~~ state archeologist. When archaeological or historic sites are known or, based on scientific investigations are predicted to exist on public lands or waters, the agency or department controlling said lands or waters shall use the professional services of archaeologists from the University of Minnesota, Minnesota Historical Society, or other qualified professional archaeologists, to preserve these sites. In the event that archaeological excavation is required to protect or preserve these sites, state and other governmental agencies may use their funds for such activities.

Subd. 3. **Review of plans.** When significant archaeological or historic sites are known or, based on scientific investigations, are predicted to exist on public lands or waters, the agency or department controlling said lands or waters shall submit construction or development plans to the state archaeologist and the ~~director of the society~~ State Historic Preservation Office for review prior to the time bids are advertised. The state archaeologist and the ~~society~~ State Historic Preservation Office shall promptly review such plans and within 30 days of receiving the plans shall make recommendations for the preservation of archaeological or historic sites which may be endangered by construction or development activities. When archaeological or historic sites are related to Indian history or religion, the state archaeologist shall submit the plans to the Indian Affairs Council for the council's review and recommend action.

Sec. 28. Minnesota Statutes 2018, section 138.665, subdivision 2, is amended to read:

Subd. 2. **Mediation Review process.** The state, state departments, agencies, and political subdivisions, including the Board of Regents of the University of Minnesota, have a responsibility to protect the physical features and historic character of properties designated in sections 138.662 and 138.664 or listed on the National Register of Historic Places created by Public Law 89-665. Before carrying out any undertaking that will affect designated or listed properties, or funding or licensing an undertaking by other parties, the state department or agency shall consult with the State Historic Preservation Office pursuant to ~~the society's~~ the State Historic Preservation Office's established procedures to determine appropriate treatments and to seek ways to avoid and mitigate any adverse effects on designated or listed properties. If the state department or agency and the State Historic Preservation Office agree in writing on a suitable course of action, the project may proceed. If the parties cannot agree, any one of the parties may request that the governor appoint and convene a mediation task force consisting of five members, two appointed by the governor, the chair of the State Review Board of the State Historic Preservation Office, the commissioner of administration or the commissioner's designee, and one member ~~who is not an employee of the Minnesota Historical Society~~ appointed by the director of the Minnesota Historical Society. The two appointees of the governor and ~~the one~~ of the director of the society shall be qualified by training or experience in one or more of the following disciplines: (1) history; (2) archaeology; and (3) architectural history. The mediation task force is not subject to the conditions of section 15.059. This subdivision does not apply to section 138.662, subdivision 24, and section 138.664, subdivisions 8 and 111.

Sec. 29. Minnesota Statutes 2018, section 138.666, is amended to read:

#### **138.666 COOPERATION.**

The state, state departments and agencies, political subdivisions, and the Board of Regents of the University of Minnesota shall cooperate with the Minnesota Historical Society and the State Historic Preservation Office in safeguarding state historic sites and in the preservation of historic and archaeological properties.

Sec. 30. Minnesota Statutes 2018, section 138.667, is amended to read:

#### **138.667 HISTORIC PROPERTIES; CHANGES.**

Properties designated as historic properties by sections 138.661 to 138.664 may be changed from time to time, and the Minnesota Historical Society and the State Historic Preservation Office shall notify the legislature of the need for changes, and shall make recommendations to keep the state historic sites network and the state register of historic places current and complete. The significance of properties proposed for designation under section 138.663, subdivision 2, shall be documented under the documentation standards established by the ~~Minnesota Historical Society~~ State Historic Preservation Office. ~~This~~ Documentation shall include the opinion of the Minnesota Historical Society for the historic sites network under section 138.661, subdivision 3, or the State Historic Preservation Office for the state register of historic places under section 138.663, subdivision 2, as to whether the property meets the selection criteria.

Sec. 31. Minnesota Statutes 2018, section 138.763, subdivision 1, is amended to read:

Subdivision 1. **Membership.** There is a St. Anthony Falls Heritage Board consisting of 22 members with the director of the Minnesota Historical Society as chair. The members include the mayor; the chair of the Hennepin County Board of Commissioners or the chair's designee; the president of the Minneapolis Park and Recreation Board or the president's designee; the superintendent of the park board; two members each from the house of representatives appointed by the speaker, the senate appointed by the Rules Committee, the city council, the Hennepin County Board, and the park board; one member each from the preservation commission, the State Historic Preservation Office, Hennepin County Historical Society, and the society; one person appointed by the park board; and two persons appointed by the chair of the board.

Sec. 32. Minnesota Statutes 2018, section 155A.25, subdivision 1a, is amended to read:

Subd. 1a. **Schedule.** (a) The schedule for fees and penalties is as provided in this subdivision.

(b) Three-year license fees are as follows:

(1) \$195 initial practitioner, manager, or instructor license, divided as follows:

(i) \$155 for each initial license; and

(ii) \$40 for each initial license application fee;

(2) \$115 renewal of practitioner license, divided as follows:

(i) \$100 for each renewal license; and

(ii) \$15 for each renewal application fee;

(3) \$145 renewal of manager or instructor license, divided as follows:

(i) \$130 for each renewal license; and

(ii) \$15 for each renewal application fee;

(4) \$350 initial salon license, divided as follows:

(i) \$250 for each initial license; and

(ii) \$100 for each initial license application fee;

(5) \$225 renewal of salon license, divided as follows:

(i) \$175 for each renewal; and

(ii) \$50 for each renewal application fee;

(6) \$4,000 initial school license, divided as follows:

(i) \$3,000 for each initial license; and

(ii) \$1,000 for each initial license application fee; and

(7) \$2,500 renewal of school license, divided as follows:

(i) \$2,000 for each renewal; and

(ii) \$500 for each renewal application fee.

(c) Penalties may be assessed in amounts up to the following:

(1) reinspection fee, \$150;

- (2) manager and owner with expired practitioner found on inspection, \$150 each;
  - (3) expired practitioner or instructor found on inspection, \$200;
  - (4) expired salon found on inspection, \$500;
  - (5) expired school found on inspection, \$1,000;
  - (6) failure to display current license, \$100;
  - (7) failure to dispose of single-use equipment, implements, or materials as provided under section 155A.355, subdivision 1, \$500;
  - (8) use of prohibited razor-type callus shavers, rasps, or graters under section 155A.355, subdivision 2, \$500;
  - (9) performing nail or cosmetology services in esthetician salon, or performing esthetician or cosmetology services in a nail salon, \$500;
  - (10) owner and manager allowing an operator to work as an independent contractor, \$200;
  - (11) operator working as an independent contractor, \$100;
  - (12) refusal or failure to cooperate with an inspection, \$500;
  - (13) practitioner late renewal fee, \$45; and
  - (14) salon or school late renewal fee, \$50.
- (d) Administrative fees are as follows:
- (1) homebound service permit, \$50 three-year fee;
  - (2) name change, \$20;
  - (3) certification of licensure, \$30 each;
  - (4) duplicate license, \$20;
  - (5) special event permit, \$75 per year;
  - ~~(6) registration of hair braiders, \$20 per year;~~
  - ~~(7) (6) \$100 for each temporary military license for a cosmetologist, nail technician, esthetician, or advanced practice esthetician one-year fee;~~
  - ~~(8) (7) expedited initial individual license, \$150;~~
  - ~~(9) (8) expedited initial salon license, \$300;~~
  - ~~(10) (9) instructor continuing education provider approval, \$150 each year; and~~
  - ~~(11) (10) practitioner continuing education provider approval, \$150 each year.~~

Sec. 33. Minnesota Statutes 2018, section 155A.28, is amended by adding a subdivision to read:

Subd. 5. **Hair braiders exempt.** The practice of hair braiding is exempt from the requirements of this chapter.

Sec. 34. Minnesota Statutes 2018, section 240.01, is amended by adding a subdivision to read:

Subd. 18a. **Racing or gaming-related vendor.** "Racing or gaming-related vendor" means any person or entity that manufactures, sells, provides, distributes, repairs or maintains equipment or supplies used at a Class A facility, or provides services to a Class A facility or Class B license holder that are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing.

Sec. 35. Minnesota Statutes 2018, section 240.02, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** A member of the commission must have been a resident of Minnesota for at least five years before appointment, and must have a background and experience as would qualify for membership on the commission. ~~A member must, before taking a place on the commission, file a bond in the principal sum of \$100,000 payable to the state, conditioned upon the faithful performance of duties.~~ No commissioner, nor any member of the commissioner's immediate family residing in the same household, may hold a license issued by the commission or have a direct or indirect financial interest in a corporation, partnership, or association which holds a license issued by the commission.

Sec. 36. Minnesota Statutes 2018, section 240.02, subdivision 6, is amended to read:

Subd. 6. **Annual Biennial report.** The commission shall on February 15 of each odd-numbered year submit a report to the governor and legislature on its activities, organizational structure, receipts and disbursements, including specific detail on the use of amounts statutorily appropriated to the commission under this chapter, and recommendations for changes in the laws relating to racing and pari-mutuel betting.

Sec. 37. Minnesota Statutes 2018, section 240.08, subdivision 5, is amended to read:

Subd. 5. **Revocation and suspension.** (a) After providing a licensee with notice and an opportunity to be heard, the commission may:

(1) revoke a class C license for a violation of law or rule which in the commission's opinion adversely affects the integrity of horse racing in Minnesota, the public health, welfare, or safety, or for an intentional false statement made in a license application; or

~~The commission may~~ (2) suspend a class C license for up to ~~one year~~ five years for a violation of law, order or rule. If the license expires during the term of suspension, the licensee shall be ineligible to apply for another license from the commission until the expiration of the term of suspension.

(b) The commission may delegate to its designated agents the authority to impose suspensions of class C licenses, ~~and~~.

(c) Except as provided in paragraph (d), the ~~revocation or~~ suspension of a class C license may be appealed to the commission according to its rules.

~~(b) A license revocation or suspension for more than 90 days is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act and is in addition to criminal penalties imposed for a violation of law or rule.~~

(d) If the commission revokes or suspends a class C license for more than one year, the licensee has the right to appeal by requesting a contested case hearing under chapter 14. The request must be made in writing and sent to the commission by certified mail or personal service. A request sent by certified mail must be postmarked within ten days after the licensee receives the order of revocation or suspension from the commission. A request sent by personal service must be received by the commission within ten days after the licensee receives the order of revocation or suspension from the commission.

(e) The commission may summarily suspend a license for ~~more than~~ up to 90 days prior to a contested case hearing where it is necessary to ensure the integrity of racing or to protect the public health, welfare, or safety. A contested case hearing must be held within 30 days of the summary suspension and the administrative law judge's report must be issued within 30 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61. The licensee has the right to appeal a summary suspension to the commission according to its rules.

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

Sec. 38. Minnesota Statutes 2018, section 240.10, is amended to read:

#### **240.10 LICENSE FEES.**

(a) The fee for a class A license is \$253,000 per year and must be remitted on July 1. The fee for a class B license is \$500 for each assigned racing day and \$100 for each day on which simulcasting is authorized and must be remitted on July 1. The fee for a class D license is \$50 for each assigned racing day on which racing is actually conducted. Fees imposed on class D licenses must be paid to the commission at a time and in a manner as provided by rule of the commission.

(b) The commission shall by rule establish an annual license fee for each occupation it licenses under section 240.08.

(c) The initial annual license application fee for a class C license to provide advance deposit wagering on horse racing under this chapter is \$10,000 and an annual license fee of \$2,500 applies thereafter.

(d) Notwithstanding section 16A.1283, the commission shall by rule establish an annual license fee for each type of racing or gaming-related vendor it licenses, not to exceed \$2,500.

Sec. 39. Minnesota Statutes 2018, section 240.12, is amended to read:

#### **240.12 LICENSE AGREEMENTS.**

The commission may enter into agreements or compacts with comparable bodies in other racing jurisdictions for the mutual recognition of occupational licenses issued by each body. The commission may by rule provide for and may charge a fee for the registration of each license issued in another jurisdiction.

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

Sec. 40. Minnesota Statutes 2018, section 240.13, subdivision 5, is amended to read:

Subd. 5. **Purses.** (a) From the amounts deducted from all pari-mutuel pools by a licensee, including breakage, an amount equal to not less than the following percentages of all money in all pools must be set aside by the licensee and used for purses for races conducted by the licensee, provided that a licensee may agree by contract with an organization representing a majority of the horsepersons racing the breed involved to set aside amounts in addition to the following percentages, if the contract is in writing and ~~filed with~~ reviewed by the commission for compliance with this subdivision:

(1) for live races conducted at a class A facility, 8.4 percent of handle;

(2) for simulcasts conducted any day a class A facility is licensed, not less than 37 percent of the ~~takeout amount~~ remaining after deduction for the state pari-mutuel tax, payment to the breeders fund, and payment to the sending out-of-state racetrack for receipt of the signal.

The commission may by rule provide for the administration and enforcement of this subdivision. The deductions for payment to the sending out-of-state racetrack must be actual, except that when there exists any overlap of ownership, control, or interest between the sending out-of-state racetrack and the receiving licensee, the deduction must not be greater than three percent unless agreed to between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed racing the majority of races during the existing racing meeting or, if outside of the racing season, during the most recent racing meeting.

The licensee shall pay to the commission for deposit in the Minnesota breeders fund 5-1/2 percent of the takeout from all pari-mutuel pools generated by wagering at the licensee's facility on simulcasts of races not conducted in this state.

(b) ~~From the money set aside for purses,~~ The licensee shall pay to the horseperson's organization representing the majority of the horsepersons racing the breed involved and contracting with the licensee with respect to purses and the conduct of the racing meetings and providing representation to its members, an amount as may be determined by agreement by the licensee and the horsepersons' organization sufficient to provide benevolent programs, benefits, and services for horsepersons and their on-track employees. The amount paid may be deducted ~~only~~ from the money set aside for purses to be paid in races for the breed represented by the horseperson's organization or may be paid from breakage retained by the licensee from live or simulcast wagering as agreed between the licensee and horsepersons' organization. With respect to racing meetings where more than one breed is racing, the licensee may contract independently with the horseperson's organization representing each breed racing. The contract must be in writing and reviewed by the commission for compliance with this subdivision.

(c) Notwithstanding sections 325D.49 to 325D.66, a horseperson's organization representing the majority of the horsepersons racing a breed at a meeting, and the members thereof, may agree to withhold horses during a meeting.

(d) Money set aside for purses from wagering on simulcasts must be used for purses for live races involving the same breed involved in the simulcast except that money set aside for purses and payments to the breeders fund from wagering on simulcasts of races not conducted in this state, occurring during a live mixed meet, must be allotted to the purses and breeders fund for each breed participating in the mixed meet as agreed upon by the breed organizations participating in the live mixed meet. The agreement shall be in writing and ~~filed with~~ reviewed by the commission for compliance with this subdivision prior to the first day of the live mixed meet. In the absence of a written agreement ~~filed with~~ reviewed by the commission, the money set aside for purses and payments to the breeders fund from wagering on simulcasts, occurring during a live mixed meet, shall be allotted to each breed participating in the live mixed meet in the same proportion that the number of live races run by each breed bears to the total number of live races conducted during the period of the mixed meet.

(e) The allocation of money set aside for purses to particular racing meets may be adjusted, relative to overpayments and underpayments, by contract between the licensee and the horsepersons' organization representing the majority of horsepersons racing the breed involved at the licensee's facility. The contract must be in writing and reviewed by the commission for compliance with this subdivision.

(f) Subject to the provisions of this chapter, money set aside from pari-mutuel pools for purses must be for the breed involved in the race that generated the pool, except that if the breed involved in the race generating the pari-mutuel pool is not racing in the current racing meeting, or has not raced within the preceding 12 months at the licensee's class A facility, money set aside for purses may be distributed proportionately to those breeds that have run during the preceding 12 months or paid to the commission and used for purses or to promote racing for the breed involved in the race generating the pari-mutuel pool, or both, in a manner prescribed by the commission.

(g) This subdivision does not apply to a class D licensee.

Sec. 41. Minnesota Statutes 2018, section 240.131, subdivision 7, is amended to read:

Subd. 7. **Payments to state.** (a) A regulatory fee is imposed at the rate of one percent of all amounts wagered by Minnesota residents with an authorized advance deposit wagering provider. The fee shall be declared on a form prescribed by the commission. The ADW provider must pay the fee to the commission no more than ~~seven~~ 15 days after the end of the month in which the wager was made. Fees collected under this paragraph must be deposited in the state treasury and credited to a racing and card-playing regulation account in the special revenue fund and are appropriated to the commission to offset the costs associated with regulating horse racing and pari-mutuel wagering in Minnesota.

(b) A breeders fund fee is imposed in the amount of one-quarter of one percent of all amounts wagered by Minnesota residents with an authorized advance deposit wagering provider. The fee shall be declared on a form prescribed by the commission. The ADW provider must pay the fee to the commission no more than ~~seven~~ 15 days after the end of the month in which the wager was made. Fees collected under this paragraph must be deposited in the state treasury and credited to a racing and card-playing regulation account in the special revenue fund and are appropriated to the commission to offset the cost of administering the breeders fund and promote horse breeding in Minnesota.

Sec. 42. Minnesota Statutes 2018, section 240.135, is amended to read:

#### **240.135 CARD CLUB REVENUE.**

(a) From the amounts received from charges authorized under section 240.30, subdivision 4, the licensee shall set aside the amounts specified in this section to be used for purse payments. These amounts are in addition to the breeders fund and purse requirements set forth elsewhere in this chapter.

(1) For amounts between zero and \$6,000,000, the licensee shall set aside not less than ten percent to be used as purses.

(2) For amounts in excess of \$6,000,000, the licensee shall set aside not less than 14 percent to be used as purses.

(b) From all amounts set aside under paragraph (a), the licensee shall set aside ten percent to be deposited in the breeders fund.

(c) It is the intent of the legislature that the proceeds of the card playing activities authorized by this chapter be used to improve the horse racing industry by improving purses. The licensee and the horseperson's organization representing the majority of horsepersons who have raced at the racetrack during the preceding 12 months may negotiate percentages that exceed those stated in this section if the agreement is in writing and ~~filed with~~ reviewed by the commission for compliance with this section. The commission shall annually review the financial details of card playing activities and determine if the present use of card playing proceeds is consistent with the policy established by this paragraph. If the commission determines that the use of the proceeds does not comply with the policy set forth herein, then the commission shall direct the parties to make the changes necessary to ensure compliance. If these changes require legislation, the commission shall make the appropriate recommendations to the legislature.

Sec. 43. Minnesota Statutes 2018, section 240.15, subdivision 6, is amended to read:

Subd. 6. **Disposition of proceeds; account.** The commission shall distribute all money received under this section, and, except as provided otherwise by section 240.131, all money received from license fees, regulatory fees, and fines it collects, according to this subdivision. All money designated for deposit in the Minnesota breeders fund must be paid into that fund for distribution under section 240.18 except that all money generated by simulcasts must

be distributed as provided in section 240.18, subdivisions 2, paragraph (d), clauses (1), (2), and (3); and 3. Revenue from an admissions tax imposed under subdivision 1 must be paid to the local unit of government at whose request it was imposed, at times and in a manner the commission determines. Taxes received under this section must be paid to the commissioner of management and budget for deposit in the general fund. All revenues from licenses and other fees imposed by the commission must be deposited in the state treasury and credited to a racing and card playing regulation account in the special revenue fund. Receipts in this account are available for the operations of the commission up to the amount authorized in biennial appropriations from the legislature. If a fiscal biennium ends without the enactment of an appropriation to the commission for the following biennium, receipts in this account are annually appropriated to the commission for the operations of the commission up to the amount authorized in the second year of the most recently enacted biennial appropriation, until a biennial appropriation is enacted.

Sec. 44. Minnesota Statutes 2018, section 240.155, subdivision 1, is amended to read:

Subdivision 1. **Reimbursement account credit.** Money received by the commission as reimbursement for the costs of services provided by veterinarians, stewards, ~~and~~ medical testing of horses, and fees received by the commission in the form of fees for regulatory services must be deposited in the state treasury and credited to a racing reimbursement account in the special revenue fund, except as provided under subdivision 2. Receipts are appropriated, within the meaning of Article XI, section 1, of the Minnesota Constitution, to the commission to pay the costs of providing the services and all other costs necessary to allow the commission to fulfill its regulatory oversight duties required by chapter 240 and commission rule. If the major appropriation bills needed to finance state government are not enacted by the beginning of a fiscal biennium, the commission shall continue operations as required by chapter 240 and commission rule.

Sec. 45. **[240.1561] APPROPRIATION FOR FUNCTIONS SUPPORTING ONGOING OPERATION OF THE RACING COMMISSION.**

If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money for the next biennium to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions associated with operation of the Racing Commission under chapter 240 are appropriated for the next biennium from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this section has been applied shall supersede and replace the funding authorized in this section.

Sec. 46. Minnesota Statutes 2018, section 240.16, subdivision 1, is amended to read:

Subdivision 1. **Powers and duties.** All horse races run at a licensed racetrack must be presided over by a board of three stewards, who must be appointees of the commission or persons approved by it. The commission shall designate one steward as chair. At least two stewards for all races either shall be employees of the commission who shall serve in the unclassified service, or shall be under contract with the commission to serve as stewards. The commission may delegate the following duties and powers to a board of stewards:

- (1) to ensure that races are run in accordance with the commission's rules;
- (2) to supervise the conduct of racing to ensure the integrity of the sport;
- (3) to settle disputes arising from the running of horse races, and to certify official results;

(4) to impose on licensees, for violation of law or commission rules, fines ~~not exceeding \$5,000 and license suspensions not exceeding 90 days~~ of up to \$10,000, suspensions of up to one year, and other sanctions as delegated by the commission or permitted under its rules;

(5) to recommend to the commission where warranted penalties in excess of those in clause (4);

(6) to otherwise enforce the laws and rules of racing; and

(7) to perform other duties and have other powers assigned by the commission.

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

Sec. 47. Minnesota Statutes 2018, section 240.16, subdivision 2, is amended to read:

Subd. 2. **Appeals; hearings.** Except as provided by section 240.08, subdivision 5, a ruling of a board of stewards may be appealed to the commission or be reviewed by it. The commission may review any ruling by the board of stewards on its own initiative. The commission may provide for appeals to be heard by less than a quorum of the commission. A hearing on a penalty imposed by a board of stewards must be granted on request.

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

Sec. 48. Minnesota Statutes 2018, section 240.18, subdivision 2, is amended to read:

Subd. 2. **Thoroughbred and quarterhorse categories.** (a) With respect to available money apportioned in the thoroughbred and quarterhorse categories, 20 percent must be expended as follows:

(1) at least one-half in the form of grants, contracts, or expenditures for equine research and related education at ~~the University of Minnesota School of Veterinary Medicine~~ public institutions of postsecondary learning in the state; and

(2) the balance in the form of grants, contracts, or expenditures for one or more of the following:

(i) additional equine research and related education;

(ii) substance abuse programs for licensed personnel at racetracks in this state; and

(iii) promotion and public information regarding industry and commission activities; racehorse breeding, ownership, and management; and development and expansion of economic benefits from racing.

(b) As a condition of a grant, contract, or expenditure under paragraph (a), the commission shall require an annual report from the recipient on the use of the funds ~~to the commission, the chair of the house of representatives Committee on General Legislation, Veterans Affairs, and Gaming, and the chair of the senate committee on Gaming Regulation.~~

(c) The commission shall include in its ~~annual~~ biennial report a summary of each grant, contract, or expenditure under paragraph (a), clause (2), and a description of how the commission has coordinated activities among recipients to ensure the most efficient and effective use of funds.

(d) After deducting the amount for paragraph (a), the balance of the available proceeds in each category may be expended by the commission to:

(1) supplement purses for races held exclusively for Minnesota-bred or Minnesota-foaled horses, and supplement purses for Minnesota-bred or Minnesota-foaled horses racing in nonrestricted races in that category;

(2) pay breeders' or owners' awards to the breeders or owners of Minnesota-bred horses in that category which win money at ~~licensed pari-mutuel racetracks in the state~~ licensed by any state or province; and

(3) provide other financial incentives to encourage the horse breeding industry in Minnesota.

Sec. 49. Minnesota Statutes 2018, section 240.18, subdivision 3, is amended to read:

Subd. 3. **Standardbred category.** (a) With respect to the available money apportioned in the standardbred category, 20 percent must be expended as follows:

(1) one-half of that amount to supplement purses for standardbreds at non-pari-mutuel racetracks in the state; and

~~(2) one-fourth of that amount for the development of non-pari-mutuel standardbred tracks in the state; and~~

~~(3) one-fourth~~ (2) one-half of that amount as grants for equine research and related education at public institutions of postsecondary learning in the state.

(b) After deducting the amount for paragraph (a), the balance of the available proceeds in the standardbred category must be expended by the commission to:

(1) supplement purses for races held exclusively for Minnesota-bred and Minnesota-foaled standardbreds;

(2) pay breeders or owners awards to the breeders or owners of Minnesota-bred standardbreds which win money at licensed racetracks in the state; and

(3) provide other financial incentives to encourage the horse breeding industry in Minnesota.

Sec. 50. Minnesota Statutes 2018, section 240.22, is amended to read:

**240.22 FINES.**

(a) The commission shall by rule establish a schedule of civil fines of up to \$50,000 for a class C licensee and up to \$200,000 for a class A, B, or D licensee for violations of laws related to horse racing or of the commission's rules. The schedule must be based on and reflect the culpability, frequency and severity of the violator's actions. The commission may impose a fine from this schedule on a licensee for a violation of those rules or laws relating to horse racing. The fine is in addition to any criminal penalty imposed for the same violation. Except as provided in paragraph (b), fines may be appealed to the commission according to its rules. Fines imposed by the commission must be paid to the commission and except as provided in paragraph (c), forwarded to the commissioner of management and budget for deposit in the state treasury and credited to a racing and card-playing regulation account in the special revenue fund and appropriated to the commission to distribute in the form of grants, contracts, or expenditures to support racehorse adoption, retirement, and repurposing.

(b) If the commission issues a fine in excess of ~~\$5,000~~ \$10,000, the license holder has the right to request a contested case hearing under chapter 14, to be held as set forth in Minnesota Rules, chapter 1400. The appeal of a fine must be made in writing to the commission by certified mail or personal service. An appeal sent by certified mail must be postmarked within ten days after the license holder receives the fine order from the commission. An appeal sent by personal service must be received by the commission within ten days after the license holder receives the fine order from the commission.

(c) If the commission is the prevailing party in a contested case proceeding, the commission may recover, from amounts to be forwarded under paragraph (a), reasonable attorney fees and costs associated with the contested case.

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

Sec. 51. Minnesota Statutes 2018, section 240.27, is amended to read:

**240.27 EXCLUSION OF CERTAIN PERSONS.**

Subdivision 1. **Persons excluded.** The commission may exclude from any and all licensed racetracks in the state a person who:

(1) has been convicted of a felony under the laws of any state or the United States;

(2) has had a license suspended, revoked, or denied by the commission or by the racing authority of any other jurisdiction; or

(3) is determined by the commission, on the basis of evidence presented to it, to be a threat to the public safety or the integrity of racing or card playing in Minnesota.

Subd. 2. **Hearing; appeal.** An order to exclude ~~a~~ an unlicensed person from any or all licensed racetracks in the state must be made by the commission ~~at~~ following a public hearing of which the person to be excluded must have had at least five days' notice. If present at the hearing, the person must be permitted to show cause why the exclusion should not be ordered. An appeal of the order may be made in the same manner as other appeals under section 240.20.

Subd. 3. **Notice to racetracks.** Upon issuing an order excluding a person from any or all licensed racetracks, the commission shall send a copy of the order to the excluded person and to all racetracks or telereading facilities named in it, along with other information as it deems necessary to permit compliance with the order.

Subd. 4. **Prohibitions.** It is a gross misdemeanor for a person named in an exclusion order to enter, attempt to enter, or be on the premises of a racetrack named in the order while it is in effect, and for a person licensed to conduct racing or operate a racetrack knowingly to permit an excluded person to enter or be on the premises.

Subd. 5. **Exclusions by racetrack.** ~~The holder of a license to conduct racing may eject and exclude from its premises any licensee or any other person who is in violation of any state law or commission rule or order or who is a threat to racing integrity or the public safety. A person so excluded from racetrack premises may appeal the exclusion to the commission and must be given a public hearing on the appeal upon request. At the hearing the person must be given the opportunity to show cause why the exclusion should not have been ordered. If the commission after the hearing finds that the integrity of racing and the public safety do not justify the exclusion, it shall order the racetrack making the exclusion to reinstate or readmit the person. An appeal of a commission order upholding the exclusion is governed by section 240.20. A licensed racetrack may eject and exclude from its premises any person for any lawful reason. If a licensed racetrack excludes a person for a suspected or potential violation of law or rule, or if a licensed racetrack excludes any person for more than five days, the licensed racetrack shall provide the person's name and reason for the exclusion to the commission within 72 hours.~~

Sec. 52. Minnesota Statutes 2018, section 240.30, subdivision 9, is amended to read:

Subd. 9. **Reimbursement to commission.** The commission shall require that the licensee reimburse it for the commission's actual costs, including personnel costs, of regulating the card club. Amounts received under this subdivision must be deposited as provided in section 240.155, subdivision 1, and are appropriated to the commission.

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

Sec. 53. Minnesota Statutes 2018, section 240A.09, is amended to read:

**240A.09 PLAN DEVELOPMENT; CRITERIA.**

The Minnesota Amateur Sports Commission shall develop a plan to promote the development of proposals for new statewide public ice facilities including proposals for ice centers and matching grants based on the criteria in this section.

(a) For ice center proposals, the commission will give priority to proposals that come from more than one local government unit. Institutions of higher education are not eligible to receive a grant.

(b) The commission must give priority to grant applications for indoor air quality improvements and projects that eliminate R-22. For purposes of this section:

(1) "indoor air quality improvements" means: (i) renovation or replacement of heating, ventilating, and air conditioning systems in existing indoor ice arenas whose ice resurfacing and ice edging equipment are not powered by electricity in order to reduce concentrations of carbon monoxide and nitrogen dioxide; and (ii) acquisition of zero-emission ice resurfacing and ice edging equipment. The new or renovated systems may include continuous electronic air monitoring devices to automatically activate the ventilation systems when the concentration of carbon monoxide or nitrogen dioxide reaches a predetermined level; and

(2) "projects that eliminate R-22," means replacement of ice-making systems in existing public facilities that use R-22 as a refrigerant, with systems that use alternative non-ozone-depleting refrigerants.

(c) In the metropolitan area as defined in section 473.121, subdivision 2, the commission is encouraged to give priority to the following proposals:

(1) proposals for construction of two or more ice sheets in a single new facility;

(2) proposals for construction of an additional sheet of ice at an existing ice center;

(3) proposals for construction of a new, single sheet of ice as part of a sports complex with multiple sports facilities; and

(4) proposals for construction of a new, single sheet of ice that will be expanded to a two-sheet facility in the future.

(d) The commission shall administer a site selection process for the ice centers. The commission shall invite proposals from cities or counties or consortia of cities. A proposal for an ice center must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(e) Proposals for ice centers and matching grants must provide for meeting the demand for ice time for female groups by offering up to 50 percent of prime ice time, as needed, to female groups. For purposes of this section, prime ice time means the hours of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays and Sundays.

(f) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway.

(g) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization and profitable operation, and must accommodate noncompetitive family and community skating for all ages.

(h) The commission may also use the money to upgrade current facilities, purchase girls' ice time, or conduct amateur women's hockey and other ice sport tournaments.

(i) To the extent possible, 50 percent of all grants must be awarded to communities in greater Minnesota.

(j) To the extent possible, technical assistance shall be provided to Minnesota communities by the commission on ice arena planning, design, and operation, including the marketing of ice time and on projects described in paragraph (b).

(k) A grant for new facilities may not exceed \$250,000.

(l) The commission may make grants for rehabilitation and renovation. A rehabilitation or renovation grant for air quality may not exceed \$200,000 and a rehabilitation or renovation grant for R-22 elimination may not exceed ~~\$50,000~~ \$250,000 for indirect cooling systems and may not exceed ~~\$400,000~~ \$500,000 for direct cooling systems. Priority must be given to grant applications for indoor air quality improvements, including zero emission ice resurfacing equipment, and for projects that eliminate R-22.

(m) Grant money may be used for ice centers designed for sports other than hockey.

(n) Grant money may be used to upgrade existing facilities to comply with the bleacher safety requirements of section 326B.112.

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

Sec. 54. Minnesota Statutes 2018, section 307.08, is amended to read:

**307.08 DAMAGES; ILLEGAL MOLESTATION OF HUMAN REMAINS; BURIALS; CEMETERIES; PENALTY; AUTHENTICATION ASSESSMENT.**

Subdivision 1. **Legislative intent; scope.** It is a declaration and statement of legislative intent that all human burials, human remains, and ~~human burial grounds~~ cemeteries shall be accorded equal treatment and respect for human dignity without reference to their ethnic origins, cultural backgrounds, or religious affiliations. The provisions of this section shall apply to all human burials, human remains, or ~~human burial grounds~~ cemeteries found on or in all public or private lands or waters in Minnesota.

Subd. 2. **Felony; gross misdemeanor.** (a) A person who intentionally, willfully, and knowingly does any of the following is guilty of a felony:

(1) destroys, mutilates, or injures human burials or ~~human burial grounds~~ cemetery, or associated grave goods; or

(2) without the consent of the appropriate authority, disturbs ~~human burial grounds~~ a cemetery or removes human remains or associated grave goods.

(b) A person who, without the consent of the appropriate authority and the landowner, intentionally, willfully, and knowingly does any of the following is guilty of a gross misdemeanor:

(1) removes any tombstone, monument, or structure placed in any public or private cemetery or ~~authenticated human burial ground~~ assessed cemetery; or

(2) removes any fence, railing, or other work erected for protection or ornament, or any tree, shrub, or plant or grave goods and artifacts within the limits of a ~~public or private cemetery or authenticated human burial ground~~; or

(3) discharges any firearms upon or over the grounds of any ~~public or private cemetery or authenticated burial ground~~.

Subd. 3. **Protective posting.** Upon the agreement of the appropriate authority and the landowner, ~~an authenticated or recorded human burial ground~~ a cemetery may be posted for protective purposes every 75 feet around its perimeter with signs listing the activities prohibited by subdivision 2 and the penalty for violation of it. Posting is at the discretion of the Indian affairs council in the case of American Indian burials cemeteries or at the discretion of the state archaeologist in the case of ~~non-Indian burials~~ non-American Indian cemeteries. This subdivision does not require posting of a ~~burial ground~~ cemetery. The size, description, location, and information on the signs used for protective posting must be approved by the appropriate authority and the landowner.

Subd. 3a. **Authentication Cemeteries; records and condition assessments.** ~~The state archaeologist shall authenticate all burial grounds for purposes of this section. The state archaeologist may retain the services of a qualified professional archaeologist, a qualified physical anthropologist, or other appropriate experts for the purpose of gathering information that the state archaeologist can use to authenticate or identify burial grounds. If probable Indian burial grounds are to be disturbed or probable Indian remains analyzed, the Indian Affairs Council must approve the professional archaeologist, qualified anthropologist, or other appropriate expert. Authentication is at the discretion of the state archaeologist based on the needs identified in this section or upon request by an agency, a landowner, or other appropriate authority.~~ (a) Cemeteries shall be assessed according to this subdivision.

(b) The state archaeologist shall implement and maintain a system of records identifying the location of known, recorded, or suspected cemeteries. The state archaeologist shall provide access to the records as provided in subdivision 11.

(c) The cemetery condition assessment of non-American Indian cemeteries is at the discretion of the state archaeologist based on the needs identified in this section or upon request by an agency, a landowner, or other appropriate authority.

(d) The cemetery condition assessment of American Indian cemeteries is at the discretion of the Indian Affairs Council based on the needs identified in this section or upon request by an agency, a landowner, or other appropriate authority.

(e) The cemetery condition assessment of cemeteries that include American Indian and non-American Indian remains or include remains whose ancestry cannot be determined shall be assessed at the discretion of the state archaeologist in collaboration with the Indian Affairs Council based on the needs identified in this section or upon request by an agency, a landowner, or other appropriate authority.

(f) The state archaeologist and the Indian Affairs Council shall have 90 days from the date a request is received to conduct a cemetery condition assessment or provide notice to the requester whether or not a condition assessment of a cemetery is needed.

(g) The state archaeologist and the Indian Affairs Council may retain the services of a qualified professional archaeologist, a qualified forensic anthropologist, or other appropriate experts for the purpose of gathering information that the state archaeologist or the Indian Affairs Council can use to assess or identify cemeteries.

Subd. 5. ~~Cost; use of data.~~ The cost of ~~authentication~~ condition assessment, recording, surveying, and marking ~~burial grounds~~ cemeteries and the cost of identification, analysis, rescue, and reburial of human remains on public lands or waters shall be the responsibility of the state or political subdivision controlling the lands or waters. On private lands or waters these costs shall be borne by the state, but may be borne by the landowner upon mutual agreement with the state. ~~The state archaeologist must make the data collected for this activity available using standards adopted by the Office of MN.IT Services and geospatial technology standards and guidelines published by the Minnesota Geospatial Information Office. Costs associated with this data delivery must be borne by the state.~~

Subd. 7. **Remains found outside of recorded cemeteries.** (a) All unidentified human remains or burials found outside of ~~recorded~~ cemeteries or unplatted graves or burials found within recorded cemeteries and in contexts which indicate antiquity greater than 50 years shall be treated with utmost respect for all human dignity and dealt with according to the provisions of this section.

(b) If deemed necessary for identification purposes by the Indian Affairs Council, removed remains shall be studied in a timely and respectful manner by appropriate experts designated by the Indian Affairs Council.

(c) If ~~such~~ the burials are not American Indian or their ethnic identity cannot be ascertained, as determined by the state archaeologist, they shall be dealt with in accordance with provisions established by the state archaeologist and other appropriate authority, as specified in subdivision 3a, paragraph (e).

(d) If ~~such~~ the burials ~~are~~ include American Indian remains, as determined by the state archaeologist, ~~efforts shall be made by they~~ must be dealt with as provided by the provisions of subdivision 3a, paragraph (d). The state archaeologist and the Indian Affairs Council ~~to shall~~ ascertain their tribal identity. ~~If their probable tribal identity can be determined and the remains have been removed from their original context, such remains shall be turned over to contemporary tribal leaders for disposition.~~ of the remains in consultation with appropriate experts designated by the Indian Affairs Council.

(e) If tribal identity of the remains cannot be determined, the American Indian remains must be dealt with in accordance with provisions established by ~~the state archaeologist and~~ the Indian Affairs Council ~~if they are from public land. If removed Indian remains are from private land they shall be dealt with in accordance with provisions established by the Indian Affairs Council.~~

~~If it is deemed desirable by the state archaeologist or the Indian Affairs Council, removed remains shall be studied in a timely and respectful manner by a qualified professional archaeologist or a qualified physical anthropologist before being delivered to tribal leaders or before being reburied.~~

Subd. 7a. **Landowner responsibilities.** (a) Application by a landowner for permission to develop or disturb nonburial areas within ~~authenticated~~ an assessed or recorded ~~burial grounds~~ cemetery shall be made to the:

(1) ~~to the~~ state archaeologist and other appropriate authority in the case of ~~non-Indian~~ non-American Indian burials; and

(2) ~~to the~~ Indian Affairs Council and other appropriate authority in the case of American Indian burials.

(b) Landowners with ~~authenticated known~~ or suspected human ~~burial grounds~~ cemeteries on their property are obligated to inform prospective buyers of the ~~burial ground~~ cemetery.

Subd. 8. **Burial-ground Cemetery relocation.** No ~~non-Indian burial-ground non-American Indian cemetery~~ may be relocated without the consent of the appropriate authority. No American Indian burial-ground cemetery may be relocated unless the request to relocate is approved by the Indian Affairs Council. When a ~~burial-ground cemetery~~ is located on public lands or waters, any burial relocations must be duly licensed under section 138.36 and the cost of removal is the responsibility of and shall be paid by the state or political subdivision controlling the lands or waters. If ~~burial grounds cemeteries~~ are ~~authenticated~~ assessed on private lands, efforts may be made by the state to purchase and protect them instead of removing them to another location.

Subd. 9. **Interagency cooperation.** (a) The state archaeologist and the Indian Affairs Council shall enter into a memorandum of understanding to coordinate their responsibilities under this section.

(b) The Department of Natural Resources, the Department of Transportation, and all other state agencies and local governmental units whose activities may be affected, shall cooperate with the state archaeologist and the Indian Affairs Council to carry out the provisions of this section.

Subd. 10. **Construction and development plan review.** When ~~human burials are known or suspected to~~ cemeteries exist, on public lands or waters, the state or political subdivision controlling the lands or waters or, in the case of private lands, the landowner or developer, shall submit construction and development plans to the state archaeologist for review prior to the time bids are advertised and prior to any disturbance within the ~~burial area~~ cemetery. If ~~the known or suspected burials are~~ the cemetery is thought to be Indian American Indian, or the project is within 300 feet of American Indian cemeteries, American Indian burial features, historic American Indian villages, or historic American Indian cultural features, plans shall also be submitted to the Indian Affairs Council. The state archaeologist and the Indian Affairs Council shall review the plans within ~~30~~ 45 days of receipt and make recommendations for the preservation in place or removal of the ~~human burials cemetery~~ or remains, which may be endangered by construction or development activities.

Subd. 11. **Burial sites data.** (a) ~~Burial sites locational and related data maintained by data under the authority of the Office of the State Archaeologist and accessible through the office's "Unplatted Burial Sites and Earthworks in Minnesota" website or Indian Affairs Council~~ are security information for purposes of section 13.37. Persons who gain access to ~~the data maintained on the site~~ this data are subject to liability under section 13.08 and the penalty established by section 13.09 if they improperly use or further disseminate the data.

(b) The Indian Affairs Council or state archaeologist may bring legal action to prosecute any violation of this subdivision. A violation may be prosecuted by the city or county attorney or by the attorney general.

Subd. 12. **Right of entry.** The state archaeologist or designee may enter on property for the purpose of ~~authenticating burial sites, identifying or assessing cemetery sites.~~ A designated representative of the Indian Affairs Council may enter on property, in collaboration with the state archaeologist, for the purpose of identifying or assessing American Indian cemeteries. Only after obtaining permission from the property owner or lessee, descendants of persons buried in ~~burial grounds~~ cemeteries covered by this section may enter the ~~burial grounds~~ cemetery for the purpose of conducting religious or commemorative ceremonies. This right of entry must not unreasonably burden property owners or unnecessarily restrict their use of the property. The right of entry cannot be denied unless an unreasonable burden can be shown by the property owners.

Subd. 13. **Definitions.** As used in this section, the following terms have the meanings given.

(a) "Abandoned cemetery" means a cemetery where the cemetery association has disbanded or the cemetery is neglected and contains marked graves older than 50 years.

(b) "Appropriate authority" means:

- (1) the trustees when the trustees have been legally defined to administer ~~burial grounds~~ cemetery sites;
- (2) the Indian Affairs Council in the case of American Indian ~~burial grounds~~ cemetery sites lacking trustees;
- (3) the county board in the case of abandoned cemeteries under section 306.243; and
- (4) the state archaeologist in the case of ~~non-Indian burial grounds~~ non-American Indian cemetery sites lacking trustees or not officially defined as abandoned.

(c) "Artifacts" means natural or artificial articles, objects, implements, or other items of archaeological interest.

(d) ~~"Authenticate"~~ "Assess" means to establish the presence of or high potential ~~of human burials~~ for a cemetery or human ~~skeletal remains being~~ located in a discrete area, delimit the boundaries of ~~human burial grounds~~ the cemetery or graves, and attempt to determine the ethnic, cultural, or religious affiliation of individuals interred.

(e) "Burial" means the organic remnants of the human body that were intentionally interred as part of a mortuary process.

~~(f) "Burial ground" means a discrete location that is known to contain or has high potential to contain human remains based on physical evidence, historical records, or reliable informant accounts.~~

~~(g)~~ (f) "Cemetery" means a discrete location that is known to contain or intended to be used for the interment of human remains, or has high potential to contain human remains based on physical evidence, historical records, or reliable informant accounts.

~~(h)~~ (g) "Disturb" means any activity that ~~significantly~~ harms the physical integrity or setting of a ~~human burial or human burial ground~~ cemetery.

~~(i)~~ (h) "Grave goods" means objects or artifacts directly associated with human burials or ~~human burial grounds~~ cemeteries that were placed as part of a mortuary ritual at the time of interment.

~~(j)~~ (i) "Human remains" means ~~the calcified portion of the human body~~ the body of a deceased person in whole or in parts, regardless of the state of decomposition, not including isolated teeth, ~~or cremated remains deposited in a container or discrete feature.~~

~~(k)~~ (j) "Identification" means to analyze organic materials to attempt to determine if they represent human remains and to attempt to establish the ethnic, cultural, or religious affiliations of such remains.

~~(l)~~ (k) "American Indian cemetery" means a discrete location that is known to contain or has a high potential to contain American Indian human remains based on physical evidence, historical records, or reliable informant accounts.

(l) "Marked" means a burial that has a recognizable tombstone or obvious grave marker in place or a legible sign identifying an area as a ~~burial ground or~~ cemetery.

(m) "Qualified ~~physical~~ forensic anthropologist" means a specialist in identifying human remains who holds an advanced degree in forensic anthropology or a closely related field.

(n) "Qualified professional archaeologist" means an archaeologist who meets the United States Secretary of the Interior's professional qualification standards in Code of Federal Regulations, title 36, part 61, appendix A, or subsequent revisions.

(o) "Recorded cemetery" means a cemetery that has a surveyed plat filed in a county recorder's office.

(p) "State" or "the state" means the state of Minnesota or an agency or official of the state acting in an official capacity.

(q) "Trustees" means the recognized representatives of the original incorporators, board of directors, or cemetery association.

Sec. 55. Minnesota Statutes 2018, section 326A.01, subdivision 2, is amended to read:

Subd. 2. **Attest.** "Attest" means providing any of the following services:

(1) an audit or other engagement performed in accordance with the Statements on Auditing Standards (SAS);

(2) an audit or other engagement performed in accordance with the Generally Accepted Government Auditing Standards (GAGAS);

(3) a review of a financial statement performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS);

~~(3)~~ (4) an examination of prospective financial information performed in accordance with the Statements on Standards for Attestation Engagements (SSAE);

(4) (5) an engagement performed in accordance with the standards of the Public Company Accounting Oversight Board (PCAOB); and

~~(5)~~ (6) an examination, review, or agreed-upon procedures engagement performed in accordance with SSAE, other than an examination described in clause (3).

Sec. 56. Minnesota Statutes 2018, section 326A.04, subdivision 4, is amended to read:

Subd. 4. **Program of learning.** Each licensee shall participate in a program of learning designed to maintain professional competency. The program of learning must comply with rules adopted by the board. The board may by rule create an exception to this requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of ~~accounting or~~ auditing skills, including issuance of reports on ~~financial statements or of one or more kinds of:~~ attest or compilation engagements, management advisory services, financial advisory services, or consulting services, ~~or the preparation of tax returns or the furnishing of advice on tax matters.~~ A licensee granted such an exception by the board must place the word "inactive" ~~or "retired," if applicable,~~ adjacent to the CPA title on any business card, letterhead, or any other document or device, with the exception of the licensee's certificate on which the CPA title appears.

Sec. 57. Minnesota Statutes 2018, section 326A.04, subdivision 5, is amended to read:

Subd. 5. **Fee.** (a) The board shall charge a fee for each application for initial issuance or renewal of a certificate or temporary military certificate under this section as provided in paragraph (b). ~~The fee for the temporary military certificate is \$100.~~

(b) The board shall charge the following fees:

- (1) initial issuance of certificate, \$150;
- (2) renewal of certificate with an active status, \$100 per year;
- (3) initial CPA firm permits, except for sole practitioners, \$100;
- (4) renewal of CPA firm permits, except for sole practitioners and those firms specified in clause ~~(47)~~ (16), \$35 per year;
- (5) initial issuance and renewal of CPA firm permits for sole practitioners, except for those firms specified in clause ~~(47)~~ (16), \$35 per year;
- (6) annual late processing delinquency fee for permit, certificate, or registration renewal applications not received prior to expiration date, \$50;
- (7) copies of records, per page, 25 cents;
- (8) registration of noncertificate holders, nonlicensees, and nonregistrants in connection with renewal of firm permits, \$45 per year;
- (9) applications for reinstatement, \$20;
- (10) initial registration of a registered accounting practitioner, \$50;
- (11) initial registered accounting practitioner firm permits, \$100;
- (12) renewal of registered accounting practitioner firm permits, except for sole practitioners, \$100 per year;
- (13) renewal of registered accounting practitioner firm permits for sole practitioners, \$35 per year;
- ~~(14) CPA examination application, \$40;~~
- ~~(45)~~ (14) CPA examination, fee determined by third-party examination administrator;
- ~~(46)~~ (15) renewal of certificates with an inactive status, \$25 per year; ~~and~~
- ~~(47)~~ (16) renewal of CPA firm permits for firms that have one or more offices located in another state, \$68 per year; and
- (17) temporary military certificate, \$100.

Sec. 58. **[326A.045] RETIRED STATUS.**

Subdivision 1. Retired status requirements. The board shall grant retired status to a person who meets the following criteria:

- (1) is age 55 or older;

(2) holds a current active license to practice public accounting under this chapter with a license status of active, inactive, or exempt under Minnesota Rules, part 1105.3700;

(3) declares that he or she is not practicing public accounting in any jurisdiction;

(4) was in good standing with the board at the time the person last held a license under this chapter; and

(5) submits an application for retired status on a form provided by the board.

Subd. 2. **Retired status effect.** Retired status is an honorific status. Retired status is not a license to engage in the practice of public accounting. A person granted retired status shall not perform or offer to perform services for which a license under this chapter is required.

Subd. 3. **Documentation of status.** The board shall provide to a person granted retired status a document stating that retired status has been granted.

Subd. 4. **Representation to the public.** A person granted retired status may represent themselves as "Certified Public Accountant - Retired," "CPA - Retired," "Retired Certified Public Accountant," or "Retired CPA," but shall not represent themselves or allow themselves to be represented to the public as a current licensee of the board.

Subd. 5. **Continuing education not required.** A person is not required to comply with the continuing education requirements in section 326A.04, subdivision 4, to acquire or maintain retired status.

Subd. 6. **Renewal not required.** A person granted retired status is not required to renew the person's registration or pay renewal fees to maintain retired status.

Subd. 7. **Change to active or inactive status.** The board shall change a license status from retired to active or inactive if a person with retired status requests a status change and meets requirements for reactivation prescribed by rule.

Sec. 59. Minnesota Statutes 2018, section 326A.08, subdivision 4, is amended to read:

Subd. 4. **Cease and desist orders.** (a) The board, or the complaint committee if authorized by the board, may issue and have served upon a certificate holder, a permit holder, a registration holder, a person with practice privileges granted under section 326A.14, a person who has previously been subject to a disciplinary order by the board, or an unlicensed firm or person an order requiring the person or firm to cease and desist from the act or practice constituting a violation of the statute, rule, or order. The order must be calculated to give reasonable notice of the rights of the person or firm to request a hearing and must state the reasons for the entry of the order. No order may be issued until an investigation of the facts has been conducted pursuant to section 214.10.

~~(b) Service of the order is effective when the order is served on the person, firm, or counsel of record personally, or by certified mail to the most recent address provided to the board for the person, firm, or counsel of record. may be by first class United States mail, including certified United States mail, or overnight express mail service, postage prepaid and addressed to the party at the party's last known address. Service by United States mail, including certified mail, is complete upon placing the order in the mail or otherwise delivering the order to the United States mail service. Service by overnight express mail service is complete upon delivering the order to an authorized agent of the express mail service.~~

(c) Unless otherwise agreed by the board, or the complaint committee if authorized by the board, and the person or firm requesting the hearing, the hearing must be held no later than 30 days after the request for the hearing is received by the board.

(d) The administrative law judge shall issue a report within 30 days of the close of the contested case hearing record, notwithstanding Minnesota Rules, part 1400.8100, subpart 3. Within 30 days after receiving the report and any exceptions to it, the board shall issue a further order vacating, modifying, or making permanent the cease and desist orders as the facts require.

(e) If no hearing is requested within 30 days of service of the order, the order becomes final and remains in effect until it is modified or vacated by the board.

(f) If the person or firm to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person or firm is in default and the proceeding may be determined against that person or firm upon consideration of the cease and desist order, the allegations of which may be considered to be true.

(g) In lieu of or in addition to the order provided in paragraph (a), the board may require the person or firm to provide to the board a true and complete list of the person's or firm's clientele so that they can, if deemed necessary, be notified of the board's action. Failure to do so, or to provide an incomplete or inaccurate list, is an act discreditable.

Sec. 60. Minnesota Statutes 2018, section 326A.08, subdivision 5, is amended to read:

Subd. 5. **Actions against persons or firms.** (a) The board may, by order, deny, refuse to renew, suspend, temporarily suspend, or revoke the application, or practice privileges, registration or certificate of a person or firm; censure or reprimand the person or firm; prohibit the person or firm from preparing tax returns or reporting on financial statements; limit the scope of practice of any licensee; limit privileges under section 326A.14; refuse to permit a person to sit for examination; or refuse to release the person's examination grades if the board finds that the order is in the public interest and that, based on a preponderance of the evidence presented, the person or firm:

(1) has violated a statute, rule, or order that the board has issued or is empowered to enforce;

(2) has engaged in conduct or acts that are fraudulent, deceptive, or dishonest whether or not the conduct or acts relate to performing or offering to perform professional services, providing that the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's or firm's ability or fitness to provide professional services;

(3) has engaged in conduct or acts that are negligent or otherwise in violation of the standards established by board rule, where the conduct or acts relate to providing professional services, including in the filing or failure to file the licensee's income tax returns;

(4) has been convicted of, has pled guilty or nolo contendere to, or has been sentenced as a result of the commission of a felony or crime, an element of which is dishonesty or fraud; has been shown to have or admitted to having engaged in acts or practices tending to show that the person or firm is incompetent; or has engaged in conduct reflecting adversely on the person's or firm's ability or fitness to provide professional services, whether or not a conviction was obtained or a plea was entered or withheld and whether or not dishonesty or fraud was an element of the conduct;

(5) employed fraud or deception in obtaining a certificate, permit, registration, practice privileges, renewal, or reinstatement or in passing all or a portion of the examination;

(6) has had the person's or firm's permit, registration, practice privileges, certificate, right to examine, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause, or has committed unprofessional acts for which the person or firm was otherwise disciplined or sanctioned, including, but not limited to, being ordered to or agreeing to cease and desist from prescribed conduct, in any state or any foreign country;

(7) has had the person's or firm's right to practice before any federal, state, other government agency, or Public Company Accounting Oversight Board revoked, suspended, canceled, limited, or not renewed for cause, or has committed unprofessional acts for which the person or firm was otherwise disciplined or sanctioned, including, but not limited to, being ordered to or agreeing to cease and desist from prescribed conduct;

(8) failed to meet any requirement for the issuance or renewal of the person's or firm's certificate, registration or permit, or for practice privileges;

(9) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that may result or may have resulted, in the opinion of the board or the complaint committee if authorized by the board, in an immediate threat to the public;

(10) has engaged in any conduct reflecting adversely upon the person's or firm's fitness to perform services while a licensee, individual granted privileges under section 326A.14, or a person registered under section 326A.06, paragraph (b); or

(11) has, prior to a voluntary surrender of a certificate or permit to the board, engaged in conduct which at any time resulted in the discipline or sanction described in clause (6) or (7).

(b) In lieu of or in addition to any remedy provided in paragraph (a), the board, or the complaint committee if authorized by the board, may require, as a condition of continued possession of a certificate, a registration, or practice privileges, termination of suspension, reinstatement of permit, registration of a person or firm or of practice privileges under section 326A.14, a certificate, an examination, or release of examination grades, that the person or firm:

(1) submit to a peer review of the person's or firm's ability, skills, or quality of work, conducted in a fashion and by persons, entity, or entities as required by the board; and

(2) complete to the satisfaction of the board continuing professional education courses specified by the board.

(c) ~~Service of the order is effective if the order is served on the person, firm, or counsel of record personally or by certified mail to the most recent address provided to the board for the person, firm, or counsel of record.~~ may be by first class United States mail, including certified United States mail, or overnight express mail service, postage prepaid and addressed to the party at the party's last known address. Service by United States mail, including certified mail, is complete upon placing the order in the mail or otherwise delivering the order to the United States mail service. Service by overnight express mail service is complete upon delivering the order to an authorized agent of the express mail service. The order shall state the reasons for the entry of the order.

(d) All hearings required by this subdivision must be conducted in accordance with chapter 14 except with respect to temporary suspension orders as provided for in subdivision 6.

(e) In addition to the remedies authorized by this subdivision, the board, or the complaint committee if authorized by the board, may enter into an agreement with the person or firm for corrective action and may unilaterally issue a warning to a person or firm.

(f) The board shall not use agreements for corrective action or warnings in any situation where the person or firm has been convicted of or pled guilty or nolo contendere to a felony or crime and the felony or crime is the basis of the board's action against the person or firm, where the conduct of the person or firm indicates a pattern of related violations of paragraph (a) or the rules of the board, or where the board concludes that the conduct of the person or firm will not be deterred other than by disciplinary action under this subdivision or subdivision 4 or 6.

(g) Agreements for corrective action may be used by the board, or the complaint committee if authorized by the board, where the violation committed by the person or firm does not warrant disciplinary action pursuant to this subdivision or subdivision 4 or 6, but where the board, or the complaint committee if authorized by the board, determines that corrective action is required to prevent further such violations and to otherwise protect the public. Warnings may be used by the board, or the complaint committee if authorized by the board, where the violation of the person or firm is de minimus, does not warrant disciplinary action under this subdivision or subdivision 4 or 6, and does not require corrective action to protect the public.

(h) Agreements for corrective action must not be considered disciplinary action against the person's or firm's application, permit, registration or certificate, or practice privileges under section 326A.14. However, agreements for corrective action are public data. Warnings must not be considered disciplinary action against the person's or firm's application, permit, registration, or certificate or person's practice privileges and are private data.

Sec. 61. Minnesota Statutes 2018, section 326A.08, is amended by adding a subdivision to read:

**Subd. 10. Actions against lapsed license, certificate, or permit.** If a person's or firm's permit, registration, practice privileges, license, certificate, or other similar authority lapses, expires, is surrendered, withdrawn, terminated, canceled, limited, not renewed, or otherwise becomes invalid, the board may institute a proceeding under this subdivision within two years after the date the license, certificate, or permit was last effective and enter a revocation or suspension order as of the last date on which the license, certificate, or permit was in effect, or impose a civil penalty as provided for in subdivision 7.

Sec. 62. Minnesota Statutes 2018, section 326A.10, is amended to read:

### **326A.10 UNLAWFUL ACTS.**

(a) Only a licensee and individuals who have been granted practice privileges under section 326A.14 may issue a report on financial statements of any person, firm, organization, or governmental unit that results from providing attest services, or offer to render or render any attest service. Only a certified public accountant, an individual who has been granted practice privileges under section 326A.14, a CPA firm, or, to the extent permitted by board rule, a person registered under section 326A.06, paragraph (b), may issue a report on financial statements of any person, firm, organization, or governmental unit that results from providing compilation services or offer to render or render any compilation service. These restrictions do not prohibit any act of a public official or public employee in the performance of that person's duties or prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports on them. Nonlicensees may prepare financial statements and issue nonattest transmittals or information on them which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS). Nonlicensees registered under section 326A.06, paragraph (b), may, to the extent permitted by board rule, prepare financial statements and issue nonattest transmittals or information on them.

(b) Licensees and individuals who have been granted practice privileges under section 326A.14 performing attest or compilation services must provide those services in accordance with professional standards. To the extent permitted by board rule, registered accounting practitioners performing compilation services must provide those services in accordance with standards specified in board rule.

(c) A person who does not hold a valid certificate issued under section 326A.04 or a practice privilege granted under section 326A.14 shall not use or assume the title "certified public accountant," the abbreviation "CPA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant.

(d) A firm shall not provide attest services or assume or use the title "certified public accountants," the abbreviation "CPA's," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is a CPA firm unless (1) the firm has complied with section 326A.05, and (2) ownership of the firm is in accordance with this chapter and rules adopted by the board.

(e) A person or firm that does not hold a valid certificate or permit issued under section 326A.04 or 326A.05 or has not otherwise complied with section 326A.04 or 326A.05 as required in this chapter shall not assume or use the title "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," "accounting practitioner," "public accountant," "licensed public accountant," or any other title or designation likely to be confused with the title "certified public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," "PA," "AP," "LPA," or similar abbreviation likely to be confused with the abbreviation "CPA." The title "enrolled agent" or "EA" may only be used by individuals so designated by the Internal Revenue Service.

(f) Persons registered under section 326A.06, paragraph (b), may use the title "registered accounting practitioner" or the abbreviation "RAP." A person who does not hold a valid registration under section 326A.06, paragraph (b), shall not assume or use such title or abbreviation.

(g) Except to the extent permitted in paragraph (a), nonlicensees may not use language in any statement relating to the financial affairs of a person or entity that is conventionally used by licensees in reports on financial statements or on an attest service. In this regard, the board shall issue by rule safe harbor language that nonlicensees may use in connection with such financial information. A person or firm that does not hold a valid certificate or permit, or a registration issued under section 326A.04, 326A.05, or 326A.06, paragraph (b), or has not otherwise complied with section 326A.04 or 326A.05 as required in this chapter shall not assume or use any title or designation that includes the word "accountant" or "accounting" in connection with any other language, including the language of a report, that implies that the person or firm holds such a certificate, permit, or registration or has special competence as an accountant. A person or firm that does not hold a valid certificate or permit issued under section 326A.04 or 326A.05 or has not otherwise complied with section 326A.04 or 326A.05 as required in this chapter shall not assume or use any title or designation that includes the word "auditor" in connection with any other language, including the language of a report, that implies that the person or firm holds such a certificate or permit or has special competence as an auditor. However, this paragraph does not prohibit any officer, partner, member, manager, or employee of any firm or organization from affixing that person's own signature to any statement in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that the person holds, nor prohibit any act of a public official or employee in the performance of the person's duties as such.

(h)(1) No person holding a certificate or registration or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter. However, names of one or more former partners, members, managers, or shareholders may be included in the name of a firm or its successor.

(2) A common brand name or network name part, including common initials, used by a CPA firm in its name, is not misleading if the firm is a network firm as defined in the American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct ~~in effect July 1, 2011~~ incorporated by reference in Minnesota Rules, part 1105.0250, and when offering or rendering services that require independence under AICPA standards, the firm must comply with the AICPA code's applicable standards on independence.

(i) Paragraphs (a) to (h) do not apply to a person or firm holding a certification, designation, degree, or license granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in that country, if:

(1) the activities of the person or firm in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds the entitlement;

(2) the person or firm performs no attest or compilation services and issues no reports with respect to the information of any other persons, firms, or governmental units in this state; and

(3) the person or firm does not use in this state any title or designation other than the one under which the person practices in the foreign country, followed by a translation of the title or designation into English, if it is in a different language, and by the name of the country.

(j) No holder of a certificate issued under section 326A.04 may perform attest services through any business form that does not hold a valid permit issued under section 326A.05.

(k) No individual licensee may issue a report ~~in standard form~~ upon a compilation of financial information through any form of business that does not hold a valid permit issued under section 326A.05, unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

(1) signs the compilation report identifying the individual as a certified public accountant;

(2) meets the competency requirement provided in applicable standards; and

(3) undergoes no less frequently than once every three years, a peer review conducted in a manner specified by the board in rule, and the review includes verification that the individual has met the competency requirements set out in professional standards for such services.

(l) No person registered under section 326A.06, paragraph (b), may issue a report ~~in standard form~~ upon a compilation of financial information unless the board by rule permits the report and the person:

(1) signs the compilation report identifying the individual as a registered accounting practitioner;

(2) meets the competency requirements in board rule; and

(3) undergoes no less frequently than once every three years a peer review conducted in a manner specified by the board in rule, and the review includes verification that the individual has met the competency requirements in board rule.

(m) Nothing in this section prohibits a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law.

(n) The board shall adopt rules that place limitations on receipt by a licensee or a person who holds a registration under section 326A.06, paragraph (b), of:

(1) contingent fees for professional services performed; and

(2) commissions or referral fees for recommending or referring to a client any product or service.

(o) Anything in this section to the contrary notwithstanding, it shall not be a violation of this section for a firm not holding a valid permit under section 326A.05 and not having an office in this state to provide its professional services in this state so long as it complies with the applicable requirements of section 326A.05, subdivision 1.

Sec. 63. Minnesota Statutes 2018, section 353.27, subdivision 3c, is amended to read:

Subd. 3c. **Former MERF members; member and employer contributions.** (a) For the period July 1, ~~2015~~ 2019, through December 31, 2031, the member contributions for former members of the Minneapolis Employees Retirement Fund and by the former Minneapolis Employees Retirement Fund-covered employing units are governed by this subdivision.

(b) The member contribution for a public employee who was a member of the former Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75 percent of the salary of the employee.

(c) The employer regular contribution with respect to a public employee who was a member of the former Minneapolis Employees Retirement Fund on June 29, 2010, is 9.75 percent of the salary of the employee.

(d) The annual employer supplemental contribution is the employing unit's share of ~~\$31,000,000. For calendar years 2017 and 2018, the employer supplemental contribution is the employing unit's share of \$21,000,000.~~

(e) Each employing unit's share under paragraph (d) is the amount determined from an allocation between each employing unit in the portion equal to the unit's employer supplemental contribution paid or payable under Minnesota Statutes 2012, section 353.50, during calendar year 2014.

(f) The employer supplemental contribution amount under paragraph (d) for calendar year ~~2015~~ 2019 must be invoiced by the executive director of the Public Employees Retirement Association by July 1, ~~2015.~~ The calendar year 2015 payment is payable in a single amount on or before September 30, 2015. For subsequent calendar years, the employer supplemental contribution under paragraph (d) must be invoiced on January 31 of each year ~~and.~~ The employer supplemental contribution is payable in two parts, with the first half payable on or before July 31 and with the second half payable on or before December 15. Late payments are payable with interest, compounded annually, at the applicable rate or rates specified in section 356.59, subdivision 3, per month for each month or portion of a month that has elapsed after the due date.

(g) The employer supplemental contribution under paragraph (d) terminates on December 31, 2031.

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

Sec. 64. Minnesota Statutes 2018, section 353.505, is amended to read:

**353.505 STATE CONTRIBUTIONS; FORMER MERF DIVISION.**

(a) On September 15, 2019, and annually thereafter, the state shall pay to the general employees retirement plan of the Public Employees Retirement Association, with respect to the former MERF division, ~~\$6,000,000~~ \$16,000,000.

~~(b) On September 15, 2017, and September 15, 2018, the state shall pay to the general employees retirement plan of the Public Employees Retirement Association, with respect to the former MERF division, \$16,000,000.~~

~~(c)~~ (b) State contributions under this section end on September 15, 2031.

(c) The commissioner of management and budget shall pay the contribution specified in this section. The amount required is appropriated annually from the general fund to the commissioner of management and budget.

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

Sec. 65. Minnesota Statutes 2018, section 375.08, is amended to read:

**375.08 BOARD TO FILL VACANCIES IN COUNTY OFFICES.**

When a vacancy occurs in the office of an elected county auditor, county treasurer, county recorder, sheriff, county attorney, county surveyor, or coroner, the county board shall fill it by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chair or clerk, which shall be served personally upon each member in the same manner as a district court summons. The person appointed shall give the bond and take the oath required by law, and serve the remainder of the term, and until a successor qualifies. When a vacancy occurs in an office that has a chief deputy or first assistant, the chief deputy or first assistant may perform all the duties and functions of the office until it is filled by appointment by the county board.

Sec. 66. Minnesota Statutes 2018, section 375A.10, subdivision 5, is amended to read:

Subd. 5. **Auditor-treasurer.** In any county exercising the option provided in subdivision 2, clause (c), the office shall be known thereafter as the office of auditor-treasurer, if the office is to remain elective. If the board chooses to make the office of auditor-treasurer elective, and not require a referendum, it must act with the concurrence of at least 80 percent of its members.

In the exercise of this option, the county board shall direct which of the offices of auditor or treasurer shall be terminated for the purpose of providing for the election to the single office of auditor-treasurer. The duties, functions and responsibilities which have been heretofore and which shall hereafter be required by statute to be performed by the county auditor and the county treasurer shall be vested in and performed by the auditor-treasurer without diminishing, prohibiting or avoiding those specific duties required by statute to be performed by the county auditor and the county treasurer.

Nothing in this subdivision shall preclude the county from exercising the option to make the combined office of auditor-treasurer appointive as if it had been specifically enumerated in subdivision 2. If the combined office is to be appointive, a referendum under section 375A.12 shall be necessary, except as provided by section 375A.1205.

If the combined office is to be elective, a referendum under section 375A.12 shall be necessary if:

(a) the county board requires a referendum; or

(b) a referendum is required by a petition of a number of voters equal to ten percent of those voting in the county at the last general election that is received by the county auditor within 30 days after the second publication of the board resolution that orders the combination.

The persons last elected to the positions of auditor and treasurer before adoption of the resolution shall serve in those offices and perform the duties of those offices until the completion of the terms to which they were elected.

Sec. 67. Minnesota Statutes 2018, section 375A.12, subdivision 2, is amended to read:

Subd. 2. **Form of government options.** Except as provided in section 375A.1205 or by special law, the options provided in sections 375A.01 to 375A.10 shall be adopted in any county only after an affirmative vote of the voters in the county on the question of the adoption of the option. Except as provided in section 375A.01, only one such plan may be submitted at any one election.

Sec. 68. **[375A.1205] APPOINTING COUNTY OFFICERS.**

Subdivision 1. Authority to appoint certain officers. A county board may appoint the county auditor, county treasurer, or county recorder under section 375A.10, subdivision 2, or the auditor-treasurer under section 375A.10, subdivision 5, by following the process outlined in this section. Notwithstanding section 375A.12, a referendum is not required if the appointment is made pursuant to this section. A county board shall only use the authority to appoint under the following circumstances:

(1) there is a vacancy in the office as provided in section 351.02;

(2) the current office holder has notified the county board that the officer will not file for the office, as provided in subdivision 2; or

(3) there is a signed contract with the county board and the incumbent auditor, treasurer, auditor-treasurer, or recorder that provides that the incumbent officer will be appointed to the position and retain tenure, pay, and benefits equal to or greater than length of service.

Subd. 2. Responsibility of county officer. At least 104 days before the filing date for office under section 204B.09, an elected county officer must notify the county board in writing whether the officer will be filing for another term. If the officer indicates in writing that the officer will not file for the office and the county board has passed a resolution under subdivision 6, affidavits of candidacy will not be accepted for that office, and the office will not be placed on the ballot.

Subd. 3. Board controls; may change as long as duties done. Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 5 and 6, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 4. Discharge or demotion. (a) A county auditor, county treasurer, county auditor-treasurer, or county recorder who was elected at the most recent election for that office prior to a county board resolution to make the office an appointed position, and the elected official is subsequently appointed by the county board to the office, may not be involuntarily demoted or discharged except for incompetency or misconduct.

(b) Prior to demoting or discharging an office holder under this subdivision, the board must notify the office holder in writing and state its grounds for the proposed demotion or discharge in reasonable detail. Within ten days after receipt of this notification, the office holder may make a written request for a hearing before an arbitrator and the request must be granted before final action is taken. Failure to request a hearing before an arbitrator during this period is considered acquiescence to the board's action. The board may suspend an office holder with pay pending the conclusion of the hearing and determination of the issues raised in the hearing after charges have been filed which constitute grounds for demotion or discharge. If an office holder has been charged with a felony and the underlying conduct that is the subject of the felony charge is grounds for a proposed discharge, the suspension pending the conclusion of the hearing and determination of the issues may be without pay. If a hearing under this subdivision is held, the board must reimburse the office holder for any salary or compensation withheld if the final decision of the arbitrator does not result in a penalty or discharge of the office holder.

(c) If the office holder and the board are unable to mutually agree on an arbitrator, the board must request from the Bureau of Mediation Services a list of seven persons qualified to serve as an arbitrator. If the office holder and the board are unable to mutually agree on an arbitrator from the list provided, the parties shall alternately strike names from the list until the name of one arbitrator remains. The person remaining after the striking procedure must

be the arbitrator. If the parties are unable to agree on who shall strike the first name, the question must be decided by a flip of a coin. The office holder and the board must share equally the costs and fees of the arbitrator except as set forth in paragraph (g).

(d) The arbitrator shall determine, by a preponderance of the evidence, whether the grounds for discharge or demotion exist to support the proposed discharge or demotion. A lesser penalty than demotion or discharge may be imposed by the arbitrator only to the extent that either party proposes such lesser penalty in the proceeding. In making the determination, the arbitration proceeding is governed by sections 572B.15 to 572B.28.

(e) An arbitration hearing conducted under this subdivision is a meeting for preliminary consideration of allegations or charges within the meaning of section 13D.05, subdivision 3, paragraph (a), and must be closed, unless the office holder requests it to be open.

(f) The arbitrator's award is final and binding on the parties, subject to sections 572B.18 to 572B.28.

(g) In the event the arbitrator rules not to demote or discharge the office holder, the board shall pay all of the costs and fees of the arbitrator and the attorney fees of the office holder.

Subd. 5. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected, or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 6. **Publishing resolution; petition; referendum.** (a) Before the adoption of the resolution to provide for the appointment of an office as described in subdivision 1, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week, for two consecutive weeks, in the official publication of the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment opportunity, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the office or offices as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 30 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Except when an office is made appointive under subdivision 1, clause (3), within 30 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor. The petition must be signed by at least ten percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the county board resolution is rescinded.

Subd. 7. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office that was made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week, for two consecutive weeks, in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment opportunity, at the same meeting or a subsequent meeting, the county board of commissioners may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office that was made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if (1) the position has been an appointed position for at least three years; (2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor by August 1 of the year in which the general election is held; and (3) the petition meets the requirements of the secretary of state, as provided in section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for that office must be held at the next regular or special election.

Sec. 69. Minnesota Statutes 2018, section 382.01, is amended to read:

**382.01 OFFICERS ELECTED; TERMS.**

In every county in this state there shall be elected at the general election in 1918 a county auditor, a county treasurer, sheriff, county recorder, county attorney, and coroner.

The terms of office of these officers shall be four years and shall begin on the first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. Each of these offices shall must be filled by election every four years thereafter, unless an office is consolidated with another county office or made appointive under chapter 375A or other general or special law.

Sec. 70. Minnesota Statutes 2018, section 382.02, is amended to read:

**382.02 VACANCIES, HOW FILLED.**

Any appointment made to fill a vacancy in any of the offices named in section 382.01 that has not been made appointive under chapter 375A or other general or special law shall be for the balance of such entire term, and be made by the county board.

Sec. 71. Minnesota Statutes 2018, section 469.074, is amended by adding a subdivision to read:

Subd. 3. Meetings by telephone or other electronic means. The port authority may conduct meetings as provided by section 13D.015.

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

Sec. 72. Minnesota Statutes 2018, section 473.606, subdivision 5, is amended to read:

Subd. 5. **Employees, others, affirmative action; prevailing wage.** The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine ~~notwithstanding the provisions of section 43A.17, subdivision 9,~~ and be removable at the pleasure of the corporation. The corporation must adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan must include a yearly progress report to the agency or office. Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor must be the prevailing rate of wage for such labor in that city.

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

Sec. 73. **[504B.279] ACCESS TO MULTIUNIT FACILITIES BY UNITED STATES CENSUS EMPLOYEES.**

Subdivision 1. **Access required.** It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways, to an employee of the United States Census who displays a current, valid census credential and who is engaged in official census business. An employee granted access under this section must be permitted to leave census materials for residents at their doors, except that the manager of a nursing home may direct that the materials be left at a central location within the facility. The materials must be left in an orderly manner.

Subd. 2. **Limitations.** This section does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) in the case of a nursing home or a registered housing with services establishment providing assisted living services meeting the requirements of Minnesota Statutes, section 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

(3) limiting visits to a reasonable number of census employees or reasonable hours;

(4) requiring a prior appointment to gain access to the facility; or

(5) denial of admittance to or expulsion of an individual employee from a multiple unit dwelling for good cause.

Subd. 3. **Compliance with federal law.** A person in compliance with United States Code, title 13, section 223, and any guidance or rules adopted by the United States Department of Commerce, Bureau of the Census, governing access to a facility described in subdivision 1 is considered to be in compliance with the requirements of this section.

Subd. 4. **Applicability.** This section is effective from January 1 to December 31 in any year during which a decennial census is conducted under the authority of the United States Constitution, article I, section 2.

Sec. 74. **MINNESOTA CENSUS 2020 MOBILIZATION.**

Subdivision 1. **Duty of commissioner of administration; grants and contracts.** (a) The commissioner of administration must, in collaboration with the Minnesota Census 2020 Mobilization Partnership, facilitate the administration of a census mobilization program. The purpose of the program must be to increase the participation of Minnesotans in the 2020 United States Census by implementing the outreach and mobilization activities described in subdivisions 2 to 5.

(b) At least 45 percent of any appropriation provided to the commissioner for the program required by this section must be allocated for a grant to the Minnesota Council on Foundations. The Minnesota Council on Foundations must use the grant to issue subgrants of up to \$5,000 to the identified fiscal hosts of any Minnesota-based complete count committees. To be eligible for a subgrant, a complete count committee must be registered with the United States Census Bureau and be a tribal nation, political subdivision, nonpartisan nonprofit community organization, or public or private college or university engaged in census mobilization work in Minnesota. The commissioner must advance up to 50 percent of the grant and the Minnesota Council on Foundations may advance all or a portion of a subgrant awarded under this section. Any appropriations not allocated for grants may be used by the commissioner to further implement the outreach and mobilization activities described in subdivisions 2 to 5 by contract or by directing the work of the office of the state demographer.

(c) The commissioner of administration may waive application of all or any portion of Minnesota Statutes, sections 16B.97 to 16B.991, in awarding grants; Minnesota Statutes, chapter 16C, in entering contracts; and Minnesota Statutes, chapter 16E, in purchasing technology systems and software under this section to facilitate the timely distribution of funds and to maximize the impact of the outreach and mobilization activities. Notwithstanding the waivers authorized by this paragraph, the commissioner may not waive application of policies or procedures designed to ensure diversity and the inclusion of traditionally underrepresented groups among grant recipients and contract vendors.

(d) The commissioner must contract with Community Connection Labs to purchase communication and technical tools designed to support census outreach efforts. If the commissioner is unable to enter this contract, the commissioner may contract with another vendor or vendors offering comparable products and tools, or may award grants to support the purchase of comparable communication and technology tools.

Subd. 2. **Engaging hard to reach households.** The census mobilization partnership program must support:

(1) initiatives to increase census response rates among households outside of the 11-county metropolitan area who receive mail through a post office box; and

(2) initiatives to increase awareness among census employees, multiunit apartment managers and owners, and renters on the laws governing access to multiunit apartment buildings by census employees.

Subd. 3. **Adapting to the electronic census.** The census mobilization partnership program must support:

(1) opportunities for Minnesotans to submit their census response electronically through online portals provided in common gathering spaces within a community; and

(2) commit-to-the-census initiatives that organize Minnesotans to commit to participate in the census and include electronic reminders to facilitate their participation.

Subd. 4. **Reaching historically undercounted communities.** The census mobilization partnership program must support:

(1) job sourcing initiatives that encourage a sufficient pool of qualified candidates to apply for positions with the Census Bureau, and efforts to ensure that the pool of candidates reflects the diversity of Minnesota's communities, including those communities historically undercounted in census reports; and

(2) initiatives that engage historically undercounted communities and reduce census participation gaps in these communities compared to Minnesota's historically high overall census response rate.

Subd. 5. **Shared services.** The census mobilization partnership program must support efficiency in census mobilization efforts by providing shared services to support local and community census outreach, including development of multilingual educational and promotional materials and tools to reach respondents through a variety of communication platforms and services.

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

Sec. 75. **LEGISLATIVE EMPLOYEE WORKING GROUP ON THE LEGISLATURE'S ACCESSIBILITY MEASURES.**

Subdivision 1. **Membership.** The legislative employee working group on the legislature's accessibility measures consists of 12 members. The senate majority leader and the speaker of the house must each appoint four employees from among the following offices that serve the respective bodies: media offices, information

technology offices, legal and fiscal analysis offices, the secretary of the senate, the chief clerk of the house of representatives, and other offices considered appropriate. The chair of the Legislative Coordinating Commission must appoint four members from among the employees who serve in the Office of the Revisor of Statutes, the Legislative Reference Library, the Legislative Coordinating Commission, and the Office of the Legislative Auditor. In conducting its work, the working group may consult with the MN.IT Office of Accessibility; the Commission of Deaf, Deafblind and Hard of Hearing; the Minnesota Council on Disability; State Services for the Blind; and other groups that may be of assistance. Appointments to the working group must be made by June 1, 2019.

Subd. 2. **Duties; report.** (a) The employee working group must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over rules and to the chair and vice-chair of the Legislative Coordinating Commission by January 15, 2020. The report must:

(1) identify ways the legislature's accessibility measures do not meet accessibility standards applicable to state agencies under Minnesota Statutes, section 16E.03, subdivision 9;

(2) identify issues and technologies that may present barriers to compliance;

(3) suggest a compliance exception process;

(4) describe a plan to update the legislature's accessibility measures to be comparable to those required of state agencies under Minnesota Statutes, section 16E.03, subdivision 9; and

(5) estimate the costs for updates to the legislature's accessibility measures.

(b) For purposes of this report, the employee working group does not need to consider making archived documents, recordings, or publications accessible.

Subd. 3. **First meeting; chair.** The executive director of the Legislative Coordinating Commission must convene the first meeting of the working group by July 15, 2019. At the first meeting, the members must elect a chair.

Subd. 4. **Compensation; reimbursement.** Members serve without compensation but may be reimbursed for expenses.

Subd. 5. **Administrative support.** The Legislative Coordinating Commission must provide administrative support to the working group.

Subd. 6. **Expiration.** The working group expires January 15, 2020, or a later date selected by agreement of the appointing authorities in subdivision 1, but not later than January 15, 2025.

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

Sec. 76. **LEGISLATIVE BUDGET OFFICE ELIMINATED.**

All operations of the Legislative Budget Office established in Minnesota Statutes, section 3.8853, and the Legislative Budget Office Oversight Commission established in Minnesota Statutes, section 3.8854, must be ended no later than July 1, 2019. Notwithstanding any laws in effect at the time of their appointment, the term of employment of all Legislative Budget Office employees is terminated effective July 1, 2019. The house of representatives, senate, and Legislative Coordinating Commission must offer reasonable opportunities for comparable employment in other offices of the legislature to employees whose positions are terminated by this section, to the extent that is practical.

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

Sec. 77. **WORLD WAR I PLAQUE.**

Subdivision 1. Purpose. The state wishes to honor all Minnesota veterans who have honorably and bravely served in the United States armed forces, both at home and abroad, during World War I.

Subd. 2. Replacement plaque authorized. The commissioner of administration shall place a memorial plaque in the court of honor on the Capitol grounds to recognize the valiant service of Minnesota veterans who have honorably and bravely served in the United States armed forces, both at home and abroad, during World War I. This plaque will replace the current plaque honoring veterans who served abroad during World War I. The Capitol Area Architectural and Planning Board shall solicit design submissions from the public. Each design submission must include a commitment to furnish the plaque at no cost to the state. The Capitol Area Architectural and Planning Board shall select a design from those submitted to use as a basis for final production. The selected design must be approved by the commissioner of veterans affairs and must be furnished by the person or group who submitted the design at no cost to the state.

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

Sec. 78. **CAPITOL FLAG PROGRAM STUDY.**

(a) The commissioner of administration, in consultation with the Legislative Coordinating Commission and the commissioners of veterans affairs, military affairs, and public safety, must study and develop recommendations to implement a Capitol flag program consistent with the program enacted in Minnesota Statutes, section 16B.276. The study must include recommendations to address any expected challenges in implementing the program, including the uncertainty of sufficient funding to serve all families that may be eligible for a flag, and challenges in verifying a family member's eligibility.

(b) The commissioner must report the results of the study, including any recommendations, to the chairs and ranking minority members of the legislative committees with jurisdiction over state government finance and veterans affairs no later than January 15, 2020.

Sec. 79. **MAINTENANCE AND UPKEEP OF STATE OFFICE BUILDING.**

No later than January 1, 2020, the commissioner of administration must enter a contract with the house of representatives for the regular maintenance and upkeep of space occupied by the house of representatives in the State Office Building.

Sec. 80. **MINNESOTA LAW ENFORCEMENT ASSOCIATION LABOR AGREEMENT.**

The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, submitted to the Legislative Coordinating Commission Subcommittee on Employee Relations on April 5, 2019, is ratified.

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

Sec. 81. **REPEALER.**

Subdivision 1. Hair braiding. Minnesota Statutes 2018, section 155A.28, subdivisions 1, 3, and 4, are repealed.

Subd. 2. **Legislative Budget Office.** Minnesota Statutes 2018, sections 3.8853; and 3.8854, and Laws 2017, First Special Session chapter 4, article 2, sections 1, as amended by Laws 2018, chapter 214, article 5, section 10; 3, as amended by Laws 2018, chapter 214, article 5, section 11; 7; 8; 9, as amended by Laws 2018, chapter 214, article 5, section 12; and 58, as amended by Laws 2018, chapter 214, article 5, section 13; and Laws 2018, chapter 214, article 5, sections 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; and 15, are repealed.

Subd. 3. **Local government compensation limits.** Minnesota Statutes 2018, section 43A.17, subdivision 9, is repealed, effective the day following final enactment.

ARTICLE 3  
STATE PAYMENTS TERMINOLOGY

Section 1. Minnesota Statutes 2018, section 15.191, subdivision 1, is amended to read:

Subdivision 1. **Emergency disbursements.** Imprest cash funds for the purpose of making minor disbursements, providing for change, and providing employees with travel advances or a portion or all of their payroll ~~warrant~~ where the ~~warrant payment~~ has not been received through the payroll system, may be established by state departments or agencies from existing appropriations in the manner prescribed by this section.

Sec. 2. Minnesota Statutes 2018, section 15.191, subdivision 3, is amended to read:

Subd. 3. ~~**Warrant Payment against designated appropriation.**~~ Imprest cash funds established under this section shall be created by ~~warrant drawn~~ payment issued against the appropriation designated by the commissioner of management and budget.

Sec. 3. Minnesota Statutes 2018, section 16A.065, is amended to read:

**16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, UNITED STATES DOCUMENTS.**

Notwithstanding section 16A.41, subdivision 1, the commissioner may allow an agency to make advance deposits or payments for software or software maintenance services for state-owned or leased electronic data processing equipment, for information technology hosting services, for sole source maintenance agreements where it is not cost-effective to pay in arrears, for exhibit booth space or boat slip rental when required by the renter to guarantee the availability of space, for registration fees where advance payment is required or advance payment discount is provided, ~~and~~ for newspaper, magazine, and other subscription fees, ~~and other costs where advance payment discount is provided or are~~ customarily paid for in advance. The commissioner may also allow advance deposits by any department with the Library of Congress and federal Supervisor of Documents for items to be purchased from those federal agencies.

Sec. 4. Minnesota Statutes 2018, section 16A.13, subdivision 2a, is amended to read:

Subd. 2a. **Procedure.** The commissioner shall see that the deduction for the withheld tax is made from an employee's pay on the payroll abstract. The commissioner shall approve one ~~warrant payable~~ payment to the commissioner for the total amount deducted on the abstract. Deductions from the pay of an employee paid direct by an agency shall be made by the employee's payroll authority. A later deduction must correct an error made on an earlier deduction. The paying authority shall see that a ~~warrant or check~~ payment for the deductions is promptly sent to the commissioner. The commissioner shall deposit the amount of the ~~warrant or check~~ payment to the credit of the proper federal authority or other person authorized by federal law to receive it.

Sec. 5. Minnesota Statutes 2018, section 16A.15, subdivision 3, is amended to read:

Subd. 3. **Allotment and encumbrance.** (a) A payment may not be made without prior obligation. An obligation may not be incurred against any fund, allotment, or appropriation unless the commissioner has certified a sufficient unencumbered balance or the accounting system shows sufficient allotment or encumbrance balance in the fund, allotment, or appropriation to meet it. The commissioner shall determine when the accounting system may be used to incur obligations without the commissioner's certification of a sufficient unencumbered balance. An expenditure or obligation authorized or incurred in violation of this chapter is invalid and ineligible for payment until made valid. A payment made in violation of this chapter is illegal. An employee authorizing or making the payment, or taking part in it, and a person receiving any part of the payment, are jointly and severally liable to the state for the amount paid or received. If an employee knowingly incurs an obligation or authorizes or makes an expenditure in violation of this chapter or takes part in the violation, the violation is just cause for the employee's removal by the appointing authority or by the governor if an appointing authority other than the governor fails to do so. In the latter case, the governor shall give notice of the violation and an opportunity to be heard on it to the employee and to the appointing authority. A claim presented against an appropriation without prior allotment or encumbrance may be made valid on investigation, review, and approval by the agency head in accordance with the commissioner's policy, if the services, materials, or supplies to be paid for were actually furnished in good faith without collusion and without intent to defraud. The commissioner may then ~~draw a warrant to~~ pay the claim just as properly allotted and encumbered claims are paid.

(b) The commissioner may approve payment for materials and supplies in excess of the obligation amount when increases are authorized by section 16C.03, subdivision 3.

(c) To minimize potential construction delay claims, an agency with a project funded by a building appropriation may allow a contractor to proceed with supplemental work within the limits of the appropriation before money is encumbered. Under this circumstance, the agency may requisition funds and allow contractors to expeditiously proceed with a construction sequence. While the contractor is proceeding, the agency shall immediately act to encumber the required funds.

Sec. 6. Minnesota Statutes 2018, section 16A.272, subdivision 3, is amended to read:

Subd. 3. **Section 7.19 16A.271 to apply.** The provisions of Minnesota Statutes ~~1941~~, section ~~7.19~~ 16A.271, shall apply to deposits of securities made pursuant to this section.

Sec. 7. Minnesota Statutes 2018, section 16A.40, is amended to read:

#### **16A.40 WARRANTS AND ELECTRONIC FUND TRANSFERS.**

Money must not be paid out of the state treasury except upon the warrant of the commissioner or an electronic fund transfer approved by the commissioner. Warrants must be drawn on printed blanks that are in numerical order. The commissioner shall enter, in numerical order in a ~~warrant~~ warrant payment register, the number, amount, date, and payee for every ~~warrant~~ warrant payment issued.

The commissioner may require payees to supply their bank routing information to enable the payments to be made through an electronic fund transfer.

Sec. 8. Minnesota Statutes 2018, section 16A.42, subdivision 2, is amended to read:

Subd. 2. **Approval.** If the claim is approved, the commissioner shall ~~complete and sign a warrant~~ issue a payment in the amount of the claim.

Sec. 9. Minnesota Statutes 2018, section 16A.42, is amended by adding a subdivision to read:

Subd. 5. **Invalid claims.** If the commissioner determines that a claim is invalid after issuing a warrant, the commissioner may void an unpaid warrant. The commissioner is not liable to any holder who took the void warrant for value.

Sec. 10. Minnesota Statutes 2018, section 16A.671, subdivision 1, is amended to read:

Subdivision 1. **Authority; advisory recommendation.** To ensure that cash is available when needed to ~~pay warrants~~ make payments drawn on the general fund under appropriations and allotments, the commissioner may (1) issue certificates of indebtedness in anticipation of the collection of taxes levied for and other revenues appropriated to the general fund for expenditure during each biennium; and (2) issue additional certificates to refund outstanding certificates and interest on them, under the constitution, article XI, section 6.

Sec. 11. Minnesota Statutes 2018, section 16B.37, subdivision 4, is amended to read:

Subd. 4. **Work of department for another.** To avoid duplication and improve efficiency, the commissioner may direct an agency to do work for another agency or may direct a division or section of an agency to do work for another division or section within the same agency and shall require reimbursement for the work. Reimbursements received by an agency are reappropriated to the account making the original expenditure in accordance with the transfer ~~warrant~~ procedure established by the commissioner of management and budget.

Sec. 12. Minnesota Statutes 2018, section 16D.03, subdivision 2, is amended to read:

Subd. 2. **State agency reports.** State agencies shall report quarterly to the commissioner of management and budget the debts owed to them. The commissioner of management and budget, ~~in consultation with the commissioners of revenue and human services, and the attorney general,~~ shall establish internal guidelines for the recognition, tracking, and reporting, ~~and collection~~ of debts owed the state. The internal guidelines must include accounting standards, performance measurements, and uniform reporting requirements applicable to all state agencies. The commissioner of management and budget shall require a state agency to recognize, track, report, and attempt to collect debts according to the internal guidelines. The commissioner, in consultation with the commissioner of management and budget and the attorney general, shall establish internal guidelines for the collection of debt owed to the state.

Sec. 13. Minnesota Statutes 2018, section 16D.09, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) When a debt is determined by a state agency to be uncollectible, the debt may be written off by the state agency from the state agency's financial accounting records and no longer recognized as an account receivable for financial reporting purposes. A debt is considered to be uncollectible when (1) all reasonable collection efforts have been exhausted, (2) the cost of further collection action will exceed the amount recoverable, (3) the debt is legally without merit or cannot be substantiated by evidence, (4) the debtor cannot be located, (5) the available assets or income, current or anticipated, that may be available for payment of the debt are insufficient, (6) the debt has been discharged in bankruptcy, (7) the applicable statute of limitations for collection of the debt has expired, or (8) it is not in the public interest to pursue collection of the debt. ~~The determination of the uncollectibility of a~~

(b) Uncollectible debt must be reported by the state agency along with the basis for that decision as part of its quarterly reports to the commissioner of management and budget. The basis for the determination of the uncollectibility of the debt must be maintained by the state agency. If an uncollectible debt equals or exceeds \$100,000, the agency shall notify the chairs and ranking minority members of the legislative committees with jurisdiction over the state agency's budget at the time the debt is determined to be uncollectible. The information

reported shall contain the entity associated with the uncollected debt, the amount of the debt, the revenue type, the reason the debt is considered uncollectible, and the duration the debt has been outstanding. The commissioner of management and budget shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over Minnesota Management and Budget an annual summary of the number and dollar amount of debts determined to be uncollectible during the previous fiscal year by October 31 of each year. Determining that the debt is uncollectible does not cancel the legal obligation of the debtor to pay the debt.

Sec. 14. Minnesota Statutes 2018, section 21.116, is amended to read:

#### **21.116 EXPENSES.**

All necessary expenses incurred in carrying out the provisions of sections 21.111 to 21.122 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in such sections, together with their necessary traveling expenses, together with the traveling expenses of the members of the advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection account, on order of the commissioner and commissioner of management and budget's voucher warrant budget.

Sec. 15. Minnesota Statutes 2018, section 80A.65, subdivision 9, is amended to read:

Subd. 9. **Generally.** No filing for which a fee is required shall be deemed to be filed or given any effect until the proper fee is paid. All fees and charges collected by the administrator shall be covered into the state treasury. When any person is entitled to a refund under this section, the administrator shall certify to the commissioner of management and budget the amount of the fee to be refunded to the applicant, and the commissioner of management and budget shall issue a ~~warrant in~~ payment thereof out of the fund to which such fee was credited in the manner provided by law. There is hereby appropriated to the person entitled to such refunds from the fund in the state treasury to which such fees were credited an amount to make such refunds and payments.

Sec. 16. Minnesota Statutes 2018, section 84A.23, subdivision 4, is amended to read:

Subd. 4. **Drainage ditch bonds; reports.** (a) Immediately after a project is approved and accepted and then after each distribution of the tax collections on the June and November tax settlements, the county auditor shall certify to the commissioner of management and budget the following information relating to bonds issued to finance or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied on account of the ditches:

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution;

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches; and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches.

(b) On approving the certificate, the commissioner of management and budget shall ~~draw a warrant~~ issue a payment, payable out of the fund pertaining to the project, for the amount of the deficit in favor of the county.

(c) As to public drainage ditches wholly within a project, the amount of money paid to or for the benefit of the county under paragraph (b) must never exceed the principal and interest of the bonds issued to finance or refinance the ditches outstanding at the time of the passage and approval of sections 84A.20 to 84A.30, less money on hand in

the county ditch fund to the credit of the ditches. The liabilities must be reduced from time to time by the amount of all payments of assessments after April 25, 1931, made by the owners of lands assessed before that date for benefits on account of the ditches.

(d) As to public drainage ditches partly within and partly outside a project, the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance the ditches so outstanding, less money on hand in the county ditch fund to the credit of the ditches on April 25, 1931. The percentage must bear the same proportion to the whole amount of these bonds as the original benefits assessed against lands within the project bear to the original total benefits assessed to the entire system of the ditches. This liability shall be reduced from time to time by the payments of all assessments extended after April 25, 1931, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

(e) The commissioner of management and budget may provide and prescribe forms for reports required by sections 84A.20 to 84A.30 and require any additional information from county officials that the commissioner of management and budget considers necessary for the proper administration of sections 84A.20 to 84A.30.

Sec. 17. Minnesota Statutes 2018, section 84A.33, subdivision 4, is amended to read:

Subd. 4. **Ditch bonds; funds; payments to counties.** (a) Upon the approval and acceptance of a project and after each distribution of the tax collections for the June and November tax settlements, the county auditor shall certify to the commissioner of management and budget the following information about bonds issued to finance or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied for the ditches:

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution;

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches, not already sent to the commissioner of management and budget as provided in sections 84A.31 to 84A.42; and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches.

(b) On approving this certificate of the county auditor, the commissioner of management and budget shall ~~draw a warrant~~ issue a payment, payable out of the fund provided for in sections 84A.31 to 84A.42, and send it to the county treasurer of the county. These funds must be credited to the proper ditch of the county and placed in the ditch bond fund of the county, which is created, and used only to pay the ditch bonded indebtedness of the county assumed by the state under sections 84A.31 to 84A.42. The total amount of ~~warrants drawn~~ payments issued must not exceed in any one year the total amount of the deficit provided for under this section.

(c) The state is subrogated to all title, right, interest, or lien of the county in or on the lands so certified within these projects.

(d) As to public drainage ditches wholly within a project, the amount paid to, or for the benefit of, the county under this subdivision must never exceed the principal and interest of the bonds issued to finance or refinance a ditch outstanding on April 22, 1933, less money on hand in the county ditch fund to the credit of a ditch. These liabilities must be reduced from time to time by the amount of any payments of assessments extended after April 22, 1933, made by the owners of lands assessed before that date for benefits on account of the ditches.

As to public drainage ditches partly within and partly outside a project the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance a ditch so outstanding, less money on hand in the county ditch fund to the credit of a ditch on April 22, 1932. The percentage must bear the same proportion to the whole amount of the bonds as the original benefits assessed against these lands within the project bear to the original total benefits assessed to the entire system for a ditch. This liability must be reduced from time to time by the payments of all assessments extended after April 22, 1933, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

Sec. 18. Minnesota Statutes 2018, section 84A.52, is amended to read:

**84A.52 ACCOUNTS; EXAMINATION, APPROPRIATION, PAYMENT.**

(a) As a part of the examination provided for by section 6.481, of the accounts of the several counties within a game preserve, area, or project established under section 84A.01, 84A.20, or 84A.31, the state auditor shall segregate the audit of the accounts reflecting the receipt and disbursement of money collected or disbursed under this chapter or from the sale of tax-forfeited lands held by the state under section 84A.07, 84A.26, or 84A.36. The auditor shall also include in the reports required by section 6.481 summary statements as of December 31 before the examination that set forth the proportionate amount of principal and interest due from the state to the individual county and any money due the state from the county remaining unpaid under this chapter, or from the sale of any tax-forfeited lands referred to in this section, and other information required by the commissioner of management and budget. On receiving a report, the commissioner of management and budget shall determine the net amount due to the county for the period covered by the report and shall ~~draw a warrant~~ issue a payment upon the state treasury payable out of the consolidated fund for that amount. It must be paid to and received by the county as payment in full of all amounts due for the period stated on the ~~warrants~~ payments from the state under any provision of this chapter.

(b) Money to ~~pay the warrants~~ make the payments is appropriated to the counties entitled to payment from the consolidated fund in the state treasury.

Sec. 19. Minnesota Statutes 2018, section 88.12, subdivision 1, is amended to read:

Subdivision 1. **Limitation.** The compensation and expenses of persons temporarily employed in emergencies in suppression or control of wildfires shall be fixed by the commissioner of natural resources or an authorized agent and paid as provided by law. Such compensation shall not exceed the maximum rate for comparable labor established as provided by law or rules, but shall not be subject to any minimum rate so established. The commissioner is authorized to draw and expend from money appropriated for the purposes of sections 88.03 to 88.22 a reasonable sum and through forest officers or other authorized agent be used in paying emergency expenses, including just compensation for services rendered by persons summoned and for private property used, damaged, or appropriated under sections 88.03 to 88.22. The commissioner of management and budget is authorized to ~~draw a warrant~~ issue a payment for this sum when duly approved by the commissioner. The commissioner or agent in charge shall take proper subvouchers or receipts from all persons to whom these moneys are paid, and after these subvouchers have been approved they shall be filed with the commissioner of management and budget. Authorized funds as herein provided at any time shall be deposited, subject to withdrawal or disbursement by check or otherwise for the purposes herein prescribed, in a bank authorized and bonded to receive state deposits; and the bond of this bank to the state shall cover and include this deposit.

Sec. 20. Minnesota Statutes 2018, section 94.522, is amended to read:

**94.522 ~~WARRANTS~~ PAYMENTS TO COUNTY TREASURERS; USE OF PROCEEDS.**

It shall be the duty of the commissioner of management and budget to transmit ~~warrants on~~ payments from the state treasury to the county treasurer of the respective counties for the sums that may be due in accordance with section 94.521, which sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid acts of Congress, and such money shall be used by the counties receiving the same for the purposes and in the proportions herein provided.

Sec. 21. Minnesota Statutes 2018, section 94.53, is amended to read:

**94.53 ~~WARRANTS~~ PAYMENTS TO COUNTY TREASURERS; FEDERAL LOANS TO COUNTIES.**

It shall be the duty of the commissioner of management and budget to transmit ~~warrants on~~ payments from the state treasury to the county treasurers of the respective counties for the sum that may be due in accordance with sections 94.52 to 94.54, which sum or sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid act of Congress. The commissioner of management and budget, upon being notified by the federal government or any agencies thereof that a loan has been made to any such county the repayment of which is to be made from such fund, is authorized to transmit a ~~warrant or warrants~~ payment to the federal government or any agency thereof sufficient to repay such loan out of any money apportioned or due to such county under the provisions of such act of Congress, approved May 23, 1908 (Statutes at Large, volume 35, page 260).

Sec. 22. Minnesota Statutes 2018, section 116J.64, subdivision 7, is amended to read:

Subd. 7. **Processing.** (a) An Indian desiring a loan for the purpose of starting a business enterprise or expanding an existing business shall make application to the appropriate tribal government. The application shall be forwarded to the appropriate eligible organization, if it is participating in the program, for consideration in conformity with the plans submitted by said tribal governments. The tribal government may approve the application if it determines that the loan would advance the goals of the Indian business loan program. If the tribal government is not participating in the program, the agency may directly approve or deny the loan application.

(b) If the application is approved, the tribal government shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of the agency, who shall ~~cause a warrant~~ request a payment to be ~~drawn in favor of~~ issued to the applicant or the applicable tribal government, or the agency, if it is administering the loan, with appropriate notations identifying the borrower.

(c) The tribal government, eligible organization, or the agency, if it is administering the loan, shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. The interest rate on a loan shall be established by the tribal government or the agency, but may be no less than two percent per annum nor more than ten percent per annum. When any portion of a debt is repaid, the tribal government, eligible organization, or the agency, if it is administering the loan, shall remit the amount so received plus interest paid thereon to the commissioner of management and budget through the agency. The amount so received shall be credited to the Indian business loan account.

(d) On the placing of a loan, additional money equal to ten percent of the total amount made available to any tribal government, eligible organization, or the agency, if it is administering the loan, for loans during the fiscal year shall be paid to the tribal government, eligible organization, or the agency, prior to December 31 for the purpose of financing administrative costs.

Sec. 23. Minnesota Statutes 2018, section 127A.34, subdivision 1, is amended to read:

Subdivision 1. **Copy to commissioner of management and budget; appropriation.** The commissioner shall furnish a copy of the apportionment of the school endowment fund to the commissioner of management and budget, who thereupon shall ~~draw warrants on issue payments from~~ the state treasury, payable to the several districts, for the amount due each district. There is hereby annually appropriated from the school endowment fund the amount of such apportionments.

Sec. 24. Minnesota Statutes 2018, section 127A.40, is amended to read:

**127A.40 MANNER OF PAYMENT OF STATE AIDS.**

It shall be the duty of the commissioner to deliver to the commissioner of management and budget a certificate for each district entitled to receive state aid under the provisions of this chapter. Upon the receipt of such certificate, it shall be the duty of the commissioner of management and budget to ~~draw a warrant in favor of~~ issue a payment to the district for the amount shown by each certificate to be due to the district. The commissioner of management and budget shall transmit such ~~warrants~~ payments to the district together with a copy of the certificate prepared by the commissioner.

Sec. 25. Minnesota Statutes 2018, section 136F.70, subdivision 3, is amended to read:

Subd. 3. **Refunds.** The board may make refunds to students for tuition, activity fees, union fees, and any other fees from imprest cash funds. The imprest cash fund shall be reimbursed periodically by ~~checks or warrants drawn on~~ payments issued from the funds and accounts to which the refund should ultimately be charged. The amounts necessary to pay the refunds are appropriated from the funds and accounts to which they are charged.

Sec. 26. Minnesota Statutes 2018, section 176.181, subdivision 2, is amended to read:

Subd. 2. **Compulsory insurance; self-insurers.** (a) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of compensation with some insurance carrier authorized to insure workers' compensation liability in this state, or obtain a written order from the commissioner of commerce exempting the employer from insuring liability for compensation and permitting self-insurance of the liability. The terms, conditions and requirements governing self-insurance shall be established by the commissioner pursuant to chapter 14. The commissioner of commerce shall also adopt, pursuant to paragraph (d), rules permitting two or more employers, whether or not they are in the same industry, to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as group self-insurers. With the approval of the commissioner of commerce, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure the other portion of operations as a distinct and separate risk. An employer desiring to be exempted from insuring liability for compensation shall make application to the commissioner of commerce, showing financial ability to pay the compensation, whereupon by written order the commissioner of commerce, on deeming it proper, may make an exemption. An employer may establish financial ability to pay compensation by providing financial statements of the employer to the commissioner of commerce. Upon ten days' written notice the commissioner of commerce may revoke the order granting an exemption, in which event the employer shall immediately insure the liability. As a condition for the granting of an exemption the commissioner of commerce may require the employer to furnish security the commissioner of commerce considers sufficient to insure payment of all claims under this chapter, consistent with subdivision 2b. If the required security is in the form of currency or negotiable bonds, the commissioner of commerce shall deposit it with the commissioner of management and budget. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days' notice to the self-insurer, the commissioner of commerce may by

written order to the commissioner of management and budget require the commissioner of management and budget to sell the pledged and assigned securities or a part thereof necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When securities are sold the money obtained shall be deposited in the state treasury to the credit of the commissioner of commerce and awards made against any such self-insurer by the commissioner of commerce shall be paid to the persons entitled thereto by the commissioner of management and budget upon ~~warrants prepared~~ payments requested by the commissioner of commerce out of the proceeds of the sale of securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of commerce, at any time, upon at least ten days' notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(b) No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed, or exempt from licensure, pursuant to section 60A.23, subdivision 8, to do so by the commissioner of commerce. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner of commerce is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of commerce may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license is for a two-year period.

(c) To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such business are subject to supervision and examination by the commissioner of commerce.

(d) To carry out the purposes of this subdivision, the commissioner of commerce may promulgate administrative rules pursuant to sections 14.001 to 14.69. These rules may:

- (1) establish reporting requirements for administrators of group self-insurance plans;
- (2) establish standards and guidelines consistent with subdivision 2b to assure the adequacy of the financing and administration of group self-insurance plans;
- (3) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;
- (4) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;
- (5) establish standards or guidelines governing the formation, operation, administration, and dissolution of self-insurance plans; and
- (6) establish other reasonable requirements to further the purposes of this subdivision.

Sec. 27. Minnesota Statutes 2018, section 176.581, is amended to read:

**176.581 PAYMENT TO STATE EMPLOYEES.**

Upon a ~~warrant request~~ prepared by the commissioner of administration, and in accordance with the terms of the order awarding compensation, the commissioner of management and budget shall pay compensation to the employee or the employee's dependent. These payments shall be made from money appropriated for this purpose.

Sec. 28. Minnesota Statutes 2018, section 176.591, subdivision 3, is amended to read:

Subd. 3. **Compensation payments upon ~~warrants request~~.** The commissioner of management and budget shall make compensation payments from the fund only as authorized by this chapter upon ~~warrants request~~ of the commissioner of administration.

Sec. 29. Minnesota Statutes 2018, section 192.55, is amended to read:

**192.55 PAYMENTS TO BE MADE THROUGH ADJUTANT GENERAL.**

All pay and allowances and necessary expenses for any of the military forces shall, when approved by the adjutant general, be paid by commissioner of management and ~~budget's warrants issued~~ budget to the several officers and enlisted members entitled thereto; provided, that upon the request of the adjutant general, approved by the governor, the sum required for any such pay or allowances and necessary expenses shall be paid by commissioner of management and ~~budget's warrant~~ budget to the adjutant general, who shall immediately pay and distribute the same to the several officers or enlisted members entitled thereto or to their commanding officers or to a finance officer designated by the adjutant general. The receipt of any such commanding officer or finance officer for any such payment shall discharge the adjutant general from liability therefor. Every commanding officer or finance officer receiving any such payment shall, as soon as practicable, pay and distribute the same to the several officers or enlisted members entitled thereto. The officer making final payment shall, as evidence thereof, secure the signature of the person receiving the same upon a payroll or other proper voucher.

Sec. 30. Minnesota Statutes 2018, section 237.30, is amended to read:

**237.30 TELEPHONE INVESTIGATION FUND; APPROPRIATION.**

A Minnesota Telephone Investigation Fund shall exist for the use of the Department of Commerce and of the attorney general in investigations, valuations, and revaluations under section 237.295. All sums paid by the telephone companies to reimburse the department for its expenses pursuant to section 237.295 shall be credited to the revolving fund and shall be deposited in a separate bank account and not commingled with any other state funds or moneys, but any balance in excess of \$25,000 in the revolving fund at the end of each fiscal year shall be paid into the state treasury and credited to the general fund. All subsequent credits to said revolving fund shall be paid ~~upon the warrant of~~ by the commissioner of management and budget upon application of the department or of the attorney general to an aggregate amount of not more than one-half of such sums to each of them, which proportion shall be constantly maintained in all credits and withdrawals from the revolving fund.

Sec. 31. Minnesota Statutes 2018, section 244.19, subdivision 7, is amended to read:

Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall ~~draw a warrant in~~

~~favor of issue a payment to~~ the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such ~~warrant payment~~ to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Sec. 32. Minnesota Statutes 2018, section 256B.20, is amended to read:

**256B.20 COUNTY APPROPRIATIONS.**

The providing of funds necessary to carry out the provisions hereof on the part of the counties and the manner of administering the funds of the counties and the state shall be as follows:

(1) The board of county commissioners of each county shall annually set up in its budget an item designated as the county medical assistance fund and levy taxes and fix a rate therefor sufficient to produce the full amount of such item, in addition to all other tax levies and tax rate, however fixed or determined, sufficient to carry out the provisions hereof and sufficient to pay in full the county share of assistance and administrative expense for the ensuing year; and annually on or before October 10 shall certify the same to the county auditor to be entered by the auditor on the tax rolls. Such tax levy and tax rate shall make proper allowance and provision for shortage in tax collections.

(2) Any county may transfer surplus funds from any county fund, except the sinking or ditch fund, to the general fund or to the county medical assistance fund in order to provide money necessary to pay medical assistance awarded hereunder. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose shall be transferred back to the fund from which taken.

(3) Upon the order of the county agency the county auditor shall draw a warrant on the proper fund in accordance with the order, and the county treasurer shall pay out the amounts ordered to be paid out as medical assistance hereunder. When necessary by reason of failure to levy sufficient taxes for the payment of the medical assistance in the county, the county auditor shall carry any such payments as an overdraft on the medical assistance funds of the county until sufficient tax funds shall be provided for such assistance payments. The board of county commissioners shall include in the tax levy and tax rate in the year following the year in which such overdraft occurred, an amount sufficient to liquidate such overdraft in full.

(4) Claims for reimbursement and reports shall be presented to the state agency by the respective counties as required under section 256.01, subdivision 2, paragraph (p). The state agency shall audit such claims and certify to the commissioner of management and budget the amounts due the respective counties without delay. The amounts so certified shall be paid within ten days after such certification, from the state treasury upon ~~warrant payment~~ of the commissioner of management and budget from any money available therefor. The money available to the state agency to carry out the provisions hereof, including all federal funds available to the state, shall be kept and deposited by the commissioner of management and budget in the revenue fund and disbursed ~~upon warrants~~ in the same manner as other state funds.

Sec. 33. Minnesota Statutes 2018, section 299C.21, is amended to read:

**299C.21 PENALTY ON LOCAL OFFICER REFUSING INFORMATION.**

If any public official charged with the duty of furnishing to the bureau fingerprint records, biological specimens, reports, or other information required by sections 299C.06, 299C.10, 299C.105, 299C.11, 299C.17, shall neglect or refuse to comply with such requirement, the bureau, in writing, shall notify the state, county, or city officer charged with the issuance of a ~~warrant for~~ the payment of the salary of such official. Upon the receipt of the notice the state,

county, or city official shall withhold the issuance of ~~a warrant for~~ the payment of the salary or other compensation accruing to such officer for the period of 30 days thereafter until notified by the bureau that such suspension has been released by the performance of the required duty.

Sec. 34. Minnesota Statutes 2018, section 352.04, subdivision 9, is amended to read:

Subd. 9. **Erroneous deductions, canceled ~~warrants~~ payments.** (a) Deductions taken from the salary of an employee for the retirement fund in excess of required amounts must, upon discovery and verification by the department making the deduction, be refunded to the employee.

(b) If a deduction for the retirement fund is taken from a salary ~~warrant or check payment~~, and the ~~check payment~~ is canceled or the amount of the ~~warrant or check payment~~ returned to the funds of the department making the payment, the sum deducted, or the part of it required to adjust the deductions, must be refunded to the department or institution if the department applies for the refund on a form furnished by the director. The department's payments must likewise be refunded to the department.

(c) If erroneous employee deductions and employer contributions are caused by an error in plan coverage involving the plan and any other plans specified in section 356.99, that section applies. If the employee should have been covered by the plan governed by chapter 352D, 353D, 354B, or 354D, the employee deductions and employer contributions taken in error must be directly transferred to the applicable employee's account in the correct retirement plan, with interest at the applicable monthly rate or rates specified in section 356.59, subdivision 2, compounded annually, from the first day of the month following the month in which coverage should have commenced in the correct defined contribution plan until the end of the month in which the transfer occurs.

Sec. 35. Minnesota Statutes 2018, section 353.05, is amended to read:

### **353.05 CUSTODIAN OF FUNDS.**

The commissioner of management and budget shall be ex officio treasurer of the retirement funds of the association and the general bond of the commissioner of management and budget to the state must be so conditioned as to cover all liability for acts as treasurer of these funds. All money of the association received by the commissioner of management and budget must be set aside in the state treasury to the credit of the proper fund or account. The commissioner of management and budget shall transmit monthly to the executive director a detailed statement of all amounts so received and credited to the funds. Payments out of the funds may only be made ~~on warrants~~ as payments issued by the commissioner of management and budget, upon abstracts signed by the executive director; provided that abstracts for investment may be signed by the executive director of the State Board of Investment.

Sec. 36. Minnesota Statutes 2018, section 354.42, subdivision 7, is amended to read:

Subd. 7. **Erroneous salary deductions or direct payments.** (a) Any deductions taken from the salary of an employee for the retirement fund in excess of amounts required must be refunded to the employee upon the discovery of the error and after the verification of the error by the employing unit making the deduction. The corresponding excess employer contribution and excess additional employer contribution amounts attributable to the erroneous salary deduction must be refunded to the employing unit.

(b) If salary deductions and employer contributions were erroneously transmitted to the retirement fund and should have been transmitted to the plan covered by chapter 352D, 353D, 354B, or 354D, the executive director must transfer these salary deductions and employer contributions to the account of the appropriate person under the applicable plan. The transfer to the applicable defined contribution plan account must include interest at the rate of

0.71 percent per month, compounded annually, from the first day of the month following the month in which coverage should have commenced in the defined contribution plan until the end of the month in which the transfer occurs.

(c) A potential transfer under paragraph (b) that would cause the plan to fail to be a qualified plan under section 401(a) of the Internal Revenue Code, as amended, must not be made by the executive director. Within 30 days after being notified by the Teachers Retirement Association of an unmade potential transfer under this paragraph, the employer of the affected person must transmit an amount representing the applicable salary deductions and employer contributions, without interest, to the account of the applicable person under the appropriate plan. The retirement association must provide a credit for the amount of the erroneous salary deductions and employer contributions against future contributions from the employer.

(d) If a salary ~~warrant or check~~ payment from which a deduction for the retirement fund was taken has been canceled or the amount of the ~~warrant or if a check~~ payment has been returned to the funds of the employing unit making the payment, a refund of the amount deducted, or any portion of it that is required to adjust the salary deductions, must be made to the employing unit.

(e) Erroneous direct payments of member-paid contributions or erroneous salary deductions that were not refunded during the regular payroll cycle processing must be refunded to the member, plus interest computed using the rate and method specified in section 354.49, subdivision 2.

(f) Any refund under this subdivision that would cause the plan to fail to be a qualified plan under section 401(a) of the Internal Revenue Code, as amended, may not be refunded and instead must be credited against future contributions payable by the employer. The employer is responsible for refunding to the applicable employee any amount that was erroneously deducted from the salary of the employee, with interest as specified in paragraph (e).

(g) If erroneous employee deductions and employer contributions are caused by an error in plan coverage involving the plan and any other plan specified in section 356.99, that section applies.

Sec. 37. Minnesota Statutes 2018, section 401.15, subdivision 1, is amended to read:

Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days of the end of each calendar quarter, participating counties which have received the payments authorized by section 401.14 shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in furnishing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled to receive, making any adjustments necessary to rectify any disparity between the amounts received pursuant to the estimate provided in section 401.14 and the amounts actually expended. If the amount received pursuant to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent monthly payments made pursuant to section 401.14. Upon certification by the commissioner of the amount a participating county is entitled to receive under the provisions of section 401.14 or of this subdivision the commissioner of management and budget shall thereupon issue a ~~state warrant~~ payment to the chief fiscal officer of each participating county for the amount due together with a copy of the certificate prepared by the commissioner.

Sec. 38. Minnesota Statutes 2018, section 446A.16, subdivision 1, is amended to read:

Subdivision 1. **Functions of commissioner of management and budget.** Except as otherwise provided in this section, money of the authority must be paid to the commissioner of management and budget as agent of the authority and the commissioner shall not commingle the money with other money. The money in the accounts of the authority must be paid out only ~~on warrants drawn~~ by the commissioner of management and budget on

requisition of the chair of the authority or of another officer or employee as the authority authorizes. Deposits of the authority's money must, if required by the commissioner or the authority, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give security for the deposits.

Sec. 39. Minnesota Statutes 2018, section 462A.18, subdivision 1, is amended to read:

Subdivision 1. **Functions of commissioner of management and budget.** All moneys of the agency, except as otherwise authorized or provided in this section, shall be paid to the commissioner of management and budget as agent of the agency, who shall not commingle such moneys with any other moneys. The moneys in such accounts shall be paid out ~~on warrants drawn~~ by the commissioner on requisition of the chair of the agency or of such other officer or employee as the agency shall authorize to make such requisition. All deposits of such moneys shall, if required by the commissioner or the agency, be secured by obligations of the United States or of the state of a market value equal at all times to the amount of the deposit and all banks and trust companies are authorized to give such security for such deposits.

Sec. 40. Minnesota Statutes 2018, section 525.841, is amended to read:

**525.841 ESCHEAT RETURNED.**

In all such cases the commissioner of management and budget shall be furnished with a certified copy of the court's order assigning the escheated property to the persons entitled thereto, and upon notification of payment of the estate tax, the commissioner of management and budget shall ~~draw a warrant~~ issue a payment or execute a proper conveyance to the persons designated in such order. In the event any escheated property has been sold pursuant to sections 11A.04, clause (9), and 11A.10, subdivision 2, or 16B.281 to 16B.287, then the ~~warrant payment~~ shall be for the appraised value as established during the administration of the decedent's estate. There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated an amount sufficient to make payment to all such designated persons. No interest shall be allowed on any amount paid to such persons.

Sec. 41. **REVISOR INSTRUCTION.**

The revisor of statutes shall replace, as the context requires, "warrant," "warrants," or "warrant or check" with "payment" or "payments" in the following sections and subdivisions of Minnesota Statutes: 15.0596; 16A.134; 16A.17, subdivision 5; 16A.42, subdivision 4; 16A.56; 43A.30, subdivision 2; 43A.49; 49.24, subdivisions 13 and 16; 69.031, subdivision 1; 84A.40; 126C.55, subdivisions 2 and 9; 126C.68, subdivision 3; 126C.69, subdivision 14; 136F.46, subdivision 1; 162.08, subdivisions 10 and 11; 162.14, subdivisions 4 and 5; 162.18, subdivision 4; 162.181, subdivision 4; 163.051, subdivision 3; 196.052; 198.16; 241.13, subdivision 1; 260B.331, subdivision 2; 260C.331, subdivision 2; 273.121, subdivision 1; 287.08; 297I.10, subdivision 1; 348.05; 352.05; 352.115, subdivision 12; 352.12, subdivision 13; 353.27, subdivision 7; 354.52, subdivisions 4 and 4b; 446A.086, subdivision 4; and 475A.04, subdivision 1.

ARTICLE 4  
ELECTIONS AND VOTING RIGHTS

Section 1. Minnesota Statutes 2018, section 13.607, is amended by adding a subdivision to read:

Subd. 9. **Data derived from driver's license applications.** Data on an application for a driver's license, a Minnesota identification card, or a learner's permit transferred to the secretary of state that are provided by a person whom the secretary of state determines is not eligible to vote are governed by section 201.161.

Sec. 2. Minnesota Statutes 2018, section 123B.09, subdivision 5b, is amended to read:

Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the board, other than a vacancy described in subdivision 4, must be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall be effective 30 days following adoption of the resolution, subject to paragraph (b). If the appointment becomes effective, ~~it shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. A special election to fill the vacancy must be held no later than the first Tuesday after the first Monday in November following the vacancy. If the vacancy occurs less than 90 days prior to the first Tuesday after the first Monday in November in the year in which the vacancy occurs, the special election must be held no later than the first Tuesday after the first Monday in November of the following calendar year. If the vacancy occurs less than 90 days prior to the first Tuesday after the first Monday in November in the third year of the term, no special election is required. If the vacancy is filled by a special election, the person elected at that election for the ensuing term shall take office immediately after receiving the certificate of election, filing the bond, and taking the oath of office the appointee shall serve for the remainder of the unexpired term.~~

(b) An appointment made under paragraph (a) shall not be effective if a petition to reject the appointee is filed with the school district clerk. To be valid, a petition to reject an appointee must be signed by a number of eligible voters residing in the district equal to at least five percent of the total number of voters voting in the district at the most recent state general election, and must be filed within 30 days of the board's adoption of the resolution making the appointment. If a valid petition is filed according to the requirements of this paragraph, the appointment by the school board is ineffective and the board must name a new appointee as provided in paragraph (a).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to vacancies created on or after that date.

Sec. 3. Minnesota Statutes 2018, section 174.24, is amended by adding a subdivision to read:

Subd. 7a. **Transit service on election day.** An eligible recipient of operating assistance under this section who contracts or has contracted to provide fixed route public transit shall provide fixed route public transit service free of charge on a day a state general election is held.

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

Sec. 4. Minnesota Statutes 2018, section 201.014, is amended by adding a subdivision to read:

Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual convicted of a felony has the civil right to vote restored when the individual completes any incarceration imposed and executed by the court for the offense or upon sentencing if no incarceration is imposed. If the individual is later incarcerated for the same offense, the individual's civil right to vote is lost only during the period of incarceration.

Sec. 5. Minnesota Statutes 2018, section 201.022, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

- (3) provide for entering data into the statewide registration system;
- (4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;
- (5) assign a unique identifier to each legally registered voter in the state;
- (6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;
- (7) coordinate with other agency databases within the state;
- (8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;
- (9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;
- (10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;
- (11) provide access to municipal clerks to use the system;
- (12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;
- (13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~
- (14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and
- (15) provide reports necessary for early voting.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 6. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **Form.** Both paper and electronic voter registration applications must contain the same information unless otherwise provided by law. A voter registration application must contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The paper registration application may include the voter's e-mail address, if provided by the voter. The electronic voter registration application must include the voter's e-mail address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) will be at least 18 years old on election day;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under court-ordered guardianship in which the court order revokes my right to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) ~~have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence~~ am not currently incarcerated for a felony offense; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 7. Minnesota Statutes 2018, section 201.091, subdivision 4, is amended to read:

Subd. 4. **Public information lists.** The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The list must not include the party choice of any voter who voted in ~~the most recent~~ a presidential nomination primary. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a statement signed by the voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family, the secretary of state and county auditor must withhold from the public information list the name of a registered voter.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to presidential nomination primaries conducted on or after that date.

Sec. 8. Minnesota Statutes 2018, section 201.091, is amended by adding a subdivision to read:

**Subd. 4a. Presidential primary political party list.** For each major political party that participated in the presidential nomination primary, the secretary of state must maintain a list of the voters who voted in the presidential nomination primary and selected that political party. Information maintained on the lists is private data on individuals as defined under section 13.02, subdivision 12, except that the secretary of state must provide to the chair of each major political party a list of voters who selected the chair's party for the most recent presidential nomination primary.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to presidential nomination primaries conducted on or after that date.

Sec. 9. Minnesota Statutes 2018, section 201.161, is amended to read:

**201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE, INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS APPLICANTS.**

**Subdivision 1. Automatic registration.** An individual who properly completes an application for a new or renewed Minnesota driver's license, instruction permit, or identification card, and who is eligible to vote under section 201.014, must be registered to vote as provided in this section, unless the applicant declines to be registered.

**Subd. 2. Applications.** The ~~Department~~ commissioner of public safety, in consultation with the secretary of state, shall change ~~its~~ the applications for an original, duplicate, or change of address driver's license, instruction permit, or identification card so that the forms may also serve as voter registration applications. The forms must contain spaces for all information collected by voter registration applications prescribed by the secretary of state. ~~Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time and that~~ and a box for the applicant to decline to be registered to vote. The form must clearly state that it is a felony for a person who is not eligible to vote to register to vote or cast a ballot. Unless the applicant has declined to be registered to vote or has provided an address other than the applicant's address of residence under section 171.12, subdivision 7, paragraph (d), the commissioner shall transmit the information ~~must be transmitted at least weekly~~ daily by electronic means to the secretary of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record containing the voter's name, address, date of birth, citizenship, driver's license number or state identification number, county, ~~town~~, and city or town must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Subd. 3. **Registration.** (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose registration is not changed, the secretary of state shall update the voter's registration date in the statewide voter registration system. For each currently registered voter whose registration is changed, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information received under section 201.145 to determine whether the applicant is eligible to vote. If an applicant is less than 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is eligible to vote. For each applicant the secretary of state determines is an eligible voter, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(c) Any data on applicants who the secretary determines are not eligible to vote are private data on individuals as defined in section 13.02, subdivision 12.

Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to the voter the notice of registration required by section 201.121, subdivision 2.

Subd. 5. **Registering 20 days before election.** An application for registration that is dated during the 20 days before an election in any jurisdiction within which the voter resides is not effective until the day after the election.

Subd. 6. **System certification.** An applicant for a Minnesota driver's license, instruction permit, or identification card must not be registered to vote until the commissioner of public safety has certified that the department's systems have been tested and can accurately provide the necessary data, and the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to vote.

Subd. 7. **Implementation costs.** The secretary of state and commissioner of public safety must absorb any costs associated with implementation of this section using existing appropriations provided to the secretary or commissioner by law.

Sec. 10. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.**

The secretary of state shall develop accurate and complete information in a single publication about the voting rights of people who have been charged with or convicted of a crime. This publication must be made available electronically to the state court administrator for distribution to judges, court personnel, probation officers, and the commissioner of corrections for distribution to corrections officials, parole and supervised release agents, and the public.

Sec. 11. Minnesota Statutes 2018, section 203B.001, is amended to read:

**203B.001 ELECTION LAW APPLICABILITY.**

The Minnesota Election Law is applicable to voting by absentee ballot and early voting unless otherwise provided in this chapter.

Sec. 12. Minnesota Statutes 2018, section 203B.01, is amended by adding a subdivision to read:

Subd. 5. **Early voting.** "Early voting" means voting in person before election day at the office of the county auditor or designated municipal clerk within the time period provided in section 203B.31.

Sec. 13. Minnesota Statutes 2018, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. **Violation.** (a) No individual shall intentionally:

- (1) make or sign any false certificate required by this chapter;
  - (2) make any false or untrue statement in any application for absentee ballots;
  - (3) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
  - (4) exhibit a ballot marked by that individual to any other individual;
  - (5) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;
  - (6) use information from absentee ballot or early voting materials or records for purposes unrelated to elections, political activities, or law enforcement;
  - (7) provide assistance to an absentee or early voter except in the manner provided by section 204C.15, subdivision 1;
  - (8) solicit the vote of an absentee or early voter while in the immediate presence of the voter during the time the individual knows the absentee or early voter is voting; or
  - (9) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.
- (b) Before inspecting information from absentee ballot or early voting materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 14. Minnesota Statutes 2018, section 203B.04, subdivision 5, is amended to read:

Subd. 5. **Permanent absentee voter status.** (a) An eligible voter may apply to a county auditor or municipal clerk to automatically receive an absentee ballot ~~application~~ before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record. The secretary of state must prescribe a form for this purpose. An eligible voter listed as an ongoing absentee voter as of July 31, 2013, pursuant to laws in effect on that date, shall be treated as if the voter applied for status as a permanent absentee voter pursuant to this subdivision.

(b) A voter who applies under paragraph (a) must automatically be provided an absentee ballot ~~application~~ for each eligible election. A voter's permanent absentee status ends and automatic ballot ~~application~~ delivery must be terminated on:

- (1) the voter's written request;
- (2) the voter's death;

- (3) return of an absentee ballot as undeliverable; or
- (4) a change in the voter's status to "challenged" or "inactive" in the statewide voter registration system.
- (c) The secretary of state shall adopt rules governing procedures under this subdivision.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 15. **[203B.045] VOTERS WITH A DISABILITY.**

Subdivision 1. **Transmitting ballot and certificate of voter eligibility.** (a) A voter with a temporary or permanent disability may include in an application for absentee ballots a request that the ballots, instructions, and a certificate of voter eligibility meeting the requirements of section 203B.21, subdivision 3, be transmitted to the voter electronically in an accessible format, including ballots with the ability to be marked by accessible software or devices. Upon receipt of a properly completed application requesting accessible electronic transmission, the county auditor shall electronically transmit the requested materials to the voter.

(b) Electronic materials provided by a county auditor to a voter under this subdivision must comply with the accessibility standards developed under section 16E.03, subdivision 9.

(c) The county auditor or municipal clerk must provide a return envelope containing first class postage to a voter requesting a ballot and ballot materials under this subdivision.

Subd. 2. **Marking ballots.** The voter may electronically mark the ballot using accessible software or devices.

Subd. 3. **Returning voted ballots.** The voter must return the voted ballots and the certificate of voter eligibility to the county auditor in a sealed envelope.

Sec. 16. Minnesota Statutes 2018, section 203B.05, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the provisions of sections 203B.04 to 203B.15 if:

- (1) the county auditor of that county has designated the clerk to administer them; or
- (2) the clerk has given the county auditor of that county notice of intention to administer them.

The designation or notice must specify whether the clerk will be responsible for the administration of a ballot board as provided in section 203B.121.

A clerk of a city that is located in more than one county may only administer the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has been designated by each of the county auditors or has provided notice to each of the county auditors that the city will administer absentee voting. A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of

state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training. The county auditor must notify the secretary of state of any municipal clerk who will be administering the provisions of this section and the duties that the clerk will administer.

Sec. 17. Minnesota Statutes 2018, section 203B.06, subdivision 1, is amended to read:

Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to section 203B.04. ~~Blank application forms must be mailed to eligible voters who have requested an application pursuant to section 203B.04, subdivision 5, at least 60 days before:~~

~~(1) each regularly scheduled primary for federal, state, county, city, or school board office;~~

~~(2) each regularly scheduled general election for city or school board office for which a primary is not held; and~~

~~(3) a special primary to fill a federal or county office vacancy or special election to fill a federal or county office vacancy, if a primary is not required to be held pursuant to section 204D.03, subdivision 3, or 204D.07, subdivision 3; and~~

~~(4) any election held in conjunction with an election described in clauses (1) to (3);~~

~~or at least 45 days before any other primary or other election for which a primary is not held.~~

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 18. Minnesota Statutes 2018, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) The county auditor or municipal clerk, or full-time clerk of any city or town administering an election pursuant to section 203B.05, shall mail absentee ballots to voters on the permanent absentee ballot list pursuant to section 203B.04, subdivision 5, at least 45 days before:

(1) each regularly scheduled primary or general election for federal, state, county, city, or school board office;

(2) each special primary or special election to fill a federal, state, county, city, or school board vacancy; except

(3) town clerks administering absentee ballots for a town general election held in March shall deliver absentee ballots at least 30 days before the election.

(b) The commissioner of corrections must provide the secretary of state with a list of the names and mailing addresses of state adult correctional facilities. An application for an absentee ballot that provides an address included on the list provided by the commissioner of corrections must not be accepted and an absentee ballot must not be provided to the applicant. The county auditor or municipal clerk must promptly transmit a copy of the application to the county attorney. The Department of Corrections must implement procedures to ensure that absentee ballots issued under this chapter are not received or mailed by offenders incarcerated at state adult correctional facilities.

~~(b)~~ (c) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

~~(e)~~ (d) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 19. Minnesota Statutes 2018, section 203B.081, subdivision 1, is amended to read:

Subdivision 1. **Location; timing.** (a) An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor or by a municipal clerk authorized to conduct absentee balloting under section 203B.05 during the 46 days before the election, except as provided in this section.

(b) A polling place location, other than the office of the county auditor, may be opened for fewer than 46 days. If a polling place is open fewer than 46 days before the election, the county auditor or municipal clerk must post the polling place location and hours of operation on the jurisdiction's website and must inform the secretary of state of the polling place's location and hours.

Sec. 20. Minnesota Statutes 2018, section 203B.085, is amended to read:

**203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.**

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 8:00 a.m. to 12:00 noon on the day immediately preceding an election subject to early voting under section 203B.30 unless that day falls on a Sunday. When performing the duties of the county auditor in an election not subject to early voting under section 203B.30, the clerk's office must be open from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on the day immediately preceding a primary, special, or general election

unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 21. Minnesota Statutes 2018, section 203B.121, subdivision 1, is amended to read:

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots or to administer early voting must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Sec. 22. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application or voter record;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as a number on the voter's absentee ballot application or voter record. If the number does not match, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope;

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 23. Minnesota Statutes 2018, section 203B.121, is amended by adding a subdivision to read:

**Subd. 2a. Duties of ballot board; early voting.** The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35, and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 4 and 5.

Sec. 24. Minnesota Statutes 2018, section 203B.121, subdivision 3, is amended to read:

**Subd. 3. Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter. A voter whose record indicates that the voter has cast an early ballot must not be permitted to cast another ballot in that election. After the close of business on the ~~seventh day before the election~~ day prior to the beginning of the early voting period as provided in section 203B.31, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal ~~or~~ state, or county office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of absentee and early voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

- (1) by the county auditor or municipal clerk before election day;
- (2) by the ballot board before election day; or
- (3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the seventh day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Sec. 25. Minnesota Statutes 2018, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Sec. 26. Minnesota Statutes 2018, section 203B.121, subdivision 5, is amended to read:

Subd. 5. **Storage and counting of absentee and early voting ballots.** (a) On a day on which absentee or early voting ballots are inserted into a ballot box, two members of the ballot board must:

- (1) remove the ballots from the ballot box at the end of the day;
- (2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters who cast early votes and whose absentee ballots were accepted that day; and
- (3) seal and secure all voted and unvoted ballots present in that location at the end of the day.

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count must be recorded on a summary statement in substantially the same format as provided in section 204C.26. The ballot board shall submit at least one completed summary statement to the county auditor or municipal clerk. The county auditor or municipal clerk may require the ballot board to submit a sufficient number of completed summary statements to comply with the provisions of section 204C.27, or the county auditor or municipal clerk may certify reports containing the details of the ballot board summary statement to the recipients of the summary statements designated in section 204C.27.

In state primary and state general elections, these vote totals shall be added to the vote totals on the summary statements of the returns for the appropriate precinct. In other elections, these vote totals may be added to the vote totals on the summary statement of returns for the appropriate precinct or may be reported as a separate total.

The count shall be public. No vote totals from ballots may be made public before the close of voting on election day.

(c) In addition to the requirements of paragraphs (a) and (b), if the task has not been completed previously, the members of the ballot board must verify as soon as possible, but no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day. An absentee ballot submitted by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

Sec. 27. **[203B.30] EARLY VOTING; APPLICABILITY.**

(a) Any eligible voter may vote in person in a federal, state, or county election prior to the date of the election, in the manner provided in sections 203B.31 to 203B.35.

(b)(1) Subject to clause (2), for city elections not held in conjunction with a federal, state, or county election, the city may authorize eligible voters to vote in the manner provided in sections 203B.31 to 203B.35 upon resolution of the governing body of the city, adopted prior to the first day for filing affidavits of candidacy for the election. In the case of a home rule charter city, authorization may alternatively be made by amendment to the city's charter for this purpose.

(2) A city may only authorize voting under sections 203B.31 to 203B.35 if the municipal clerk has the technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. The clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering voting authorized under this paragraph. The clerk may not use the statewide voter registration system until the clerk has received the required training.

Sec. 28. **[203B.31] TIME PERIOD FOR EARLY VOTING.**

Early voting must be available to any eligible voter as provided in section 203B.32 for every primary, general, and special election subject to early voting under section 203B.30 from 30 days before the election through 5:00 p.m. on the third day before the election. All voters in line at 5:00 p.m. on the third day before the election must be allowed to vote in the same manner as provided in section 204C.05, subdivision 2.

Sec. 29. **[203B.32] HOURS FOR EARLY VOTING.**

Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each weekday during the time period provided in section 203B.31, from 8:00 a.m. to 8:00 p.m. on at least one weekday, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays before the election.

Sec. 30. **[203B.33] LOCATIONS FOR EARLY VOTING.**

(a) Early voting must be made available at polling places designated in the county auditor's offices in county-owned or operated buildings, at the municipal clerk's office in every municipality that has been delegated the responsibility to administer absentee voting as provided in section 203B.05 or which is conducting an election that includes early voting, as authorized in section 203B.30, and at any other county or city-owned or operated buildings designated by the county auditor or municipal clerk. At least one voting station and one ballot marking device for disabled voters must be made available in each polling place.

(b) The county auditor or municipal clerk must make an electronic ballot counter available in each polling place.

Sec. 31. **[203B.34] NOTICE TO VOTERS.**

The county auditor or municipal clerk must prepare a notice to the voters of the days, times, and locations for early voting. This notice must be posted on the county's website, if applicable, and the website for each municipality in the county where an early voting location is designated for the election at least 14 days before the first day for early voting. If a county or municipality does not have a website, the county auditor or municipal clerk must publish the notice at least once in the jurisdiction's official newspaper at least seven days and not more than 14 days before the first day for early voting.

Sec. 32. **[203B.35] PROCEDURES FOR EARLY VOTING.**

Subdivision 1. **Voting procedure.** Each voter shall sign the certification provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3.

After the voter has signed the certification, a member of the ballot board must provide a ballot to the voter. Ballots must be prepared and distributed by members of the ballot board in the manner provided in section 204C.09. The voter must mark the ballot and deposit it in either a precinct voting system or a sealed ballot box. A voter may not leave the polling place with the ballot.

Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35 must be processed and counted by a ballot board.

Sec. 33. Minnesota Statutes 2018, section 204B.28, subdivision 2, is amended to read:

Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as otherwise provided for absentee ballots in this section and in section 204B.35, subdivision 4, the county auditor shall complete the preparation of the election materials for which the auditor is responsible at least four days before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than four days before the election each municipal clerk shall secure from the county auditor:

(a) (1) the forms that are required for the conduct of the election;

(b) (2) any printed voter instruction materials furnished by the secretary of state;

(c) (3) any other instructions for election officers; and

(d) (4) a sufficient quantity of the official ballots, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota Election Law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.

(b) The county auditor must prepare and make available election materials for early voting to city clerks designated to administer early voting under section 203B.05 at least one day prior to the beginning of the early voting period as provided in section 203B.31.

Sec. 34. Minnesota Statutes 2018, section 204B.35, is amended by adding a subdivision to read:

Subd. 6. **Electronic voting systems.** Notwithstanding sections 204B.35 to 204B.44 and chapter 204D, a jurisdiction may employ an electronic voting system provided by section 206.80, paragraph (b), clause (3), displaying the required ballot information on an electronic device in a format that substantially meets the requirements of law.

Sec. 35. Minnesota Statutes 2018, section 204B.45, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** A town of any size ~~not located in a metropolitan county as defined by section 473.121,~~ or a city having fewer than 400 registered voters on June 1 of an election year ~~and not located in a metropolitan county as defined by section 473.121,~~ may provide balloting by mail at any municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than 100 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 36. Minnesota Statutes 2018, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least ten weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election and not more than 30 days nor later than 14 days before any other election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the city, town, or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed and eligible voters with a temporary or permanent disability may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "accepted" or "rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of deputy county auditors or deputy municipal clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the seventh day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from mail or absentee ballots may be made public before the close of voting on election day.

The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 37. Minnesota Statutes 2018, section 204C.03, is amended by adding a subdivision to read:

Subd. 5. **Transit service.** Certain requirements for transit service on the date of a state general election are as provided in sections 174.24, subdivision 7a, and 473.408, subdivision 11.

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

Sec. 38. Minnesota Statutes 2018, section 204C.10, is amended to read:

**204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE; VOTER RECEIPT.**

(a) An individual seeking to vote shall sign a polling place roster or voter signature certificate which states that the individual:

(1) is at least 18 years of age;

(2) a citizen of the United States;

(3) has resided in Minnesota for 20 days immediately preceding the election;

(4) maintains residence at the address shown;

(5) is not under a guardianship in which the court order revokes the individual's right to vote;

(6) has not been found by a court of law to be legally incompetent to vote or;

(7) has the right to vote because, if the individual was convicted of a felony, ~~the felony sentence has expired or been completed~~ or the individual has ~~been discharged from the sentence,~~ completed the term of incarceration, if any, for the felony offense;

(8) is registered; and

(9) has not already voted in the election.

The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) At the presidential nomination primary, the polling place roster must also state: "I am in general agreement with the principles of the party for whose candidate I intend to vote, ~~and I understand that my choice of a party's ballot will be public information.~~" This statement must appear separately from the statements required in paragraph (a). The felony penalty provided for in paragraph (a) does not apply to this paragraph.

(~~e~~) (b) A judge may, before the applicant signs the roster or voter signature certificate, confirm the applicant's name, address, and date of birth.

(~~d~~) (c) After the applicant signs the roster or voter signature certificate, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

~~(e)~~ (d) Whenever a challenged status appears on the polling place roster, an election judge must ensure that the challenge is concealed or hidden from the view of any voter other than the voter whose status is challenged.

Sec. 39. Minnesota Statutes 2018, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. ~~No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election.~~ Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 40. Minnesota Statutes 2018, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(1) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

(2) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes, the number of overvotes, and the number of defective ballots with respect to each office or question;

(3) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

~~(4) the number of voted ballots indicating only a voter's choices as provided by section 206.80, paragraph (b), clause (3);~~

~~(4)~~ (5) the number of individuals who voted at the election in the precinct which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

~~(5)~~ (6) the number of voters registering on election day in that precinct; and

~~(6)~~ (7) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 41. Minnesota Statutes 2018, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the ~~40th~~ 54th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~35~~ 49 days after the issuance of the writ. ~~A special election must not be held during the four days before or the four days after a holiday as defined in section 645.44, subdivision 5.~~

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 42. Minnesota Statutes 2018, section 204D.195, is amended to read:

**204D.195 DATE OF SPECIAL ELECTION; CERTAIN TIMES PROHIBITED.**

Notwithstanding any other provision of law, a special primary and special general election may not be held:

(1) for a period beginning the day following the date of the state primary election and ending the day prior to the date of the state general election; or

(2) on a holiday, or during the four days before or the four days after a holiday, as defined in section 645.44, subdivision 5.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to special elections for vacancies in office occurring on or after that date.

Sec. 43. Minnesota Statutes 2018, section 204D.22, subdivision 3, is amended to read:

Subd. 3. **Notice of special election.** The county auditor of a county in which a special election is to be held shall direct the clerk of each municipality in which the election is to be held to post a notice of the special primary and special election at least ~~seven~~ 14 days before the special primary and at least ~~14~~ 21 days before the special election in the manner provided in sections 204B.33 and 204B.34. If the special primary is to be held ~~14~~ 21 days before the special election, a single notice of both elections may be posted seven days before the primary.

When the special primary or special election is to be held on the same day as any other election, notice of the special primary or special election may be included in the notice of the other election, if practicable.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 44. Minnesota Statutes 2018, section 204D.23, subdivision 2, is amended to read:

Subd. 2. **Time of filing.** Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than ~~14~~ 21 days before the special primary.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 45. **[204D.275] LOCAL REIMBURSEMENT FOR SPECIAL ELECTIONS.**

Subdivision 1. **Reimbursement authorized.** Each county and municipality shall be reimbursed for the cost of conducting a special election as defined in section 200.02, subdivision 4, for a federal or state office.

Subd. 2. **Expenses eligible for reimbursement.** The secretary of state shall reimburse each county and municipality for the cost of:

(1) preparation and printing of ballots and other election materials for the special election;

(2) postage for absentee ballots;

(3) publication of the sample ballot;

(4) preparation of polling places;

(5) preparation of electronic voting systems;

(6) compensation paid to the county canvassing board members;

(7) election judge salaries; and

(8) other reasonable costs of administering the election, as approved by the secretary of state.

Reimbursable costs do not include salaries of permanent local officials or the cost of reusable supplies and equipment.

Subd. 3. **Reimbursement requests.** (a) Not more than 90 days after the special election, the county auditor must submit a request for reimbursement of the costs incurred by the county for conducting the special election and the municipal clerk must submit a request for reimbursement of the costs incurred by the municipality for conducting the special election. The request for reimbursement must be submitted to the secretary of state and must be accompanied by an itemized description of actual county or municipal expenditures including copies of invoices. In addition, the county auditor or municipal clerk must certify that the request for reimbursement is based on actual costs incurred by the county or municipality in the special election. The secretary of state shall provide each county and municipality with the appropriate forms for requesting payment and certifying expenses under this subdivision.

(b) The secretary of state must not reimburse expenses unless the request for payment and certification of costs has been submitted as provided in this subdivision. The secretary of state must complete the issuance of reimbursements to the counties and municipalities for qualifying claims no later than 120 days after the special election. Amounts necessary to pay qualifying claims are appropriated from the general fund to the secretary of state for that purpose.

Sec. 46. **[204E.01] APPLICABILITY.**

This chapter applies to all elections expressly authorized by law to use ranked-choice voting. All other provisions of the Minnesota Election Law also apply, to the extent they are not inconsistent with this chapter.

Sec. 47. **[204E.02] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Batch elimination.** "Batch elimination" means a simultaneous defeat of multiple continuing candidates that have no mathematical chance of being elected.

Subd. 3. **Chief election official.** "Chief election official" means the principal officer in the jurisdiction charged with duties relating to elections.

Subd. 4. **Duplicate ranking.** "Duplicate ranking" means a voter has ranked the same candidate at multiple rankings for the office being counted.

Subd. 5. **Exhausted ballot.** "Exhausted ballot" means a ballot that can no longer be advanced under the procedures in section 204E.06.

Subd. 6. **Highest continuing ranking.** "Highest continuing ranking" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Subd. 7. **Mathematically impossible to be elected.** "Mathematically impossible to be elected" means either:

(1) the candidate cannot be elected because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes and surplus votes would not be enough to surpass the candidate with the next higher current vote total; or

(2) the candidate has a lower current vote total than a candidate who is described by clause (1).

Subd. 8. **Overvote.** "Overvote" means a voter has ranked more than one candidate at the same ranking.

Subd. 9. **Partially defective ballot.** "Partially defective ballot" means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Subd. 10. **Ranked-choice voting.** "Ranked-choice voting" means an election method in which voters rank candidates for an office in order of their preference, with each vote counting for the highest-ranked continuing candidate on each ballot until that candidate has been elected or defeated by the method established in this chapter.

Subd. 11. **Ranked-choice voting tabulation center.** "Ranked-choice voting tabulation center" means the place selected for the automatic or manual processing and tabulation of ballots.

Subd. 12. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Subd. 13. **Round.** "Round" means an instance of the sequence of voting tabulation steps established in section 204E.06.

Subd. 14. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

Subd. 15. **Surplus.** "Surplus" means the total number of votes cast for an elected candidate in excess of the threshold.

Subd. 16. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus by the total votes cast for the elected candidate, calculated to four decimal places, ignoring any remainder.

Subd. 17. **Threshold.** "Threshold" means the number of votes sufficient for a candidate to be elected. In any given election, the threshold equals the total votes counted in the first round after removing defective ballots, divided by the sum of one plus the number of offices to be filled and adding one to the quotient, disregarding any fractions.

Subd. 18. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction of each vote by its current value, calculated to four decimal places, ignoring any remainder. The transfer value of a vote cast for a defeated candidate is the same as its current value.

Subd. 19. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Subd. 20. **Totally defective ballot.** "Totally defective ballot" means a ballot that is defective to the extent that election judges are unable to determine the voter's intent for any office on the ballot.

Subd. 21. **Undervote.** "Undervote" means a voter did not rank any candidates for an office.

Sec. 48. **[204E.03] AUTHORIZATION TO ADOPT RANKED-CHOICE VOTING; IMPLEMENTATION.**

(a) The following political subdivisions may adopt, in the manner provided in this section, ranked-choice voting as a method of voting for local offices within the political subdivision:

(1) home rule charter or statutory cities;

(2) counties;

(3) townships; and

(4) school districts.

(b) A jurisdiction that adopts ranked-choice voting may do so by adopting an ordinance or resolution or by a ballot question presented to the voters. The ranked-choice voting method may be repealed by one of the same methods provided for adoption.

(c) A home rule charter jurisdiction that adopts a ranked-choice voting system in its charter may adopt this chapter by reference in an ordinance, but is not required to do so. Nothing in this chapter prevents a home rule charter jurisdiction from adopting another voting method in its charter.

(d) Ranked-choice voting shall only be used to elect local offices at a general or special election, or at a primary election which serves as a party-nominating election for a partisan office. A primary election must not be held for any nonpartisan offices that are elected using ranked-choice voting.

(e) A jurisdiction that adopts the use of ranked-choice voting in local elections must do so no later than 30 days before the first day for filing affidavits of candidacy for the office for which ranked-choice voting is to be used as the method of election.

(f) Repeal of ranked-choice voting must be no later than 30 days before the first day for filing affidavits of candidacy for offices for which ranked-choice voting is used as the method of election.

(g) The chief election official shall notify the secretary of state and, if applicable, the county auditor within 30 days following adoption or repeal of ranked-choice voting.

Sec. 49. **[204E.04] BALLOTS.**

Subdivision 1. **Ballot format.** (a) If there are three or more qualified candidates, a ballot must allow a voter to rank at least three candidates for each office in order of preference and must also allow the voter to add write-in candidates.

(b) A ballot must:

(1) include instructions to voters that clearly indicate how to mark the ballot;

(2) include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference; and

(3) indicate the number of seats to be elected for each office.

(c) A jurisdiction may use ballots compatible with alphanumeric character recognition voting equipment.

Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked-choice voting is used in addition to other methods of voting, the ranked-choice voting and non-ranked-choice voting elections must be on the same ballot card if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot card. A separate ballot card may be used if necessary. A jurisdiction may deviate from the standard ballot order of offices to allow separation of ranked-choice voting and non-ranked-choice voting elections.

Subd. 3. **Ballot format rules.** The chief election official shall establish administrative rules for ballot format after a voting mechanism has been selected, consistent with this section.

Sec. 50. **[204E.05] RANKED-CHOICE VOTING TABULATION CENTER.**

Subdivision 1. **Tabulation of votes; generally.** The chief election official shall designate one location to serve as the ranked-choice voting tabulation center. The center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in section 204E.06.

Subd. 2. **Precinct tabulation.** When the hours for voting have ended and all voting has concluded, the election judges in each precinct shall record and publicly declare the number of first choices cast for each candidate in that precinct. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked-choice voting tabulation center designated under this section. Upon receipt at the ranked-choice voting tabulation center, all electronic voting data and ballots shall be secured.

Subd. 3. **Notice of recess in count.** At any time following receipt of materials under subdivision 1, the chief election official may declare a recess. Notice of the recess must include the date, time, and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice must be posted on the city's official bulletin board and on the door of the ranked-choice voting tabulation center.

Subd. 4. **Recording write-in votes.** At a time set by the chief election official, the election judges shall convene at the ranked-choice voting tabulation center to examine ballots on which voters have indicated a write-in choice, and record the names and number of votes received by each write-in candidate. In the event that votes cast for the write-in category are not eliminated as provided in section 204E.06, the results must be entered into the ranked-choice voting tabulation software.

Subd. 5. **Ranked-choice vote tabulation.** After all votes have been recorded, and at a time set by the chief election official, the process of tabulating votes cast for offices to be elected using the ranked-choice method must begin. The counting must continue until preliminary results for all races are determined, subject to subdivision 3.

Sec. 51. **[204E.06] TABULATION OF VOTES.**

(a) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated and publicly declared. Each round must proceed sequentially as follows:

(1) the number of votes cast for each candidate for the current round must be counted. If the number of candidates whose vote totals equal or exceed the threshold are equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates whose vote totals are equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as provided in the remainder of this paragraph;

(2) surplus votes for any candidates whose vote totals are equal to or greater than the threshold must be calculated;

(3) after any surplus votes are calculated but not yet transferred, all candidates for whom it is mathematically impossible to be elected must be defeated by batch elimination. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, and the tabulation process reiterates beginning with clause (2). If no candidate can be defeated mathematically, the tabulation must continue as described in clause (4);

(4) the transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. Of the candidates whose vote totals reach or exceed the threshold, the candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two or more candidates must immediately and publicly be resolved by lot by the chief election official at the tabulation center. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. If no candidate has a surplus, the tabulation must continue as described in clause (5); otherwise, the tabulation process must reiterate beginning with clause (2);

(5) if there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must be decided by lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount. The tabulation process must reiterate beginning with clause (2); and

(6) the procedures in clauses (2) to (5) must be repeated until the number of candidates whose vote totals are equal to or exceed the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of offices yet to be elected. If the number of continuing candidates is equal to the number of offices yet to be elected, the remaining continuing candidates must be declared elected. In the case of a tie between two continuing candidates, the tie must be decided by lot as provided in section 204C.34, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(b) When a single skipped ranking is encountered on a ballot, that ballot must count toward the next nonskipped ranking. If any ballot cannot be advanced because no further candidates are ranked on that ballot, because a voter has skipped more than one ranking, or because an undervote, overvote, or duplicate ranking is encountered, the ballot must not count toward any candidate in that round or in subsequent rounds for the office being counted.

Sec. 52. **[204E.07] REPORTING RESULTS.**

(a) Each precinct must print a precinct summary statement, which must include the number of first choices cast for each candidate in that precinct.

(b) The ranked-choice voting tabulation center must print a summary statement with the following information: total votes cast; number of undervotes; number of totally defective and spoiled ballots; threshold calculation; total first choice rankings for all candidates; round-by-round tabulation results, including simultaneous batch eliminations, surplus transfers, and defeated candidate transfers; and exhausted ballots at each round.

(c) The election abstract must include the information required in the ranked-choice voting tabulation center summary statement, with the addition of the number of registered voters by precinct, the number of same-day voter registrations, and the number of absentee voters.

Sec. 53. **[204E.08] RECOUNTS.**

(a) A candidate defeated in the final round of tabulation may request a recount as provided in section 204C.36.

(b) A candidate defeated in the final round of tabulation when the vote difference is greater than that provided in section 204C.36 may request a recount at the candidate's own expense. A candidate defeated in an earlier round of tabulation may request a recount at the candidate's own expense. The candidate is responsible for all expenses associated with the recount, regardless of the vote difference between the candidates in the round in which the requesting candidate was defeated. The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. Expenses must be determined as provided in section 204C.36, subdivision 4.

(c) Rules adopted by the secretary of state under section 204C.36 for recounts apply to recounts conducted under this section.

Sec. 54. **[204E.09] RULES.**

The secretary of state may adopt rules necessary to implement the requirements and procedures established by this chapter.

Sec. 55. Minnesota Statutes 2018, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

Sec. 56. Minnesota Statutes 2018, section 206.58, subdivision 1, is amended to read:

Subdivision 1. **Municipalities.** (a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate

information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

(b) No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

(c) The governing body of a municipality may provide for the use of an electronic voting system that has been approved by the secretary of state under section 206.57 but includes an automatic tabulating equipment reallocation feature that has not been approved by the secretary of state if the municipal clerk certifies to the secretary of state, within 30 days from the date of adoption under paragraph (a), that the reallocation feature:

(1) has been certified as required under section 206.57, subdivision 6; and

(2) meets the municipality's ordinance requirements for electronic voting systems.

Sec. 57. Minnesota Statutes 2018, section 206.61, is amended by adding a subdivision to read:

Subd. 1a. **Availability of alternate ballot formats.** In precincts using a ballot format authorized by section 206.80, paragraph (b), clause (3), voters must be provided the option of voting a regularly printed optical scan ballot.

Sec. 58. Minnesota Statutes 2018, section 206.80, is amended to read:

#### **206.80 ELECTRONIC VOTING SYSTEMS.**

(a) An electronic voting system may not be employed unless it:

(1) permits every voter to vote in secret;

(2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;

(3) provides for write-in voting when authorized;

(4) automatically rejects, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;

(5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote;

(6) automatically rejects all votes cast in a primary election by a voter when the voter votes for candidates of more than one party; and

(7) provides every voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, and to change votes or correct any error before the voter's ballot is cast and counted, produces an individual, discrete, permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record available for use in any recount.

(b) An electronic voting system purchased on or after June 4, 2005, may not be employed unless it:

(1) accepts and tabulates, in the polling place or at a counting center, a marked optical scan ballot; ~~or~~

(2) creates a marked optical scan ballot that can be tabulated in the polling place or at a counting center by automatic tabulating equipment certified for use in this state-; or

(3) creates a marked paper ballot indicating, at a minimum, the date of the election, the name of the precinct, an electronically readable precinct identifier or ballot style indicator, and the voter's votes for each office or question, generated from the voter's use of a touch screen or other electronic device on which a complete ballot meeting the information requirements of any applicable law was displayed electronically.

(c) Jurisdictions using multiple ballot formats must not record the ballot formats of electronic voting system used by a particular voter.

Sec. 59. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

Any new voting equipment purchased for use in Minnesota for the purpose of replacing a voting system must have the ability to:

(1) capture and store ballot data;

(2) keep data anonymous;

(3) accept ranked or cumulative voting data under a variety of tabulation rules;

(4) be programmable to follow all other specifications of the ranked-choice voting system as provided in chapter 204E;

(5) provide a minimum of three rankings for ranked-choice voting elections;

(6) notify voters of the following errors: overvotes, skipped rankings, and duplicate rankings in a ranked-choice voting election; and

(7) be programmable to print a zero tape indicating all rankings for all candidates in a ranked-choice voting election.

**EFFECTIVE DATE.** This section is effective upon certification by the secretary of state that equipment meeting the standards required by this section is available for purchase and implementation.

Sec. 60. Minnesota Statutes 2018, section 206.82, subdivision 1, is amended to read:

Subdivision 1. **Program.** A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least 40 days prior to the election. The secretary of state shall adopt rules further specifying test procedures.

Sec. 61. Minnesota Statutes 2018, section 206.83, is amended to read:

**206.83 TESTING OF VOTING SYSTEMS.**

(a) Within ~~44~~ 37 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including ranked-choice voting if applicable, and through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If an election is to be conducted using ranked-choice voting, the equipment must also be tested to ensure that each ranking for each candidate is recorded properly.

(b) If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election.

(c) After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 62. Minnesota Statutes 2018, section 206.86, is amended by adding a subdivision to read:

Subd. 5a. **Ballots in precincts with multiple styles of voting system.** (a) This subdivision applies only to precincts using a ballot format as provided by section 206.80, paragraph (b), clause (3), that was used by ten or fewer voters.

(b) In the event the results of a precinct are subject to a recount under section 204C.35 or 204C.36, or are subject to postelection review under section 206.89, the election judges from that precinct are not eligible to participate in conducting a recount or postelection review in that precinct.

Sec. 63. Minnesota Statutes 2018, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section. In jurisdictions where ranked-choice voting is used, the date, time, and place for postelection review must be set by the county auditor at least 30 days before the election. The postelection review must not begin before the 11th day after the state general election and must be complete no later than the 18th day after the state general election.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. The ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must

conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office website.

Sec. 64. Minnesota Statutes 2018, section 206.89, subdivision 3, is amended to read:

Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint the postelection review official as defined in subdivision 1. The postelection review must be conducted of the votes cast for president or governor; United States senator; and United States representative. In jurisdictions where ranked-choice voting is used, the review must also include at least one single-seat ranked-choice voting election and at least one multiple-seat ranked-choice voting election, if such an election occurred. A postelection review of a ranked-choice voting election must be conducted for elections decided most closely in the final round, by percentage. The postelection review official may conduct postelection review of the votes cast for additional offices.

The postelection review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board. The postelection review official for each precinct selected must conduct the postelection review and may be assisted by election judges designated by the postelection review official for this purpose. The party balance requirement of section 204B.19 applies to election judges designated for the review. The postelection review must consist of a manual count of the ballots used in the precincts selected and must be performed in the manner provided by section 204C.21. The postelection review must be conducted in the manner provided for recounts under section 204C.361 to the extent practicable, and where ranked-choice voting is used, must include testing of the accumulation software using stored electronic data for those precincts that are not reviewed by manual count. The review must be completed no later than two days before the meeting of the state canvassing board to certify the results of the state general election.

Sec. 65. **[206.97] ELECTION SECURITY AND ADMINISTRATION GRANTS.**

Subdivision 1. **Grants authorized.** The secretary of state must disburse \$1,000,000 in grants from funds governed by section 5.30 to political subdivisions as authorized by this section. In evaluating an application for a grant, the secretary of state shall consider only the information set forth in the application and is not subject to chapter 14.

Subd. 2. **Use of grants.** A grant awarded under this section may be used for the following:

- (1) updated hardware or software used for administering elections;
- (2) additional physical security for election equipment storage;
- (3) increased polling place accessibility; or
- (4) cybersecurity or physical security training for election officials or election judges.

Subd. 3. **Application.** The secretary of state may award a grant to a political subdivision after receiving an application from the political subdivision. The application must identify:

(1) the date the application is submitted;

(2) the name of the political subdivision;

(3) the name and title of the individual who prepared the application;

(4) the total number of registered voters as of the date of the application in each precinct in the political subdivision;

(5) the total amount of the grant requested;

(6) the hardware, software, security improvements, accessibility improvements, or training to be acquired or conducted with the grant money;

(7) the proposed schedule for purchasing and implementing the proposed items and what precincts will be impacted by their implementation;

(8) whether the political subdivision has previously applied for a grant under this subdivision and the disposition of that application;

(9) a certified statement by the political subdivision that the grant will be used only for purposes authorized under subdivision 2; and

(10) any other information required by the secretary of state.

Subd. 4. **Legislative report.** No later than January 15, 2020, and annually thereafter until the appropriations provided for grants under this section have been exhausted, the secretary of state must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over elections policy on grants awarded by this section. The report must detail each grant awarded, including the jurisdiction, the amount of the grant, and how the grant was used.

Sec. 66. Minnesota Statutes 2018, section 207A.11, is amended to read:

**207A.11 PRESIDENTIAL NOMINATION PRIMARY ESTABLISHED.**

(a) A presidential nomination primary must be held each year in which a president and vice president of the United States are to be nominated and elected.

(b) The party chairs must jointly submit to the secretary of state, no later than March 1 in a year prior to a presidential election year, the single date on which the parties have agreed to conduct the presidential nomination primary in the next year. The date selected must not be the date of the town general election provided in section 205.075, subdivision 1. If a date is not jointly submitted by the deadline, the presidential nomination primary must be held on the first Tuesday in March in the year of the presidential election. No other election may be conducted on the date of the presidential nomination primary.

(c) The secretary of state must adopt rules to implement the provisions of this chapter. The secretary of state shall consult with the party chairs throughout the rulemaking process, including seeking advice about possible rules before issuing a notice of intent to adopt rules, consultation before the notice of comment is published, consultation on the statement of need and reasonableness, consultation in drafting and revising the rules, and consultation regarding any modifications to the rule being considered.

(d) This chapter only applies to a major political party that selects delegates at the presidential nomination primary to send to a national convention. A major political party that does not participate in a national convention is not eligible to participate in the presidential nomination primary.

(e) For purposes of this chapter, "political party" or "party" means a major political party as defined in section 200.02, subdivision 7, that is eligible to participate in the presidential nomination primary.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to presidential nomination primaries conducted on or after that date.

Sec. 67. Minnesota Statutes 2018, section 207A.12, is amended to read:

**207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.**

(a) Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.

(b) An individual seeking to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must request the ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section 204C.18, subdivision 1, the election judge must record in the polling place roster the name of the political party whose ballot the voter requested. When posting voter history pursuant to section 201.171, the county auditor must include the name of the political party whose ballot the voter requested. ~~The voter instruction posters, pamphlets, and other informational materials prepared for a presidential primary by the secretary of state pursuant to section 204B.27 must include information about the requirements of this paragraph, including a notice that the voter's choice of a political party's ballot will be recorded and is public information. The political party ballot selected by a voter is private data on individuals as defined under section 13.02, subdivision 12, except as provided in section 201.091, subdivision 4a.~~

(c) Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results.

(d) The results of the presidential nomination primary must bind the election of delegates in each party.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to presidential nomination primaries conducted on or after that date.

Sec. 68. Minnesota Statutes 2018, section 207A.14, subdivision 2, is amended to read:

Subd. 2. ~~Sample Example ballots.~~ No later than 70 days before the presidential nomination primary, the secretary of state must supply each county auditor with ~~sample example~~ ballots to be used at the presidential nomination primary. The ~~sample example~~ ballots must illustrate the format required for the ballots used in the presidential nomination primary.

Sec. 69. Minnesota Statutes 2018, section 207A.15, subdivision 2, is amended to read:

Subd. 2. **Reimbursable local expenses.** (a) The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential nomination primary from money contained in the presidential nomination primary elections account. The following expenses are eligible for reimbursement: preparation and printing of ballots; postage for absentee ballots; publication of the sample ballot; preparation of polling places in an amount not to exceed \$150 per polling place; preparation of electronic voting systems in an amount not to exceed \$100 per precinct; compensation for temporary staff or overtime payments; salaries of election judges; ~~and~~ compensation of county canvassing board members; and other expenses as approved by the secretary of state.

(b) Within 60 days after the results of a presidential nomination primary are certified by the State Canvassing Board, the county auditor must submit a request for payment of the costs incurred by the county for conducting the presidential nomination primary, and the municipal clerk must submit a request for payment of the costs incurred by the municipality for conducting the presidential nomination primary. The request for payment must be submitted to the secretary of state, and must be accompanied by an itemized description of actual county or municipal expenditures, including copies of invoices. In addition, the county auditor or municipal clerk must certify that the request for reimbursement is based on actual costs incurred by the county or municipality in the presidential nomination primary.

(c) The secretary of state shall provide each county and municipality with the appropriate forms for requesting payment and certifying expenses under this subdivision. The secretary of state must not reimburse expenses unless the request for payment and certification of costs has been submitted as provided in this subdivision. The secretary of state must complete the issuance of reimbursements to the counties and municipalities no later than 90 days after the results of the presidential nomination primary have been certified by the State Canvassing Board.

**EFFECTIVE DATE.** This section is effective July 1, 2019, and applies to presidential nomination primaries conducted on or after that date.

Sec. 70. **[208.051] AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.**

The Agreement Among the States to Elect the President by National Popular Vote is enacted into law and entered into with all other states legally joining in it in substantially the following form:

#### Article I - Membership

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

#### Article II - Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for president and vice president of the United States.

#### Article III - Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate. The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner." The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state. The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress. In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state

shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained. This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

#### Article IV - Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state. Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president shall have been qualified to serve the next term. The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally. This agreement shall terminate if the electoral college is abolished. If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

#### Article V - Definitions

For purposes of this agreement,

"chief executive" means the governor of a state of the United States or the mayor of the District of Columbia;

"elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"presidential elector" means an elector for president and vice president of the United States;

"presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" means a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" means a state of the United States and the District of Columbia; and

"statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 71. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

**Subdivision 1. Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to persons to whom the civil right to vote is restored by reason of the persons' release from actual incarceration. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

**Subd. 2. Notice requirement.** A notice of restoration of the civil right to vote and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to a person being released from the facility following incarceration for a felony-level offense; and

(2) a probation officer or supervised release agent shall provide the notice and application to all individuals under correctional supervision for a felony-level offense.

**Subd. 3. Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

**"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

Your receipt of this notice today means that your right to vote in Minnesota has been restored. Before you can vote on election day, you still need to register to vote. To register, you may complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You may also register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

**Subd. 4. Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of the person's civil right to vote.

Sec. 72. Minnesota Statutes 2018, section 473.408, is amended by adding a subdivision to read:

**Subd. 11. Transit service on election day.** (a) The Metropolitan Council shall provide regular route transit, as defined under section 473.385, subdivision 1, paragraph (b), free of charge on a day a state general election is held.

(b) The requirements under this subdivision apply to operators of regular route transit (1) receiving financial assistance under section 473.388, or (2) operating under section 473.405, subdivision 12.

**EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2020, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 73. Minnesota Statutes 2018, section 609.165, subdivision 1, is amended to read:

**Subdivision 1. Restoration.** Except as provided in section 201.014, subdivision 2a, when a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, ~~with full right to vote and hold office,~~ the same as if such conviction had not taken place, and the order of discharge shall so provide.

Sec. 74. **REPEALER; EARLY VOTING.**

Minnesota Statutes 2018, section 203B.081, subdivision 3, is repealed.

Sec. 75. **EFFECTIVE DATE; EARLY VOTING.**

The provisions of this article related to early voting are effective when the secretary of state has certified that:

(1) the statewide voter registration system has been tested and shown to properly allow for the tracking of the information required to conduct early voting, and can handle the expected volume of use; and

(2) precinct voting equipment that can tabulate at least 30 different ballot styles has been certified for use in this state. Upon certification pursuant to this section, the provisions of this act related to early voting apply to all federal, state, and county elections held on August 1, 2019, and thereafter. A jurisdiction may implement the requirements of this act prior to the date provided in this section, if the secretary of state has made the required certifications at least 90 days prior to the date of the election at which early voting will be used.

ARTICLE 5  
CAMPAIGN FINANCE

Section 1. Minnesota Statutes 2018, section 10A.01, subdivision 4, is amended to read:

Subd. 4. **Approved expenditure.** "Approved expenditure" means an expenditure made on behalf of a candidate or a local candidate by an entity other than the candidate's principal campaign committee ~~of the candidate or the local candidate~~, if the expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of the candidate or local candidate, the candidate's principal campaign committee, or the candidate's or local candidate's agent. An approved expenditure is a contribution to that candidate or local candidate.

Sec. 2. Minnesota Statutes 2018, section 10A.01, subdivision 7, is amended to read:

Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is placed on the ballot and that may be voted on by:

(1) all voters of the state;

(2) all voters of Hennepin County;

(3) all voters of any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or

(4) all voters of Special School District No. 1.

"Promoting or defeating a ballot question" includes activities, other than lobbying activities, related to qualifying the question for placement on the ballot.

Sec. 3. Minnesota Statutes 2018, section 10A.01, subdivision 9, is amended to read:

Subd. 9. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or a local candidate or for the purpose of promoting or defeating a ballot question.

An expenditure is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

An expenditure made for the purpose of defeating a candidate or a local candidate is considered made for the purpose of influencing the nomination or election of that candidate or local candidate or any opponent of that candidate or local candidate.

Except as provided in clause (1), "expenditure" includes the dollar value of a donation in kind.

"Expenditure" does not include:

(1) noncampaign disbursements as defined in subdivision 26;

(2) services provided without compensation by an individual volunteering personal time on behalf of a candidate or a local candidate, ballot question, political committee, political fund, principal campaign committee, or party unit;

(3) the publishing or broadcasting of news items or editorial comments by the news media; or

(4) an individual's unreimbursed personal use of an automobile owned by the individual and used by the individual while volunteering personal time.

Sec. 4. Minnesota Statutes 2018, section 10A.01, is amended by adding a subdivision to read:

**Subd. 10d. Local candidate.** "Local candidate" means an individual who seeks nomination or election to:

(1) any county office in Hennepin County;

(2) any city office in any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or

(3) the school board in Special School District No. 1.

Sec. 5. Minnesota Statutes 2018, section 10A.01, subdivision 11, is amended to read:

**Subd. 11. Contribution.** (a) "Contribution" means money, a negotiable instrument, or a donation in kind that is given to a political committee, political fund, principal campaign committee, local candidate, or party unit. An allocation by an association of general treasury money to be used for activities that must be or are reported through the association's political fund is considered to be a contribution for the purposes of disclosure required by this chapter.

(b) "Contribution" includes a loan or advance of credit to a political committee, political fund, principal campaign committee, local candidate, or party unit, if the loan or advance of credit is: (1) forgiven; or (2) repaid by an individual or an association other than the political committee, political fund, principal campaign committee, local candidate, or party unit to which the loan or advance of credit was made. If an advance of credit or a loan is forgiven or repaid as provided in this paragraph, it is a contribution in the year in which the loan or advance of credit was made.

(c) "Contribution" does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate, local candidate, ballot question, political committee, political fund, principal campaign committee, or party unit; the publishing or broadcasting of news items or editorial comments by the news media; or an individual's unreimbursed personal use of an automobile owned by the individual while volunteering personal time.

Sec. 6. Minnesota Statutes 2018, section 10A.01, subdivision 16a, is amended to read:

Subd. 16a. **Expressly advocating.** "Expressly advocating" means:

(1) that a communication clearly identifies a candidate or a local candidate and uses words or phrases of express advocacy; or

(2) that a communication when taken as a whole and with limited reference to external events, such as the proximity to the election, is susceptible of no reasonable interpretation other than as an appeal advocating the election or defeat of one or more clearly identified candidates.

**EFFECTIVE DATE.** This section is effective August 1, 2019, except that clause (2) is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 7. Minnesota Statutes 2018, section 10A.01, subdivision 17c, is amended to read:

Subd. 17c. **General treasury money.** "General treasury money" means money that an association other than a principal campaign committee, party unit, or political committee accumulates through membership dues and fees, donations to the association for its general purposes, and income from the operation of a business. General treasury money does not include money collected to influence the nomination or election of candidates or local candidates or to promote or defeat a ballot question.

Sec. 8. Minnesota Statutes 2018, section 10A.01, subdivision 18, is amended to read:

Subd. 18. **Independent expenditure.** "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate or local candidate, if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or any candidate's principal campaign committee or agent or any local candidate or local candidate's agent. An independent expenditure is not a contribution to that candidate or local candidate. An independent expenditure does not include the act of announcing a formal public endorsement of a candidate or local candidate for public office, unless the act is simultaneously accompanied by an expenditure that would otherwise qualify as an independent expenditure under this subdivision.

Sec. 9. Minnesota Statutes 2018, section 10A.01, subdivision 20, is amended to read:

Subd. 20. **Loan.** "Loan" means an advance of money or anything of value made to a political committee, political fund, principal campaign committee, local candidate, or party unit.

Sec. 10. Minnesota Statutes 2018, section 10A.01, subdivision 26, is amended to read:

Subd. 26. **Noncampaign disbursement.** (a) "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, or a donation in kind received, by a principal campaign committee for any of the following purposes:

- (1) payment for accounting and legal services;
- (2) return of a contribution to the source;
- (3) repayment of a loan made to the principal campaign committee by that committee;
- (4) return of a public subsidy;

(5) payment for food, beverages, and necessary utensils and supplies, entertainment, and facility rental for a fund-raising event;

(6) services for a constituent by a member of the legislature or a constitutional officer in the executive branch as provided in section 10A.173, subdivision 1;

(7) payment for food and beverages consumed by a candidate or volunteers while they are engaged in campaign activities;

(8) payment for food or a beverage consumed while attending a reception or meeting directly related to legislative duties;

(9) payment of expenses incurred by elected or appointed leaders of a legislative caucus in carrying out their leadership responsibilities;

(10) payment by a principal campaign committee of the candidate's expenses for serving in public office, other than for personal uses;

(11) costs of child care for the candidate's children when campaigning;

(12) fees paid to attend a campaign school;

(13) costs of a postelection party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first;

(14) interest on loans paid by a principal campaign committee on outstanding loans;

(15) filing fees;

(16) post-general election holiday or seasonal cards, thank-you notes, or advertisements in the news media mailed or published prior to the end of the election cycle;

(17) the cost of campaign material purchased to replace defective campaign material, if the defective material is destroyed without being used;

(18) contributions to a party unit;

(19) payments for funeral gifts or memorials;

(20) the cost of a magnet less than six inches in diameter containing legislator contact information and distributed to constituents;

(21) costs associated with a candidate attending a political party state or national convention in this state;

(22) other purchases or payments specified in board rules or advisory opinions as being for any purpose other than to influence the nomination or election of a candidate or to promote or defeat a ballot question;

(23) costs paid to a third party for processing contributions made by a credit card, debit card, or electronic check;

(24) a contribution to a fund established to support a candidate's participation in a recount of ballots affecting that candidate's election;

(25) costs paid by a candidate's principal campaign committee for a single reception given in honor of the candidate's retirement from public office after the filing period for affidavits of candidacy for that office has closed;

(26) a donation from a terminating principal campaign committee to the state general fund; ~~and~~

(27) a donation from a terminating principal campaign committee to a county obligated to incur special election expenses due to that candidate's resignation from state office; and

(28) payment of expenses for home security cameras, an electronic home security system, and identity theft monitoring services for a candidate and any immediate family members of the candidate residing in the candidate's household.

(b) The board must determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.

(c) A noncampaign disbursement is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

Sec. 11. Minnesota Statutes 2018, section 10A.01, subdivision 27, is amended to read:

Subd. 27. **Political committee.** "Political committee" means an association whose major purpose is to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question, other than a principal campaign committee, local candidate, or a political party unit.

Sec. 12. Minnesota Statutes 2018, section 10A.01, subdivision 28, is amended to read:

Subd. 28. **Political fund.** "Political fund" means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question. The term political fund as used in this chapter may also refer to the association acting through its political fund.

Sec. 13. Minnesota Statutes 2018, section 10A.12, subdivision 1, is amended to read:

Subdivision 1. **When required for contributions and approved expenditures.** An association other than a political committee or party unit may not contribute more than \$750 in aggregate in any calendar year to candidates, local candidates, political committees, or party units or make approved expenditures of more than \$750 in aggregate in any calendar year unless the contribution or expenditure is made through a political fund.

Sec. 14. Minnesota Statutes 2018, section 10A.12, subdivision 2, is amended to read:

Subd. 2. **Commingling prohibited.** The contents of an association's political fund may not be commingled with other funds or with the personal funds of an officer or member of the association or the fund. It is not commingling for an association that uses only its own general treasury money to make expenditures and disbursements permitted under section 10A.121, subdivision 1, directly from the depository used for its general treasury money. An association that accepts more than \$1,500 in aggregate in contributions to influence the nomination or election of candidates or local candidates or more than \$5,000 in contributions to promote or defeat a ballot question must establish a separate depository for those contributions.

Sec. 15. Minnesota Statutes 2018, section 10A.121, subdivision 1, is amended to read:

Subdivision 1. **Permitted disbursements.** An independent expenditure political committee or fund, or a ballot question political committee or fund, may:

- (1) pay costs associated with its fund-raising and general operations;
- (2) pay for communications that do not constitute contributions or approved expenditures;
- (3) make contributions to independent expenditure or ballot question political committees or funds;
- (4) make independent expenditures;
- (5) make expenditures to promote or defeat ballot questions;
- (6) return a contribution to its source;
- (7) for a political fund, record bookkeeping entries transferring the association's general treasury money allocated for political purposes back to the general treasury of the association; ~~and~~
- (8) for a political fund, return general treasury money transferred to a separate depository to the general depository of the association; and
- (9) make disbursements for electioneering communications.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 16. Minnesota Statutes 2018, section 10A.121, subdivision 2, is amended to read:

Subd. 2. **Penalty.** (a) An independent expenditure political committee or independent expenditure political fund is subject to a civil penalty of up to four times the amount of the contribution or approved expenditure if it does the following:

- (1) makes a contribution to a candidate, local candidate, party unit, political committee, or political fund other than an independent expenditure political committee or an independent expenditure political fund; or
- (2) makes an approved expenditure.

(b) No other penalty provided in law may be imposed for conduct that is subject to a civil penalty under this section.

Sec. 17. Minnesota Statutes 2018, section 10A.13, subdivision 1, is amended to read:

Subdivision 1. **Accounts; penalty.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must keep an account of:

- (1) the sum of all contributions, except any donation in kind valued at \$20 or less, made to the committee, fund, or party unit;

(2) the name and address of each source of a contribution made to the committee, fund, or party unit in excess of \$20, together with the date and amount of each;

(3) each expenditure made by the committee, fund, or party unit, together with the date and amount;

(4) each approved expenditure made on behalf of the committee, fund, or party unit, together with the date and amount; and

(5) the name and address of each political committee, political fund, principal campaign committee, local candidate, or party unit to which contributions in excess of \$20 have been made, together with the date and amount.

Any individual who knowingly violates this subdivision is subject to a civil penalty imposed by the board of up to \$1,000.

Sec. 18. Minnesota Statutes 2018, section 10A.17, subdivision 4, is amended to read:

Subd. 4. **Independent expenditures.** An individual, political committee, political fund, principal campaign committee, or party unit that independently solicits or accepts contributions or makes independent expenditures on behalf of a candidate or local candidate must publicly disclose that the expenditure is an independent expenditure. All written and broadcast communications with those from whom contributions are independently solicited or accepted or to whom independent expenditures are made on behalf of a candidate or local candidate must contain a statement in substantially the form provided in section 211B.04, subdivision 2. The statement must be on the front page of all written communications and at the end of all broadcast communications made by that individual, political committee, political fund, principal campaign committee, or party unit on the candidate's or local candidate's behalf.

Sec. 19. Minnesota Statutes 2018, section 10A.20, is amended by adding a subdivision to read:

Subd. 2a. **Local election reports.** (a) This subdivision applies to a political committee, political fund, or political party unit that during a nongeneral election year:

(1) spends in aggregate more than \$200 to influence the nomination or election of local candidates;

(2) spends in aggregate more than \$200 to make independent expenditures on behalf of local candidates; or

(3) spends in aggregate more than \$200 to promote or defeat ballot questions defined in section 10A.01, subdivision 7, clause (2), (3), or (4).

(b) In addition to the reports required under subdivision 2, the entities listed in paragraph (a) must file the following reports in each nongeneral election year:

(1) a first-quarter report covering the calendar year through March 31, which is due April 14;

(2) a report covering the calendar year through May 31, which is due June 14;

(3) a pre-primary-election report due 15 days before the local primary election date specified in section 205.065;

(4) a pre-general-election report due 42 days before the local general election; and

(5) a pre-general-election report due ten days before a local general election.

The reporting obligations in this paragraph begin with the first report due after the reporting period in which the entity reaches the spending threshold specified in paragraph (a).

Sec. 20. Minnesota Statutes 2018, section 10A.20, subdivision 3, is amended to read:

Subd. 3. **Contents of report.** (a) The report required by this section must include each of the items listed in paragraphs (b) to (q) that are applicable to the filer. The board shall prescribe forms based on filer type indicating which of those items must be included on the filer's report.

(b) The report must disclose the amount of liquid assets on hand at the beginning of the reporting period.

(c) The report must disclose the name, address, employer, or occupation if self-employed, and registration number if registered with the board, of each individual or association that has made one or more contributions to the reporting entity, including the purchase of tickets for a fund-raising effort, that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions, together with the amount and date of each contribution, and the aggregate amount of contributions within the year from each source so disclosed. A donation in kind must be disclosed at its fair market value. An approved expenditure must be listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors must be listed in alphabetical order. Contributions from the same contributor must be listed under the same name. When a contribution received from a contributor in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds the disclosure threshold of this paragraph, the name, address, and employer, or occupation if self-employed, of the contributor must then be listed on the report.

(d) The report must disclose the sum of contributions to the reporting entity during the reporting period.

(e) The report must disclose each loan made or received by the reporting entity within the year in aggregate in excess of \$200, continuously reported until repaid or forgiven, together with the name, address, occupation, principal place of business, if any, and registration number if registered with the board of the lender and any endorser and the date and amount of the loan. If a loan made to the principal campaign committee of a candidate is forgiven or is repaid by an entity other than that principal campaign committee, it must be reported as a contribution for the year in which the loan was made.

(f) The report must disclose each receipt over \$200 during the reporting period not otherwise listed under paragraphs (c) to (e).

(g) The report must disclose the sum of all receipts of the reporting entity during the reporting period.

(h) The report must disclose the following:

(1) the name, address, and registration number if registered with the board of each individual or association to whom aggregate expenditures, approved expenditures, independent expenditures, and ballot question expenditures, and disbursements for electioneering communications have been made by or on behalf of the reporting entity within the year in excess of \$200, together with;

(2) the amount, date, and purpose of each expenditure, including an explanation of how the expenditure was used, and;

(3) the name and address of, and office sought by, each candidate or local candidate on whose behalf the expenditure was made, or, in the case of electioneering communications, each candidate identified positively in the communication;

(4) identification of the ballot question that the expenditure was intended to promote or defeat and an indication of whether the expenditure was to promote or to defeat the ballot question; and

(5) in the case of independent expenditures made in opposition to a candidate, local candidate, or electioneering communications in which a candidate is identified negatively, the candidate's or local candidate's name, address, and office sought. A reporting entity making an expenditure on behalf of more than one candidate ~~for state or legislative office~~ must allocate the expenditure among the candidates or local candidates on a reasonable cost basis and report the allocation for each candidate or local candidate. The report must list on separate schedules any independent expenditures made on behalf of local candidates and any expenditures made for ballot questions as defined in section 10A.01, subdivision 7, clause (2), (3), or (4).

(i) The report must disclose the sum of all expenditures made by or on behalf of the reporting entity during the reporting period.

(j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven. If an advance of credit incurred by the principal campaign committee of a candidate is forgiven by the creditor or paid by an entity other than that principal campaign committee, it must be reported as a donation in kind for the year in which the advance of credit was made.

(k) The report must disclose the name, address, and registration number if registered with the board of each political committee, political fund, principal campaign committee, local candidate, or party unit to which contributions have been made that aggregate in excess of \$200 within the year and the amount and date of each contribution. The report must list on separate schedules any contributions made to state candidates' principal campaign committees and any contributions made to local candidates.

(l) The report must disclose the sum of all contributions made by the reporting entity during the reporting period and must separately disclose the sum of all contributions made to local candidates by the reporting entity during the reporting period.

(m) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom noncampaign disbursements have been made that aggregate in excess of \$200 within the year by or on behalf of the reporting entity and the amount, date, and purpose of each noncampaign disbursement, including an explanation of how the expenditure was used.

(n) The report must disclose the sum of all noncampaign disbursements made within the year by or on behalf of the reporting entity.

(o) The report must disclose the name and address of a nonprofit corporation that provides administrative assistance to a political committee or political fund as authorized by section 211B.15, subdivision 17, the type of administrative assistance provided, and the aggregate fair market value of each type of assistance provided to the political committee or political fund during the reporting period.

(p) Legislative, statewide, and judicial candidates, party units, and political committees and funds must itemize contributions that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.

(q) Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$200 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased, including an explanation of how the expenditure was used. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.

**EFFECTIVE DATE.** The amendments related to electioneering communications are effective January 1, 2020, and apply to expenditures and electioneering communications made on or after that date.

Sec. 21. Minnesota Statutes 2018, section 10A.20, subdivision 6a, is amended to read:

Subd. 6a. **Statement of independence.** An individual, political committee, political fund, or party unit filing a report or statement disclosing an independent expenditure under subdivision 3 or 6 must file with the report a sworn statement that the disclosed expenditures were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate ~~or~~ any candidate's principal campaign committee or agent; or any local candidate or any local candidate's agent.

Sec. 22. **[10A.201] ELECTIONEERING COMMUNICATIONS.**

**Subdivision 1. Electioneering communication.** (a) "Electioneering communication" means a communication distributed by television, radio, satellite, the Internet, or cable broadcasting system; by means of printed material, signs, or billboards; through the use of telephone communications; or by electronic communication, including electronic mail or electronic text messaging that:

(1) refers to a clearly identified candidate;

(2) is made within:

(i) 30 days before a primary election or special primary election for the office sought by the candidate; or

(ii) 60 days before a general election or special election for the office sought by the candidate;

(3) is targeted to the relevant electorate; and

(4) is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, a candidate or a candidate's principal campaign committee or agent.

(b) Electioneering communication does not include:

(1) the publishing or broadcasting of news items or editorial comments by the news media;

(2) a communication that constitutes an approved expenditure or an independent expenditure;

(3) a voter guide, which is a pamphlet or similar printed material, intended to help voters compare candidates' positions on a set of issues, as long as each of the following is true:

(i) the guide does not focus on a single issue or a narrow range of issues, but includes questions and subjects sufficient to encompass major issues of interest to the entire electorate;

(ii) the questions and any other description of the issues are clear and unbiased in both their structure and content;

(iii) the questions posed and provided to the candidates are identical to those included in the guide;

(iv) each candidate included in the guide is given a reasonable amount of time and the same opportunity as other candidates to respond to the questions;

(v) if the candidate is given limited choices for an answer to a question, for example: "support," "oppose," "yes," or "no," the candidate is also given an opportunity, subject to reasonable limits, to explain the candidate's position in the candidate's own words; the fact that a candidate provided an explanation is clearly indicated in the guide; and the guide clearly indicates that the explanations will be made available for public inspection, subject to reasonable conditions;

(vi) answers included in the guide are those provided by the candidates in response to questions, the candidates' answers are unedited, and the answers appear in close proximity to the question to which they respond;

(vii) if the guide includes candidates' positions based on information other than responses provided directly by the candidate, the positions are based on recorded votes or public statements of the candidates and are presented in an unedited and unbiased manner; and

(viii) the guide includes all major party candidates for each office listed in the guide;

(4) a candidate forum or debate hosted by one or more nonprofit organizations that does not endorse, support, or oppose candidates, as long as each of the following is true:

(i) the forum or debate includes the participation of at least two candidates for each office featured;

(ii) the forum or debate is structured so that it does not promote one candidate or one candidate's issues of interest over another; and

(iii) candidates are selected for participation in the forum or debate based on preestablished, objective criteria;

(5) any other communication specified in board rules or advisory opinions as being excluded from the definition of electioneering communication; or

(6) a communication that:

(i) refers to a clearly identified candidate who is an incumbent member of the legislature or a constitutional officer;

(ii) refers to a clearly identified issue that is or was before the legislature in the form of an introduced bill; and

(iii) is made when the legislature is in session or within ten days after the last day of a regular session of the legislature.

(c) A communication that meets the requirements of paragraph (a) but is made with the authorization or express or implied consent of, or in cooperation or in concert with, or at the request or suggestion of a candidate, a candidate's principal campaign committee, or a candidate's agent is an approved expenditure.

(d) Distributing a voter guide questionnaire, survey, or similar document to candidates and communications with candidates limited to obtaining their responses, without more, do not constitute communications that would result in the voter guide being an approved expenditure on behalf of the candidate.

**Subd. 2. Targeted to relevant electorate.** (a) For purposes of this section, a communication that refers to a clearly identified candidate is targeted to the relevant electorate if the communication is distributed to or can be received by more than 1,500 persons in the district the candidate seeks to represent, in the case of a candidate for the house of representatives, senate, or a district court judicial office or by more than 6,000 persons in the state, in the case of a candidate for constitutional office or appellate court judicial office. When determining the number of persons to whom a communication in the form of printed material, telephone communication, electronic mail, or electronic text messaging is distributed, an association may exclude communications distributed to its own members.

(b) A communication consisting of printed materials, other than signs, billboards, or advertisements published in the print media, is targeted to the relevant electorate if it meets the requirements of paragraph (a) and is distributed to voters by means of United States mail or through direct delivery to a resident's home or business.

**Subd. 3. Disclosure of electioneering communications.** (a) Electioneering communications made by a political committee, a party unit, or a principal campaign committee must be disclosed on the periodic reports of receipts and expenditures filed by the association on the schedule and in accordance with the terms of section 10A.20.

(b) An association other than a political committee, party unit, or principal campaign committee may register a political fund with the board and disclose its electioneering communications on the reports of receipts and expenditures filed by the political fund. If it does so, it must disclose its disbursements for electioneering communications on the schedule and in accordance with the terms of section 10A.20.

(c) An association that does not disclose its disbursements for electioneering communications under paragraph (a) or (b) must disclose its electioneering communications according to the requirements of subdivision 4.

**Subd. 4. Statement required for electioneering communications.** (a) Except for associations providing disclosure as specified in subdivision 3, paragraph (a) or (b), every person who makes a disbursement for the costs of producing or distributing electioneering communications that aggregate more than \$1,500 in a calendar year must, within 24 hours of each disclosure date, file with the board a disclosure statement containing the information described in this subdivision.

(b) Each statement required to be filed under this section must contain the following information:

(1) the names of: (i) the association making the disbursement; (ii) any person exercising direction or control over the activities of the association with respect to the disbursement; and (iii) the custodian of the financial records of the association making the disbursement;

(2) the address of the association making the disbursement;

(3) the amount of each disbursement of more than \$200 during the period covered by the statement, a description of the purpose of the disbursement, and the identification of the person to whom the disbursement was made;

(4) the names of the candidates identified or to be identified in the communication;

(5) if the disbursements were paid out of a segregated bank account that consists of funds donated specifically for electioneering communications, the name and address of each person who gave the association more than \$200 in aggregate to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date; and

(6) if the disbursements for electioneering communications were made using general treasury money of the association, an association that has paid more than \$5,000 in aggregate for electioneering communications during the calendar year must file with its disclosure statement a written statement that includes the name, address, and amount attributable to each person that paid the association membership dues or fees, or made donations to the association that, in total, aggregate more than \$5,000 of the money used by the association for electioneering communications. The statement must also include the total amount of the disbursements for electioneering communications attributable to persons not subject to itemization under this clause. The statement must be certified as true by an officer of the association that made the disbursements for the electioneering communications.

(c) To determine the amount of the membership dues or fees, or donations made by a person to an association and attributable to the association's disbursements for electioneering communications, the association must separately prorate the total disbursements made for electioneering communications during the calendar year over all general treasury money received during the calendar year.

(d) If the amount spent for electioneering communications exceeds the amount of general treasury money received by the association during that year:

(1) the electioneering communications must be attributed first to all receipts of general treasury money received during the calendar year in which the electioneering communications were made;

(2) any amount of current year electioneering communications that exceeds the total of all receipts of general treasury money during the current calendar year must be prorated over all general treasury money received in the preceding calendar year; and

(3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject of electioneering communications, no further allocation is required.

(e) After a portion of the general treasury money received by an association from a person has been designated as the source of a disbursement for electioneering communications, that portion of the association's general treasury money received from that person may not be designated as the source of any other disbursement for electioneering communications or as the source for any contribution to an independent expenditure political committee or fund.

Subd. 5. **Disclosure date.** For purposes of this section, the term "disclosure date" means the earlier of:

(1) the first date on which an electioneering communication is publicly distributed, provided that the person making the electioneering communication has made disbursements for the direct costs of producing or distributing one or more electioneering communication aggregating in excess of \$1,500; or

(2) any other date during the same calendar year on which an electioneering communication is publicly distributed, provided that the person making the electioneering communication has made disbursements for the direct costs of distributing one or more electioneering communication aggregating in excess of \$1,500 since the most recent disclosure date.

Subd. 6. **Contracts to disburse.** For purposes of this section, a person shall be treated as having made a disbursement if the person has entered into an obligation to make the disbursement.

Subd. 7. **Statement of attribution.** (a) An electioneering communication must include a statement of attribution.

(1) For communications distributed by printed material, signs, and billboards, the statement must say, in conspicuous letters: "Paid for by [association name] [address]."

(2) For communications distributed by television, radio, satellite, or a cable broadcasting system, the statement must be included at the end of the communication and must orally state at a volume and speed that a person of ordinary hearing can comprehend: "The preceding communication was paid for by the [association name]."

(3) For communications distributed by telephone, the statement must precede the communication and must orally state at a volume and speed that a person of ordinary hearing can comprehend: "The following communication is paid for by the [association name]."

(b) If the communication is paid for by an association registered with the board, the statement of attribution must use the association's name as it is registered with the board. If the communication is paid for by an association not registered with the board, the statement of attribution must use the association's name as it is disclosed to the board on the association's disclosure statement associated with the communication.

Subd. 8. **Failure to file; penalty.** (a) If a person fails to file a statement required by this section by the date the statement is due, the board may impose a late filing fee of \$50 per day, not to exceed \$1,000, commencing the day after the statement was due.

(b) The board must send notice by certified mail to a person who fails to file a statement within ten business days after the statement was due that the person may be subject to a civil penalty for failure to file the statement. A person who fails to file the statement within seven days after the certified mail notice was sent by the board is subject to a civil penalty imposed by the board of up to \$1,000.

(c) An association that provides disclosure under section 10A.20 rather than under this section is subject to the late filing fee and civil penalty provisions of section 10A.20 and is not subject to the penalties provided in this subdivision.

(d) An association that makes electioneering communications under this section and willfully fails to provide the statement required by subdivision 4, paragraph (b), clause (6), within the time specified is subject to an additional civil penalty of up to four times the amount of the electioneering communications disbursements that should have been included on the statement.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 23. Minnesota Statutes 2018, section 10A.244, is amended to read:

**10A.244 VOLUNTARY INACTIVE STATUS; POLITICAL FUNDS.**

Subdivision 1. **Election of voluntary inactive status.** An association that has a political fund registered under this chapter may elect to have the fund placed on voluntary inactive status if the following conditions are met:

(1) the association makes a written request for inactive status;

(2) the association has filed all periodic reports required by this chapter and has received no contributions into its political fund and made no expenditures or disbursements, including disbursements for electioneering communications, through its political fund since the last date included on the association's most recent report; and

(3) the association has satisfied all obligations to the state for late filing fees and civil penalties imposed by the board or the board has waived this requirement.

Subd. 2. **Effect of voluntary inactive status.** After an association has complied with the requirements of subdivision 1:

(1) the board must notify the association that its political fund has been placed in voluntary inactive status and of the terms of this section;

(2) the board must stop sending the association reports, forms, and notices of report due dates that are periodically sent to entities registered with the board;

(3) the association is not required to file periodic disclosure reports for its political fund as otherwise required under this chapter;

(4) the association may not accept contributions into its political fund and may not make expenditures, contributions, or disbursements, including disbursements for electioneering communications, through its political fund; and

(5) if the association maintains a separate depository account for its political fund, it may continue to pay bank service charges and receive interest paid on that account while its political fund is in inactive status.

Subd. 3. **Resumption of active status or termination.** (a) An association that has placed its political fund in voluntary inactive status may resume active status upon written notice to the board.

(b) A political fund placed in voluntary inactive status must resume active status within 14 days of the date that it has accepted contributions or made expenditures, contributions, or disbursements, including disbursements for electioneering communications, that aggregate more than \$750 since the political fund was placed on inactive status. If, after meeting this threshold, the association does not notify the board that its fund has resumed active status, the board may place the association's political fund in active status and notify the association of the change in status.

(c) An association that has placed its political fund in voluntary inactive status may terminate the registration of the fund without returning it to active status.

Subd. 4. **Penalty for financial activity while in voluntary inactive status.** If an association fails to notify the board of its political fund's resumption of active status under subdivision 3, the board may impose a civil penalty of \$50 per day, not to exceed \$1,000 commencing on the 15th calendar day after the fund resumed active status.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 24. Minnesota Statutes 2018, section 10A.25, subdivision 3a, is amended to read:

Subd. 3a. **Independent expenditures and electioneering communications.** The principal campaign committee of a candidate must not make independent expenditures or disbursements for electioneering communications. If the principal campaign committee of a candidate makes a contribution to an independent expenditure committee or independent expenditure fund on or after January 1 of the year the candidate's office will appear on the ballot, the independent expenditure committee or independent expenditure fund must not make an independent expenditure for that candidate.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 25. Minnesota Statutes 2018, section 10A.27, subdivision 15, is amended to read:

Subd. 15. **Contributions or use of general treasury money.** (a) An association may, if not prohibited by other law, contribute its general treasury money to an independent expenditure or ballot question political committee or fund, including its own independent expenditure or ballot question political committee or fund, without complying with subdivision 13.

(b) Before the day when the recipient committee or fund's next report must be filed with the board under section 10A.20, subdivision 2 or 5, an association that has contributed more than \$5,000 in aggregate to independent expenditure political committees or funds during the calendar year or has contributed more than \$5,000 in aggregate to ballot question political committees or funds during the calendar year must provide in writing to the recipient's treasurer a statement that includes the name, address, and amount attributable to each person that paid the association dues or fees, or made donations to the association that, in total, aggregate more than \$5,000 of the contribution from the association to the independent expenditure or ballot question political committee or fund. The statement must also include the total amount of the contribution attributable to persons not subject to itemization under this section. The statement must be certified as true by an officer of the donor association.

(c) To determine the amount of membership dues or fees, or donations made by a person to an association and attributable to the association's contribution to the independent expenditure or ballot question political committee or fund, the donor association must: separately prorate the total independent expenditures and ballot question expenditures made during the calendar year over all general treasury money received during the calendar year.

~~(1) apply a pro rata calculation to all unrestricted dues, fees, and contributions received by the donor association in the calendar year; or~~

~~(2) as provided in paragraph (d), identify the specific individuals or associations whose dues, fees, or contributions are included in the contribution to the independent expenditure political committee or fund.~~

~~(d) Dues, fees, or contributions from an individual or association must be identified in a contribution to an independent expenditure political committee or fund under paragraph (c), clause (2), if:~~

~~(1) the individual or association has specifically authorized the donor association to use the individual's or association's dues, fees, or contributions for this purpose; or~~

~~(2) the individual's or association's dues, fees, or contributions to the donor association are unrestricted and the donor association designates them as the source of the subject contribution to the independent expenditure political committee or fund.~~

(d) If the amount contributed to independent expenditure and ballot question political committees or funds in a calendar year exceeds the amount of general treasury money received by the association during that year:

(1) the contributions must be attributed first to all receipts of general treasury money received during the calendar year in which the contributions were made;

(2) any amount of current-year contributions that exceeds the total of all receipts of general treasury money during the current calendar year must be prorated over all general treasury money received in the preceding calendar year; and

(3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject independent expenditures and ballot question expenditures, no further allocation is required.

(e) After a portion of the general treasury money received by an association from a person has been designated as the source of a contribution to an independent expenditure or ballot question political committee or fund, that portion of the association's general treasury money received from that person may not be designated as the source of any other contribution to an independent expenditure or ballot question political committee or fund, or as the source of funds for a disbursement for electioneering communications made by that association.

**EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 26. Minnesota Statutes 2018, section 383B.041, is amended to read:

**383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.**

**Subdivision 1. Hennepin County candidates.** Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin County and for city elections in home rule charter cities and statutory cities located wholly within Hennepin County, having a population of 75,000 or more, and for school board elections in the Special School District No. 1, Minneapolis, and to disclosure of economic interests by candidates and elected public officials of those jurisdictions. The provisions of sections 211A.02 to 211A.07 do not apply to the financing of campaigns for elections subject to the provisions of sections 383B.041 to 383B.058. Candidates for county commissioner, county attorney, and sheriff of Hennepin County must file campaign disclosure forms with the filing officer for Hennepin County. These candidates are subject to the provisions of chapter 211A.

**Subd. 2. Political subdivision candidates.** Candidates for elected city, school board, park commissioner, and other political subdivision offices within Hennepin County shall file campaign disclosure forms with the filing officer for the political subdivision for which the candidate is seeking office. These candidates are subject to the provisions of chapter 211A.

**Subd. 3. Political committees, political funds, and independent expenditures.** (a) The provisions of chapter 10A apply to political committees as defined in section 10A.01, subdivision 27; political funds as defined in section 10A.01, subdivision 28; and independent expenditures as defined in section 10A.01, subdivision 18, related to:

(1) a campaign for the nomination or election of a candidate for:

(i) a county office in Hennepin County;

(ii) a city office in a home rule charter or statutory city located wholly within Hennepin County with a population of 75,000 or more; or

(iii) the school board in Special School District No. 1; and

(2) a ballot question or proposition that may be voted on by:

(i) all voters in Hennepin County;

(ii) all voters of a home rule charter or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or

(iii) all voters in Special School District No. 1.

(b) The provisions of chapter 211A apply to a campaign for nomination or election for an office in the following political subdivisions:

(1) a home rule or statutory city located wholly within Hennepin County and having a population of less than 75,000; and

(2) a school district located wholly within Hennepin County other than Special School District No. 1.

(c) The provisions of chapter 211A apply to a ballot question or proposition that may be voted on by:

(1) all voters of a home rule or statutory city located wholly within Hennepin County and having a population of less than 75,000; and

(2) all voters of a school district located wholly within Hennepin County other than Special School District No. 1.

Subd. 4. **Local ordinances and charters superseded.** This section supersedes the provisions of any ordinance or resolution of a political subdivision within Hennepin County or any existing special law or home rule charter provision of a political subdivision within Hennepin County requiring disclosure of information related to the financing of election campaigns.

Subd. 5. **Economic interest disclosure; Special School District No. 1.** Every candidate for school board in Special School District No. 1, Minneapolis, must file an original statement of economic interest with the school district within 14 days of the filing of an affidavit or petition to appear on the ballot. An elected official in Special School District No. 1, Minneapolis, must file the annual statement required in section 10A.09, subdivision 6, with the school district for every year that the individual serves in office. An original and annual statement must contain the information listed in section 10A.09, subdivision 5. The provisions of section 10A.09, subdivisions 6a, 7, and 9, apply to statements required under this subdivision.

Sec. 27. **REPEALER.**

Minnesota Statutes 2018, sections 10A.15, subdivision 6; 383B.042; 383B.043; 383B.044; 383B.045; 383B.046; 383B.047; 383B.048; 383B.049; 383B.05; 383B.051; 383B.052; 383B.053; 383B.054; 383B.055; 383B.056; and 383B.057, are repealed.

ARTICLE 6  
REDISTRICTING

Section 1. **[2.032] REDISTRICTING COMMISSION.**

Subdivision 1. **Commission membership; duties.** In each year ending in one, a redistricting commission is created to draw the boundaries of congressional and legislative districts in accordance with the principles established in section 2.035. The commission consists of 12 public members, to be appointed in the manner provided in subdivision 2, and five retired judges of the appellate or district courts of this state who have not served in a party-designated or party-endorsed position, such as legislator, to be appointed in the manner provided in subdivision 3.

Subd. 2. **Public members; appointment.** (a) The secretary of state shall supervise the appointment of public members to the redistricting commission.

(b) By January 15 of each year ending in zero, the secretary of state shall open a widely publicized process that encourages eligible residents of this state to apply for membership on the redistricting commission. The secretary of state shall solicit recommendations for appointment to the redistricting commission from nongovernmental organizations with an interest in the elections process.

(c) The secretary of state shall provide an application form which must be designed to show: (1) that an applicant meets the requirements of this subdivision; (2) that the application must be submitted under oath affirming the truthfulness of its contents under penalty of perjury; and (3) the applicant's demographic information, such as gender, race, ethnicity, and age.

(d) The following persons are not eligible to serve as a commissioner:

(1) a person who is not eligible to vote;

(2) a person under a contract with, or who serves as a consultant or staff to, or who has an immediate family relationship with the governor, a member of the legislature, or a member of congress; and

(3) a person, or member of the person's immediate family, who has done any of the following during the ten years immediately preceding the date of application:

(i) has been appointed to, elected to, or a candidate for federal or state office;

(ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office;

(iii) served as an elected or appointed member of a political party state central committee;

(iv) registered as a federal, state, or local lobbyist or principal;

(v) served as paid congressional or legislative staff; or

(vi) violated the candidate contribution limits in section 10A.27.

(e) For purposes of this subdivision, a member of a person's immediate family means a sibling, spouse, parent or stepparent, child or stepchild, or in-law.

(f) The secretary of state shall process applications as they are received and remove from the applicant pool any person not eligible to serve as a commissioner and notify the person of the reason the person was removed. To be considered, applications must be received by September 15 of the year ending in zero. An applicant must provide with the application two positive references from community leaders or groups that promote civic engagement with whom the applicant has worked and demonstrate that the applicant:

(1) has experience with outreach to community groups to encourage civic participation with an emphasis on historically disenfranchised groups; or

(2) has an interest in or experience with government, elections, or civic life.

(g) The secretary of state shall, based on a review of the applications, prepare a list of 120 applicant finalists who have demonstrated based on their application an ability to be impartial and respect the diversity of this state's many communities. The list must, to the extent practicable, reflect the gender, socioeconomic, age, racial, language, ethnic, and geographic diversity of the state.

(h) The list must include:

(1) 40 applicant finalists identifying with the largest major political party in Minnesota;

(2) 40 applicant finalists identifying with the second largest major political party in Minnesota; and

(3) 40 applicant finalists identifying their political party preference as belonging to a party not described in clause (1) or (2) or to no party.

For purposes of this paragraph, the two largest political parties are the parties whose candidates received the greatest and second greatest number of votes at the most recent two gubernatorial elections.

(i) By December 15 of the year ending in zero, the secretary of state shall give the list of finalists and their applications to the majority and minority leaders of the senate, the speaker of the house, and the minority leader of the house of representatives. At an open meeting, each of the four leaders shall remove 21 applicant finalists from the list: seven applicant finalists identifying their political party preference with the majority party in the house of representatives, seven applicant finalists identifying their political party preference with the minority party in the house of representatives, and seven applicant finalists who identified their political party preference with a party different than the majority party in the house of representatives and the minority party of the house of representatives or with no party. The leaders shall remove applicants one at a time in the order listed above, unless the leaders agree to a different order.

(j) By January 15 of each year ending in one, after the process of removing applicants from the list is completed, each of the four leaders of the house of representatives and senate shall give the list of finalists and their applications to the secretary of state. The secretary of state shall randomly draw four names from the remaining applicants identifying their political party preference as belonging to the majority party of the house of representatives, four identifying their political party preference as belonging to the minority party of the house of representatives, and four identifying their political party preference as belonging to a different party than the majority party in the house of representatives and the minority party of the house of representatives or to no party. These 12 persons shall serve as public member commissioners.

(k) The secretary of state's actions under this subdivision are not subject to chapter 14.

Subd. 3. **Retired judges; appointment.** By January 15 of each year ending in one, the four leaders of the house of representatives and senate shall each appoint one retired judge, after consulting with each other in an effort to attain geographic balance in their appointments. If the legislative leaders do not make the appointment by the deadline, the chief justice of the supreme court shall make the appointment by January 22 of that year. The director of the Legislative Coordinating Commission shall convene a meeting of the four retired judges by January 29 of that year. The four retired judges shall then appoint the fifth retired judge by a vote of at least three judges.

Subd. 4. **Code of conduct.** (a) In performing their duties, the five retired judges serving as commissioners shall abide by the Code of Judicial Conduct and are considered judicial officers as defined in section 609.415.

(b) Public members of the commission exercise the function of a public officer as defined in section 609.415.

Subd. 5. **Removal; filling vacancies.** (a) A commissioner can be removed with two-thirds vote of the commission after notice and a hearing for reasons that would justify recall of a state official under section 211C.02.

(b) The commission must remove a commissioner who participates in a communication that violates subdivision 8.

(c) Except for vacancies filled by the chief justice, vacancies on the commission must be filled by the appointing authority that made the initial appointment within 30 days after the vacancy occurs. The appointing authority for public members is the secretary of state and must be filled by drawing from the same partisan pool as the vacant position. If no applicants in the pool are available for service, the secretary of state shall establish a new pool, as provided in subdivision 2.

Subd. 6. **Open records.** The commission is subject to chapter 13, except that a plan is not public data until it has been submitted to the commission for its consideration.

Subd. 7. **Open meetings.** The commission is subject to chapter 13D.

Subd. 8. **Certain communications prohibited.** (a) Commissioners and commission staff must not communicate with anyone except other commissioners or staff regarding the content of a plan. The prohibition under this paragraph does not apply to open meetings of the commission.

(b) A commissioner may not direct, request, suggest, or recommend an interpretation of a districting principle or a change to a district boundary to commission staff except during open meetings of the commission. Commission staff shall report to the commission attempts made to exert influence over the staff's role in the drafting of plans.

Subd. 9. **Lobbyist registration.** Action of the commission to submit a redistricting plan to the legislature is an administrative action for purposes of section 10A.01, subdivision 21, requiring certain persons to register as a lobbyist.

Subd. 10. **Compensation and expenses.** Commissioners must be compensated for their commission activity as provided in section 15.059, subdivision 3.

Subd. 11. **Plans submitted to commission.** The commission shall adopt a schedule for interested persons to submit proposed plans and to respond to plans proposed by others. The commission shall also adopt standards to govern the format of plans submitted. The schedule and standards adopted by the commission under this subdivision are not rules. Chapter 14 and section 14.386 do not apply to this section.

Subd. 12. **Public hearings.** The commission shall hold at least one public hearing in each congressional district before adopting the first congressional and legislative district plans. The commission must ask for input on defining communities of interest for consideration. The commission must publish on its website preliminary drafts of the congressional and legislative district plans and each preliminary draft's accompanying reports at least one week before a hearing required under this subdivision and allow the public at least 30 days to submit comments after publication.

Subd. 13. **Deadlines.** (a) By April 30 of each year ending in one, the commission shall submit plans to the legislature for congressional and legislative districts. Each plan must be accompanied by a report summarizing information and testimony received by the commission in the course of the hearings and including any comments and conclusions the commissioners deem appropriate on the information and testimony received at the hearings or otherwise presented. Any plan submitted to the legislature must be approved by an affirmative vote of at least 13 members of the commission.

(b) The legislature intends that a bill be introduced to enact each plan and that the bill be brought to a vote in either the senate or the house of representatives under a procedure or rule permitting no amendments except those of a purely corrective nature, not less than one week after the report of the commission was received and made available to the members of the legislature. The legislature further intends that the bill be brought to a vote in the second body within one week after final passage in the first body under a similar procedure or rule. If either the senate or the house of representatives fails to approve a first plan submitted by the commission, within one week after the failure the secretary of the senate or the chief clerk of the house of representatives must notify the commission of the failure, including any information that the senate or house of representatives may direct by resolution regarding reasons why the plan was not approved. If the governor vetoes a plan, the veto message serves as the notice.

(c) The commission shall submit a second plan within two weeks after the commission received the notice, unless by then the legislature has adjourned the regular session in the year ending in one, in which case the second plan must be submitted to the legislature at the opening of its regular session in the year ending in two. The legislature intends that a second plan be considered by the legislature under the same procedure as provided for a first plan under paragraph (b).

(d) If the commission fails to submit a plan by either of these two deadlines, the legislature may proceed to enact a plan in place of the missing plan without waiting for the commission to submit a plan.

(e) If the secretary of the senate or the chief clerk of the house of representatives notifies the commission that a second plan has failed, or the governor vetoes a second plan, the commission shall submit a third plan within two weeks after the commission received the notice, unless by then the legislature has adjourned the regular session in the year ending in one, in which case the third plan must be submitted to the legislature at the opening of its regular session in the year ending in two. The third plan is subject to the same procedure as provided for first and second plans under paragraph (b).

Final approval of all plans, whether enacted by the legislature or as provided by order of the court, must take place no later than the date provided in section 204B.14, subdivision 1a.

Subd. 14. **Data used.** (a) To draw congressional and legislative districts, the commission shall use, at a minimum, census data representing the entire population of Minnesota.

(b) The commission shall use redistricting population data that includes data for persons who are incarcerated reflecting their residence to be their last known residential address before incarceration.

Subd. 15. **Expiration.** (a) The commission expires when both congressional and legislative redistricting plans have been enacted into law or adopted by order of the court and any legal challenges to the plans have been resolved.

(b) If use of a plan is enjoined after the commission expires, the court enjoining the plan may direct that a new commission be appointed under this section to draft a remedial plan for presentation to the legislature in accordance with deadlines established by order of the court.

## Sec. 2. **[2.035] DISTRICTING PRINCIPLES.**

Subdivision 1. **Application.** The principles in this section apply to congressional and legislative districts.

Subd. 2. **Prohibited information.** (a) No plan shall be drawn to purposefully favor or disfavor a political party or candidate.

(b) Information regarding registered voters, political affiliation, voting history, and demographics shall be sequestered from the Redistricting Commission for the initial phase of the process, but may be used to test for compliance with the goals in subdivision 3 and reports described in section 2.036, subdivision 4.

Subd. 3. **Priority of principles.** Redistricting commissioners appointed under section 2.032 shall adhere to the principles in subdivisions 4 to 12 when drawing congressional and legislative districts. Where it is not possible to fully comply with the principles contained below, a redistricting plan shall give priority to those principles in the order in which they are listed, except to the extent that doing so would violate federal or state law.

Subd. 4. **Population equality.** (a) Congressional districts must be as nearly equal in population as practicable.

(b) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than one percent.

Subd. 5. **Contiguity.** The districts must be contiguous allowing for easy travel throughout the district. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Districts with areas that touch only at a point are not contiguous.

Subd. 6. **Minority representation.** (a) Each district must be drawn in compliance with all state and federal laws. A district must not be drawn with either the purpose or effect of diluting, denying, or abridging the right of any citizen of the United States to vote on account of race, ethnicity, or membership in a language minority group, whether by themselves or when voting in concert with other people.

(b) Racial, ethnic, and language minorities must have an equal opportunity to participate in the political process and elect candidates of their choice. Racial, ethnic, and language minorities who constitute less than a voting-age majority of a district must have an opportunity to substantially influence the outcome of an election.

Subd. 7. **Communities of interest.** District boundaries shall recognize communities of interest. A community of interest is a contiguous population sharing common social and economic interests that should be included within a single district for purposes of the community's effective and fair representation. Communities of interest include but are not limited to geographic areas where there are clearly recognizable similarities of social, cultural, ethnic, economic, or other interests. Examples of shared interests are those common to an urban area, rural area, industrial area, or agricultural area and those common to areas in which the people share similar living standards, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

Subd. 8. **Political subdivisions.** Counties, cities, and municipalities should be preserved to the greatest extent possible and in compliance with the other principles to preserve rather than divide them among multiple districts.

Subd. 9. **Incumbents.** The residence of incumbents shall not be taken into consideration in the development or approval of a proposed plan.

Subd. 10. **Compactness.** Compactness must be measured by using one or more statistical tests and must be compact.

Subd. 11. **Partisan symmetry and bias.** A district must not be drawn in a manner that unduly favors or disfavors any political party. The commission shall use judicial standards and the best available scientific and statistical methods to assess whether a plan unduly favors or disfavors a political party.

Subd. 12. **Numbering.** (a) Congressional district numbers must begin with district one in the southeast corner of the state and end with the district with the highest number in the northeast corner of the state.

(b) Legislative districts must be numbered in a regular series, beginning with house district 1A in the northwest corner of the state and proceeding across the state from west to east, north to south. In a county that includes more than one whole senate district, the districts must be numbered consecutively.

### Sec. 3. **[2.036] LEGISLATIVE COORDINATING COMMISSION; REDISTRICTING.**

Subdivision 1. **Administrative support.** The Legislative Coordinating Commission shall provide administrative support to the Redistricting Commission.

Subd. 2. **Database.** The geographic areas and population counts used in maps, tables, and legal descriptions of congressional and legislative districts considered by the legislature must be those used by the Geographic Information Services (GIS) Office of the Legislative Coordinating Commission. The population counts shall be the block population counts provided to the state under Public Law 94-171 after each decennial census, subject to correction of any errors acknowledged by the United States Census Bureau. The GIS Office must make the database available to the public on the GIS Office website.

Subd. 3. **Publication; consideration of plans.** A redistricting plan must not be considered for adoption by the senate or house of representatives until the redistricting plan's block equivalency file has been submitted to the GIS Office in a form prescribed by the GIS Office. The block equivalency file must show the district to which each census block has been assigned. The GIS Office shall publish each plan submitted to it on the GIS Office website.

Subd. 4. **Reports.** Publication of a plan must include the following reports:

(1) a population equality report, listing each district in the plan, its population as the total number of persons, and deviations from the ideal as both a number of persons and as a percentage of the population. The report must also show the populations of the largest and smallest districts and the overall range of deviations of the districts;

(2) a contiguity report, listing each district that is noncontiguous either because two areas of a district do not touch or because they are linked by a point;

(3) a minority voting-age population report, listing for each district the voting age population of each racial or language minority and the total minority voting age population, according to the categories recommended by the United States Department of Justice. The report must also highlight each district with 30 percent or more total minority population;

(4) a communities of interest report, if the chief author of a plan asserts that it preserves a community of interest, maps of the plan must include a layer identifying the census blocks within the community of interest. Publication of the plan must also include a report that lays out the research and process used to identify the communities of interest and lists the district or districts to which the community of interest has been assigned. The report must include the number of communities of interest that are split and the number of times the communities were split;

(5) a political subdivision splits report, listing the split counties, cities, towns, unorganized territories, and precincts, and the district to which each portion of a split subdivision is assigned. The report must also show the number of subdivisions split and the number of times a subdivision is split;

(6) a plan components report, listing for each district the names and populations of the counties within it and, where a county is split between or among districts, the names and populations of the portion of the split county and each of the split county's whole or partial cities, townships, unorganized territories, and precincts within each district.

(7) a measures of compactness report, listing for each district at least the results of the Reock, Polsby-Popper, Minimum Convex Hull, Population Polygon, Population Circle, Ehrenburg, Length-Width, measures of compactness. The report must also state for all the districts in a plan the sum of its perimeters and the mean of its other measurements. The commission may consider other tests of compactness; and

(8) a partisan bias report, listing multiple measures of partisan symmetry or other measures of partisan bias as accepted in political science literature and the best available scientific and statistical methods.

Sec. 4. **[204B.136] REDISTRICTING OF LOCAL ELECTION DISTRICTS.**

Subdivision 1. Redistricting plan standards; Redistricting Commission. The principles provided in section 2.035 must be applied to the redistricting of:

(1) county commissioner districts, county park districts, and soil and water conservation supervisor districts in counties with a population greater than 100,000; and

(2) wards in cities with a population greater than 75,000.

Subd. 2. Population variance. The minimum population variance permitted for county districts and wards may be up to 1.5 percent of the mean population for all districts or wards in a redistricting plan adopted as provided in this section.

Subd. 3. Procedure. Redistricting plans required by this section shall be prepared and adopted by the charter commission, or where such a commission does not exist, by a redistricting commission of no fewer than seven and no more than 15 members appointed by the chief judge of the district court in which a majority of the population of the affected jurisdiction reside. Members of a commission appointed under this subdivision must meet the qualification standards for a public member of the Redistricting Commission as described in section 2.032, subdivision 2, paragraph (d).

ARTICLE 7  
APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2020</u></b>	<b><u>2021</u></b>
Sec. 2. <b><u>MILITARY AFFAIRS</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$24,197,000</u></b>	<b><u>\$24,197,000</u></b>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <b><u>Maintenance of Training Facilities</u></b>	<b><u>9,701,000</u></b>	<b><u>9,701,000</u></b>
Subd. 3. <b><u>General Support</u></b>	<b><u>3,382,000</u></b>	<b><u>3,382,000</u></b>

\$258,000 each year is for reintegration activities. If the amount for fiscal year 2020 is insufficient, the amount for 2021 is available in fiscal year 2020. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

**Subd. 4. Enlistment Incentives**11,114,00011,114,000

The appropriations in this subdivision are available until June 30, 2023, except that any unspent amounts allocated to a program otherwise supported by this appropriation are canceled to the general fund upon receipt of federal funds in the same amount to support administration of that program.

If the amount for fiscal year 2020 is insufficient, the amount for 2021 is available in fiscal year 2020. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

**Sec. 3. VETERANS AFFAIRS****Subdivision 1. Total Appropriation****\$76,521,000****\$76,494,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

**Subd. 2. Veterans Programs and Services**18,380,00018,353,000

(a) **CORE Program.** \$750,000 each year is for the Counseling and Case Management Outreach Referral and Education (CORE) program.

(b) **Veterans Service Organizations.** \$353,000 each year is for grants to the following congressionally chartered veterans service organizations as designated by the commissioner: Disabled American Veterans, Military Order of the Purple Heart, the American Legion, Veterans of Foreign Wars, Vietnam Veterans of America, AMVETS, and Paralyzed Veterans of America. This funding must be allocated in direct proportion to the funding currently being provided by the commissioner to these organizations.

(c) **Minnesota Assistance Council for Veterans.** \$750,000 each year is for a grant to the Minnesota Assistance Council for Veterans to provide assistance throughout Minnesota to veterans and their families who are homeless or in danger of homelessness, including assistance with the following:

(1) utilities;

(2) employment; and

(3) legal issues.

The assistance authorized under this paragraph must be made only to veterans who have resided in Minnesota for 30 days prior to application for assistance and according to other guidelines

established by the commissioner. In order to avoid duplication of services, the commissioner must ensure that this assistance is coordinated with all other available programs for veterans.

(d) **State's Veterans Cemeteries.** \$1,647,000 in the first year and \$1,672,000 in the second year are for the state's veterans cemeteries.

(e) **Honor Guards.** \$200,000 each year is for compensation for honor guards at the funerals of veterans under Minnesota Statutes, section 197.231.

(f) **Minnesota GI Bill.** \$200,000 each year is for the costs of administering the Minnesota GI Bill postsecondary educational benefits, on-the-job training, and apprenticeship program under Minnesota Statutes, section 197.791.

(g) **Gold Star Program.** \$100,000 each year is for administering the Gold Star Program for surviving family members of deceased veterans.

(h) **County Veterans Service Office.** \$1,100,000 each year is for funding the County Veterans Service Office grant program under Minnesota Statutes, section 197.608.

(i) **Armed Forces Service Center.** \$100,000 in the first year is for a onetime grant to the Armed Forces Service Center at the Minneapolis-St. Paul Airport for construction costs related to the remodeling of the Armed Forces Service Center and for refurbishing the center's furniture and beds used by service members between connecting flights and while awaiting ground transportation when traveling individually or by unit to and from military duty assignments.

As a condition of issuing this grant, the commissioner must ensure that the center provides matching funding for this purpose. The commissioner must also ensure that no part of this grant may be spent for salary or related benefits for any person or for the operations of the center.

(j) **Veterans Justice Grant; Report.** \$200,000 each year is for a veterans justice grant program. The commissioner shall solicit bids for grants to an organization or organizations that will use the grant money to support, through education, outreach, and legal training and services, military veterans who are involved with the criminal justice system. The commissioner may use up to seven percent of this appropriation each year for costs incurred to administer the program under this section.

A county or city may apply for a veterans justice grant to establish or operate a veterans pretrial diversion program for eligible offenders.

The grant recipient or recipients must report to the commissioner of veterans affairs and the chairs and ranking minority members of the legislative committees and divisions overseeing veterans affairs policy and finance by January 15 of each year. The report must include: an overview of the project's budget; a detailed explanation of project expenditures; the number of veterans and service members served by the project; a list and explanation of the services provided to project participants; and details of the project's education, outreach, and legal training programs.

(k) **Medal of Honor Memorial.** \$150,000 in the first year is for deposit in the Medal of Honor Memorial account established under Laws 2016, chapter 189, article 13, section 64, subdivision 2. The commissioner shall use the amount transferred under this section to construct the Medal of Honor Commemorative Memorial. This transfer is not available until the commissioner of management and budget determines that an equal amount is committed from other nonstate sources.

Subd. 3. **Veterans Health Care**

58,141,000

58,141,000

(a) **Transfers.** These appropriations may be transferred to a veterans homes special revenue account in the special revenue fund in the same manner as other receipts are deposited according to Minnesota Statutes, section 198.34, and are appropriated to the commissioner of veterans affairs for the operation of veterans homes facilities and programs.

(b) **Report.** No later than January 15, 2020, the commissioner of veterans affairs must submit a report to the legislative committees with jurisdiction over veterans affairs on reserve amounts maintained in the veterans homes special revenue account. The report must detail current and historical amounts maintained as a reserve, and uses of those amounts. The report must also include data on the utilization of existing veterans homes, including current and historical bed capacity and usage, staffing levels and staff vacancy rates, and staff-to-resident ratios.

(c) **Maximize Federal Reimbursements.** The commissioner shall seek opportunities to maximize federal reimbursements of Medicare-eligible expenses and provide annual reports to the commissioner of management and budget on the federal Medicare reimbursements received. Contingent upon future federal Medicare receipts, reductions to the veterans homes' general fund appropriation may be made.

Sec. 4. Laws 2016, chapter 189, article 13, section 64, is amended to read:

Sec. 64. **MEMORIAL COMMEMORATING RECIPIENTS OF THE MEDAL OF HONOR.**

Subdivision 1. **Medal of Honor Memorial on the State Capitol grounds.** Subject to approval by the Capitol Area Architectural and Planning Board, the commissioner of administration shall place a memorial on the State Capitol grounds to honor Minnesotans awarded the Medal of Honor.

Subd. 2. **Gifts and grants.** The commissioner of veterans affairs may solicit gifts, grants, or donations of any kind from any private or public source to carry out the purposes of this section. A Medal of Honor Memorial account is created in the special revenue fund. The account consists of money transferred by law to the account and any other money donated, gifted, granted, allotted, or otherwise provided to the account. All gifts, grants, or donations received by the commissioner shall be deposited in a Medal of Honor Memorial account in the special revenue fund. Money in the account is annually appropriated to the commissioner of administration for predesign, design, construction, and ongoing maintenance of the memorial.

~~Subd. 3. **Restrictions.** Money deposited in the Medal of Honor Memorial account is not available until the commissioner of management and budget has determined an amount sufficient to complete predesign of the memorial has been committed to the project from nonstate sources. The commissioner of administration shall not begin construction on this project until money in the account is sufficient to pay for all costs related to construction and ongoing maintenance of the memorial.~~

Sec. 5. **CANCELLATION.**

All unspent funds, estimated to be \$350,000, to provide grants to the veterans Journey Home program in fiscal year 2019 under Laws 2017, First Special Session chapter 4, article 1, section 38, subdivision 2, are canceled to the general fund by June 29, 2019.

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

ARTICLE 8  
POLICY

Section 1. Minnesota Statutes 2018, section 15.057, is amended to read:

**15.057 PUBLICITY REPRESENTATIVES.**

No state department, bureau, or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs, the Department of Transportation, the Department of Employment and Economic Development, the Game and Fish Division, State Agricultural Society, and Explore Minnesota Tourism shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This section shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

Sec. 2. Minnesota Statutes 2018, section 196.05, subdivision 1, is amended to read:

Subdivision 1. **General duties.** The commissioner shall:

(1) act as the agent of a resident of the state having a claim against the United States for benefits arising out of or by reason of service in the armed forces and prosecute the claim without charge;

- (2) act as custodian of veterans' bonus records;
- (3) administer the laws relating to the providing of bronze flag holders at veterans' graves for memorial purposes;
- (4) administer the laws relating to recreational or rest camps for veterans so far as applicable to state agencies;
- (5) administer the state soldiers' assistance fund and veterans' relief fund and other funds appropriated for the payment of bonuses or other benefits to veterans or for the rehabilitation of veterans;
- (6) cooperate with national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public and private social agencies;
- (7) provide necessary assistance where other adequate aid is not available to the dependent family of a veteran while the veteran is hospitalized and after the veteran is released for as long a period as is necessary as determined by the commissioner;
- (8) cooperate with United States governmental agencies providing compensation, pensions, insurance, or other benefits provided by federal law, by supplementing the benefits prescribed therein, when conditions in an individual case make it necessary;
- (9) assist dependent family members of military personnel who are called from reserve status to extended federal active duty during a time of war or national emergency through the state soldiers' assistance fund provided by section 197.03;
- (10) exercise other powers as ~~may be~~ authorized and necessary to carry out ~~the provisions of this chapter and chapter chapters~~ 197, ~~consistent with that chapter and~~ 198;
- (11) provide information, referral, and counseling services to those veterans who may have suffered adverse health conditions as a result of possible exposure to chemical agents; and
- (12) in coordination with the Minnesota Association of County Veterans Service Officers, develop a written disclosure statement for use by private providers of veterans benefits services as required under section 197.6091. At a minimum, the written disclosure statement shall include a signature line, contact information for the department, and a statement that veterans benefits services are offered at no cost by federally chartered veterans service organizations and by county veterans service officers.

Sec. 3. Minnesota Statutes 2018, section 197.603, subdivision 2, is amended to read:

Subd. 2. **Records; data privacy.** Pursuant to chapter 13 the county veterans service officer is the responsible authority with respect to all records in the officer's custody. The data on clients' applications for assistance is private data on individuals, as defined in section 13.02, subdivision 12. The county veterans service officer may disclose to the county assessor private data necessary to determine a client's eligibility for the disabled veteran's homestead market value exclusion under section 273.13, subdivision 34.

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

Sec. 4. Minnesota Statutes 2018, section 197.791, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs, unless otherwise specified.

(c) "Cost of attendance" for undergraduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of 1.2. Cost of attendance for graduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of 1.2, using the tuition and fee maximum established by law for four-year programs. For purposes of calculating the cost of attendance for graduate students, full time is eight credits or more per term or the equivalent.

(d) "Child" means a natural or adopted child of a person described in subdivision 4, paragraph (a), clause (1), item (i) or (ii).

(e) "Eligible institution" means a postsecondary institution under section 136A.101, subdivision 4, or a graduate school licensed or registered with the state of Minnesota serving only graduate students.

(f) "Program" means the Minnesota GI Bill program established in this section, unless otherwise specified.

~~(g) "Time of hostilities" means any action by the armed forces of the United States that is recognized by the issuance of a presidential proclamation or a presidential executive order in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order, and any additional period or place that the commissioner determines and designates, after consultation with the United States Department of Defense, to be a period or place where the United States is in a conflict that places persons at such a risk that service in a foreign country during that period or in that place should be considered to be included.~~

~~(h) "Veteran" has the meaning given in section 197.447. Veteran also includes a service member who has received an honorable discharge after leaving each period of federal active duty service and has:~~

~~(1) served 90 days or more of federal active duty in a foreign country during a time of hostilities in that country; or~~

~~(2) been awarded any of the following medals:~~

~~(i) Armed Forces Expeditionary Medal;~~

~~(ii) Kosovo Campaign Medal;~~

~~(iii) Afghanistan Campaign Medal;~~

~~(iv) Iraq Campaign Medal;~~

~~(v) Global War on Terrorism Expeditionary Medal; or~~

~~(vi) any other campaign medal authorized for service after September 11, 2001; or~~

~~(3) received a service related medical discharge from any period of service in a foreign country during a time of hostilities in that country.~~

A service member who has fulfilled the requirements for being a veteran ~~under this paragraph~~ but is still serving actively in the United States armed forces is also a veteran for the purposes of this section.

Sec. 5. Minnesota Statutes 2018, section 273.1245, subdivision 2, is amended to read:

Subd. 2. **Disclosure.** The assessor shall disclose the data described in subdivision 1 to the commissioner of revenue as provided by law. The assessor shall also disclose all or portions of the data described in subdivision 1 to:

(1) the county treasurer solely for the purpose of proceeding under the Revenue Recapture Act to recover personal property taxes owing; and

(2) the county veterans service officer for the purpose of determining a person's eligibility for the disabled veteran's homestead market value exclusion under section 273.13, subdivision 34.

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

Sec. 6. **[609.1056] MILITARY VETERAN OFFENDERS RESTORATIVE JUSTICE SENTENCE.**

Subdivision 1. **Offenses as a result of military service; presentence supervision procedures.** (a) In the case of a person charged with a criminal offense that is either Severity Level 7, D7, or lower in the Minnesota Sentencing Guidelines, who could otherwise be sentenced to county jail or state prison and who alleges that the offense was committed as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions stemming from service in the United States military, the court shall, prior to entering a plea of guilty, make a determination as to whether the defendant was, or currently is, a member of the United States military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health conditions as a result of that person's service. The court may request, through existing resources, an assessment to aid in that determination.

(b) A defendant who requests to be sentenced under this section shall release or authorize access to military service reports and records relating to the alleged conditions stemming from service in the United States military. The records shall be filed as confidential and remain sealed, except as provided for in this paragraph. The defendant, through existing records or licensed professional evaluation, shall establish the diagnosis of the condition and its connection to military service. The court, on the prosecutor's motion with notice to defense counsel, may order the defendant to furnish to the court for in camera review or to the prosecutor copies of all medical and military service reports and records previously or subsequently made concerning the defendant's condition and its connection to service. Based on the record, the court shall make findings on whether, by clear and convincing evidence, the defendant suffers from a diagnosable condition and whether that condition stems from service in the United States military. Within 15 days of the court's findings, either party may file a challenge to the findings and demand a hearing on the defendant's eligibility under this section.

(c) If the court concludes that a defendant who entered a plea of guilty to a criminal offense is a person described in this subdivision or the parties stipulate to eligibility, and if the defendant is otherwise eligible for probation, the court shall, upon the defendant entering a plea of guilty, without entering a judgment of guilty and with the consent of the defendant, defer further proceedings and place the defendant on probation upon such reasonable conditions as it may require and for a period not to exceed the maximum sentence provided for the violation.

(d) Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided by law, including sentencing pursuant to the guidelines, application or waiver of statutory mandatory minimums, or a departure under subdivision 2, paragraph (d).

(e) As a condition of probation, the court may order the defendant to attend a local, state, federal, or private nonprofit treatment program for a period not to exceed that period which the defendant would have served in state prison or county jail, provided the defendant agrees to participate in the program and the court determines that an appropriate treatment program exists.

(f) A defendant granted probation under this section and ordered to attend a residential treatment program shall earn sentence credits for the actual time the defendant serves in residential treatment.

(g) The court, in making an order under this section to order a defendant to attend an established treatment program, shall give preference to a treatment program that has a history of successfully treating veterans who suffer from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service, including but not limited to programs operated by the United States Departments of Defense or Veterans Affairs.

(h) The court and the assigned treatment program shall, when available, collaborate with a county veterans service officer and the United States Department of Veterans Affairs to maximize benefits and services provided to the veteran.

(i) If available in the county or judicial district having jurisdiction over the case, the defendant may be supervised by the veterans treatment court program under subdivision 3. If there is a veterans treatment court that meets the requirements of subdivision 3 in the county in which the defendant resides or works, supervision of the defendant may be transferred to that county or judicial district veterans treatment court program. If the defendant successfully completes the veterans treatment court program in the supervising jurisdiction, that jurisdiction shall sentence the defendant under this section. If the defendant is unsuccessful in the veterans treatment court program, the defendant's supervision shall be returned to the jurisdiction that initiated the transfer for standard sentencing.

**Subd. 2. Restorative justice for military veterans; dismissal of charges.** (a) It is in the interests of justice to restore a defendant who acquired a criminal record due to a mental health condition stemming from service in the United States military to the community of law-abiding citizens. The restorative provisions of this subdivision apply to cases in which a court monitoring the defendant's performance of probation under this section finds at a public hearing, held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, that all of the following describe the defendant:

(1) the defendant was granted probation and was at the time that probation was granted a person eligible under subdivision 1;

(2) the defendant is in substantial compliance with the conditions of that probation;

(3) the defendant has successfully participated in court-ordered treatment and services to address the sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from military service;

(4) the defendant does not represent a danger to the health and safety of others; and

(5) the defendant has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that granting restorative relief pursuant to this subdivision would be in the interests of justice.

(b) When determining whether granting restorative relief under this subdivision is in the interests of justice, the court may consider, among other factors, all of the following:

(1) the defendant's completion and degree of participation in education, treatment, and rehabilitation as ordered by the court;

(2) the defendant's progress in formal education;

(3) the defendant's development of career potential;

(4) the defendant's leadership and personal responsibility efforts;

(5) the defendant's contribution of service in support of the community; and

(6) the level of harm to the community or victim from the offense.

(c) If the court finds that a case satisfies each of the requirements described in paragraph (a), then upon expiration of the period of probation the court shall discharge the defendant and dismiss the proceedings against that defendant. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the defendant. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it under this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau, which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose. For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

(d) If the charge to which the defendant entered a plea of guilty is listed under subdivision 1, paragraph (a), and is for an offense that is a presumptive commitment to state imprisonment, the court may use the factors of paragraph (a) to justify a dispositional departure, or any sentence appropriate including the application or waiver of statutory mandatory minimums. If the court finds paragraph (a), clauses (1) to (5), factors, the defendant is presumed amenable to probation.

(e) A dismissal under this subdivision does not apply to an offense for which registration is required under section 243.166, subdivision 1b.

**Subd. 3. Optional veterans treatment court program; procedures for eligible defendants.** (a) A county or judicial district may supervise probation under this section through a veterans treatment court, using county veterans service officers appointed under sections 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach specialists, probation agents, and any other rehabilitative resources available to the court.

(b) "Veterans treatment court program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;

(5) careful monitoring of treatment and services provided to program participants;

(6) a coordinated strategy to govern program responses to participants' compliance;

(7) ongoing judicial interaction with program participants;

(8) monitoring and evaluation of program goals and effectiveness;

(9) continuing interdisciplinary education to promote effective program planning, implementation, and operations;

(10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs; and

(11) inclusion of a participant's family members who agree to be involved in the treatment and services provided to the participant under the program.

Subd. 4. **Creation of county and city diversion programs; authorization.** Any county or city may establish and operate a veterans pretrial diversion program for offenders eligible under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender shall be dismissed after a specified period of time, or the case shall not be charged, if the offender successfully completes the program of treatment recommended by the United States Department of Veterans Affairs or a local, state, federal, or private nonprofit treatment program.

**EFFECTIVE DATE.** This section is effective August 1, 2019."

Delete the title and insert:

"A bill for an act relating to the operation of state government; appropriating money for the legislature, the governor's office, state auditor, attorney general, secretary of state, certain agencies, boards, councils, and retirement funds; changing provisions in state government operations; providing for the 2020 census; requiring legislative accessibility measures; eliminating the legislative budget office; allowing appointment of certain county officers; ratifying a labor agreement; providing for redistricting; making changes to campaign finance, election and voting rights, state payments terminology, and racing and gaming; prohibiting state contracts with state sponsors of terrorism; requiring compliance with federal law related to conflict minerals; changing and adding provisions for military and veterans affairs; requiring reports; amending Minnesota Statutes 2018, sections 3.8843, subdivision 7; 3.886, subdivision 6; 10A.01, subdivisions 4, 7, 9, 11, 16a, 17c, 18, 20, 26, 27, 28, by adding a subdivision; 10A.12, subdivisions 1, 2; 10A.121, subdivisions 1, 2; 10A.13, subdivision 1; 10A.17, subdivision 4; 10A.20, subdivisions 3, 6a, by adding a subdivision; 10A.244; 10A.25, subdivision 3a; 10A.27, subdivision 15; 13.607, by adding a subdivision; 15.057; 15.191, subdivisions 1, 3; 15A.083, subdivision 6a; 16A.013, by adding a subdivision; 16A.065; 16A.13, subdivision 2a; 16A.15, subdivision 3; 16A.272, subdivision 3; 16A.40; 16A.42, subdivision 2, by adding a subdivision; 16A.671, subdivision 1; 16A.90; 16B.32, subdivision 1a; 16B.323, subdivision 2; 16B.37, subdivision 4; 16C.055, subdivision 2; 16C.10, subdivision 2; 16C.19; 16C.251; 16D.03, subdivision 2; 16D.09, subdivision 1; 16E.03, subdivision 1, by adding subdivisions; 21.116; 80A.65, subdivision 9; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.52; 88.12, subdivision 1; 94.522; 94.53; 116J.64, subdivision 7; 123B.09, subdivision 5b; 127A.34, subdivision 1; 127A.40; 136F.70, subdivision 3; 138.081; 138.31, by adding a subdivision; 138.34; 138.40; 138.665, subdivision 2; 138.666; 138.667; 138.763, subdivision 1; 155A.25, subdivision 1a; 155A.28, by adding a subdivision; 174.24, by adding a subdivision; 176.181, subdivision 2; 176.581; 176.591, subdivision 3; 192.55; 196.05, subdivision 1; 197.603, subdivision 2; 197.791, subdivision 1; 201.014, by adding a subdivision; 201.022, subdivision 1; 201.071, subdivision 1; 201.091, subdivision 4, by adding a subdivision; 201.161; 203B.001; 203B.01, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivision 5; 203B.05, subdivision 1; 203B.06, subdivisions 1, 3; 203B.081, subdivision 1; 203B.085; 203B.121, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 204B.28, subdivision 2; 204B.35, by adding a subdivision; 204B.45, subdivisions 1, 2; 204C.03, by adding a subdivision; 204C.10; 204C.15, subdivision 1; 204C.24, subdivision 1; 204D.19, subdivision 2; 204D.195; 204D.22, subdivision 3; 204D.23, subdivision 2; 205.13, subdivision 2; 206.58, subdivision 1; 206.61, by adding a subdivision; 206.80; 206.82, subdivision 1; 206.83; 206.86, by adding a subdivision; 206.89, subdivisions 2, 3;

207A.11; 207A.12; 207A.14, subdivision 2; 207A.15, subdivision 2; 237.30; 240.01, by adding a subdivision; 240.02, subdivisions 2, 6; 240.08, subdivision 5; 240.10; 240.12; 240.13, subdivision 5; 240.131, subdivision 7; 240.135; 240.15, subdivision 6; 240.155, subdivision 1; 240.16, subdivisions 1, 2; 240.18, subdivisions 2, 3; 240.22; 240.27; 240.30, subdivision 9; 240A.09; 244.19, subdivision 7; 256B.20; 273.1245, subdivision 2; 299C.21; 307.08; 326A.01, subdivision 2; 326A.04, subdivisions 4, 5; 326A.08, subdivisions 4, 5, by adding a subdivision; 326A.10; 352.04, subdivision 9; 353.05; 353.27, subdivision 3c; 353.505; 354.42, subdivision 7; 375.08; 375A.10, subdivision 5; 375A.12, subdivision 2; 382.01; 382.02; 383B.041; 401.15, subdivision 1; 446A.16, subdivision 1; 462A.18, subdivision 1; 469.074, by adding a subdivision; 473.408, by adding a subdivision; 473.606, subdivision 5; 525.841; 609.165, subdivision 1; Laws 2016, chapter 189, article 13, section 64; proposing coding for new law in Minnesota Statutes, chapters 2; 3; 5; 10A; 16A; 16B; 16C; 16E; 201; 203B; 204B; 204D; 206; 208; 240; 243; 326A; 375A; 504B; 609; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota Statutes 2018, sections 3.8853; 3.8854; 10A.15, subdivision 6; 43A.17, subdivision 9; 155A.28, subdivisions 1, 3, 4; 203B.081, subdivision 3; 383B.042; 383B.043; 383B.044; 383B.045; 383B.046; 383B.047; 383B.048; 383B.049; 383B.05; 383B.051; 383B.052; 383B.053; 383B.054; 383B.055; 383B.056; 383B.057; Laws 2017, First Special Session chapter 4, article 2, sections 1, as amended; 3, as amended; 7; 8; 9, as amended; 58, as amended; Laws 2018, chapter 214, article 5, sections 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15."

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

The report was adopted.

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

H. F. No. 1949, A bill for an act relating to state government; requiring consideration of cloud computing service options in state agency information technology projects; requiring technology infrastructure inventories and security risk assessments; requiring completion of the consolidation of information technology services and a strategic workplan; requiring a consolidation surcharge for certain agencies; mandating reports; amending Minnesota Statutes 2018, sections 16E.03, subdivision 1, by adding a subdivision; 16E.035.

Reported the same back with the following amendments:

Page 2, line 15, delete "a"

Page 2, delete lines 19 to 32

Page 3, delete lines 1 to 27

Page 4, delete section 4

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "defining cloud computing;"

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 to 6

Correct the title numbers accordingly

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 1, H. F. No. 1949 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1977, A bill for an act relating to state government; adding an exemption to the restriction on contract nonmonetary consideration; amending Minnesota Statutes 2018, section 16C.055, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 11, delete "state-owned" and after "fiber" insert "owned by the state as of the effective date of this section"

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 1, H. F. No. 1977 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2066, A bill for an act relating to public safety; authorizing local units of government to conduct criminal background checks under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[299C.77] FEDERAL BACKGROUND CHECKS BY POLITICAL SUBDIVISIONS.**

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

(b) "Applicant for employment" means an individual who seeks either county or city employment where the job duties include access to residential property or business property.

(c) "Applicant for licensure" means an individual who seeks a license issued by a county or city to:

(1) operate a cabaret;

(2) provide massage services;

(3) operate a business providing massage services;

(4) operate as a solicitor or peddler;

(5) operate a lawful gambling business other than charitable gambling;

(6) obtain a premise permit for lawful gambling;

(7) operate a taxi service; or

(8) operate as a pawnbroker or precious metal or secondhand goods dealer.

Subd. 2. **Background check authorized.** (a) A county or city may investigate the criminal history background of any applicant for employment or applicant for licensure.

(b) The investigation must consist of a criminal history check of the state criminal records repository and a national criminal history check. The county or city shall accept the applicant's signed informed consent form for the state and national criminal history check request, fingerprints, and required fees. The county or city shall submit the applicant's signed informed consent form, fingerprints, and fees to the superintendent of the Bureau of Criminal Apprehension, who is authorized to exchange the fingerprints with the Federal Bureau of Investigation to obtain the applicant's national criminal history record information. The superintendent shall also retrieve Minnesota criminal history data and provide the results of both checks to the county or city. Using the criminal history data provided by the superintendent, the county or city shall determine whether the applicant is disqualified from employment or licensure. The applicant's failure to cooperate with the county or city in conducting the records check is reasonable cause to deny an application."

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.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 1, H. F. No. 2066 was re-referred to the Committee on Rules and Legislative Administration.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 2125, A bill for an act relating to financing and operation of state and local government; providing conformity and nonconformity to certain federal tax law changes; modifying individual income and corporate franchise taxes, estate taxes, sales and use taxes, special and excise taxes, property taxes, local government aids, provisions related to local taxes, tax increment financing, and public finance, and other miscellaneous taxes and tax provisions; modifying indexing provisions; changing the starting point for state individual income tax calculation from federal taxable income to federal adjusted gross income; providing for various individual and corporate additions and subtractions to income; modifying certain allowances and adjustments to income; modifying

individual income tax brackets; modifying certain income tax credits; modifying and allowing certain construction exemptions and other sales and purchases from sales and use taxes; modifying rates and definitions for certain tobacco and cigarette taxes; modifying rates and deposits for solid waste taxes; modifying provisions relating to property tax records and information; modifying certain property tax timelines; establishing property tax exemptions; allowing tax deferral for elderly living facilities; modifying homestead provisions; modifying state general levy; modifying local government and county aid; modifying approval requirements for certain local sales taxes; modifying and authorizing certain local sales taxes; authorizing Metropolitan Council bonds; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 6.495, subdivision 3; 37.31, subdivision 1; 38.27, by adding a subdivision; 103E.611, subdivision 2; 116J.8737, subdivisions 1, 2, 3, 4, 5, 6, 12; 123B.595, subdivision 5; 138.053; 144E.42, subdivision 2; 161.14, by adding a subdivision; 162.145, subdivision 3; 197.603, subdivision 2; 270A.03, subdivision 5; 270B.08, subdivision 2; 270C.21; 270C.445, subdivision 6; 270C.85, subdivision 2; 270C.89, subdivisions 1, 2; 270C.91; 272.02, subdivisions 27, 49, 81, by adding subdivisions; 272.115, subdivision 1; 273.032; 273.061, subdivision 9; 273.0755; 273.113, subdivision 3; 273.119, subdivision 2; 273.1231, subdivision 3; 273.124, subdivisions 3a, 13, 14, 21, by adding a subdivision; 273.1245, subdivision 2; 273.13, subdivisions 22, 23, 34, 35; 273.136, subdivision 2; 273.1384, subdivisions 2, 3; 273.1385, subdivision 4; 273.1387, subdivisions 2, 3; 273.18; 274.14; 274.16; 275.025, subdivision 1; 282.01, subdivision 6; 287.21, subdivision 1; 289A.08, subdivisions 1, 6, 7, by adding a subdivision; 289A.10, subdivision 1; 289A.11, by adding a subdivision; 289A.20, subdivision 4, by adding a subdivision; 289A.25, subdivision 1; 289A.31, subdivisions 1, 2; 289A.37, subdivisions 2, 6; 289A.38, subdivisions 7, 10; 289A.42; 289A.60, subdivisions 15, 24, 29; 290.01, subdivisions 4a, 29a, 31, by adding subdivisions; 290.0131, subdivisions 1, 3, by adding subdivisions; 290.0132, subdivisions 1, 7, 19, 20, 26, by adding subdivisions; 290.0133, subdivision 6; 290.0134, by adding subdivisions; 290.0137; 290.032, subdivision 2; 290.05, subdivisions 1, 3; 290.06, subdivisions 2c, 2d, 2h; 290.067, subdivision 2b; 290.0671, subdivisions 1, 7; 290.0672, subdivision 2; 290.0675, subdivision 1; 290.0677, subdivision 1a; 290.0682, subdivisions 1, 2; 290.0684, subdivision 2; 290.0685, subdivision 1, by adding a subdivision; 290.0802, subdivisions 2, 3; 290.091, subdivisions 2, 3; 290.0921, subdivisions 2, 3; 290.0922, subdivision 1; 290.095, subdivision 2; 290.17, subdivision 4, by adding subdivisions; 290.191, subdivision 5; 290.21, subdivision 4, by adding a subdivision; 290.31, subdivision 1; 290.92, subdivisions 1, 28; 290A.03, subdivisions 3, 4, 8, 12, 13; 290A.04, subdivisions 2, 2a, 4; 290A.05; 290A.08; 290A.09; 290A.19; 290B.04, subdivision 1; 290B.09, subdivision 1; 291.016, subdivision 3; 295.50, subdivisions 3, 4, 9b, 14, 15, by adding subdivisions; 295.53, subdivision 1; 295.57, subdivision 5; 295.582, subdivision 1; 295.75, subdivision 4; 296A.03, subdivision 3; 296A.13; 297A.61, subdivision 18; 297A.66, subdivisions 1, 2, 3; 297A.67, subdivisions 6, 12, by adding a subdivision; 297A.68, subdivisions 17, 25, 29, 42, 44, by adding a subdivision; 297A.70, subdivisions 3, 4, 10, 16, 20, by adding subdivisions; 297A.71, subdivisions 22, 45, 50, by adding subdivisions; 297A.75, subdivisions 1, 2; 297A.77, by adding a subdivision; 297A.83, subdivision 1; 297A.84; 297A.85; 297A.99, subdivisions 1, 2, 3, by adding a subdivision; 297A.993, subdivision 1; 297B.01, subdivisions 14, 16; 297B.03; 297F.01, subdivisions 19, 23, by adding a subdivision; 297F.05, by adding a subdivision; 297F.08, subdivisions 8, 9; 297F.09, subdivision 10; 297F.17, subdivision 6; 297G.07, subdivision 1; 297G.09, subdivision 9; 297G.16, subdivision 7; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2; 297H.05; 297H.13, subdivision 2; 297I.20, subdivision 3; 298.018, subdivision 1, by adding a subdivision; 298.225, subdivision 1; 298.28, subdivision 3; 298.282, subdivision 1; 353G.01, subdivision 9; 353G.05, subdivision 2; 353G.08, subdivisions 1, 1a; 353G.17, subdivision 2; 356.20, subdivision 4a; 356.219, subdivision 8; 423A.02, subdivisions 1b, 3; 423A.022, subdivisions 2, 4; 424A.016, subdivisions 2, 4; 424A.02, subdivisions 1, 3a, 10; 424A.03, subdivision 2; 424A.05, subdivisions 2, 3, by adding a subdivision; 424A.07; 424A.091, subdivision 3; 424A.092, subdivisions 3, 4; 424A.093, subdivision 5; 424B.09; 462D.03, subdivision 2; 469.169, by adding a subdivision; 469.171, subdivision 4; 469.177, subdivision 1; 469.316, subdivision 1; 469.319, subdivision 4; 471.831; 473.39, subdivision 6, by adding a subdivision; 473H.08, subdivisions 1, 4, by adding a subdivision; 475.521, subdivision 1; 477A.011, subdivision 45; 477A.013, subdivision 13; 477A.03, subdivisions 2a, 2b; Minnesota Statutes 2019 Supplement, sections 289A.02, subdivision 7; 289A.12, subdivision 14; 289A.35; 290.01, subdivision 19; 290.0131, subdivision 10; 290.0132, subdivision 21; 290.0133, subdivision 12; 290.0672, subdivision 1; 290.0684, subdivision 1; 290.091, subdivision 2; 290.17, subdivision 2; 290A.03, subdivision 15; 291.005, subdivision 1; 462D.06, subdivisions 1, 2; Laws 1980, chapter 511, section 1, subdivision 1; Laws 1986, chapter 396, section 5, as amended; Laws 1986, chapter 462,

section 31, as amended; Laws 1994, chapter 587, article 9, section 11; Laws 1998, chapter 389, article 8, section 45, subdivisions 1, 3, as amended, 4, 5; Laws 2008, chapter 366, article 5, sections 26, as amended; 33, as amended; Laws 2009, chapter 88, article 2, section 46, subdivisions 1, as amended, 2, 3, as amended, 4, 5; Laws 2011, First Special Session chapter 7, article 4, section 10, subdivision 3; Laws 2014, chapter 308, article 6, section 8, subdivisions 1, as amended, 3; Laws 2017, First Special Session chapter 1, article 3, sections 26; 32; article 8, section 3; article 10, section 4; proposing coding for new law in Minnesota Statutes, chapters 16A; 270C; 272; 273; 289A; 290; 290A; 297H; 297I; 424A; proposing coding for new law as Minnesota Statutes, chapters 477B; 477C; repealing Minnesota Statutes 2018, sections 37.31, subdivision 8; 69.011, subdivisions 1, 2, 2b, 2c, 3, 4; 69.021, subdivisions 1, 2, 3, 4, 5, 7, 7a, 8, 9, 10, 11; 69.022; 69.031, subdivisions 1, 3, 5; 69.041; 69.051, subdivisions 1, 1a, 1b, 2, 3, 4; 69.33; 69.80; 270C.131; 275.29; 289A.38, subdivisions 7, 8, 9; 290.0131, subdivisions 7, 11, 12, 13; 290.0132, subdivision 8; 290.0133, subdivisions 13, 14; 290.10, subdivision 2; 296A.03, subdivision 5; 296A.04, subdivision 2; 296A.05, subdivision 2; 297A.66, subdivision 4b; 297F.08, subdivision 5; 297I.25, subdivision 2; Minnesota Rules, part 8125.0410, subpart 1.

Reported the same back with the following amendments:

Page 13, line 7, after "under" insert "section 290.0122," and delete "10" and insert "2"

Page 13, line 29, before "exemption" insert "dependent" and delete "amount" and after "subdivision 1" insert ", paragraph (a), clause (1),"

Page 15, line 11, delete everything after the period

Page 15, line 12, delete everything before "The"

Page 15, line 17, delete "couple" and insert "taxpayer"

Page 15, line 18, after "filing" insert "a" and delete "returns" and insert "return"

Page 18, line 10, delete "\$500" and insert "\$1,100"

Page 18, line 11, before "the" insert "the lesser of (i)" and delete "\$250" and insert "\$350"

Page 18, line 12, after "Code" insert "; or (ii) the standard deduction amount allowed under subdivision 1, clause (4)"

Page 18, line 26, after "2," insert "the amounts in subdivision 3,"

Page 22, line 27, delete "amount" and after "290.0121" insert ", paragraph (a),"

Page 23, line 12, delete "19" and insert "19i"

Page 30, line 10, after "290.0123" insert ", subdivision 1, clause (1)"

Page 30, line 23, strike "47(a)(2)" and insert "47(a)"

Page 30, line 29, after "effective" insert "retroactively"

Page 30, line 30, delete "2018" and insert "2017"

Page 31, line 15, after "effective" insert "retroactively"

Page 31, line 16, delete "2018" and insert "2017"

Page 43, delete section 61

Page 44, delete section 62

Page 117, delete lines 28 to 30 and insert:

"(k) The purpose of the exemptions in sections 18 and 21 is to decrease construction and maintenance costs for the new Lake of the Woods International Arena facility in Baudette, Minnesota. The goal of the arena is to increase access for youth and all residents of Lake of the Woods County to safe, accessible, and affordable recreational opportunities. Based on the new facility, people with disabilities and those from low-income situations can more fully participate in events and activities promoting community engagement and healthy living."

Page 125, line 31, delete ", on taxpayers located in counties that contain a soil and water conservation"

Page 125, line 32, delete "district"

Page 126, line 2, delete ", on taxpayers located in counties that contain a soil and water conservation"

Page 126, line 3, delete "district"

Page 126, line 6, delete ", on taxpayers located in counties that contain a soil and water conservation district"

Page 126, line 9, delete ", on taxpayers located in counties that contain a soil and water conservation"

Page 126, line 10, delete "district"

Page 126, line 24, delete "appropriate" and insert "distribute"

Page 225, line 27, delete "Bonds issued for these" and insert "For purposes of this paragraph, "project" means any project described in subdivision 2, notwithstanding section 373.40, subdivision 1, paragraph (b)."

Page 225, delete line 28

Page 236, line 5, delete everything after "terminates" and insert "25 years after it first meets."

Page 236, delete lines 6 and 7

Page 238, line 15, after "(d)." insert "as added by article 7, section 5."

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.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 2792, A bill for an act relating to public safety; modifying certain provisions relating to public safety; corrections; law enforcement; sexual offenders; controlled substances; DWI; vehicle operations; pretrial release; offender sentencing, probation, and diversion; firefighters; statewide emergency communication; predatory offenders; modifying ex-offender voting rights; enacting the Uniform Collateral Consequences of Conviction Act; requiring reports; providing for task forces; providing for criminal penalties; appropriating money for sentencing guidelines; public safety; courts; corrections; Peace Officer Standards and Training (POST) Board; private detective board; Public Defense Board; human services; health; amending Minnesota Statutes 2018, sections 13.6905, by adding a subdivision; 13.851, by adding a subdivision; 15A.0815, subdivision 3; 84.91, subdivision 1; 86B.331, subdivision 1; 144.121, subdivision 1a, by adding a subdivision; 151.37, subdivision 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275; 152.18, subdivision 1; 169.13, subdivisions 1, 2; 169.92, subdivision 4; 169A.03, subdivision 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60, subdivisions 4, 5; 169A.63, by adding a subdivision; 171.07, subdivision 1a; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; 171.26, subdivision 1; 171.29, subdivision 1; 201.014, by adding a subdivision; 201.071, subdivision 1; 204C.10; 241.025, subdivisions 1, 2; 241.75, subdivision 2; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision; 243.48, subdivision 1; 244.05, subdivisions 4, 5; 244.09, subdivisions 5, 6, 8; 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 260B.176, by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299A.706; 299C.091, subdivision 5; 299C.093; 299N.01, subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.304; 340A.417; 357.021, subdivision 7; 364.07; 403.02, by adding a subdivision; 403.03; 403.21, subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8; 446A.083, subdivision 2; 480.15, by adding a subdivision; 590.01, subdivision 4; 590.11, subdivisions 1, 2, 5, 7; 609.106, subdivision 2, by adding a subdivision; 609.115, by adding a subdivision; 609.135, subdivisions 1a, 1c, 2, by adding subdivisions; 609.165, subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.341, subdivisions 10, 11, 12, by adding subdivisions; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.3455, subdivision 2; 609.582, subdivisions 3, 4; 609.749, subdivisions 1, 2, 3, 5, 8; 609A.02, by adding a subdivision; 609A.025; 611.365, subdivisions 2, 3; 611.367; 611.368; 611A.039, subdivision 1; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by adding a subdivision; 624.712, subdivision 5; 626.556, subdivision 2; 626.841; 626.93, subdivisions 3, 4; 628.26; 629.53; 631.412; 634.20; 638.02, subdivision 3; 641.15, subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; proposing coding for new law in Minnesota Statutes, chapters 152; 171; 201; 241; 243; 244; 260B; 299A; 340A; 611A; 626; 638; 641; repealing Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 299A.12, subdivision 4; 299A.18; 401.13; 609.349; 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
PUBLIC SAFETY APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2019, are effective the day following final enactment.

	<b><u>APPROPRIATIONS</u></b>		
	<b><u>Available for the Year</u></b>		
	<b><u>Ending June 30</u></b>		
	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>2021</u></b>
Sec. 2. <b><u>SENTENCING GUIDELINES</u></b>		<b><u>\$1,330,000</u></b>	<b><u>\$988,000</u></b>
<u>\$651,000 the first year and \$301,000 the second year are to establish early discharge targets. The base for this program is \$223,000 beginning in fiscal year 2022.</u>			

Sec. 3. **PUBLIC SAFETY**

Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$160,000</u></b>	<b><u>\$202,143,000</u></b>	<b><u>\$201,171,000</u></b>
<u>Appropriations by Fund</u>			
	<u>2019</u>	<u>2020</u>	<u>2021</u>
<u>General</u>	<u>160,000</u>	<u>108,637,000</u>	<u>107,665,000</u>
<u>Special Revenue</u>		<u>13,926,000</u>	<u>13,926,000</u>
<u>State Government Special</u>			
<u>Revenue</u>		<u>103,000</u>	<u>103,000</u>
<u>Environmental</u>		<u>73,000</u>	<u>73,000</u>
<u>Trunk Highway</u>		<u>2,429,000</u>	<u>2,429,000</u>
<u>911 Fund</u>		<u>77,650,000</u>	<u>77,650,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Deficiency**

\$160,000 in fiscal year 2019 is to pay systems costs related to license reinstatement fee changes, driver diversion programs, and ignition interlock.

**Subd. 3. Emergency Management**5,343,0005,093,000Appropriations by Fund

<u>General</u>	<u>3,745,000</u>	<u>3,495,000</u>
<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
<u>Special Revenue Fund</u>	<u>1,525,000</u>	<u>1,525,000</u>

**(a) Hazmat and Chemical Assessment Teams**

\$850,000 each year is from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams. Of this amount, \$100,000 the first year is for cases for which there is no identified responsible party.

**(b) Supplemental Nonprofit Security Grants**

\$300,000 each year is for supplemental nonprofit security grants under this paragraph.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's nonprofit security grant program have been approved by the Division of Homeland Security and Emergency Management are eligible for grants under this paragraph. No additional application shall be required for grants under this paragraph, and an application for a grant from the federal program is also an application for funding from the state supplemental program.

Eligible organizations may receive grants of up to \$75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program. This program shall have a base of \$150,000 in fiscal year 2022 and \$0 in fiscal year 2023.

**(c) Emergency Responder Training; Autism Spectrum Disorder**

\$250,000 the first year is for a grant or grants to a person or entity to train emergency responders and utilize applications for cell phones and mobile electronic devices to improve and de-escalate

emergency encounters and crisis situations with individuals who have an autism spectrum disorder or related disability, or other nonvisible health issue, and to acquire these applications. By February 15, 2023, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and finance on how this appropriation was spent and what results were achieved.

**(d) Local Government Emergency Management**

\$300,000 each year is for the director of the Homeland Security and Emergency Management Division (HSEM) to award grants to emergency management departments for planning and preparedness activities including capital purchases.

A grant in the amount of \$20,000 shall be awarded each fiscal year to each of the following, subject to HSEM's final approval:

(1) 12 counties with two counties recommended by each Homeland Security Emergency Management Region;

(2) two tribal governments recommended by the Indian Affairs Council; and

(3) one city of the first class chosen by HSEM.

Current local funding for emergency management and preparedness activities may not be supplanted by these additional state funds. These appropriations are onetime.

**(e) Bomb Squad Reimbursements**

\$50,000 each year is for reimbursements to local governments for bomb squad services.

**(f) School Safety Center**

\$250,000 each year is to hire two additional school safety specialists in the school safety center.

**(g) Emergency Response Teams**

\$675,000 each year is to maintain four emergency response teams: one under the jurisdiction of the St. Cloud Fire Department or a similarly located fire department if necessary; one under the jurisdiction of the Duluth Fire Department; one under the jurisdiction of the St. Paul Fire Department; and one under the jurisdiction of the Moorhead Fire Department. The commissioner must allocate the appropriation as follows:

- (1) \$225,000 each year to the St. Cloud Fire Department;
- (2) \$225,000 each year to the Duluth Fire Department;
- (3) \$125,000 each year to the St. Paul Fire Department; and
- (4) \$100,000 each year to the Moorhead Fire Department.

These are onetime appropriations.

**Subd. 4. Criminal Apprehension**

63,229,000

62,974,000

Appropriations by Fund

<u>General</u>	<u>60,793,000</u>	<u>60,538,000</u>
<u>State Government Special</u>		
<u>Revenue</u>	<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

**(a) DWI Lab Analysis; Trunk Highway Fund**

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$2,429,000 each year is from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

**(b) FBI Cybersecurity Compliance**

\$1,501,000 the first year and \$1,325,000 the second year are for staff and technology costs to meet FBI cybersecurity requirements. The base for fiscal year 2022 and thereafter is \$1,175,000.

**(c) Automated Fingerprint Identification System**

\$1,500,000 each year is to replace the current automated fingerprint identification system with a new leased technology system.

**(d) Equipment**

\$50,000 the first year is for information and technology to receive and store data related to complaints made against an employed peace officer.

**(e) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$131,000 in fiscal years 2022 and 2023.

**Subd. 5. Fire Marshal**6,622,0006,622,000Appropriations by Fund

<u>Special Revenue</u>	<u>6,622,000</u>	<u>6,622,000</u>
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The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

**Inspections.** \$300,000 each year is for inspection of nursing homes and boarding care facilities.

**Subd. 6. Firefighter Training and Education Board**5,015,0005,015,000Appropriations by Fund

<u>Special Revenue</u>	<u>5,015,000</u>	<u>5,015,000</u>
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The special revenue fund appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

**(a) Firefighter Training and Education**

\$4,265,000 each year is for firefighter training and education.

**(b) Task Force 1**

\$500,000 each year is for the Minnesota Task Force 1.

**(c) Air Rescue**

\$250,000 each year is for the Minnesota Air Rescue Team.

**(d) Unappropriated Revenue**

Any additional unappropriated money collected in fiscal year 2019 is appropriated to the commissioner of public safety for the purposes of Minnesota Statutes, section 299F.012. The commissioner may transfer appropriations and base amounts between activities in this subdivision.

**Subd. 7. Alcohol and Gambling Enforcement**2,929,0002,927,000Appropriations by Fund

<u>General</u>	<u>2,165,000</u>	<u>2,163,000</u>
<u>Special Revenue</u>	<u>764,000</u>	<u>764,000</u>

\$694,000 each year is from the alcohol enforcement account in the special revenue fund. Of this appropriation, \$500,000 each year shall be transferred to the general fund.

\$70,000 each year is from the lawful gambling regulation account in the special revenue fund.

\$175,000 the first year and \$165,000 the second year are for costs related to enforcement of laws regulating out-of-state direct wine shippers.

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$8,000 in fiscal years 2022 and 2023.

**Subd. 8. Office of Justice Programs**

41,730,000

41,365,000

Appropriations by Fund

<u>General</u>	<u>41,634,000</u>	<u>41,269,000</u>
<u>State Government Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the general fund base is increased by \$2,000 in fiscal years 2022 and 2023.

**(a) Administration Costs**

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

**(b) Indigenous Women Task Force**

\$105,000 the first year and \$45,000 the second year are to convene a task force on the causes and extent of victimization of indigenous women and girls and strategies to reduce violence. A report on policies and recommendations to reduce and end violence against indigenous women and girls is due to the legislature on December 15, 2020. These are onetime appropriations.

**(c) Domestic Abuse Prevention Grants**

\$200,000 each year is for a grant to a domestic abuse prevention program that provides interdisciplinary, trauma-informed treatment and evidence-informed intervention for veterans and current or former service members and their families affected by domestic violence. The grantee must offer a combination of services for perpetrators of domestic violence and their families, including individual and group therapy, evaluation and research of

programming, and short- and long-term case management services to ensure stabilization and increase their overall mental health functioning and well-being. These appropriations are onetime.

**(d) Criminal Sexual Conduct Statutory Reform Working Group**

\$20,000 the first year and \$14,000 the second year are to convene, administer, and implement the criminal sexual conduct statutory reform working group.

**(e) Legal Representation for Children**

\$150,000 each year is for a grant to an organization that provides legal representation for children in need of protection or services and children in out-of-home placement. The grant is contingent upon a match in an equal amount from nonstate funds. The match may be in kind, including the value of volunteer attorney time, or in cash, or a combination of the two. These appropriations are onetime.

**(f) Youth Intervention Programs**

\$500,000 each year is for youth intervention programs under Minnesota Statutes, section 299A.73. One-half of the money is for community-based youth intervention programs that work with African American and African immigrant youth.

These appropriations are onetime.

**(g) Domestic Abuse Transformation Programs**

\$783,000 each year is for grants to domestic abuse transformation programs that demonstrate meaningful and effective programming to reduce and eliminate domestic abuse within intimate partner relationships. The requirements for grant recipients shall be developed by the Office of Justice Programs in consultation with stakeholders impacted by domestic abuse and working to end domestic abuse. The base in fiscal year 2022 is \$0.

**(h) Peace Officer Community Policing Excellence Report Database**

(1) \$200,000 the first year is for a grant to a qualified community-based research organization to develop a system to classify and report peace officer discipline by category, severity, type, demographic data of those involved in the incident, and any other factor determined to be appropriate by the Peace Officers Standards and Training Board. As part of the system, the grant recipient must develop and incorporate:

(i) a protocol to assign a unique identifier for each peace officer;

(ii) safeguards to protect personal identifying information of peace officers; and

(iii) guidelines for data retention and user audit trails.

(2) The grant recipient, in consultation with the stakeholder group identified in clause (3), may recommend changes on how to adapt the system under clause (1) to collect additional policing data that corresponds with peace officer interactions with the public generally and suspects, arrests, and victims specifically.

(3) In developing the system described in clause (1), the grant recipient shall consult with:

(i) the superintendent of the Bureau of Criminal Apprehension;

(ii) the Peace Officer Standards and Training Board;

(iii) the Minnesota Police and Peace Officers Association;

(iv) the Minnesota Sheriff's Association;

(v) the Minnesota Chiefs of Police Association; and

(vi) six community members appointed by the commissioner of public safety, of which:

(A) at least two members must be from communities represented by boards established under section 257.0768;

(B) at least two members must be mental health advocates; and

(C) at least two members must be advocates for domestic abuse victims.

(4) The grant recipient and citizens must be permitted ongoing direct access to the data maintained in the system. Access to the data under this clause must be strictly regulated and monitored to ensure compliance with the data privacy classifications assigned to the data.

**(i) Sex Trafficking Investigations Coordinator**

\$100,000 each year is for a statewide Sex Trafficking Investigations Coordinator.

**(j) Cannabis Task Force**

\$100,000 the first year is to provide support staff, office space, and administrative services for the Cannabis Task Force.

**(k) Safe and Secure Storage of Firearms**

\$100,000 each year is for grants to local or state law enforcement agencies to support the safe and secure storage of firearms.

**(l) Community Policing Database Maintenance**

\$50,000 the second year is for the Bureau of Criminal Apprehension to maintain the community policing database. Any unused amount remaining in the account on June 1 is for a grant to a community-based research organization to maintain and update software to monitor peace officer discipline.

**Subd. 9. Emergency Communication Networks**77,750,00077,750,000Appropriations by Fund

<u>General</u>	<u>100,000</u>	<u>100,000</u>
<u>Special Revenue</u>	<u>77,650,000</u>	<u>77,650,000</u>

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Public Safety under the rates and mechanism specified in that agreement.

**(a) Public Safety Answering Points**

\$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

**(b) Medical Resource Communication Centers**

\$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) **Medical Resource Control Centers**

\$100,000 the first year and \$100,000 the second year are appropriated from the general fund to the commissioner of public safety for grants to the Minnesota Emergency Medical Services Regulatory Board for the East Metro and West Metro Medical Resource Control Centers that were in operation before January 1, 2000. These appropriations are onetime.

(d) **ARMER Debt Service**

\$23,261,000 each year is transferred to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8; or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(e) **ARMER State Backbone Operating Costs**

\$9,675,000 each year is transferred to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(f) **ARMER Improvements**

\$1,000,000 each year is to the Statewide Emergency Communications Board for improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented, and grants to local units of government to further the strategic goals set forth by the Statewide Emergency Communications Board strategic plan.

(g) **Telephone Cardiopulmonary Resuscitation Program**

\$50,000 the first year is appropriated from the general fund for grants to reimburse public safety answering points for the cost of 911 telecommunicator cardiopulmonary resuscitation training. This is a onetime appropriation.

Subd. 10. **Traffic Safety**200,000100,000

\$200,000 the first year and \$100,000 the second year are for a study to report on the use of screening tests that measure the level of marijuana or tetrahydrocannabinols in the blood of a person stopped or arrested for driving while impaired.

Sec. 4. **PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**Subdivision 1. **Total Appropriation**\$500,000\$10,563,000\$10,316,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Deficiency**

\$500,000 in fiscal year 2019 is from the general fund to pay for a projected deficiency in operating expenses.

Subd. 3. **Peace Officer Training Reimbursements**

\$2,859,000 each year is for reimbursements to local governments for peace officer training costs.

Subd. 4. **Peace Officer Training Assistance**

(a) \$6,000,000 the first year is from the general fund to the Peace Officer Standards and Training Board for grants to support and strengthen law enforcement training and implement best practices. After January 2, 2021, these funds may only be used to reimburse training expenses for peace officers who are employed by law enforcement agencies that the superintendent of the Bureau of Criminal Apprehension has certified are:

(1) compliant with the Federal Bureau of Investigation's National Incident-Based Report System (NIBRS), which requires recording the age, sex, and race of the arrestee and the relationship of the arrestee and victim if this information is known to the officer;

(2) in compliance with the peace officer discipline reporting requirements established in Minnesota Statutes, section 626.8435;

(3) in compliance with the Bureau of Criminal Apprehension's use of force data collection policy to include reporting whether the incident was officer generated or in response to a call for assistance; and

(4) in compliance with the report required by Minnesota Statutes, sections 299C.22, subdivision 2, and 626.553, subdivision 2. This report includes the Federal Bureau of Investigation's use of force data collection and whether the incident was officer generated or in response to a request for service.

The base for this activity is \$6,000,000 in fiscal years 2020, 2021, 2022, and 2023 and \$0 in fiscal year 2024 and thereafter.

(b) The superintendent of the Bureau of Criminal Apprehension may grant up to one additional year for an agency to become substantially compliant with NIBRS if the agency establishes good cause for delayed compliance.

(c) The superintendent of the Bureau of Criminal Apprehension shall modify the Supplemental Reporting System on the agency submissions page to provide fields for agencies to report the data required under paragraph (a), clause (3).

**Subd. 5. De-escalation Training**

\$100,000 each year is for training state and local community safety personnel in the use of crisis de-escalation techniques. When selecting a service provider for this training, the board may consult with any postsecondary institution, any state or local government official, or any nongovernment authority the board determines to be relevant. Among any other criteria the board may establish, the training provider must have a demonstrated understanding of the transitions and challenges that veterans may experience during their re-entry into society following combat service. The board must ensure that training opportunities provided are reasonably distributed statewide.

**Subd. 6. Peace Officer Excellence Task Force**

\$250,000 the first year is to provide support staff, office space, and administrative services for the Peace Officer Excellence Task Force.

Sec. 5. <b><u>PRIVATE DETECTIVE BOARD</u></b>	<b><u>\$277,000</u></b>	<b><u>\$277,000</u></b>
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Sec. 6. **CORRECTIONS**

Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$633,129,000</u></b>	<b><u>\$655,572,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <b><u>Correctional Institutions</u></b>	<u>460,026,000</u>	<u>475,654,000</u>
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**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$2,342,000 in fiscal year 2022 and \$2,342,000 in fiscal year 2023.

**(b) Prison Population**

To account for projected prison population changes, the base is increased by \$1,910,000 in fiscal year 2022 and \$3,641,000 in fiscal year 2023.

**(c) Facility Staff Positions**

\$2,518,000 the first year and \$5,980,000 the second year are to add up to 110 full-time equivalent positions for correctional officers and six full-time equivalent positions for corrections lieutenants located in correctional facilities by fiscal year 2023. The base is increased to \$7,707,000 in fiscal year 2022 and \$8,418,000 in fiscal year 2023.

**(d) Staffing Recruitment and Retention**

\$4,000,000 each year is for staffing recruitment and retention.

**(e) Offender Health Care**

\$2,072,000 the first year and \$3,272,000 the second year are to maintain full funding of the offender health care contract.

**(f) Security**

\$5,250,000 the first year and \$3,935,000 the second year are to upgrade critical security infrastructure and modernize critical security systems. Of the second year amount, \$3,335,000 is onetime funding.

**(g) Safety and Security Staff**

\$891,000 the first year and \$1,426,000 the second year are to add full-time equivalent positions deemed critical to facility safety and security.

**(h) Office of Ombudsperson for Corrections**

\$900,000 each year is to reestablish and operate the Office of Ombudsperson for Corrections.

**(i) Restrictive Housing Reform**

\$844,000 the first year and \$1,688,000 the second year are to implement restrictive housing reforms that will reduce the risk of future misconduct and comply with federal guidelines and accreditation standards.

**(j) Offender Medical Services**

\$879,000 the first year and \$2,160,000 the second year are to expand and improve offender medical services.

**(k) Juvenile Correction Management**

\$544,000 the first year and \$206,000 the second year are to replace the Juvenile Correctional Management System. These are onetime appropriations.

**Subd. 3. Community Services**141,145,000146,459,000**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$168,000 in fiscal year 2022 and \$168,000 in fiscal year 2023.

**(b) Pretrial Services and Supervision**

\$617,000 the first year and \$1,234,000 the second year are to provide pretrial services and pretrial supervision to offenders.

**(c) Community Corrections Act Subsidy**

\$1,044,000 the first year and \$2,088,000 the second year are added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14, to provide pretrial services and pretrial supervision to offenders.

\$1,588,000 the first year and \$3,176,000 the second year are added to the Community Corrections Act subsidy, as described in Minnesota Statutes, section 401.14, to provide intensive supervised release to offenders in the community.

**(d) County Probation Officers**

\$64,000 the first year and \$128,000 the second year are for county probation officers reimbursement as described in Minnesota Statutes, section 244.19, subdivision 6, to provide pretrial services and pretrial supervision to offenders.

**(e) Intensive Supervision Agents**

\$912,000 the first year and \$1,824,000 the second year are to increase the number of supervision agents for offenders on intensive supervised release through the Department of Corrections.

**(f) Integrated Offender Case Management Services**

\$321,000 the first year and \$831,000 the second year are to expand and improve integrated offender case management services. \$193,000 is added to the base in each of fiscal years 2022 and 2023.

**(g) Victim Notification System Replacement**

\$300,000 the first year and \$100,000 the second year are to complete the replacement of the Department of Corrections' Victim Notification System. These appropriations are onetime.

**(h) High-Risk Offenders**

\$1,500,000 each year is to provide electronic monitoring services and transitional housing for high-risk offenders under supervision by the Department of Corrections.

**(i) Transportation Services to Children of Incarcerated Parents**

\$150,000 each year is for grants to nonprofit organizations to provide transportation services to children of incarcerated parents at up to three correctional facilities.

**(j) Culturally Specific Reintegration Services for Adult American Indian Offenders**

\$425,000 each year is for grants to community-based providers to deliver culturally specific reintegration services for adult American Indian offenders.

**(k) Parenting Skills**

\$425,000 each year is to improve parenting skills at four correctional facilities.

**(l) Juvenile Justice Reform**

(1) \$280,000 each year is to provide juvenile justice services and resources to Minnesota counties.

(2) \$220,000 each year is for grants to local agencies to establish juvenile detention alternatives.

**(m) Alternatives to Incarceration**

\$240,000 each year is for grants to counties that are not metropolitan counties as defined in Minnesota Statutes, section 473.121, subdivision 4, to facilitate access to community treatment options under the alternatives to incarceration program. These appropriations are onetime.

**(n) Mental Health Community Supervision**

\$400,000 each year is to award grants to two or more counties for establishment of a mental health community supervision caseload pilot project. These appropriations are onetime.

**(o) Exit from Supervised Release**

\$200,000 each year is for grants to government agencies that supervise offenders placed on probation to be used to connect offenders with community treatment options including, but not limited to, inpatient chemical dependency treatment for the purpose of addressing and correcting behavior that is, or is likely to result in, a violation of the terms and conditions of probation. Each fiscal year, these funds are available only to entities outside the seven-county metropolitan area until March 15. After March 15, entities inside the seven-county metropolitan area also may apply for grants. These appropriations are onetime.

**Subd. 4. Operations Support**31,958,00033,459,000**(a) Base Adjustment**

To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), the base is increased by \$64,000 in fiscal year 2022 and \$64,000 in fiscal year 2023.

**(b) Critical Technology Needs**

\$3,100,000 the first year and \$4,300,000 the second year are to support critical technology needs.

**(c) Staff Recruiting**

\$160,000 each year is to fund positions responsible for recruiting staff to work for the Department of Corrections.

**Sec. 7. PUBLIC DEFENSE BOARD**\$164,000\$204,000

\$164,000 the first year and \$204,000 the second year are for additional staffing necessitated by changes to criminal vehicular homicide and criminal vehicular operation offenses.

**Sec. 8. DISTRICT COURT**\$259,000\$379,000

\$259,000 the first year and \$379,000 the second year are for costs related to petitions for an order of relief from one or more collateral sanctions.

Sec. 9. **DEPARTMENT OF HUMAN SERVICES** **\$404,000** **\$461,000**

\$404,000 the first year and \$461,000 the second year are for costs related to petitions for an order of relief from one or more collateral sanctions.

Sec. 10. Laws 2017, chapter 95, article 1, section 11, subdivision 7, is amended to read:

Subd. 7. **Office of Justice Programs** 39,580,000 40,036,000

Appropriations by Fund

General	39,484,000	39,940,000
State Government Special Revenue	96,000	96,000

(a) **OJP Administration Costs**

Up to 2.5 percent of the grant funds appropriated in this subdivision may be used by the commissioner to administer the grant program.

(b) **Combating Terrorism Recruitment**

\$250,000 each year is for grants to local law enforcement agencies to develop strategies and make efforts to combat the recruitment of Minnesota residents by terrorist organizations such as ISIS and al-Shabaab. This is a onetime appropriation.

(c) **Sex Trafficking Prevention Grants**

\$180,000 each year is for grants to state and local units of government for the following purposes:

- (1) to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and
- (2) to provide technical assistance, including training and case consultation, to law enforcement agencies statewide.

(d) **Pathway to Policing Reimbursement Grants**

\$400,000 the second year is for reimbursement grants to local units of government that operate pathway to policing programs intended to bring persons with nontraditional backgrounds into law enforcement. Applicants for reimbursement grants may receive up to 50 percent of the cost of compensating and training pathway to policing participants. Reimbursement grants shall be proportionally allocated based on the number of grant applications approved by the commissioner. This is a onetime appropriation.

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

Sec. 11. **TRANSFER.**

\$453,000 in fiscal year 2020 and \$474,000 in fiscal year 2021 and annually thereafter are appropriated to the commissioner of management and budget for transfer to the driver services account in the special revenue fund.

Sec. 12. **INTERPRETATION.**

If an appropriation in this act is enacted more than once in the 2019 regular legislative session, the appropriation must be given effect only once.

ARTICLE 2  
PUBLIC SAFETY

Section 1. Minnesota Statutes 2018, section 13.6905, is amended by adding a subdivision to read:

Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of public safety relating to direct shipments of wine are governed by sections 340A.550 and 340A.555.

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

Sec. 2. Minnesota Statutes 2018, section 299A.55, subdivision 2, is amended to read:

Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety account is created in the special revenue fund. The account consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

(b) ~~\$104,000~~ \$250,000 is annually appropriated from the railroad and pipeline safety account to the commissioner of the Pollution Control Agency for environmental protection activities related to railroad discharge preparedness under chapter 115E.

~~(e) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from the railroad and pipeline safety account to the commissioner of transportation for improving safety at railroad grade crossings.~~

~~(d)~~ (c) Following the appropriation in ~~paragraphs~~ paragraph (b) ~~and (e)~~, the remaining money in the account is annually appropriated to the commissioner of public safety for the purposes specified in subdivision 3.

Sec. 3. Minnesota Statutes 2018, section 299A.55, subdivision 4, is amended to read:

Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph (b). The commissioner shall deposit funds collected under this subdivision in the railroad and pipeline safety account under subdivision 2.

(b) The assessment for each railroad is 50 percent of the total annual assessment amount, divided in equal proportion between applicable rail carriers based on route miles operated in Minnesota. The assessment for each pipeline company is 50 percent of the total annual assessment amount, divided in equal proportion between companies based on the yearly aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

~~(c) The assessments under this subdivision expire July 1, 2017.~~

Sec. 4. Minnesota Statutes 2018, section 299A.706, is amended to read:

**299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.**

An alcohol enforcement account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account may be appropriated by law for (1) costs of the Alcohol and Gambling Division related to administration and enforcement of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; ~~and~~ 340A.504, subdivision 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision to read:

Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner of management and budget shall transfer \$461,000 from the general fund to the community justice reinvestment account.

Sec. 6. **[299A.783] STATEWIDE SEX TRAFFICKING INVESTIGATION COORDINATOR.**

Subdivision 1. **Sex trafficking investigation coordinator.** The commissioner of public safety must appoint a statewide sex trafficking investigation coordinator who shall work in the Office of Justice Programs. The coordinator must be a current or former law enforcement officer or prosecutor with experience investigating or prosecuting trafficking-related offenses. The coordinator must also have knowledge of services available to victims of sex trafficking and Minnesota's child protection system. The coordinator serves at the pleasure of the commissioner in the unclassified service.

Subd. 2. **Coordinator's responsibilities.** The coordinator shall have the following duties:

(1) develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child protection workers, social service providers, medical providers, and other community members;

(2) establish standards for approved training and review compliance with those standards;

(3) coordinate and monitor multijurisdictional sex trafficking task forces;

(4) review, develop, promote, and monitor compliance with investigative protocols to assure that law enforcement officers and prosecutors engage in best practices;

(5) provide technical assistance and advice related to the investigation and prosecution of trafficking offenses and the treatment of victims;

(6) promote the efficient use of resources by addressing issues of deconfliction, providing advice regarding questions of jurisdiction, and promoting the sharing of data between entities investigating and prosecuting trafficking offenses;

(7) assist in the appropriate distribution of grants; and

(8) perform other duties necessary to ensure effective and efficient investigation and prosecution of trafficking-related offenses.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 7. Minnesota Statutes 2018, section 299C.46, subdivision 3, is amended to read:

Subd. 3. **Authorized use, fee.** (a) The criminal justice data communications network shall be used exclusively by:

- (1) criminal justice agencies in connection with the performance of duties required by law;
- (2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by United States Code, title 5, section 9101;
- (3) other agencies to the extent necessary to provide for protection of the public or property in a declared emergency or disaster situation;
- (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits;
- (5) the public authority responsible for child support enforcement in connection with the performance of its duties;
- (6) the public defender, as provided in section 611.272;
- (7) a county attorney or the attorney general, as the county attorney's designee, for the purpose of determining whether a petition for the civil commitment of a proposed patient as a sexual psychopathic personality or as a sexually dangerous person should be filed, and during the pendency of the commitment proceedings;
- (8) an agency of the state or a political subdivision whose access to systems or services provided from or through the bureau is specifically authorized by federal law or regulation or state statute; and
- (9) a court for access to data as authorized by federal law or regulation or state statute and related to the disposition of a pending case.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any state, or country for the secure exchange of information for any of the purposes authorized in paragraph (a), clauses (1), (2), (3), (8) and (9).

(d) Prior to establishing a secure connection, a criminal justice agency that is not part of the Minnesota judicial branch must:

- (1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data;
- (2) meet the bureau's security requirements;
- (3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(e) Prior to establishing a secure connection, a criminal justice agency that is part of the Minnesota judicial branch must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data to the extent applicable and with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors as required by the Federal Bureau of Investigation.

(f) Prior to establishing a secure connection, a noncriminal justice agency must:

(1) agree to comply with all applicable policies governing access to, submission of or use of the data and Minnesota law governing the classification of the data;

(2) meet the bureau's security requirements;

(3) agree to pay any required fees; and

(4) conduct fingerprint-based state and national background checks on its employees and contractors.

(g) Those noncriminal justice agencies that do not have a secure network connection yet receive data either retrieved over the secure network by an authorized criminal justice agency or as a result of a state or federal criminal history records check shall conduct a background check as provided in paragraph (h) of those individuals who receive and review the data to determine another individual's eligibility for employment, housing, a license, or another legal right dependent on a statutorily mandated background check and on any contractor with access to the results of a federal criminal history records check.

(h) The background check required by paragraph (f) or (g) is accomplished by submitting a request to the superintendent of the Bureau of Criminal Apprehension that includes a signed, written consent for the Minnesota and national criminal history records check, fingerprints, and the required fee. The superintendent may exchange the fingerprints with the Federal Bureau of Investigation for purposes of obtaining the individual's national criminal history record information.

The superintendent shall return the results of the national criminal history records check to the noncriminal justice agency to determine if the individual is qualified to have access to state and federal criminal history record information or the secure network. An individual is disqualified when the state and federal criminal history record information show any of the disqualifiers that the individual will apply to the records of others.

When the individual is to have access to the secure network, the noncriminal justice agency shall review the criminal history of each employee or contractor with the Criminal Justice Information Services systems officer at the bureau, or the officer's designee, to determine if the employee or contractor qualifies for access to the secure network. The Criminal Justice Information Services systems officer or the designee shall make the access determination based on Federal Bureau of Investigation policy and Bureau of Criminal Apprehension policy.

Sec. 8. Minnesota Statutes 2018, section 299F.857, is amended to read:

**299F.857 REDUCED CIGARETTE IGNITION PROPENSITY ACCOUNT.**

The reduced cigarette ignition propensity account is established in the state treasury. The account consists of all money recovered as penalties under section 299F.854 and fees collected under section 299F.852, subdivision 5. The money must be deposited to the credit of the account and, in addition to any other money made available for such purpose, is appropriated to the state fire marshal for costs associated with the development and presentation of fire and life safety education programs throughout Minnesota, and all costs associated with sections 299F.850 to 299F.859.

Sec. 9. Minnesota Statutes 2018, section 340A.22, subdivision 4, is amended to read:

Subd. 4. **Off-sale license.** A microdistillery may be issued a license by the local licensing authority for off-sale of distilled spirits, with the approval of the commissioner. The license may allow the sale of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements:

- (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and
- (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

Sec. 10. Minnesota Statutes 2018, section 340A.304, is amended to read:

**340A.304 LICENSE SUSPENSION AND REVOCATION.**

The commissioner shall revoke, or suspend for up to 60 days, a license issued under section 340A.301 ~~or~~, 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each violation, on a finding that the licensee has violated a state law or rule of the commissioner relating to the possession, sale, transportation, or importation of alcoholic beverages. A license revocation or suspension under this section is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 11. Minnesota Statutes 2018, section 340A.417, is amended to read:

**340A.417 SHIPMENTS INTO MINNESOTA.**

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than ~~two cases~~ 12 cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be deemed a sale in this state.~~

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

(c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal penalty may be imposed on a person for a violation of this section or section 340A.550 other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation

of this section, or section 340A.550 and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(e) Any person who violates this section or section 340A.550 within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.

(f) Any person who commits a third or subsequent violation of this section or section 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 12. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION, AND RESTRICTIONS.**

Subdivision 1. Definitions. (a) "Direct ship purchaser" means a person who purchases wine for personal use and not for resale from a winery located in a state other than Minnesota for delivery to a Minnesota address.

(b) "Direct ship winery" means a winery licensed in a state other than Minnesota that manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser as authorized under section 340A.417.

Subd. 2. License requirements. (a) A direct ship winery must apply to the commissioner for a direct ship license. The commissioner must not issue a license under this section unless the applicant:

(1) is a licensed winery in a state other than Minnesota and provides a copy of its current license in any state in which it is licensed to manufacture wine;

(2) provides a shipping address list, including all addresses from which it intends to ship wine;

(3) agrees to comply with the requirements of subdivision 4; and

(4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the courts of this state, and any statute, law, or rule in this state related to the administration or enforcement of this section, including any provision authorizing the commissioners of public safety and revenue to audit a direct ship winery for compliance with this and any related section.

(b) A direct ship winery obtaining a license under this section must annually renew its license by January 1 of each year and must inform the commissioner at the time of renewal of any changes to the information previously provided in paragraph (a).

(c) The application fee for a license is \$170. The fee for a license renewal is \$170. The commissioner must deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund established under section 299A.706.

Subd. 3. **Direct ship wineries; restrictions.** (a) A direct ship winery may only ship wine from an address provided to the commissioner as required in subdivision 2, paragraph (a), clause (2), or through a third-party provider whose name and address the licensee provided to the commissioner in its application for a license.

(b) A direct ship winery or its third-party provider may only ship wine from the direct ship winery's own production.

Subd. 4. **Taxation.** A direct ship winery must:

(1) collect and remit the liquor gross receipts tax as required in section 295.75;

(2) apply for a permit as required in section 297A.83 and collect and remit the sales and use tax imposed as required in chapter 297A;

(3) remit the tax as required in chapter 297G; and

(4) provide a statement to the commissioner, on a form prescribed by the commissioner, detailing each shipment of wine made to a resident of this state and any other information required by the commissioner.

Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected, created, or maintained by the commissioner as required under this section are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

Subd. 6. **Enforcement; penalties.** Section 340A.417, paragraphs (d) to (f), apply to this section.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 13. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT SHIPMENTS OF WINE.**

Subdivision 1. **Monthly report required.** Each common carrier that contracts with a winery under section 340A.417 for delivery of wine into this state must file with the commissioner a monthly report of known wine shipments made by the carrier. The report must be made in a form and manner as prescribed by the commissioner and must contain:

(1) the name of the common carrier making the report;

(2) the period of time covered by the report;

(3) the name and business address of the consignor;

(4) the name and address of the consignee;

(5) the weight of the package delivered to the consignee;

(6) a unique tracking number; and

(7) the date of delivery.

Subd. 2. **Record availability and retention.** Upon written request by the commissioner, any records supporting the report in subdivision 1 must be made available to the commissioner within 30 days of the request. Any records containing information relating to a required report must be retained and preserved for a period of two years, unless destruction of the records prior to the end of the two-year period is authorized in writing by the commissioner. All retained records must be open and available for inspection by the commissioner upon written request. The commissioner must make the required reports available to any law enforcement agency or regulatory body of any local government in this state in which the common carrier making the report resides or does business.

Subd. 3. **Penalty.** If a common carrier willfully violates the requirement to report a delivery as required under this section or violates any rule related to the administration and enforcement of this section, the commissioner must notify the common carrier in writing of the violation. The commissioner may impose a fine in an amount not to exceed \$500 for each subsequent violation.

Subd. 4. **Exemptions.** This section does not apply to common carriers regulated as provided by United States Code, title 49, section 10101, et. seq., or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal Regulations, title 49, section 1090.1, or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including, without limitation, any other TOFC/COFC transportation as defined under federal law.

Subd. 5. **Private or nonpublic data; classification and sharing.** (a) Data collected, created, or maintained by the commissioner as required under subdivision 1, clauses (4) to (6), are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 14. Minnesota Statutes 2018, section 403.02, is amended by adding a subdivision to read:

Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point.

Sec. 15. Minnesota Statutes 2018, section 403.03, is amended to read:

#### **403.03 911 SERVICES TO BE PROVIDED.**

Subdivision 1. **Emergency response services.** Services available through a 911 system must include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point. The 911 system may include a referral to mental health crisis teams, where available.

**Subd. 2. Telephone cardiopulmonary resuscitation program.** (a) On or before July 1, 2021, every public safety answering point must maintain a telephone cardiopulmonary resuscitation program by either:

(1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation; or

(2) transferring callers to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

(b) Training in cardiopulmonary resuscitation must, at a minimum, include:

(1) use of an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction that has been recommended by an academic institution or a nationally recognized organization specializing in medical dispatch and, if the public safety answering point has a medical director, approved by that medical director; and

(2) appropriate continuing education, as determined by the evidence-based protocol for providing cardiopulmonary resuscitation instruction and, if the public safety answering point has a medical director, approved by that medical director.

(c) A public safety answering point that transfers callers to another public safety answering point must, at a minimum:

(1) use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation;

(2) provide each 911 telecommunicator with appropriate training and continuing education to identify a person in need of cardiopulmonary resuscitation through the use of an evidence-based protocol; and

(3) ensure that any public safety answering point to which calls are transferred uses 911 telecommunicators who meet the training requirements under paragraph (b).

(d) Each public safety answering point shall conduct ongoing quality assurance of its telephone cardiopulmonary resuscitation program.

**Subd. 3. Monitoring and enforcing training requirements.** The Statewide Emergency Communications Board shall adopt protocols to ensure that operators of every public safety answering point comply with subdivision 2.

**Subd. 4. Liability exemption.** (a) If a caller refuses or is otherwise unwilling or unable to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction, the 911 telecommunicator is not required to provide cardiopulmonary resuscitation instruction and is immune from civil liability for any damages resulting from the fact that such instruction was not provided.

(b) Telephone cardiopulmonary resuscitation instruction is a general duty to the public rather than a special duty owed to individuals, and a 911 telecommunicator must exercise judgment and discretion in performing actions including but not limited to:

(1) determining whether a particular situation requires instituting the cardiopulmonary resuscitation program;

(2) determining whether a caller refuses or is otherwise unable or unwilling to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction;

(3) using and appropriately adapting an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction based on individual callers and emergency situations presented by callers; and

(4) determining when to transfer a caller to another public safety answering point with 911 telecommunications that have received training in cardiopulmonary resuscitation.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 16. Minnesota Statutes 2018, section 609.582, subdivision 3, is amended to read:

Subd. 3. **Burglary in the third degree.** (a) Except as otherwise provided in this section, whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor while in the building, or enters a building without consent and steals or commits a felony or gross misdemeanor while in the building, either directly or as an accomplice, commits burglary in the third degree 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.

(b) Whoever enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the third degree 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:

(1) the person enters the building within one year after being served with a valid civil trespass notice instructing the person to leave the building and not return; and

(2) the person has been convicted within the preceding five years for an offense under this section, section 256.98, 268.182, 609.24, 609.245, 609.52, 609.53, 609.625, 609.63, 609.631, or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony sentence.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 609.582, subdivision 4, is amended to read:

Subd. 4. **Burglary in the fourth degree.** (a) Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal, or enters a building without consent and commits a misdemeanor other than to steal while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), with intent to steal while in the building, or enters a building while it is open to the public, other than a building identified in subdivision 2, paragraph (b), and steals while in the building, either directly or as an accomplice, commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both if the person enters the building within one year after being served with a valid civil trespass notice instructing the person to leave the building and not return.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 609.749, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, "stalking" "harass" means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

Sec. 19. Minnesota Statutes 2018, section 609.749, subdivision 2, is amended to read:

Subd. 2. **Stalking Harassment crimes.** A person who ~~stalks~~ harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section 617.261, subdivision 7.

Sec. 20. Minnesota Statutes 2018, section 609.749, subdivision 3, is amended to read:

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts 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:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and possesses a dangerous weapon at the time of the offense;

(4) ~~stalks~~ harasses another, as defined in subdivision 1, with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 21. Minnesota Statutes 2018, section 609.749, subdivision 5, is amended to read:

Subd. 5. ~~Pattern of Stalking conduct.~~ (a) A person who engages in ~~a pattern of stalking conduct~~ with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, ~~a "pattern of stalking conduct"~~ "stalking" means two or more acts within a five-year period that violate or attempt to violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribe, or United States territories:

- (1) this section;
- (2) sections 609.185 to 609.205 (first- to third-degree murder and first- and second-degree manslaughter);
- (3) section 609.713 (terroristic threats);
- (4) section 609.224 (fifth-degree assault);
- (5) section 609.2242 (domestic assault);
- (6) section 518B.01, subdivision 14 (violations of domestic abuse orders for protection);
- (7) section 609.748, subdivision 6 (violations of harassment restraining orders);
- (8) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7) (certain trespass offenses);
- (9) section 609.78, subdivision 2 (interference with an emergency call);
- (10) section 609.79 (obscene or harassing telephone calls);
- (11) section 609.795 (letter, telegram, or package; opening; harassment);
- (12) section 609.582 (burglary);
- (13) section 609.595 (damage to property);
- (14) section 609.765 (criminal defamation);
- (15) sections 609.342 to 609.3451 (first- to fifth-degree criminal sexual conduct); or
- (16) section 629.75, subdivision 2 (violations of domestic abuse no contact orders).

(c) Words set forth in parentheses after references to statutory sections in paragraph (b) are mere catchwords included solely for convenience in reference. They are not substantive and may not be used to construe or limit the meaning of the cited statutory provision.

Sec. 22. Minnesota Statutes 2018, section 609.749, subdivision 8, is amended to read:

Subd. 8. **Harassment; stalking; firearms.** (a) When a person is convicted of a harassment or stalking crime under this section and the court determines that the person used a firearm in any way during commission of the crime, 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 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.

(b) Except as otherwise provided in paragraph (a), when a person is convicted of a harassment or stalking crime under this section, the court shall inform the defendant that the defendant is prohibited from possessing a firearm 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 firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(c) Except as otherwise provided in paragraph (a), a person is not entitled to possess a pistol if the person has been convicted after August 1, 1996, of a harassment or stalking crime under this section, or to possess a firearm if the person has been convicted on or after August 1, 2014, of a harassment or stalking crime under this section, 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 firearm in violation of this paragraph is guilty of a gross misdemeanor.

(d) If the court determines that a person convicted of a harassment or stalking crime under this section owns or possesses a firearm and used it in any way during the commission of the crime, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

(e) Except as otherwise provided in paragraphs (d) and (g), when a person is convicted of a harassment or stalking crime under this section, the court shall order the defendant to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. A defendant may not transfer firearms to a third party who resides with the defendant. If a defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the defendant a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period imposed under this subdivision, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to a defendant shall comply with state and federal law. If a defendant permanently transfers the defendant's firearms to a law enforcement agency, the agency is not required to compensate the defendant and may charge the defendant a reasonable processing fee. A law enforcement agency is not required to accept a person's firearm under this paragraph. The court shall order that the person surrender all permits to carry and purchase firearms to the sheriff.

(f) A defendant who is ordered to transfer firearms under paragraph (e) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the defendant permanently transferred the defendant's firearms to the third party or agreeing to temporarily store the defendant's firearms until such time as the defendant is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the defendant to the third party. The third party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the defendant gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the defendant, date of transfer, and the serial number, make, and model of all transferred firearms. The defendant shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(g) When a person is convicted of a harassment or stalking crime under this section, the court shall determine by a preponderance of the evidence if the person poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the person's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the defendant's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the person, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (f). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (e) and (f) as if accepting transfer from the defendant. If the law enforcement agency does not receive written notice from the defendant within three business days, the agency may charge a reasonable fee to store the defendant's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms.

Sec. 23. Minnesota Statutes 2018, section 624.712, subdivision 5, is amended to read:

Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or possessing a bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or

short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (~~stalking~~) (harassment); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.

Sec. 24. Minnesota Statutes 2018, section 634.20, is amended to read:

**634.20 EVIDENCE OF CONDUCT.**

Evidence of domestic conduct by the accused against the victim of domestic conduct, or against other family or household members, is admissible unless the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence. "Domestic conduct" includes, but is not limited to, evidence of domestic abuse, violation of an order for protection under section 518B.01; violation of a harassment restraining order under section 609.748; violation of a domestic abuse no contact order under section 629.75; or violation of section 609.749 or 609.79, subdivision 1. "Domestic abuse" and "family or household members" have the meanings given under section 518B.01, subdivision 2.

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

Sec. 25. **TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN.**

**Subdivision 1. Creation and duties.** (a) By September 1, 2019, the commissioner, in consultation with the Minnesota Indian Affairs Council, shall appoint members to the Task Force on Missing and Murdered Indigenous Women to advise the commissioner and report to the legislature on recommendations to reduce and end violence against indigenous women and girls in Minnesota, including members of the two spirit community. The task force may also serve as a liaison between the commissioner and agencies and nongovernmental organizations that provide services to victims, victims' families, and victims' communities. Task force members may receive expense reimbursement as specified in Minnesota Statutes, section 15.059, subdivision 6.

(b) The Task Force on Missing and Murdered Indigenous Women must examine and report on the following:

(1) the systemic causes behind violence that indigenous women and girls experience, including patterns and underlying factors that explain why disproportionately high levels of violence occur against indigenous women and girls, including underlying historical, social, economic, institutional, and cultural factors which may contribute to the violence;

(2) appropriate methods for tracking and collecting data on violence against indigenous women and girls, including data on missing and murdered indigenous women and girls;

(3) policies and institutions such as policing, child welfare, coroner practices, and other governmental practices that impact violence against indigenous women and girls and the investigation and prosecution of crimes of gender violence against indigenous people;

(4) measures necessary to address and reduce violence against indigenous women and girls; and

(5) measures to help victims, victims' families, and victims' communities prevent and heal from violence that occurs against indigenous women and girls.

(c) For the purposes of this section, "commissioner" means the commissioner of public safety and "nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

Subd. 2. **Membership.** (a) To the extent practicable, the Task Force on Missing and Murdered Indigenous Women shall consist of the following individuals, or their designees, who are knowledgeable in crime victims' rights or violence protection and, unless otherwise specified, members shall be appointed by the commissioner:

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

(2) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(3) two representatives from among the following:

(i) the Minnesota Chiefs of Police Association;

(ii) the Minnesota Sheriffs' Association;

(iii) the Bureau of Criminal Apprehension;

(iv) the Minnesota Police and Peace Officers Association; or

(v) a peace officer who works for and resides on a federally recognized American Indian reservation in Minnesota;

(4) one or more representatives from among the following:

(i) the Minnesota County Attorneys Association;

(ii) the United States Attorney's Office; or

(iii) a judge or attorney working in juvenile court;

(5) a county coroner or a representative from a statewide coroner's association or a representative of the Department of Health;

(6) one representative from each of the 11 federally recognized tribal governments, with a preference for individuals who work with victims of violence or their families; and

(7) four or more representatives from among the following:

(i) a tribal, statewide, or local organization that provides legal services to indigenous women and girls;

(ii) a tribal, statewide, or local organization that provides advocacy or counseling for indigenous women and girls who have been victims of violence;

(iii) a tribal, statewide, or local organization that provides services to indigenous women and girls;

(iv) the Minnesota Indian Women's Sexual Assault Coalition;

(v) Mending the Sacred Hoop;

(vi) an Indian health organization or agency; or

(vii) an indigenous woman who is a survivor of gender violence.

(b) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies in commissioner appointed positions shall be filled by the commissioner consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force members shall annually elect a chair and vice-chair from among the task force's members, and may elect other officers as necessary. The task force shall meet at least quarterly, or upon the call of its chair, and may hold meetings throughout the state. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D. The task force shall seek out and enlist the cooperation and assistance of nongovernmental organizations, community and advocacy organizations working with the American Indian community, and academic researchers and experts, specifically those specializing in violence against indigenous women and girls, representing diverse communities disproportionately affected by violence against women and girls, or focusing on issues related to gender violence and violence against indigenous women and girls.

(b) The commissioner shall convene the first meeting of the task force no later than October 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

Subd. 4. **Report.** The task force shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, human services, and state government on the work of the task force, including but not limited to the issues to be examined in subdivision 1, and shall include in the report institutional policies and practices or proposed institutional policies and practices that are effective in reducing gender violence and increasing the safety of indigenous women and girls. The report shall include recommendations to reduce and end violence against indigenous women and girls and help victims and communities heal from gender violence and violence against indigenous women and girls. The report shall be submitted to the legislative committees by December 15, 2020.

Subd. 5. **Expiration.** Notwithstanding Minnesota Statutes, section 15.059, the task force expires December 31, 2020.

Sec. 26. **INTERAGENCY OPIOID ENFORCEMENT COORDINATOR.**

The governor is encouraged to appoint an interagency opioid enforcement coordinator to perform the following duties:

(1) coordinate the statewide response to opioid abuse;

(2) develop, coordinate, and facilitate training for law enforcement officers, prosecutors, courts, child protection workers, social service providers, medical providers, and other community members;

(3) promote the efficient use of resources; and

(4) consult with local government officials, representatives from other states, and federal officials to monitor local and national trends relating to opioid abuse and responses to that abuse.

Sec. 27. **REVISOR INSTRUCTION.**

The revisor of statutes shall make any cross-reference changes, language changes, or both to Minnesota Statutes made necessary by section 18.

ARTICLE 3  
CORRECTIONS

Section 1. Minnesota Statutes 2018, section 13.851, is amended by adding a subdivision to read:

Subd. 12. **Mental health screening.** The treatment of data collected by a sheriff or local corrections agency related to individuals who may have a mental illness is governed by section 641.15, subdivision 3a.

Sec. 2. **[13.856] OMBUDSPERSON FOR CORRECTIONS; DATA.**

Subdivision 1. **Private data.** The following data maintained by the ombudsperson for corrections are classified as private data, pursuant to section 13.02, subdivision 12:

(1) all data on individuals pertaining to contacts made by clients seeking the assistance of the ombudsperson, except as specified in subdivisions 2 and 3;

(2) data recorded from personal and phone conversations and in correspondence between the ombudsperson's staff and persons interviewed during the course of an investigation;

(3) client index cards;

(4) case assignment data; and

(5) monthly closeout data.

Subd. 2. **Confidential data.** The written summary of the investigation maintained by the ombudsperson is, to the extent it identifies individuals, classified as confidential data, pursuant to section 13.02, subdivision 3.

Subd. 3. **Public data.** The following data maintained by the ombudsperson are classified as public data pursuant to section 13.02, subdivision 15:

(1) client name;

(2) client location; and

(3) the inmate identification number assigned by the Department of Corrections.

Subd. 4. **Access to data.** The ombudsperson for corrections has access to corrections and detention data and medical data as provided under section 241.94.

Sec. 3. Minnesota Statutes 2018, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall not exceed 120 percent of the salary of the governor. This limit must be adjusted annually on January 1. The new limit must equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all urban consumers from October of the second prior year to October of the immediately prior year. The commissioner of management and budget must publish the limit on the department's website. This subdivision applies to the following positions:

Executive director of Gambling Control Board;

Commissioner of Iron Range resources and rehabilitation;

Commissioner, Bureau of Mediation Services;  
 Ombudsman for mental health and developmental disabilities;  
Ombudsperson for corrections;  
 Chair, Metropolitan Council;  
 School trust lands director;  
 Executive director of pari-mutuel racing; and  
 Commissioner, Public Utilities Commission.

Sec. 4. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing radiation-producing equipment must pay an annual initial or annual renewal registration fee consisting of a base facility fee of \$100 and an additional fee for each radiation source, as follows:

(1) medical or veterinary equipment	\$100
(2) dental x-ray equipment	\$40
(3) x-ray equipment not used on humans or animals	\$100
(4) devices with sources of ionizing radiation not used on humans or animals	\$100
(5) <u>security screening system</u>	<u>\$100</u>

(b) A facility with radiation therapy and accelerator equipment must pay an annual registration fee of \$500. A facility with an industrial accelerator must pay an annual registration fee of \$150.

(c) Electron microscopy equipment is exempt from the registration fee requirements of this section.

(d) For purposes of this section, a security screening system means radiation-producing equipment designed and used for security screening of humans who are in the custody of a correctional or detention facility, and used by the facility to image and identify contraband items concealed within or on all sides of a human body. For purposes of this section, a correctional or detention facility is a facility licensed under section 241.021 and operated by a state agency or political subdivision charged with detection, enforcement, or incarceration in respect to state criminal and traffic laws.

Sec. 5. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to read:

Subd. 9. **Exemption from examination requirements; operators of security screening systems.** (a) An employee of a correctional or detention facility who operates a security screening system and the facility in which the system is being operated are exempt from the requirements of subdivisions 5 and 6.

(b) An employee of a correctional or detention facility who operates a security screening system and the facility in which the system is being operated must meet the requirements of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year that the permanent rules adopted by the commissioner governing security screening systems are published in the State Register.

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

Sec. 6. Minnesota Statutes 2018, section 151.37, subdivision 12, is amended to read:

Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician assistant authorized to prescribe drugs pursuant to section 147A.18 may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

- (1) an emergency medical responder registered pursuant to section 144E.27;
- (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d); ~~and~~
- (3) employees of a correctional facility; and
- (4) staff of community-based health disease prevention or social service programs.

(b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:

(1) the licensed physician, licensed physician assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and

(2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose.

(c) Nothing in this section prohibits the possession and administration of naloxone pursuant to section 604A.04.

Sec. 7. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities that are not owned and operated by the state, a local unit of government, or a group of local units of government. Inmates shall not exercise custodial functions or have authority over other inmates.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

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

Sec. 8. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to the activities related to the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees. The Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement duties upon request for assistance from a law enforcement agency and subject to availability and resources of the Department of Corrections Fugitive Apprehension Unit.

Sec. 9. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the fugitive apprehension unit unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction in which a new crime is committed.

Sec. 10. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

Subd. 2. **Health care decisions.** The medical director of the Department of Corrections may make a health care decision for an inmate incarcerated in a state correctional facility or placed in an outside facility on conditional medical release if the inmate's attending physician determines that the inmate lacks decision-making capacity and:

(1) there is not a documented health care agent designated by the inmate or the health care agent is not reasonably available to make the health care decision;

(2) if there is a documented health care directive, the decision is consistent with that directive;

(3) the decision is consistent with reasonable medical practice and other applicable law; and

(4) the medical director has made a good faith attempt to consult with the inmate's next of kin or emergency contact person in making the decision, to the extent those persons are reasonably available.

Sec. 11. **[241.90] OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.**

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 12. **[241.91] DEFINITION.**

For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency" means any division, official, or employee of the Department of Corrections, including the commissioner of corrections, charged with the care and custody of inmates and any regional or local correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, including but not limited to programs or facilities operating under chapter 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses, work farms, and detention facilities, but does not include:

- (1) any court or judge;
- (2) any member of the senate or house of representatives;
- (3) the governor or the governor's personal staff;
- (4) any instrumentality of the federal government;
- (5) any interstate compact; or
- (6) any person responsible for the supervision of offenders placed on supervised release, parole, or probation.

Sec. 13. **[241.92] ORGANIZATION OF OFFICE OF OMBUDSPERSON.**

Subdivision 1. **Employee selection.** The ombudsperson may select, appoint, and compensate out of available funds assistants and employees as deemed necessary to discharge responsibilities. The ombudsperson and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 2. **Assistant ombudsperson.** The ombudsperson may appoint an assistant ombudsperson in the unclassified service.

Subd. 3. **Delegation of duties.** The ombudsperson may delegate to staff members any of the ombudsperson's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the Office of the Governor or to the legislature.

Sec. 14. **[241.93] POWERS OF OMBUDSPERSON; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.**

Subdivision 1. **Powers.** The ombudsperson may:

- (1) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsperson may not levy a complaint fee;

(2) determine the scope and manner of investigations to be made;

(3) except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals; provided, however, that the governor or a representative may, at any time the governor deems necessary, request and receive information from the ombudsperson. Neither the ombudsperson nor any member of the ombudsperson's staff shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the ombudsperson's official duties except as may be necessary to enforce the provisions of sections 241.90 to 241.95;

(4) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;

(5) request and be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;

(6) examine the records and documents of an administrative agency;

(7) enter and inspect, at any time, premises within the control of an administrative agency;

(8) subpoena any person to appear, give testimony, or produce documentary or other evidence that the ombudsperson deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation shall possess the same privileges reserved to a witness in the courts or under the laws of this state;

(9) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsperson may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.90 to 241.95 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

(10) be present at commissioner of corrections parole, supervised release, and parole revocation hearings and deliberations.

**Subd. 2. Actions against ombudsperson.** No proceeding or civil action except removal from office or a proceeding brought pursuant to chapter 13 shall be commenced against the ombudsperson for actions taken under the provisions of sections 241.90 to 241.95, unless the act or omission is actuated by malice or is grossly negligent.

**Subd. 3. Matters appropriate for investigation.** (a) In selecting matters for attention, the ombudsperson should particularly address actions of an administrative agency that may be:

(1) contrary to law or rule;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;

(3) mistaken in law or arbitrary in the ascertainment of facts;

(4) unclear or inadequately explained when reasons should have been revealed; or

(5) inefficiently performed.

(b) The ombudsperson may also be concerned with strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source concerning an action of an administrative agency. The ombudsperson may, on personal motion or at the request of another, investigate any action of an administrative agency.

(b) The ombudsperson may exercise powers without regard to the finality of any action of an administrative agency; however, the ombudsperson may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

(c) After completing investigation of a complaint, the ombudsperson shall inform the complainant, the administrative agency, and the official or employee of the action taken.

(d) A letter to the ombudsperson from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsperson's office. A reply from the ombudsperson to the person shall be promptly delivered unopened to the person after its receipt by the institution.

(e) No complainant shall be punished nor shall the general condition of the complainant's confinement or treatment be unfavorably altered as a result of the complainant having made a complaint to the ombudsperson.

Subd. 5. **Investigation of adult local jails and detention facilities.** Either the ombudsperson or the jail inspection unit of the Department of Corrections may investigate complaints involving local adult jails and detention facilities. The ombudsperson and Department of Corrections must enter into an arrangement with one another that ensures they are not duplicating services.

Subd. 6. **Recommendations.** (a) If, after duly considering a complaint and whatever material the ombudsperson deems pertinent, the ombudsperson is of the opinion that the complaint is valid, the ombudsperson may recommend that an administrative agency should:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a ruling;

(4) explain more fully the action in question; or

(5) take any other step that the ombudsperson recommends to the administrative agency involved.

If the ombudsperson so requests, the agency shall, within the time the ombudsperson specifies, inform the ombudsperson about the action taken on the ombudsperson's recommendations or the reasons for not complying with it.

(b) If the ombudsperson has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, the ombudsperson may refer the matter to the appropriate authorities.

(c) If the ombudsperson believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects that are unfair or otherwise objectionable, the ombudsperson shall bring to the attention of the governor and the legislature the ombudsperson's view concerning desirable statutory change.

Subd. 7. **Grants.** The ombudsperson may apply for and receive grants from public and private entities for purposes of carrying out the ombudsperson's powers and duties under sections 241.90 to 241.95.

Sec. 15. **[241.94] ACCESS BY OMBUDSPERSON TO DATA.**

Notwithstanding section 13.384 or 13.85, the ombudsperson has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the ombudsperson to perform the powers under section 241.93.

Sec. 16. **[241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

Subdivision 1. **Publication.** The ombudsperson may publish conclusions and suggestions by transmitting them to the Office of the Governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the ombudsperson shall consult with that agency or person. When publishing an opinion adverse to an administrative agency or any person, the ombudsperson shall include in the publication any statement of reasonable length made to the ombudsperson by that agency or person in defense or mitigation of the action.

Subd. 2. **Annual report.** In addition to whatever reports the ombudsperson may make on an ad hoc basis, the ombudsperson shall report to the governor and the senate and house committee chairs and ranking minority members for the committees and divisions with fiscal and policy jurisdiction over public safety and corrections at the end of each year on the ombudsperson's functions during the preceding year.

Sec. 17. Minnesota Statutes 2018, section 242.192, is amended to read:

**242.192 CHARGES TO COUNTIES.**

The commissioner shall charge counties or other appropriate jurisdictions 65 percent of the per diem cost of confinement, excluding educational costs and nonbillable service, of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to juveniles committed to the commissioner of corrections and juveniles admitted to the Minnesota Correctional Facility-Red Wing under established admissions criteria. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall determine the per diem cost of confinement based on projected population, pricing incentives, and market conditions, ~~and the requirement that expense and revenue balance out over a period of two years.~~ All money received under this section must be deposited in the state treasury and credited to the general fund.

Sec. 18. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **General searches.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, ~~and~~ state officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Sec. 19. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

Subdivision 1. **Authorization.** In any adult correctional facility under the control of the commissioner of corrections, the commissioner may require an inmate to be placed on disciplinary segregation status for rule violations or on administrative segregation status when the continued presence of the inmate in general population

would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may be included, provided the warden's written approval is sought and granted within seven business days of placing the inmate in restrictive housing under this provision. The warden of each facility must document any time approval is granted and the reason for it, and submit a quarterly report to the commissioner of corrections.

**Subd. 2. Conditions in segregated housing.** The restrictive housing unit shall provide living conditions that are approximate to those offenders in general population, including reduced lighting during nighttime hours.

**Subd. 3. Review of disciplinary segregation status.** The commissioner of corrections shall receive notification of all inmates with consecutive placement in a restrictive housing setting for more than 30 days. This notification shall occur on a monthly basis. In the event an inmate is placed into restrictive housing for more than 120 days, the reason for the placement and the behavior management plan for the inmate shall be submitted to the commissioner of corrections.

**Subd. 4. Graduated interventions.** The commissioner shall design and implement a continuum of interventions, including informal sanctions, administrative segregation, formal discipline, disciplinary segregation, and step-down management. The commissioner shall implement a method of due process for all offenders with formal discipline proceedings.

**Subd. 5. Mental health screening.** (a) If it is apparent that the inmate is exhibiting serious symptoms of a mental illness that prevents the inmate from understanding or fully participating in the disciplinary process, a mental health professional shall be consulted regarding appropriate treatment and placement. For other inmates placed in a restrictive setting, an inmate shall be screened by a health services staff member within 24 hours of placement in a restrictive housing setting. If the screening indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement. The health services staff member shall document any time an inmate screens in for symptoms of a mental health illness and whether or not the health services staff member connected with a mental health professional.

(b) If mental health staff believe the inmate's behavior may be more appropriately treated through alternative interventions or programming, or determine that the inmate's actions were the result of mental illness, this information must be considered during the disciplinary process.

**Subd. 6. Mental health care within segregated housing.** A health services staff member shall perform a daily wellness round in the restrictive housing setting. If a health services staff member indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement.

**Subd. 7. Incentives for return to the general population.** The commissioner shall design and implement a system of incentives so that an inmate who demonstrates appropriate behavior can earn additional privileges and an accelerated return to the general population.

**Subd. 8. Discharge from segregated housing.** An inmate shall not be released into the community directly from a stay in restrictive housing for 60 or more days absent a compelling reason. In cases where there is a compelling reason, the commissioner of corrections or deputy commissioner shall directly authorize the inmate's release into the community from restrictive housing.

**Subd. 9. Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the implementation of the provisions in this section. This report shall include but not be limited to data regarding:

(1) the number of inmates in each institution placed in restrictive housing during the past year;

(2) the ages of inmates placed in restrictive housing during the past year;

(3) the number of inmates transferred from restrictive housing to the mental health unit;

(4) disciplinary sanctions by infraction;

(5) the lengths of terms served in restrictive housing, including terms served consecutively; and

(6) the number of inmates by race in restrictive housing.

(b) The Department of Corrections shall submit a qualitative report detailing outcomes, measures, and challenges to implementation of a step-down management program by April 1, 2020.

Sec. 20. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

The commissioner may not contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

Sec. 21. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release Board is established to review eligible cases and make release decisions for inmates serving indeterminate sentences under the authority of the commissioner.

(b) The board shall consist of five members as follows:

(1) four persons appointed by the governor from two recommendations of each of the majority leaders and minority leaders of the house of representatives and the senate; and

(2) the commissioner of corrections who shall serve as chair.

(c) The members appointed from the legislative recommendations must meet the following qualifications at a minimum:

(1) a bachelor's degree;

(2) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; and

(3) demonstrated knowledge of victim issues and correctional processes.

Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered terms except that the terms of the initial members of the board must be as follows:

(1) two members must be appointed for terms that expire January 1, 2022; and

(2) two members must be appointed for terms that expire January 1, 2024.

(b) A member is eligible for reappointment.

(c) Vacancies on the board shall be filled in the same manner as the initial appointments under subdivision 1.

(d) Member compensation and removal of members on the board shall be as provided in section 15.0575.

**Subd. 3. Quorum; administrative duties.** (a) The majority of members constitutes a quorum.

(b) The commissioner of corrections shall provide the board with all other personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the board.

**Subd. 4. Majority vote.** An inmate may not be placed on supervised release unless a majority of the board members present vote in favor of the action.

**Subd. 5. Limitation.** Nothing in this section supersedes the commissioner's authority to revoke an inmate's release for a violation of the inmate's terms of release or impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

**Subd. 6. Report.** On or before February 15 each year, the board shall submit to the legislative committees with jurisdiction over criminal justice policy a written report detailing the number of inmates reviewed and identifying persons granted release in the preceding year. The report shall also include the board's recommendations for policy modifications that influence the board's duties.

Sec. 22. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

**Subd. 5. Supervised release, life sentence.** (a) Upon a majority vote of the board members present, the ~~commissioner of corrections~~ board may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The ~~commissioner~~ board shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The ~~commissioner~~ board must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~ board may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision:

(1) "board" means the Indeterminate Sentence Release Board under section 244.049; and

(2) "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 23. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau shall destroy data entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this subdivision. If the bureau has information that the individual has been convicted as an adult, or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, since entry of the data into the system, the data must be maintained until three years have elapsed since the last record of a conviction or adjudication or stayed adjudication of the individual, except that if the individual is committed to the custody of the commissioner of corrections and the commissioner documents activities meeting the criminal gang identification criteria that take place while the individual is confined in a state correctional facility, the three-year period begins after release from incarceration. Upon request of the law enforcement agency that submitted data to the system, the bureau shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

Sec. 24. Minnesota Statutes 2018, section 631.412, is amended to read:

**631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.**

(a) Except as provided in paragraph (b), when a sheriff or other correctional officer has custody of a person charged with or convicted of a crime and transfers that person more than 100 miles, that sheriff or other correctional officer shall provide the transferee with a custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion exists, a suitable person to carry out this section. The expenses of the person's employment must be paid out of county funds not otherwise appropriated.

(b) A sheriff or other correctional officer is not required to provide a same sex escort if: (1) the vehicle used to transport the transferee has video and audio recording equipment installed; (2) the vehicle's video and audio recording equipment is operational and positioned to record the portion of the vehicle where the transferee is held during the transfer; and (3) the video and audio equipment records the duration of the transfer. A recording of an inmate transfer made under this paragraph must be maintained by the sheriff or agency employing the correctional officer for at least 12 months after the date of the transfer.

Sec. 25. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

Subdivision 1. Placement prohibited. After August 1, 2019, a sheriff shall not allow inmates committed to the custody of the sheriff to be housed in facilities that are not owned and operated by a local government or a group of local units of government.

Subd. 2. Contracts prohibited. The county board may not authorize the sheriff to contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

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

Sec. 26. **[641.061] LOCAL CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES.**

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

(b) "Correctional officer" or "officer" means a person employed in a security capacity by a local correctional or detention facility.

(c) "Exclusive representative" means an employee organization which has been certified by the commissioner of the Bureau of Mediation Services to meet and negotiate with an employer on behalf of all employees in the appropriate unit.

(d) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

Subd. 2. Applicability. This section applies to local correctional authorities.

Subd. 3. Formal statement; procedures. A formal statement of a correctional officer must be taken according to subdivisions 4 to 15.

Subd. 4. Place of formal statement. A formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated correctional officer and exclusive representative.

Subd. 5. Complaint. A correctional officer's formal statement may not be taken unless a written complaint signed by the complainant stating the complainant's knowledge is filed with the employing or investigating agency and the correctional officer and exclusive representative have been given a summary of the allegations.

Subd. 6. Witnesses; investigative reports. Upon request, the investigating agency or the correctional officer shall provide the other party with a list of witnesses the agency or correctional officer expects to testify at an administrative hearing or arbitration authorized to recommend, approve, or order discipline and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except for good cause shown upon order of the person presiding over the administrative hearing or arbitration.

Subd. 7. Sessions. Sessions at which a formal statement is taken must be of reasonable duration and must give the correctional officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the correctional officer's regularly scheduled work shift. If the session is not held during the correctional

officer's regularly scheduled work shift, the correctional officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session. Notification of a formal statement must also be provided to the correctional officer's exclusive representative and the exclusive representative shall be allowed to be present during the session.

Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording or otherwise. A complete copy or transcript must be provided to the correctional officer and the officer's exclusive representative without charge or undue delay. The session may be recorded by the investigating officer and by the correctional officer under investigation.

Subd. 9. **Presence of attorney and union representative.** The correctional officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The correctional officer may request the presence of a union representative, attorney, or both, at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the correctional officer to obtain the presence of a union representative or attorney.

Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 11. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 12. **Release of photographs.** No local correctional facility or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the facility or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

Sec. 27. Minnesota Statutes 2018, section 641.15, subdivision 3a, is amended to read:

Subd. 3a. **Intake procedure; approved mental health screening.** (a) As part of its intake procedure for new prisoners inmates, the sheriff or local corrections shall use a mental health screening tool approved by the commissioner of corrections in consultation with the commissioner of human services and local corrections staff to identify persons who may have mental illness.

(b) Names of persons who have screened positive or may have a mental illness may be shared with the local county social services agency. The jail may refer an offender to county personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c), in order to arrange for services upon discharge and may share private data on the offender as necessary to:

- (1) provide assistance in filling out an application for medical assistance or MinnesotaCare;
- (2) make a referral for case management as provided under section 245.467, subdivision 4;
- (3) provide assistance in obtaining a state photo identification;
- (4) secure a timely appointment with a psychiatrist or other appropriate community mental health provider;
- (5) provide prescriptions for a 30-day supply of all necessary medications; or
- (6) coordinate behavioral health services.

(c) Notwithstanding section 138.17, if an offender is referred to a government entity within the welfare system pursuant to paragraph (b), and the offender refuses all services from the entity, the entity must, within 15 days of the refusal, destroy all private data on the offender that it created or received because of the referral.

Sec. 28. **COORDINATED CRISIS RESPONSE PLAN.**

(a) By January 15, 2021, the commissioner of corrections shall develop and implement a coordinated crisis response plan to support facility, central office, and field services staff.

(b) In developing the response plan, the commissioner may consult with the Department of Corrections Office of Special Investigations, the Department of Corrections Victim Assistance Program, human resources offices, facility and field services administration, peer support programs, county attorneys, victim witness coordinators, community based victim advocates, the Crime Victim Reparations Board, employee assistance programs, offices or organizations assisting with workers' compensation claims and benefits, mental health services, central office administration, and supervisors.

(c) To increase support to staff in crisis, the coordinated crisis response plan shall, at a minimum, include the following:

- (1) a protocol establishing collaboration between the offices, services, and organizations identified in paragraph (b);
- (2) a process to develop and implement individualized support plans based on the identified needs of staff members in crisis;
- (3) identification or development of training on trauma-informed victim and crisis response; and
- (4) a plan to implement training on trauma-informed victim and crisis response including initial training, refresher courses, and training for new employees.

Sec. 29. **PILOT PROGRAM TO ADDRESS MENTAL HEALTH IN CORRECTIONAL FACILITIES.**

Subdivision 1. **Pilot program established.** The commissioner of corrections shall establish and administer a pilot program in Minnesota Correctional Facility-Stillwater to address mental health issues among correctional officers and inmates. The program shall offer, at a minimum, support to correctional officers through skill refreshers, mental health training and techniques, and mental health services. The program shall conduct, at a minimum, mental health interventions for inmates and educate inmates on mental health resources available to them. The pilot program is from July 1, 2019, to June 30, 2020.

Subd. 2. **Report.** By October 1, 2020, the commissioner shall report to the legislative committees with jurisdiction over corrections on the impact and outcomes of the program.

Sec. 30. **REPEALER.**

Minnesota Statutes 2018, section 401.13, is repealed.

ARTICLE 4  
LAW ENFORCEMENT

Section 1. Minnesota Statutes 2018, section 171.20, subdivision 4, is amended to read:

Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175; 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) an individual whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, an individual whose license has been suspended under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

~~(d) Reinstatement fees collected under paragraph (a) for suspensions under sections 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the special revenue fund and are appropriated to the Peace Officer Standards and Training Board for peace officer training reimbursement to local units of government.~~

~~(e)~~ (d) A suspension may be rescinded without fee for good cause.

Sec. 2. Minnesota Statutes 2018, section 171.26, subdivision 1, is amended to read:

Subdivision 1. **Driver services operating account.** All money received under this chapter must be paid into the state treasury and credited to the driver services operating account in the special revenue fund specified under sections 299A.705, except as provided in subdivision 2; 171.06, subdivision 2a; 171.07, subdivision 11, paragraph (g); ~~171.20, subdivision 4, paragraph (d); and 171.29, subdivision 2, paragraph (b).~~

Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b), ~~(c), and~~ to (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws; and

~~(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and~~

~~(3) 60~~ (2) 99 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

Sec. 4. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

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

(1) "certifying entity" means a state or local law enforcement agency;

(2) "criminal activity" means qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt, conspiracy, or solicitation to commit such crimes; and

(3) "certification" means any certification or statement required by federal immigration law including, but not limited to, the information required by United States Code, title 8, section 1184(p), and United States Code, title 8, section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

**Subd. 2. Certification process.** (a) A certifying entity shall process a certification requested by a victim of criminal activity or a representative of the victim, including but not limited to the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within the time period prescribed in paragraph (b).

(b) A certifying entity shall process the certification within 60 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of request. Requests for expedited certification must be affirmatively raised at the time of the request.

(c) An active investigation, the filing of charges, or a prosecution or conviction are not required for the victim of criminal activity to request and obtain the certification.

**Subd. 3. Certifying entity; designate agent.** (a) The head of a certifying entity shall designate an agent to perform the following responsibilities:

(1) timely process requests for certification;

(2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and

(3) keep a written or electronic record of all certification requests and responses.

(b) All certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.

Subd. 4. **Disclosure prohibited; data classification.** (a) A certifying entity is prohibited from disclosing the immigration status of a victim of criminal activity or representative requesting the certification, except to comply with federal law or legal process, or if authorized by the victim of criminal activity or representative requesting the certification.

(b) Data provided to a certifying entity under this section is classified as private data pursuant to section 13.02, subdivision 12.

**EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final enactment. Subdivision 3 is effective July 1, 2019.

Sec. 5. **[626.19] USE OF UNMANNED AERIAL VEHICLES.**

Subdivision 1. **Application; definitions.** (a) This section applies to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, for training, or in response to emergencies, incidents, and requests for service.

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

(1) "law enforcement agency" has the meaning given in section 626.84, subdivision 1; and

(2) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in subdivision 3, a law enforcement agency may not operate a UAV without a search warrant issued under this chapter.

Subd. 3. **Authorized use.** (a) A law enforcement agency may use a UAV during or immediately after an emergency situation that involves the risk of death or serious physical harm to a person.

(b) A law enforcement agency may use a UAV over a public event where there is a substantial risk to the safety of participants or bystanders. If a law enforcement agency collects information under this paragraph, it must document each use, connect each deployment to a unique case number, and provide a description of the facts giving rise to a substantial risk.

(c) A law enforcement agency may operate a UAV to counter a high risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates this risk.

(d) A law enforcement agency may use a UAV to prevent the loss of life and property in natural or man-made disasters and to facilitate the operational planning, rescue, and recovery operations in the aftermath of these disasters.

(e) A law enforcement agency may use a UAV for officer training purposes.

(f) A law enforcement agency may operate a UAV for a non-law-enforcement purpose at the request of a government entity, as defined in section 13.02, subdivision 7a, provided that the government entity makes the request in writing and specifies the reason for the request and proposed period of use.

Subd. 4. **Limitations on use.** (a) A law enforcement agency operating a UAV must fully comply with all Federal Aviation Administration requirements and guidelines.

(b) The governing body overseeing the law enforcement agency must approve the agency's acquisition of a UAV.

(c) Unless specifically authorized in a warrant, a law enforcement agency must use a UAV to collect data only on a clearly and narrowly defined target and avoid data collection on individuals, homes, or areas other than the defined target.

(d) A law enforcement agency may not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(e) A law enforcement agency may not equip a UAV with weapons.

(f) A law enforcement agency may not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under subdivision 3. A law enforcement agency must document which exception applies or whether a warrant was obtained.

Subd. 5. **Access by data subjects.** An individual who is the subject of data collected through use of a UAV has access to the data. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy.

Subd. 6. **Data classification; retention.** (a) Data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

(1) UAV data may be disclosed as necessary in an emergency situation under subdivision 3, paragraph (a);

(2) UAV data may be disclosed to the government entity making a request for UAV use under subdivision 3, paragraph (f);

(3) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and

(4) UAV data that are not public data under other provisions of chapter 13 retain that classification.

(b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

(c) Notwithstanding section 138.17, the data must be deleted by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation.

Subd. 7. **Evidence.** Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

Subd. 8. **Remedies.** An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief to prevent or remedy a violation of this section, including remedies available under chapter 13.

Subd. 9. **Written policies required.** The chief officer of every state and local law enforcement agency that uses or plans to use a UAV must establish and enforce a written policy governing UAV use. The agency must post the written policy on its website if the agency has a website.

Subd. 10. **Notice; disclosure of warrant.** (a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of:

(1) the fact of the issuance of the warrant or the application;

(2) the date of the issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and

(3) the fact that during the period information was or was not collected.

(b) A warrant authorizing collection of information with a UAV must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The warrant must direct that following the commencement of any criminal proceeding using evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until such filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

**Subd. 11. Reporting.** (a) By January 15 of each year, each law enforcement agency that deploys a UAV shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was deployed, organized by the types of incidents and the types of justification for deployment;

(2) the number of criminal investigations aided by the deployment of UAVs;

(3) the number of deployments of UAVs for reasons other than criminal investigations; and

(4) the total cost of the agency's UAV program.

(b) By June 15 of each year, the commissioner of public safety shall compile a full and complete report summarizing the information submitted to the commissioner under paragraph (a), and submit the report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and make the report public on the department's website.

(c) By January 15 of each year, any judge who has issued a warrant under this section that expired during the preceding year, or who has denied approval during that year, shall report to the state court administrator:

(1) the fact that a warrant or extension was applied for;

(2) the kind of warrant or extension applied for;

(3) the fact that the warrant or extension was granted as applied for, was modified, or was denied;

(4) the period of UAV use authorized by the warrant and the number and duration of any extensions of the warrant;

(5) the offense specified in the warrant or application or extension of a warrant; and

(6) the identity of the law enforcement agency making the application and the person authorizing the application.

(d) By June 15 of each year, the state court administrator shall transmit to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and public safety issues and post on the supreme court's website a full and complete report concerning the number of applications for warrants authorizing or approving operation of UAVs or disclosure of information from the operation of UAVs under this section and the number of warrants and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator by paragraph (c).

Sec. 6. Minnesota Statutes 2018, section 626.841, is amended to read:

**626.841 BOARD; MEMBERS.**

The Board of Peace Officer Standards and Training shall be composed of the following ~~15~~ 17 members:

(1) two members to be appointed by the governor from among the county sheriffs in Minnesota;

(2) four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(3) two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota State Patrol Association;

(4) the superintendent of the Minnesota Bureau of Criminal Apprehension or a designee;

(5) two members appointed by the governor from among peace officers, or former peace officers, who are currently employed on a full-time basis in a professional peace officer education program;

(6) two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2; and

(7) ~~two~~ four members appointed by the governor from among the general public, of which at least one member must be a representative of a statewide crime victim coalition and at least two members must be residents of a county other than a metropolitan county as defined in section 473.121, subdivision 4.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 7. **626.8433 EYEWITNESS IDENTIFICATION POLICIES REQUIRED.**

Subdivision 1. Statewide model policy required. By November 1, 2019, the board, in consultation with stakeholders, shall develop a model policy that articulates best practices for eyewitness identification and promotes uniform practices statewide. The board shall distribute this model policy to all chief law enforcement officers. At a minimum, the policy must require that:

(1) a person administering a lineup be unaware of the suspect's identity, or, if that is not practical, the person be shielded so as to prevent the person from seeing which lineup member is being viewed by the eyewitness;

(2) before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;

(3) nonsuspect "fillers" used in the lineup match the eyewitness's description of the perpetrator; and

(4) immediately after an identification is made, the eyewitness provide a statement in the eyewitness's own words that articulates the level of the eyewitness's confidence in the identification.

Subd. 2. **Agency policies required.** By February 1, 2020, the chief law enforcement officers of every state and local law enforcement agency shall adopt and implement a written policy on eyewitness identification practices that is identical or substantially similar to the model policy developed under subdivision 1.

Sec. 8. **[626.8435] PEACE OFFICER COMMUNITY POLICING EXCELLENCE DATA.**

Subdivision 1. **Purpose.** The purpose of this section is:

(1) to create data profiles for stakeholders to conduct needs assessments and make appropriate recommendations to drive improvements in police effectiveness, efficiency, training, supervision, procedural justice, accountability, and community relations;

(2) for police departments to more effectively manage their risks and improve transparency; and

(3) for community members and advocates, as well as policy-makers, decision-makers, and funders to have access to accurate relevant information to help improve policing practices in Minnesota.

Subd. 2. **Annual data; submission.** (a) Beginning January 15, 2020, and annually thereafter, the chief law enforcement officer of a law enforcement agency that receives grants from the Peace Officers Standards and Training Board for peace officer training assistance under article 1, section 4, subdivision 4, shall submit the following data regarding peace officers employed by the law enforcement agency in the previous calendar year to the Bureau of Criminal Apprehension:

(1) the unique identifier of an employed peace officer;

(2) the existence and status of a complaint made against an employed peace officer including:

(i) the peace officer's unique identifier;

(ii) the nature of the complaint;

(iii) whether the complaint was filed by a member of the public, a law enforcement agency, or another source;

(iv) whether the complaint resulted in disciplinary action;

(v) the final disposition of a complaint when disciplinary action was taken including:

(A) the specific reason for the action taken; and

(B) data documenting the basis of the action taken, except that data that would identify confidential sources who are employees of the public body shall not be disclosed; and

(vi) the final disposition of any complaint:

(A) determined to be unfounded or otherwise not sustained;

(B) for which a peace officer was later exonerated; or

(C) which resulted in a nondisciplinary resolution including, but not limited to, employee counseling;

(3) the unique identifier of any peace officer pending criminal prosecution, excluding traffic violations;

(4) the unique identifier of any peace officer who was terminated due to substantiated findings of officer misconduct and a summary of the basis for that termination; and

(5) the unique identifier of any peace officer, other than one terminated for performance issues during a probationary period, whose employment was terminated by resignation in lieu of termination as a result of officer misconduct, and a summary of the basis for the action.

(b) For purposes of this section "complaint" means all allegations involving:

(1) public-reported misconduct;

(2) excessive force;

(3) the integrity or truthfulness of an officer;

(4) violations of the law; and

(5) sexual misconduct or harassment.

(c) The reporting requirements in paragraph (a) are in addition to any other officer discipline reporting requirements established in law.

Subd. 3. **Data storage and access.** (a) The Bureau of Criminal Apprehension may store the data collected under this section on the agency's servers.

(b) The Peace Officers Standards and Training Board must have direct access to the data collected under this section.

Subd. 4. **Updated data.** Within 30 days of final disposition of a complaint, as defined in section 13.43, subdivision 2, paragraph (b), the chief law enforcement officer of the law enforcement agency that employs the officer shall submit a supplemental report containing the information identified in subdivision 2, paragraph (a), clauses (2) to (5).

Subd. 5. **Confidentiality agreement prohibited.** Law enforcement agencies and political subdivisions are prohibited from entering into a confidentiality agreement that would prevent disclosure of the data identified in subdivision 2 to the board. Any such confidentiality agreement is void as to the requirements of this section.

Subd. 6. **Data classification.** Data received by the board pursuant to subdivisions 2 and 3 is private data on individuals as defined in section 13.02, subdivision 12. This classification does not restrict the board's authority to publish summary data as defined in section 13.02, subdivision 19.

Subd. 7. **Penalty for noncompliance.** For agencies that receive peace officer training reimbursements from the Police Officer Standards and Training Board under article 1, section 4, subdivision 4, substantial noncompliance with the reporting requirements of subdivisions 2 and 3 shall serve as a bar to further reimbursements under article 1, section 4, subdivision 4, and the board may require the agency to refund the state for grants received during the period of noncompliance. For purposes of this section, "substantial noncompliance" means a failure to (1) meet the deadlines established in subdivisions 2 and 3, and (2) respond to two subsequent requests from the board.

Subd. 8. **Board report.** At least annually, the board shall publish a summary of data submitted pursuant to subdivisions 1 and 2. The summary shall be available on the board's website and shall be included in any written publication reporting board activities. The summary shall exclude peace officers' names and license numbers and any other not public data as defined by section 13.02, subdivision 8a.

Sec. 9. **[626.8474] INVESTIGATING SEXUAL ASSAULT CASES; POLICIES REQUIRED.**

(a) By January 1, 2020, the chief law enforcement officer of every state and local law enforcement agency must develop, adopt, and implement a written policy governing the investigation of sexual assault cases within the agency. In the development of a policy, each law enforcement agency shall consult with local sexual assault counselors, domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of sexual assault cases. A law enforcement agency may adopt the model policy created by the board in lieu of developing its own policy under this provision. At a minimum, a law enforcement policy must address each of the procedures covered in the board's model policy. The chief law enforcement officer must ensure that each peace officer investigating a sexual assault case follows the agency's policy.

(b) Every state and local law enforcement agency must certify to the board by January 1, 2020, that it has adopted a written policy in compliance with this subdivision.

(c) The board must assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing policies under this subdivision.

(d) The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to adopt a policy in compliance with the requirements of this section.

Sec. 10. Minnesota Statutes 2018, section 626.93, subdivision 3, is amended to read:

Subd. 3. **Concurrent jurisdiction.** If the requirements of subdivision 2 are met ~~and the tribe enters into a cooperative agreement pursuant to subdivision 4,~~ the tribe ~~shall have~~ has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the tribe's reservation to enforce state criminal law.

Sec. 11. Minnesota Statutes 2018, section 626.93, subdivision 4, is amended to read:

Subd. 4. **Cooperative agreements.** In order to coordinate, define, and regulate the provision of law enforcement services and to provide for mutual aid and cooperation, governmental units and the tribe ~~shall~~ may enter into agreements under section 471.59. For the purposes of entering into these agreements, the tribe ~~shall be~~ is considered a "governmental unit" as that term is defined in section 471.59, subdivision 1.

Sec. 12. **PEACE OFFICER EXCELLENCE TASK FORCE.**

Subdivision 1. **Establishment; purpose.** There is established a Peace Officer Excellence Task Force. The purpose of the task force is to study the laws, rules, contracts, and policies that govern the employer-employee relationship between political subdivisions and peace officers.

Subd. 2. **Members.** (a) The task force must consist of:

(1) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(2) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(3) the attorney general, or a designee;

(4) the executive director of the Minnesota Peace Officer Standards and Training Board, or a designee;

(5) the commissioner of public safety, or a designee;

(6) the commissioner of the Minnesota Bureau of Mediation Services;

(7) one representative from the Minnesota Chiefs of Police Association;

(8) one representative from the Minnesota Sheriffs Association;

(9) two representatives from the Minnesota Peace and Police Officers Association, one of whom must be employed by a law enforcement agency located outside of the seven-county metropolitan area;

(10) one representative from the League of Minnesota Cities;

(11) one representative from the Association of Minnesota Counties;

(12) two representatives from organized labor, including at least one representative of an organization comprised of peace officers; and

(13) two members of the public appointed by the governor.

(b) Unless otherwise specified, members will be appointed by the commissioner of public safety. Appointments must be made no later than July 1, 2019. Members of the task force shall not be compensated or receive reimbursement for expenses, except for compensation or expense reimbursements received in the member's ordinary scope of employment.

(c) Vacancies shall be filled by the appointing authority consistent with the requirements of the position that becomes open.

Subd. 3. **Organization.** (a) The executive director of the Peace Officer Standards and Training Board shall convene the first meeting of the task force no later than August 1, 2019.

(b) The members of the task force may elect a chair and other officers as the members deem necessary.

(c) The task force shall meet at least monthly, with one meeting devoted to collecting input from the public and local units of government that employ peace officers.

Subd. 4. **Staff.** The executive director of the Peace Officer Standards and Training Board shall provide support staff, office space, and administrative services for the task force.

Subd. 5. **Open meetings.** Except as otherwise provided in this section, the task force is subject to Minnesota Statutes, chapter 13D. A meeting of the task force occurs when a quorum is present and the members receive information, discuss, or take action on any matter relating to the duties of the task force. The task force may conduct meetings as provided in Minnesota Statutes, section 13D.015 or 13D.02. The task force may conduct meetings at any location in the state that is appropriate for the purposes of the task force as long as the location is open and accessible to the public. For legislative members of the task force, enforcement of this subdivision is governed by Minnesota Statutes, section 3.055, subdivision 2. For nonlegislative members of the task force, enforcement of this subdivision is governed by Minnesota Statutes, section 13D.06, subdivisions 1 and 2.

Subd. 6. **Duties of task force.** The task force must review, assess, and make recommendations for reforms to the laws, rules, contracts, and policies that govern the employer-employee relationship between political subdivisions and peace officers. In formulating recommendations, the task force must seek to balance the employment rights of peace officers and the need for chief law enforcement officers and political subdivisions to maintain the integrity and excellence of peace officers they employ.

Subd. 7. **Report and recommendations.** By January 15, 2020, the task force shall prepare and submit to the chairs and ranking minority members of the committees and divisions of the house of representatives and senate with jurisdiction over public safety and labor and employment a report that summarizes the activities of the task force, issues identified by the task force, reform recommendations to address the issues, and recommendations for legislative action, if needed.

Subd. 8. **Expiration.** The task force expires upon submission of the report required by subdivision 6.

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

## ARTICLE 5 SEXUAL OFFENDERS

Section 1. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

Subd. 10. **Current or recent position of authority.** "Current or recent position of authority" includes but is not limited to any person who is a parent or acting in the place of a parent and charged with or assumes any of a parent's rights, duties or responsibilities to a child, or a person who is charged with or assumes any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of or within 120 days immediately preceding the act. For the purposes of subdivision 11, "position of authority" includes a psychotherapist. For the purposes of sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1, paragraph (e), clause (2), the term extends to a person having the described authority over a student in a secondary school who is at least 16 but less than 21 years of age under the circumstances described in those two clauses.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (o), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under 13 years of age or mentally impaired.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to read:

**Subd. 24. Secondary school.** For the purposes of sections 609.344 and 609.345, "secondary school" means a public or nonpublic school, church or religious organization, or home school where a student may legally fulfill the compulsory instruction requirements of section 120A.22.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to read:

**Subd. 25. Independent contractor.** For the purposes of sections 609.344 and 609.345, "independent contractor" means any person who contracts with or is a volunteer for a secondary school or any person employed by a business which contracts with a secondary school.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 years of age as defined in section 609.341, subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish ~~sexual penetration~~ the act; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the ~~sexual penetration act~~. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the ~~sexual penetration act~~, and:

(i) the actor or an accomplice used force or coercion to accomplish the ~~penetration act~~;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case if the actor is no more than ~~420~~ 36 months older than the complainant, it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not be a defense. consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years of age and a student in a secondary school who has not graduated and received a diploma and the actor is an employee or independent contractor of the secondary school and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or

(p) the actor is a peace officer, as defined in section 626.84, and the peace officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the peace officer's presence. Consent by the complainant is not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a current or recent position of authority over the complainant. Consent by the complainant to the act is not a defense. ~~In any such case, if the actor is no more than 120 months older than the complainant, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older. In all other cases, Neither~~ mistake as to the complainant's age ~~shall not be~~ nor consent to the act by the complainant shall be a defense;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e)~~(1)~~ the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a current or recent position of authority over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years of age and a student in a secondary school who has not graduated and received a diploma and the actor is an employee or independent contractor of the secondary school and in a current or recent position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, or secure treatment facility, or treatment facility providing services to clients civilly committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense;

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant; or

(p) the actor is a peace officer, as defined in section 626.84, and the peace officer physically or constructively restrains the complainant or the complainant does not reasonably feel free to leave the peace officer's presence. Consent by the complainant is not a defense.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work.

Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

Subd. 3. **Operation or ownership of business.** A person who owns or operates a business in which a pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for ~~five ten~~ years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451,

609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 617.246, is amended by adding a subdivision to read:

**Subd. 8. Mandatory minimum sentence.** A person convicted under this section must serve a minimum of six months of incarceration. If the person has a prior conviction under this section or section 617.247, or is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

**Subd. 3. Dissemination prohibited.** (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a fine of not more than \$20,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

**Subd. 4. Possession prohibited.** (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for a second or subsequent offense.

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a registered predatory offender under section 243.166.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

**Subd. 9. Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for ~~five~~ ten years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455, subdivision 8.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2018, section 617.247, is amended by adding a subdivision to read:

Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must serve a minimum of six months of incarceration. If the person has a prior conviction under this section or section 617.246, or is required to register as a predatory offender, the person must serve a minimum of 12 months of incarceration.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

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

(c) "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

(d) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(e) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve sexual abuse or substantial child endangerment, and for reports of maltreatment in facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

(f) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(g) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(h) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(i) "Operator" means an operator or agency as defined in section 245A.02.

(j) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(k) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following:

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
- (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a current or recent position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

(o) "Substantial child endangerment" means a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm as defined in section 260C.007, subdivision 14;

(2) abandonment under section 260C.301, subdivision 2;

(3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) solicitation, inducement, and promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) solicitation of children to engage in sexual conduct under section 609.352;

(10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(11) use of a minor in sexual performance under section 617.246; or

(12) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (q) from the Department of Human Services.

(q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (p), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

(r) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 21. Minnesota Statutes 2018, section 628.26, is amended to read:

**628.26 LIMITATIONS.**

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345, ~~if the victim was under the age of 18 years at the time the offense was committed, shall~~ may be found or made ~~and filed in the proper court within the later of nine years after the commission of the offense or three years after the offense was reported to law enforcement authorities~~ at any time after the commission of the offense.

~~(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.~~

~~(g)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

~~(h)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) (h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(k) (k) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

~~(m)~~ (m) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2019.

Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

The Sentencing Guidelines Commission shall comprehensively review and consider modifying how the Sentencing Guidelines and the sex offender grid address the crimes described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar crimes, including other sex offenses and other offenses with similar maximum penalties.

Sec. 23. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING GROUP; REPORT.**

Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety shall convene a working group on criminal sexual conduct statutory reform. The commissioner shall invite representatives from city and county prosecuting agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of Public Defense, the Department of Public Safety, the Department of Human Services, the Sentencing Guidelines Commission, state and local law enforcement agencies, and other interested parties to participate in the working group. The commissioner shall ensure that the working group is inclusive of marginalized communities as well as victim and survivor voices.

Subd. 2. **Duties.** The working group must review, assess, and make specific recommendations with regard to substantive and technical amendments to Minnesota Statutes, sections 609.341 to 609.3451, 609.3453 to 609.3455, 609.349, 628.26, and any other related criminal laws.

Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working group's findings and recommendations with the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over public safety and judiciary policy and finance by October 15, 2020.

Sec. 24. **REPEALER.**

Minnesota Statutes 2018, section 609.349, is repealed.

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

ARTICLE 6  
CONTROLLED SUBSTANCES

Section 1. Minnesota Statutes 2018, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. **Methamphetamine; dimethyltryptamine; manufacture crime.** Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine or dimethyltryptamine.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 152.025, subdivision 1, is amended to read:

Subdivision 1. **Sale crimes.** A person is guilty of a controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana ~~for no remuneration;~~ or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in Schedule IV.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 152.025, subdivision 2, is amended to read:

Subd. 2. **Possession and other crimes.** A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except the nonresinous form ~~a small amount~~ of marijuana; ~~or~~

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathic medicine licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance; or

(3) the person unlawfully possesses a total weight of more than 250 grams of the nonresinous form of marijuana.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 152.025, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if: (1) the amount of the controlled substance possessed, other than heroin, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; or (2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2) or (3), 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.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. **[152.0251] NONFELONY CONTROLLED SUBSTANCE OFFENSES; MARIJUANA.**

Subdivision 1. **Sale crimes.** Except as provided in subdivision 5, a person is guilty of a crime if on one or more occasions within a 90-day period the person unlawfully sells:

(1) a total weight of more than ten grams but not more than 42.5 grams of the nonresinous form of marijuana; or

(2) a total weight of ten grams or less of the nonresinous form of marijuana, except a small amount of marijuana for no remuneration.

Subd. 2. **Possession crimes.** A person is guilty of a crime if the person unlawfully possesses:

(1) a total weight of more than 100 grams but not more than 250 grams of the nonresinous form of marijuana; or

(2) a total weight of more than 42.5 grams but not more than 100 grams of the nonresinous form of marijuana.

Subd. 3. **Penalty.** (a) A person is guilty of a gross misdemeanor if convicted under subdivision 1, clause (1), or subdivision 2, clause (1).

(b) A person is guilty of a misdemeanor if convicted under subdivision 1, clause (2), or subdivision 2, clause (2).

Subd. 4. **Possession of marijuana in a motor vehicle.** A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than five grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 5. **Petty misdemeanors.** A person who does any of the following is guilty of a petty misdemeanor:

(1) unlawfully sells a small amount of marijuana for no remuneration; or

(2) unlawfully possesses a small amount of marijuana.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 152.0275, is amended to read:

**152.0275 CERTAIN CONTROLLED SUBSTANCE OFFENSES; RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.**

Subdivision 1. **Restitution.** (a) As used in this subdivision:

(1) "clandestine lab site" means any structure or conveyance or outdoor location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine or dimethyltryptamine;

(2) "emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by the public entities themselves or by private contractors paid by the public entities, or the property owner;

(3) "remediation" means proper cleanup, treatment, or containment of hazardous substances ~~or~~ methamphetamine, or dimethyltryptamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property when an assessment so indicates; and

(4) "removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

(b) A court may require a person convicted of manufacturing or attempting to manufacture a controlled substance or of an illegal activity involving a precursor substance, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered may cover the reasonable costs of their participation in the response.

(c) In addition to the restitution authorized in paragraph (b), a court may require a person convicted of manufacturing or attempting to manufacture a controlled substance or of illegal activity involving a precursor substance to pay restitution to a property owner who incurred removal or remediation costs because of the crime.

Subd. 2. **Property-related prohibitions; notice; website.** (a) As used in this subdivision:

(1) "clandestine lab site" has the meaning given in subdivision 1, paragraph (a);

(2) "property" means publicly or privately owned real property including buildings and other structures, motor vehicles as defined in section 609.487, subdivision 2a, public waters, and public rights-of-way;

(3) "remediation" has the meaning given in subdivision 1, paragraph (a); and

(4) "removal" has the meaning given in subdivision 1, paragraph (a).

(b) A peace officer who arrests a person at a clandestine lab site shall notify the appropriate county or local health department, state duty officer, and child protection services of the arrest and the location of the site.

(c) A county or local health department or sheriff shall order that any property or portion of a property that has been found to be a clandestine lab site and contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine be prohibited from being occupied or used until it has been assessed and remediated as provided in the Department of Health's clandestine drug labs general cleanup guidelines. The remediation shall be accomplished by a contractor who will make the verification required under paragraph (e).

(d) Unless clearly inapplicable, the procedures specified in chapter 145A and any related rules adopted under that chapter addressing the enforcement of public health laws, the removal and abatement of public health nuisances, and the remedies available to property owners or occupants apply to this subdivision.

(e) Upon the proper removal and remediation of any property used as a clandestine lab site, the contractor shall verify to the property owner and the applicable authority that issued the order under paragraph (c) that the work was completed according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices. The contractor shall provide the verification to the property owner and the applicable authority within five days from the completion of the remediation. Following this, the applicable authority shall vacate its order.

(f) If a contractor issues a verification and the property was not remediated according to the Department of Health's clandestine drug labs general cleanup guidelines, the contractor is liable to the property owner for the additional costs relating to the proper remediation of the property according to the guidelines and for reasonable attorney fees for collection of costs by the property owner. An action under this paragraph must be commenced within six years from the date on which the verification was issued by the contractor.

(g) If the applicable authority determines under paragraph (c) that a motor vehicle has been contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or dimethyltryptamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine or dimethyltryptamine and if the authority is able to obtain the certificate of title for the motor vehicle, the authority shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate of title to the registrar. The authority shall also notify the registrar when it vacates its order under paragraph (e).

(h) The applicable authority issuing an order under paragraph (c) shall record with the county recorder or registrar of titles of the county where the clandestine lab is located an affidavit containing the name of the owner, a legal description of the property where the clandestine lab was located, and a map drawn from available information showing the boundary of the property and the location of the contaminated area on the property that is prohibited from being occupied or used that discloses to any potential transferee:

(1) that the property, or portion of the property, was the site of a clandestine lab;

(2) the location, condition, and circumstances of the clandestine lab, to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided by paragraph (c).

If an inaccurate drawing or description is filed, the authority, on request of the owner or another interested person, shall file a supplemental affidavit with a corrected drawing or description.

If the authority vacates its order under paragraph (e), the authority shall record an affidavit that contains the recording information of the above affidavit and states that the order is vacated. Upon filing the affidavit vacating the order, the affidavit and the affidavit filed under this paragraph, together with the information set forth in the affidavits, cease to constitute either actual or constructive notice.

(i) If proper removal and remediation has occurred on the property, an interested party may record an affidavit indicating that this has occurred. Upon filing the affidavit described in this paragraph, the affidavit and the affidavit filed under paragraph (h), together with the information set forth in the affidavits, cease to constitute either actual or constructive notice. Failure to record an affidavit under this section does not affect or prevent any transfer of ownership of the property.

(j) The county recorder or registrar of titles must record all affidavits presented under paragraph (h) or (i) in a manner that ensures their disclosure in the ordinary course of a title search of the subject property.

(k) The commissioner of health shall post on the Internet contact information for each local community health services administrator.

(l) Each local community health services administrator shall maintain information related to property within the administrator's jurisdiction that is currently or was previously subject to an order issued under paragraph (c). The information maintained must include the name of the owner, the location of the property, the extent of the contamination, the status of the removal and remediation work on the property, and whether the order has been vacated. The administrator shall make this information available to the public either upon request or by other means.

(m) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property. If methamphetamine or dimethyltryptamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee informing the buyer or transferee:

(1) whether an order has been issued on the property as described in paragraph (c);

(2) whether any orders issued against the property under paragraph (c) have been vacated under paragraph (j); or

(3) if there was no order issued against the property and the seller or transferor is aware that methamphetamine or dimethyltryptamine production has occurred on the property, the status of removal and remediation on the property.

(n) Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose, to the best of their knowledge, at the time of sale any of the facts required, and who knew or had reason to know of methamphetamine or dimethyltryptamine production on the property, is liable to the buyer or transferee for:

(1) costs relating to remediation of the property according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices; and

(2) reasonable attorney fees for collection of costs from the seller or transferor.

An action under this paragraph must be commenced within six years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the methamphetamine or dimethyltryptamine production occurred.

(o) This section preempts all local ordinances relating to the sale or transfer of real property designated as a clandestine lab site.

Sec. 7. Minnesota Statutes 2018, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, 152.0251, subdivision 2, 4, or 5, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025 or 152.0251.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion,

dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 8. **[152.185] POSSESSION OR SALE OF CANNABIDIOL.**

(a) Cannabidiol (CBD) that is derived from industrial hemp as defined in section 18K.02, subdivision 3, is not a controlled substance.

(b) A person does not violate this chapter simply by possessing or selling CBD as described in paragraph (a).

(c) Paragraph (b) does not prevent a person from being charged with or convicted of a violation of this chapter or any other crime if the person's conduct is criminalized elsewhere.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to acts committed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 446A.083, subdivision 2, is amended to read:

Subd. 2. **Account established.** The authority shall establish a methamphetamine and dimethyltryptamine laboratory cleanup revolving account in the public facility authority fund to provide loans to counties and cities to remediate clandestine lab sites. The account must be credited with repayments.

Sec. 10. **CANNABIS TASK FORCE.**

**Subdivision 1. Establishment; purpose.** (a) The Cannabis Task Force is established to advise the legislature on the legal and policy issues associated with the legalization, taxation, and regulation of cannabis production, sale, and use by those 21 years of age or older in the state.

(b) It is not the purpose of this task force to provide a recommendation on whether or not to legalize cannabis. The purpose of this task force is to gather facts and report them to the legislature.

Subd. 2. **Membership.** (a) The Cannabis Task Force consists of:

(1) two senators appointed by the president of the senate;

(2) two senators appointed by the minority leader of the senate;

(3) two members of the house of representatives appointed by the speaker of the house;

(4) two members of the house of representatives appointed by the minority leader of the house of representatives;

(5) the commissioner of agriculture or a designee;

(6) the commissioner of health or a designee;

(7) the commissioner of public safety or a designee;

(8) the attorney general or a designee;

(9) the state public defender or a designee;

(10) the commissioner of revenue or a designee;

(11) the commissioner of human services or a designee;

(12) the commissioner of commerce or a designee;

(13) eight members appointed by the governor who have relevant knowledge and experience, including:

(i) one person with experience working in the medical cannabis industry;

(ii) one person with expertise in the treatment of substance abuse disorder;

(iii) one medical cannabis patient;

(iv) one person directly involved in the cultivation and distribution of medical cannabis in Minnesota;

(v) one person with experience working in public health policy;

(vi) two persons from separate noncannabis industry organizations who advocate for cannabis legalization;

(vii) one person convicted of a nonfelony drug-related offense; and

(viii) one person with expertise on business liability, such as work hazards, insurance, human resources, and employee rights, arising from employees working after the use of legal recreational marijuana;

(14) one person who is an elected official in a statutory or home rule charter city appointed by the League of Minnesota Cities;

(15) one medical doctor appointed by the Board of Medical Practice;

(16) one person who is an elected county official or administrator appointed by the Association of Minnesota Counties;

(17) one person who is a defense attorney appointed by the Minnesota Association of Criminal Defense Lawyers;

(18) one person who is a county attorney appointed by the Minnesota County Attorneys Association;

(19) one person who is a sheriff appointed by the Minnesota Sheriff's Association;

(20) one person who is a chief of police appointed by the Minnesota Chiefs of Police Association; and

(21) one rank and file peace officer appointed by the Minnesota Police and Peace Officers Association.

(b) Members shall serve without compensation.

Subd. 3. **Organization.** (a) The commissioner of public safety or the commissioner's designee shall convene the first meeting of the task force. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

(b) The task force shall meet monthly or as determined by the chair.

(c) The members of the task force shall elect a chair and other officers as the members deem necessary.

(d) A majority of members constitutes a quorum.

Subd. 4. **Staff.** The commissioner of public safety shall provide support staff, office space, and administrative services for the task force.

Subd. 5. **Duties.** (a) The task force shall:

(1) identify and study the potential effects of cannabis legalization including but not limited to impacts on public safety, public health, tax policy, and regulatory oversight; and

(2) consult with experts and government officials involved with the legalization of cannabis in other states.

(b) The task force shall develop a comprehensive plan that covers:

(1) statutory changes necessary for the legalization of cannabis;

(2) taxation of cannabis sales and appropriate dedicated uses for the tax revenue raised;

(3) state and local regulation of cannabis growth, processing, transport, packaging, labeling, sale, possession, and use, and the governing body that would enforce the regulation;

(4) federal law, policy, and regulation of cannabis;

(5) education of the public on scientific knowledge of the effects of cannabis, especially with regards to use by minors;

(6) funding for, and provision of, treatment to persons with substance abuse disorder as it relates to cannabis;

(7) expungement and pardon of nonviolent marijuana convictions;

(8) security of cannabis retail and manufacturing locations and the safe handling of proceeds from cannabis sales, including banking options;

(9) policies that promote access to the legal cannabis market to persons from communities that are disproportionately impacted by the ban on cannabis including incentives for minority-owned businesses to participate in the cannabis industry;

(10) statutory and policy changes designed to discourage operating motor vehicles while under the influence of cannabis; and

(11) recommendations to the legislature and others about necessary and appropriate actions related to legalization of cannabis in the state.

Subd. 6. **Report.** By February 1, 2020, the task force shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over public safety, health, human services, revenue, labor and industry, and agriculture policy and finance that details the task force's findings regarding the legalization of cannabis including the comprehensive plan developed pursuant to subdivision 5.

Subd. 7. **Expiration.** This section expires the earlier of February 1, 2020, or the date the report is submitted under subdivision 6.

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

Sec. 11. **REPEALER.**

Minnesota Statutes 2018, section 152.027, subdivisions 3 and 4, are repealed.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

## ARTICLE 7 DWI

Section 1. Minnesota Statutes 2018, section 84.91, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it, or who refuses to comply with a lawful request to submit to testing or fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it~~ any of these sections, ~~shall be~~ is prohibited from operating a snowmobile or all-terrain vehicle for ~~a period of~~ one year. The commissioner shall notify the person of the ~~time~~ period during which the person is prohibited from operating a snowmobile or all-terrain vehicle.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under:

- (1) this section;
- (2) chapter 169 relating to snowmobiles and all-terrain vehicles;
- (3) chapter 169A; and
- (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor. A person who operates a snowmobile or all-terrain vehicle during the time period the person is prohibited from operating a vehicle under paragraph (c) is guilty of a misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 86B.331, subdivision 1, is amended to read:

Subdivision 1. **Acts prohibited.** (a) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance to operate the motorboat in operation on the waters of this state.

(b) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(c) A person who operates or is in physical control of a motorboat on the waters of this state is subject to chapter 169A. In addition to the applicable sanctions under chapter 169A, a person who is convicted of violating section 169A.20 or an ordinance in conformity with it, or who fails a test lawfully administered under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with it any of these sections, ~~shall be~~ is prohibited from operating a motorboat on the waters of this state for a ~~period of~~ 90 days between May 1 and October 31, extending over two consecutive years if necessary. If the person refuses to comply with a lawful demand to submit to testing under sections 169A.50 to 169A.53 or 171.177, or an ordinance in conformity with ~~it any of these sections,~~ the person ~~shall be~~ is prohibited from operating a motorboat for a ~~period of~~ one year. The commissioner shall notify the person of the period during which the person is prohibited from operating a motorboat.

(d) Administrative and judicial review of the operating privileges prohibition is governed by section 169A.53 or 171.177.

(e) The court shall promptly forward to the commissioner and the Department of Public Safety copies of all convictions and criminal and civil sanctions imposed under: (1) this section; (2) chapter 169 relating to motorboats; (3) chapter 169A; and (4) section 171.177.

(f) A person who violates paragraph (a) or (b), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(g) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring, or a motorboat that is being rowed or propelled by other than mechanical means.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 169A.03, subdivision 18, is amended to read:

Subd. 18. **Peace officer.** "Peace officer" means:

- (1) a State Patrol officer;
- (2) a University of Minnesota peace officer;
- (3) a police officer of any municipality, including towns having powers under section 368.01, or county; and
- (4) ~~for purposes of violations of this chapter in or on an off road recreational vehicle or motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 169A.37, subdivision 1, is amended to read:

Subdivision 1. **Crime described.** It is a crime for a person:

- (1) to fail to comply with an impoundment order under section 169A.60 (administrative plate impoundment);
- (2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;
- (3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under section 169A.60, unless specially coded plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;
- (4) to fail to notify the commissioner of the impoundment order when requesting new plates;
- (5) who is subject to a plate impoundment order under section 169A.60, to drive, operate, or be in control of any motor vehicle during the impoundment period, unless the vehicle is employer-owned and is not required to be equipped with an ignition interlock device pursuant to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person is validly licensed to drive; ~~or~~
- (6) who is the transferee of a motor vehicle and who has signed a sworn statement under section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period; or
- (7) to intentionally remove all or a portion of or to otherwise obliterate or damage a permanent sticker affixed on and invalidating a registration plate under section 169A.60, subdivision 4.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 169A.55, subdivision 2, is amended to read:

Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of revocation under section 169A.52 (license revocation for test failure or refusal), 169A.54 (impaired driving convictions and adjudications; administrative penalties), or 171.177 (revocation; search warrant), the commissioner shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) ~~successful completion of an examination and~~ proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 169A.60 (administrative impoundment of plates) as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

Sec. 6. Minnesota Statutes 2018, section 169A.60, subdivision 4, is amended to read:

Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a plate impoundment violation shall also serve a notice of intent to impound and an order of impoundment. On behalf of the commissioner, a peace officer who is arresting a person for or charging a person with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the plate impoundment violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. Alternatively, the officer may invalidate the plates by affixing a permanent sticker on them. The officer shall send to the commissioner copies of the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed or have been affixed with the permanent sticker.

Sec. 7. Minnesota Statutes 2018, section 169A.60, subdivision 5, is amended to read:

Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the plate impoundment violation is predicated on the results of a chemical test of the violator's breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of the violator's blood or urine. If the motor vehicle is registered in the name of another, the officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are issued under subdivision 3. The permit must be in a form determined by the registrar and whenever practicable must be posted on the left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for which it is issued.

Sec. 8. Minnesota Statutes 2018, section 169A.60, subdivision 8, is amended to read:

Subd. 8. **Reissuance of registration plates.** (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if:

(1) the violator had a valid driver's license on the date of the plate impoundment violation and the person files with the commissioner an acceptable sworn statement containing the following information:

(i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(ii) that the person is the current owner and possessor of the vehicle used in the violation;

- (iii) the date on which the violator obtained the vehicle from the registered owner;
  - (iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;
  - (v) that the person was not a passenger in the vehicle at the time of the plate impoundment violation; and
  - (vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or
- (2) the violator did not have a valid driver's license on the date of the plate impoundment violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.
- (b) A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 13 for a period of one year from the effective date of the impoundment order. Following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed or have been affixed with a permanent sticker.

Sec. 9. Minnesota Statutes 2018, section 169A.63, is amended by adding a subdivision to read:

Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the designated offense or whose conduct resulted in the designated license revocation becomes a program participant in the ignition interlock program under section 171.306 within 60 days following service of the Notice of Seizure and Intent to Forfeit under this section.

(b) Notwithstanding paragraph (a), if the program participant described in paragraph (a) subsequently operates the motor vehicle to commit a designated offense or in a manner that results in a designated license revocation, the vehicle must be seized and summarily forfeited.

(c) Notwithstanding paragraph (a), if the program participant described in paragraph (a) either voluntarily or involuntarily ceases to participate in the program, or fails to successfully complete it, the vehicle used in the underlying designated offense must be seized and summarily forfeited.

(d) Paragraph (b) applies only if the described subsequent vehicle operation occurs before the participant has been restored to full driving privileges or within three years of the original designated offense or designated license revocation, whichever occurs latest.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 10. Minnesota Statutes 2018, section 171.29, subdivision 1, is amended to read:

Subdivision 1. **Examination required.** (a) No person whose driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792, ~~169A.52, or 171.177~~ shall be issued another license unless and until that person shall have successfully passed an examination as required by the commissioner of public safety. This subdivision does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

(b) The requirement to successfully pass the examination described in paragraph (a) does not apply to a person whose driver's license has been revoked because of an impaired driving offense.

Sec. 11. **DWI STUDY; MEASUREMENT OF CONTROLLED SUBSTANCES.**

(a) The commissioner of public safety, in consultation with stakeholders and experts, shall study and report on the use of screening tests that measure the marijuana or tetrahydrocannabinols level of a person stopped or arrested for driving while impaired. The commissioner shall also study the threshold measurement level for the legal impairment of persons who are driving under the influence of marijuana or tetrahydrocannabinols. The study must include the identification, review, and evaluation of:

(1) marijuana or tetrahydrocannabinols screening tests, including at a minimum oral fluid roadside tests;

(2) the measured amount of marijuana or tetrahydrocannabinols in a driver's blood or urine that is the legal threshold for impairment of the driver;

(3) the practices and laws in other states for drug screening tests and measurement of marijuana or tetrahydrocannabinols in persons suspected of driving while impaired by controlled substances; and

(4) any other necessary information relating to the measurement of marijuana or tetrahydrocannabinols in persons who are suspected of driving under the influence of a controlled substance.

(b) The commissioner shall submit a report of its study by March 15, 2020, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety.

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

ARTICLE 8  
VEHICLE OPERATIONS

Section 1. Minnesota Statutes 2018, section 169.92, subdivision 4, is amended to read:

Subd. 4. **Suspension of driver's license.** (a) Upon receiving a report from the court, or from the driver licensing authority of a state, district, territory, or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91, that a resident of this state or a person licensed as a driver in this state did not appear in court in compliance with the terms of a citation, the commissioner of public safety shall notify the driver that the driver's license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court ~~or, if the offense is a petty misdemeanor for which a guilty plea was entered under section 609.491, that the person has paid any fine imposed by the court.~~ If the commissioner does not receive notice of the appearance in the appropriate court or payment of the fine within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the driver's license, subject to the notice requirements of section 171.18, subdivision 2. Notwithstanding the requirements in this section, the commissioner is prohibited from suspending the driver's license of a person based solely on the fact that the person did not appear in court (1) in compliance with the terms of a citation for a petty misdemeanor, or (2) for a violation of section 171.24, subdivision 1.

(b) The order of suspension shall indicate the reason for the order and shall notify the driver that the driver's license ~~shall remain~~ remains suspended until the driver has furnished evidence, satisfactory to the commissioner, of compliance with any order entered by the court.

(c) Suspension shall be ordered under this subdivision only when the report clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance or rule violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.

Sec. 2. Minnesota Statutes 2018, section 171.16, subdivision 2, is amended to read:

Subd. 2. **Commissioner shall suspend.** (a) The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing ~~as provided herein.~~

(b) The commissioner is prohibited from suspending a person's driver's license if the person was convicted only under section 171.24, subdivision 1 or 2.

Sec. 3. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

Subd. 3. **Suspension for Failure to pay fine.** ~~When any court reports to~~ The commissioner must not suspend a person's driver's license based solely on the fact that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with that sentence or to pay the surcharge; ~~notwithstanding the fact that the court has determined that the person has the ability to pay the fine or surcharge, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has been paid.~~

Sec. 4. Minnesota Statutes 2018, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

- (1) has committed an offense for which mandatory revocation of license is required upon conviction;
- (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;
- (3) is an habitually reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;
- (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;
- (9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;

(10) has failed to appear in court as provided in section 169.92, subdivision 4;

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;

(12) has been found to have committed an offense under section 169A.33; or

(13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner ~~may not suspend~~ is prohibited from suspending the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, ~~whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine or 2.~~

Sec. 5. **[171.2405] LICENSE REINSTATEMENT DIVERSION PROGRAM.**

**Subdivision 1. Establishment.** (a) A city or county may establish a license reinstatement diversion program for holders of class D drivers' licenses who have been charged with violating section 171.24, subdivision 1 or 2. An individual charged with driving after revocation under section 171.24, subdivision 2, is eligible for diversion only if the revocation was due to a violation of section 169.791; 169.797; 169A.52; 169A.54; 171.17, subdivision 1, paragraph (a), clause (6); or 171.177. An individual who is a holder of a commercial driver's license or who has committed an offense in a commercial motor vehicle is not eligible to participate in the diversion program. Nothing in this section authorizes the issuance of a driver's license to a diversion program participant during the underlying suspension or revocation period at issue in the violation of section 171.24, subdivision 1 or 2.

(b) Notwithstanding any law or ordinance to the contrary, a city or county may contract with a third party to create and administer the diversion program under this section. Any participating city or county, at its own expense, may request an audit of the administrator.

(c) For purposes of this section, "administrator" means the city, county, or administrator of the program.

**Subd. 2. Diversion of an individual.** (a) A prosecutor for a participating city or county may determine whether to accept an individual for diversion. When making the determination, the prosecutor must consider:

(1) whether the individual has a record of driving without a valid license or other criminal record, or has previously participated in a diversion program;

(2) the strength of the evidence against the individual, along with any mitigating factors; and

(3) the apparent ability and willingness of the individual to participate in the diversion program and comply with program requirements.

(b) A city or county attorney may request that an individual be reviewed for a diversion program without a formal city or county diversion program being established. The city or county attorney must follow the requirements of subdivisions 1 and 2 and may submit the individual's application to an administrator for processing in collaboration with DVS to determine if an individual is eligible for approval into the diversion program. The participant must meet the requirements in subdivision 4.

(c) A judge may submit a request for an individual to apply for entry into a diversion program under subdivisions 1 and 2. The participant must meet the requirements in subdivision 4.

Subd. 3. **Diversion driver's license.** (a) Notwithstanding any law to the contrary, the commissioner may issue a diversion driver's license to a person who is a participant in a diversion program, after receiving an application and payment of:

(1) the reinstatement fee under section 171.20, subdivision 4, by a participant whose driver's license has been suspended;

(2) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

(3) the reinstatement fee under section 171.29, subdivision 2, paragraph (a), by a participant whose driver's license has been revoked under section 169A.52, 169A.54, or 171.177. The reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must also be paid during the course of and as a condition of the diversion program.

(b) The commissioner may impose restrictions on a diversion driver's license that are suitable to the licensee's driving ability or applicable to the licensee as the commissioner deems appropriate to ensure the safe operation of a motor vehicle by the licensee. The participant must follow all requirements of this section, the requirements set out by DVS and court restrictions.

(c) Payments made by participants in the diversion program of the reinstatement fee and surcharge under section 171.29, subdivision 2, paragraph (b), must be applied first toward payment of the reinstatement fee and, after the reinstatement fee has been fully paid, toward payment of the surcharge. Each payment that is applied toward the reinstatement fee must be credited as provided in section 171.29, subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must be credited as provided in section 171.29, subdivision 2, paragraphs (c) and (d). After the reinstatement fee and surcharge are satisfied, the participant must pay the program participation fee.

(d) Notwithstanding any law to the contrary, a diversion driver's license issued to a participant in the program must not be revoked or suspended for convictions entered due to payments made under subdivision 4.

Subd. 4. **Program components.** (a) At a minimum, the diversion program must require individuals to:

(1) successfully attend and complete, at the individual's expense, educational classes that provide, among other things, information on driver's licensure;

(2) pay to the administrator, under a schedule approved by the prosecutor, all required related fees, fines, and charges, including applicable statutory license reinstatement fees and costs of participation in the program;

(3) comply with all traffic laws; and

(4) demonstrate compliance with motor vehicle insurance requirements.

(b) Individuals whose underlying citations cost less than \$250 shall receive a 60 percent discount on the diversion program fee. Individuals whose underlying citations cost \$250 to \$500 shall receive a 40 percent discount on the diversion program fee.

Subd. 5. **Termination of participation; reinstatement of driver's license.** (a) An individual's participation in the diversion program must be terminated if:

(1) the individual is found guilty of a moving traffic violation;

(2) the individual fails to provide proof of vehicle insurance; or

(3) the administrator of the diversion program informs the commissioner that the individual is no longer satisfying the conditions of the diversion program.

(b) The commissioner must cancel an individual's diversion driver's license upon receiving notice from the administrator that the individual is not complying with the requirements of the program.

(c) The original charge against the individual of a violation of section 171.24 may be reinstated against an individual whose participation in the diversion program terminates under paragraph (a), clause (1) or (2).

(d) If an individual satisfies all requirements of the diversion program, including, at a minimum, satisfactory fulfillment of the components under subdivision 4, the administrator must inform the court, the prosecutor, and the commissioner of the individual's satisfactory completion of the diversion program.

(e) Upon receiving notice under paragraph (d), the commissioner must reinstate the individual's driver's license.

(f) Upon receiving notice under paragraph (d), the court must dismiss the charge or the prosecutor must decline to prosecute the individual.

**Subd. 6. Fees held on termination of participant.** (a) Upon termination of the participant in the program under subdivision 5, where there are any held funds and only after the administrator has made payouts on citations and fees, the third-party administrator shall hold remaining participant fees for 12 months from the date of termination under subdivision 5, paragraph (a), clause (1) or (2).

(b) A participant who meets DVS requirements to re-enter the diversion program may use held funds to pay fees to be reinstated into the program.

(c) After 12 months, the administrator shall retain the funds for the work performed during the participant's enrollment period, prior to the participant's termination date in the diversion program.

**Subd. 7. Biennial report.** (a) By February 1 of each even-numbered year, the administrator must report on each city and county that participated in the diversion program and provide a report to each participating city and county, the commissioner, and the legislative committees with jurisdiction over transportation and the judiciary concerning the results of the program. The report must be made available electronically and, upon request, in print. The report must include, without limitation, the effect of the program on:

(1) recidivism rates for participants in the diversion program;

(2) the number of participants who successfully completed the program;

(3) the amount charged to individuals for program fees;

(4) payment of the fees and fines collected in the diversion program to cities, counties, and the state;

(5) the total amount of money collected from participants in the program;

(6) the total amount of money, by category, paid or applied to reinstatement;

(7) educational support provided to participants in the diversion program;

(8) the total number of participants in the diversion program;

(9) the total number of participants terminated from the program under subdivision 5, paragraph (a), clauses (1) to (3);

(10) the reimbursement policy for all payments listed under clause (4); and

(11) the amount of all payments listed under clause (4) retained from participants who were terminated from the program.

(b) The report must include all recommendations made by cities or counties regarding the future of the program and any necessary or suggested legislative changes.

**EFFECTIVE DATE.** This section is effective July 1, 2019. A city or county participating in the diversion program may accept an individual into the program until June 30, 2019. The third party administering the diversion program may collect and disperse fees collected pursuant to Minnesota Statutes, section 171.2405, subdivision 6, paragraph (a), clause (2), through June 30, 2019.

Sec. 6. **[171.325] DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS; REPORTS.**

**Subdivision 1. Issuance, suspensions, and revocations.** (a) Annually by February 15, the commissioner of public safety must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and transportation on the status of driver's licenses issued, suspended, and revoked. The commissioner must make the report available on the department's website.

(b) At a minimum, the report must include:

(1) the total number of driver's licenses issued, suspended, and revoked as of January 1 the year the report is submitted, broken down by county;

(2) for each of the previous eight calendar years, the total number of driver's licenses suspended and the number of suspended licenses reinstated; and

(3) for each of the previous eight calendar years, the total number of driver's licenses revoked and the number of revoked licenses reinstated.

(c) For purposes of paragraph (b), clauses (1), (2), and (3), the report must identify each type of suspension or revocation authorized by statute or rule and include the number of licenses suspended or revoked for each type.

**Subd. 2. Charges, convictions, and fines.** (a) Annually by February 15, the state court administrator must report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and transportation on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle. The administrator must make the report available on the state court's website.

(b) At a minimum, the report must include:

(1) for each of the previous eight calendar years, the number of charges under section 171.24, subdivisions 1 and 2, broken down by the charges for each subdivision and indicating whether the court appointed the public defender to represent the defendant;

(2) for each of the previous eight calendar years, the number of convictions under section 171.24, subdivisions 1 and 2, broken down by the convictions for each subdivision and indicating whether the court appointed the public defender to represent the defendant; and

(3) for the past calendar year, for all charges on violations related to the operation of a motor vehicle and included on the uniform fine schedule authorized under section 609.101, subdivision 4, the percentage of fines, broken down by whether the court appointed the public defender to represent the defendant, which:

(i) were paid in full by the due date on the citation;

(ii) were paid in full through a payment plan;

(iii) accrued late charges;

(iv) were sent to court collections; and

(v) were sent to the Department of Revenue for collection.

Sec. 7. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4, Any vehicle used by an operator to provide transportation service shall~~ must be equipped with wheelchair securement devices ~~which are approved by the commissioner of public safety as meeting that meet~~ the specifications of subdivisions 1 and 2. Only securement devices that meet the requirements of the Americans with Disabilities Act may be used. A wheelchair securement device ~~shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it~~ must be installed and used according to the manufacturer's instructions and Code of Federal Regulations, title 49, section 38.23. Wheelchair securement devices installed in any vehicle ~~shall~~ must be maintained in working order and according to the manufacturer's recommendations.

Sec. 8. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

Subd. 2. **Strength Design requirements.** ~~The strength design requirements for securing the part of a wheelchair that is forward in the vehicle shall be one half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety~~ securement devices must meet the specifications in Code of Federal Regulations, title 49, section 38.23.

Sec. 9. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

Subd. 3. **Maximum number of persons transported.** A vehicle used to provide transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle is set in motion.

Sec. 10. Minnesota Statutes 2018, section 299A.13, is amended to read:

**299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must be equipped with seat belts ~~which that~~ are approved by the commissioner of public safety. The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts ~~shall~~ must be used only to secure the person and ~~shall~~ must not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall~~ must meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall~~ must be placed in the "off" position at all times while the vehicle is in motion.

Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement devices must provide a level-change mechanism or boarding device such as a lift or ramp that complies with Code of Federal Regulations, title 49, section 38.23.

(b) Wheelchair lifts must comply with the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in Code of Federal Regulations, title 49, sections 571.403 and 571.404.

Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair securement device has the duties outlined in this subdivision.

(b) The driver or a person designated by the driver shall ensure that an occupied wheelchair is properly secured before the driver sets the vehicle in motion.

(c) The driver or a person designated by the driver shall ensure that the seat belt assembly is properly adjusted and fastened around the wheelchair user in a manner consistent with the manufacturer's recommendations before the driver sets the vehicle in motion when:

- (1) requested by the wheelchair user;
- (2) the wheelchair user is unable to communicate;
- (3) seat belt usage is required of all passengers in the vehicle; or
- (4) the vehicle is a school bus.

The seat belt assembly must not be fastened if the wheelchair user or other responsible person advises the driver that to do so would aggravate a physical condition of the wheelchair user. If a restraint device is available that would not aggravate the physical condition of the user, it must be fastened in the required manner.

(d) The driver or a person designated by the driver shall ensure that securement devices and seat belt assemblies are retracted, removed, or otherwise stored when not in use to prevent tripping of persons and damage to devices.

Sec. 11. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision 1;~~ and that the securement device is ~~and level-change mechanism or boarding device such as a lift or ramp are~~ in working order; and ~~that the securement device is~~ not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Sec. 12. Minnesota Statutes 2018, section 480.15, is amended by adding a subdivision to read:

Subd. 8a. **Motor vehicle charges and conviction data; report.** The court administrator shall collect, compile, and report the data on (1) charges and convictions for driving after suspension or revocation, and (2) payment of fines for violations related to operation of a motor vehicle, as required under section 171.325.

Sec. 13. Minnesota Statutes 2018, section 609.2112, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the collision leaves the scene of the collision in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance;
- (9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 609.2113, subdivision 1, is amended to read:

Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation resulting in great bodily harm 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 causes great bodily harm to another not constituting attempted murder or assault as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance;

(9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 609.2113, subdivision 2, is amended to read:

Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;

(6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance; ~~;~~

(9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 609.2113, subdivision 3, is amended to read:

Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in bodily harm and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
  - (i) alcohol;
  - (ii) a controlled substance; or
  - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while under the influence of an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6; ~~or~~
- (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance;
- (9) in a negligent manner while the driver is in violation of section 169.475; or

(10) in a negligent manner while the person's driver's license or driving privilege has been suspended, revoked, or canceled or the person has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle pursuant to:

(i) section 169.89, subdivision 5; 169A.52; 169A.54; 171.05, subdivision 2b, paragraph (d); 171.13, subdivision 3 or 4; 171.17, subdivision 1, paragraph (a), clause (1) or (10); 171.177; 171.18, subdivision 1, paragraph (a), clause (2), (3), (4), (5), or (11); 171.32; or 260B.225, subdivision 9; or a violation of section 169.13; 169.21; 169.444; 609.19, subdivision 1, clause (2); or 609.487, subdivisions 3 to 5; or any violation of chapter 169A; or

(ii) a law from another state similar to those described in item (i).

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 17. Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended by Laws 2010, chapter 197, section 1, Laws 2011, chapter 87, section 1, subdivision 9, Laws 2013, chapter 127, section 60, and Laws 2017, chapter 95, article 3, section 29, is amended to read:

Subd. 9. **Sunset; transition.** A city or county participating in this pilot program may accept an individual for diversion into the pilot program ~~until June 30, 2019, and~~ the third party administering the diversion program may collect and disburse fees collected pursuant to subdivision 6, paragraph (a), clause (2), ~~through December 31, 2020~~ until the day following the date the permanent diversion program established under Minnesota Statutes, section 171.2405, is effective, at which time the pilot program under this section expires. An individual participating in but who has not completed the pilot program on the date the pilot program expires is automatically transferred and enrolled in the permanent diversion program under Minnesota Statutes, section 171.2405, and credited for any fees paid or activities completed under the pilot program.

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

Sec. 18. **RETROACTIVE DRIVER'S LICENSE REINSTATEMENT.**

(a) The commissioner of public safety must make an individual's driver's license eligible for reinstatement if the license is solely suspended pursuant to:

(1) Minnesota Statutes 2018, section 169.92, subdivision 4;

(2) Minnesota Statutes 2018, section 171.16, subdivision 2, if the person was convicted only under Minnesota Statutes, section 171.24, subdivision 1 or 2;

(3) Minnesota Statutes 2018, section 171.16, subdivision 3; or

(4) any combination of clauses (1), (2), and (3).

(b) By December 1, 2019, the commissioner must provide written notice to an individual whose license has been made eligible for reinstatement under paragraph (a), addressed to the licensee at the licensee's last known address.

(c) Notwithstanding any law to the contrary, before the license is reinstated, an individual whose driver's license is eligible for reinstatement under paragraph (a) must pay a reinstatement fee of \$20.

(d) The following applies for an individual who is eligible for reinstatement under paragraph (a), and whose license was suspended, revoked, or canceled under any other provision in Minnesota Statutes:

(1) the suspension, revocation, or cancellation under any other provision in Minnesota Statutes remains in effect;

(2) subject to clause (1), the individual may become eligible for reinstatement under paragraph (a); and

(3) the commissioner is not required to send the notice described in paragraph (b).

(e) Paragraph (a) applies notwithstanding Minnesota Statutes 2018, sections 169.92, subdivision 4; 171.16, subdivision 2 or 3; or any other law to the contrary.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 19. **TRAFFIC STOP STUDY.**

Subdivision 1. **Study requirements.** (a) The commissioner of public safety must identify a qualified research organization which shall conduct a study to determine what impact, if any, changes in traffic laws since 2003 have had on traffic stops in Minnesota including whether changes resulted in a disproportionate impact in any geographic area or on any demographic group.

(b) The study shall identify significant changes in traffic law enacted since 2003 including, but not limited to:

(1) the adoption of Minnesota Statutes, section 169.475;

(2) amendments to Minnesota Statutes, section 169.475, effective August 1, 2019;

(3) changes to Minnesota Statutes, section 169.686, enacted pursuant to Laws 2009, chapter 165, section 2; and

(4) changes to Minnesota Statutes, section 169A.20, enacted pursuant to Laws 2004, chapter 283, section 3.

(c) The grant recipient shall coordinate with local law enforcement agencies and the Minnesota State Patrol to obtain and collect relevant data on traffic stops. Data shall be collected as provided by law, rule, or policy of the law enforcement agency. Nothing in this section requires any law enforcement agency to collect additional data.

(d) The grant recipient shall analyze the data obtained or collected based on factors including, but not limited to, the geographic area in which the stop took place and demographic information of the driver.

(e) To the extent possible, the study shall compare data obtained and collected under paragraph (c) with data collected pursuant to Laws 2001, First Special Session chapter 8, article 7, section 6.

(f) The grant recipient shall coordinate with the commissioner of public safety and law enforcement agencies to ensure the confidentiality of data obtained or collected.

Subd. 2. **Report.** By February 15, 2021, the grant recipient must provide a report to the commissioner of public safety and the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over transportation and criminal justice policy on the results of the study.

Sec. 20. **REPEALER.**

Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

ARTICLE 9  
PRETRIAL RELEASE, SENTENCING,  
PROBATION, AND DIVERSION

Section 1. Minnesota Statutes 2018, section 244.05, subdivision 4, is amended to read:

Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph (a), must not be given supervised release under this section.

(b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

(e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this section without having served a minimum term of imprisonment of 25 years.

(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) who was under 18 years of age at the time of the commission of the offense must not be given supervised release under this section without having served a minimum term of imprisonment of 25 years.

Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.106, subdivision 3; 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The commissioner may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 3. Minnesota Statutes 2018, section 244.09, subdivision 6, is amended to read:

Subd. 6. **Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing and probation practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, probation terms, conditions of probation, probation revocations, plea bargaining, recidivism, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing and probation.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in Laws 2016, chapter 160.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 244.09, subdivision 8, is amended to read:

Subd. 8. **Administrative services.** The commissioner of corrections shall provide adequate office space and administrative services for the commission, and the commission shall reimburse the commissioner for the space and services provided. The commission may also utilize, with their consent, the services, equipment, personnel, information and resources of other state agencies; and may accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from, and establish data integrations with, any agency of the state, or any of its political subdivisions, to the extent authorized by law.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

Sec. 6. **[260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE OFFENDERS AUTHORIZED.**

(a) A peace officer may refer a child that the officer has the lawful authority to arrest or has arrested to a program that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) This section does not apply to violent felony offenses or to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

(c) A program authorized by this section may defer prosecution of juvenile offenders who agree to complete appropriate conditions. Upon completion of the conditions, the charge shall be dismissed. Both petty offenders and delinquents are eligible for referrals under this section.

Sec. 7. Minnesota Statutes 2018, section 260B.176, is amended by adding a subdivision to read:

Subd. 1a. **Risk assessment instrument.** A person making a release decision under subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument developed by the commissioner, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative. The risk assessment instrument must assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing. The instrument must identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or

placement in a noncustodial community-based supervision setting. The instrument must also identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing.

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

Sec. 8. Minnesota Statutes 2018, section 590.01, subdivision 4, is amended to read:

Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than two years after the later of:

(1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

(2) an appellate court's disposition of petitioner's direct appeal.

(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief if:

(1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim;

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;

(3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or a Minnesota appellate court and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case;

(4) the petition is brought pursuant to subdivision 3; ~~or~~

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice; ~~or~~

(6) the petitioner: (i) is placed into immigration removal proceedings; (ii) is detained for the purpose of removal from the United States; (iii) can provide evidence showing that removal from the United States has become more likely than not; or (iv) is unable to apply for an immigration benefit, such as naturalization or travel, due to the criminal conviction.

(c) Any petition invoking an exception provided in paragraph (b) must be filed within two years of the date the claim arises. A claim arises when the petitioner has actual knowledge of the legal or factual basis for that claim.

Sec. 9. Minnesota Statutes 2018, section 590.11, subdivision 1, is amended to read:

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

(b) "Exonerated" means that:

(1) a court ~~of this state:~~

(i) vacated or, reversed, or set aside a judgment of conviction on grounds consistent with innocence and there are no remaining felony charges in effect against the petitioner from the same behavioral incident, or if there are remaining felony charges against the petitioner from the same behavioral incident, the prosecutor dismissed the dismisses those remaining felony charges; or

(ii) ordered a new trial on grounds consistent with innocence and the prosecutor dismissed the charges or the petitioner was found not guilty at the new trial all felony charges against the petitioner arising from the same behavioral incident or the petitioner was found not guilty of all felony charges arising from the same behavioral incident at the new trial; and

(2) the time for appeal of the order resulting in exoneration has expired or the order has been affirmed and is final; and

(3) 60 days have passed since the judgment of conviction was reversed or vacated, and the prosecutor has not filed any felony charges against the petitioner from the same behavioral incident, or if the prosecutor did file felony charges against the petitioner from the same behavioral incident, those felony charges were dismissed or the defendant was found not guilty of those charges at the new trial.

(c) "On grounds consistent with innocence" means either:

(1) exonerated, through a pardon or sentence commutation, based on factual innocence; or

(2) exonerated because the judgment of conviction was vacated or reversed, or a new trial was ordered, and there is any evidence of factual innocence whether it was available at the time of investigation or trial or is newly discovered evidence.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 10. Minnesota Statutes 2018, section 590.11, subdivision 2, is amended to read:

Subd. 2. **Procedure.** A petition for an order declaring eligibility for compensation based on exoneration under sections 611.362 to 611.368 must be brought before the district court where the original conviction was obtained. The state must be represented by the office of the prosecutor that obtained the conviction or the prosecutor's successor. Within 60 days after the filing of the petition, the prosecutor must respond to the petition. A petition must be brought within two years, but no less than 60 days after the petitioner is exonerated. ~~Persons released from custody after being exonerated before July 1, 2014, must commence an action under this section within two years of July 1, 2014. If before July 1, 2019, a person did not meet both requirements of Minnesota Statutes 2018, section 590.11, subdivision 1, clause (1), item (i), and did not file a petition or the petition was denied, that person may commence an action meeting the requirements under subdivision 1, paragraph (b), clause (1), item (i), on or after July 1, 2019, and before July 1, 2021.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 11. Minnesota Statutes 2018, section 590.11, subdivision 5, is amended to read:

Subd. 5. **Elements.** (a) A claim for compensation arises if a person is eligible for compensation under subdivision 3 and:

(1) the person was convicted of a felony and served any part of the imposed sentence in prison;

(2) in cases where the person was convicted of multiple charges arising out of the same behavioral incident, the person was exonerated for all of those charges;

(3) the person did not commit or induce another person to commit perjury or fabricate evidence to cause or bring about the conviction; and

(4) the person was not serving a term of ~~imprisonment~~ incarceration for another crime at the same time, ~~provided that~~ except:

(i) if the person served additional time in prison or jail due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served in prison or jail during which the person was serving no other sentence; or

(ii) if the person served additional executed sentences that had been previously stayed, and the reason the additional stayed sentences were executed was due to the conviction that is the basis for the claim.

(b) A claimant may make a claim only for that portion of time served in prison or jail during which the claimant was serving no other sentence, unless the other sentence arose from the circumstances described in paragraph (a), clause (4), item (ii).

(c) A confession or admission later found to be false or a guilty plea to a crime the claimant did not commit does not constitute bringing about the claimant's conviction for purposes of paragraph (a), clause (3).

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 12. Minnesota Statutes 2018, section 590.11, subdivision 7, is amended to read:

Subd. 7. **Order.** If, after considering all the files and records admitted and any evidence admitted at a hearing held pursuant to subdivision 4, the court determines that the petitioner is eligible for compensation, the court shall issue an order containing its findings and, if applicable, indicate the portion of the term of ~~imprisonment~~ incarceration for which the petitioner is entitled to make a claim. The court shall notify the petitioner of the right to file a claim for compensation under sections 611.362 to 611.368 and provide the petitioner with a copy of those sections. The petitioner must acknowledge receipt of the notice and a copy of those sections in writing or on the record before the court.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 13. Minnesota Statutes 2018, section 609.106, subdivision 2, is amended to read:

Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

(1) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (1), (2), (4), or (7);

(2) the person is convicted of committing first-degree murder in the course of a kidnapping under section 609.185, paragraph (a), clause (3); or

(3) the person is convicted of first-degree murder under section 609.185, paragraph (a), clause (3), (5), or (6), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime.

Sec. 14. Minnesota Statutes 2018, section 609.106, is amended by adding a subdivision to read:

Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person who was under 18 years of age at the time of the commission of an offense under the circumstances described in subdivision 2 to imprisonment for life.

Sec. 15. Minnesota Statutes 2018, section 609.115, is amended by adding a subdivision to read:

Subd. 11. **Family impact statement.** (a) If the defendant is a parent, guardian, or caregiver of a minor child, and if the defendant may be sentenced to a term of imprisonment, the court may order that the officer preparing the report under subdivision 1 prepare a family impact statement for the purpose of providing the court with information regarding sentencing options other than a term of imprisonment. The family impact statement must address the impact on any minor child and other family members that would result if the defendant is sentenced to a term of imprisonment including, but not limited to, the impact on the financial needs of the child and other family members; the relationship between the defendant and the child; the defendant's duties and responsibilities as a parent, guardian, or caregiver of the child; the availability of community and family support for the child; and the likely impact on the child's health, safety, and education.

(b) At sentencing, the court may consider whether, based on the information in the family impact statement, the defendant is particularly amenable to probation.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to presentence investigation reports caused to be made on or after that date.

Sec. 16. Minnesota Statutes 2018, section 609.135, subdivision 1a, is amended to read:

Subd. 1a. **Failure to pay restitution.** If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant's probation officer may, on the prosecutor's or the officer's own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant's probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(e)~~ (i), before the defendant's term of probation expires.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104 when a defendant fails to pay court-ordered restitution.

Sec. 17. Minnesota Statutes 2018, section 609.135, subdivision 1c, is amended to read:

Subd. 1c. **Failure to complete court-ordered treatment.** If the court orders a defendant to undergo treatment as a condition of probation and if the defendant fails to successfully complete treatment at least 60 days before the term of probation expires, the prosecutor or the defendant's probation officer may ask the court to hold a hearing to determine whether the conditions of probation should be changed or probation should be revoked. The court shall schedule and hold this hearing and take appropriate action, including action under subdivision 2, paragraph ~~(h)~~ (i), before the defendant's term of probation expires.

Sec. 18. Minnesota Statutes 2018, section 609.135, subdivision 2, is amended to read:

Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony other than ~~section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, or Minnesota Statutes 2012, section 609.21, subdivision 1a, paragraph (b) or (c)~~ an offense listed in paragraph (b), the stay shall be for not more than ~~four~~ five years ~~or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.~~

(b) If the conviction is for a felony violation of section 609.19, 609.195, 609.20, 609.2662, 609.2663, 609.2664, 609.268, 609.342, 609.343, 609.344, 609.345, or 609.3451, the stay shall be for the maximum time period for which the sentence of imprisonment might have been imposed by the court.

~~(b)~~ (c) If the conviction is for a gross misdemeanor violation of section 169A.20, 609.2113, subdivision 3, or 609.3451, or for a felony described in section 609.2113, subdivision 1 or 2, or 609.2114, subdivision 2, the stay shall be for not more than six ~~five~~ years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

~~(e)~~ (d) If the conviction is for a gross misdemeanor not specified in paragraph ~~(b)~~ (c), the stay shall be for not more than two years.

~~(d)~~ (e) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

~~(e)~~ (f) If the conviction is for a misdemeanor not specified in paragraph ~~(d)~~ (e), the stay shall be for not more than one year.

~~(f)~~ (g) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under ~~paragraph (g)~~ paragraphs (h) through (l), or the defendant has already been discharged.

(h) If the defendant has received a stayed sentence for a conviction of a felony offense and as a condition of probation was ordered by the court to pay restitution, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence, the amount of any unpaid court-ordered restitution. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

The extension of probation for failure to pay restitution may be extended by the court for up to two additional years if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes. Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(i) If the defendant has received a stayed sentence for a conviction of a felony offense and as a condition of probation was ordered to successfully complete treatment, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence as to whether the defendant has successfully completed court-ordered treatment. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

The extension of probation for failure to successfully complete court-ordered treatment may be extended by the court for up to an additional two years if the court finds, at another hearing conducted under subdivision 1c, that the defendant still has not successfully completed the court-ordered treatment.

~~(g)~~ (j) Notwithstanding the maximum periods specified for stays of sentences under paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

- (1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and
- (2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

~~(h)~~ (k) Notwithstanding the maximum periods specified for stays of sentences under paragraphs ~~(a)~~ (c) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

- (1) the defendant has failed to complete court-ordered treatment successfully; and
- (2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

(l) If the defendant has received a stayed sentence for a conviction of a violent crime as defined under section 609.1095, subdivision 1, paragraph (d), except violations of any provisions of chapter 152, the probation officer, or the court if the defendant is on unsupervised probation, shall notify the prosecuting authority six months prior to the expiration or early discharge of a stayed sentence that the stayed sentence will expire or that the defendant will be discharged early from a stayed sentence. Notwithstanding the maximum periods specified for stays of sentences under paragraph (a) or (b), upon motion by the prosecuting authority and hearing, a court may extend a defendant's term of probation up to three years if it finds by a preponderance of the evidence that the defendant remains a threat to public safety. In making this determination, the court shall consider the following:

- (1) the seriousness and frequency of any previous violations of the conditions of probation;
- (2) any pending probation violations or criminal offenses for which a violation report or criminal charge has been filed with a court;
- (3) whether the defendant has been convicted of additional criminal offenses while on probation; and
- (4) whether the court issued a domestic abuse no contact order pursuant to section 629.75, subdivision 1, and whether such an order remains in effect.

Upon motion of the prosecuting authority and hearing, the extension of probation on the basis that the defendant remains a threat to public safety may be extended by the court for up to two additional years if the court, using the same factors as above, finds by a preponderance of the evidence that the defendant remains a threat to public safety. Any extensions of probation ordered by the court under this subdivision may not exceed the maximum period for which the sentence of imprisonment might have been imposed.

(m) Notwithstanding the time periods for stays of sentences under paragraphs (a) to (f), a court may discharge a defendant from probation before the expiration of the maximum period prescribed for the probation. If the defendant is discharged from probation before the expiration of the maximum period prescribed for probation, the defendant shall not be subject to a custody status point if charged and convicted of a subsequent crime during the original pronounced probationary sentence.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to stays of sentence granted on or after that date.

Sec. 19. Minnesota Statutes 2018, section 609.135, is amended by adding a subdivision to read:

**Subd. 2a. Stay of sentence maximum periods; sentence stayed before August 1, 2019.** (a) Notwithstanding the sentence announced by the court, an eligible offender shall be discharged from probation on August 1, 2024, unless the court extends the defendant's term of probation consistent with subdivision 2, paragraph (h), (i), or (l).

(b) As used in this section, "eligible offender" means a person who:

(1) was sentenced prior to August 1, 2019, for a felony offense other than an offense listed in subdivision 2, paragraph (b);

(2) received a stay of imposition or execution of sentence pursuant to subdivision 1;

(3) has not been discharged from probation; and

(4) is serving a sentence that has not otherwise expired or been executed.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 20. Minnesota Statutes 2018, section 609.3455, subdivision 2, is amended to read:

**Subd. 2. Mandatory life sentence without release; egregious first-time and repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

(c) The court shall sentence a person who was under 18 years of age at the time of the commission of an offense described in paragraph (a) to imprisonment for life.

Sec. 21. Minnesota Statutes 2018, section 609A.02, is amended by adding a subdivision to read:

**Subd. 1a. Identity theft or mistaken identity.** (a) Upon the dismissal and discharge of criminal proceedings brought against a person as a result of mistaken identity or another person using the identifying information of the named person by identity theft under section 609.527, the prosecutor shall notify the court of the dismissal and

discharge under section 609A.025. The court administrator under section 609A.03, subdivision 8, shall send a copy of the expungement order to each state and federal agency and jurisdiction, including but not limited to the Departments of Corrections and Public Safety and law enforcement agencies, whose records are affected by the order.

(b) The condition under section 299C.11, subdivision 1, that an arrested person's criminal records may only be destroyed or sealed if the arrested person has not been convicted of any felony or gross misdemeanor within ten years immediately preceding the determination of all criminal actions or proceedings in favor of the arrested person, does not apply to a person who, as a result of mistaken identity or identity theft, is charged and:

(1) the charges are dismissed prior to a determination of probable cause or the prosecutor declined to file charges and a grand jury did not return an indictment; or

(2) all criminal actions or proceedings are determined in favor of the arrested person.

(c) The effect of the court order to seal the record of the proceedings under paragraph (a) shall be to restore the person, under the law, to the status the person occupied before the arrest, indictment or information, trial, and dismissal and discharge. The person shall not be guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose. The person shall not be responsible for any fees or costs resulting from the court order including but not limited to reinstatement fees of any licenses or the costs of sealing records.

(d) For the purposes of this section, the following terms have the meanings given them:

(1) "law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Enforcement Division of the Department of Natural Resources, the Commerce Fraud Bureau, the Bureau of Criminal Apprehension, or the Minnesota State Patrol; and

(2) "mistaken identity" means the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime, or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime.

Sec. 22. Minnesota Statutes 2018, section 609A.025, is amended to read:

**609A.025 NO PETITION REQUIRED IN CERTAIN CASES WITH PROSECUTOR AGREEMENT AND NOTIFICATION.**

(a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the criminal record for a person described in section 609A.02, subdivision 1a or 3, without the filing of a petition unless it determines that the interests of the public and public safety in keeping the record public outweigh the disadvantages to the subject of the record in not sealing it.

(b) Before agreeing to the sealing of a record under this section, the prosecutor shall make a good faith effort to notify any identifiable victims of the offense of the intended agreement and the opportunity to object to the agreement.

(c) Subject to paragraph (b), the agreement of the prosecutor to the sealing of records for a person described in section 609A.02, subdivision 1a or 3, paragraph (a), clause (2), may occur before or after the criminal charges are dismissed.

Sec. 23. Minnesota Statutes 2018, section 611.365, subdivision 2, is amended to read:

Subd. 2. **Reimbursement; monetary damages; attorney fees.** (a) The claimant is entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In addition, the claimant is entitled to monetary damages of not less than \$50,000 for each year of ~~imprisonment~~ incarceration, and not less than \$25,000 for each year served on supervised release or probation or as a registered predatory offender, to be prorated for partial years served. In calculating additional monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense;

(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred as a result of the claimant's ~~imprisonment~~ incarceration;

(3) noneconomic damages for personal physical injuries or sickness and any nonphysical injuries or sickness incurred as a result of ~~imprisonment~~ incarceration;

(4) reimbursement for any tuition and fees paid for each semester successfully completed by the claimant in an educational program or for employment skills and development training, up to the equivalent value of a four-year degree at a public university, and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university;

(5) reimbursement for paid or unpaid child support payments owed by the claimant that became due, and interest on child support arrearages that accrued, during the time served in prison provided that there shall be no reimbursement for any child support payments already owed before the claimant's incarceration; and

(6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for immediate services secured by the claimant upon exoneration and release, including housing, transportation and subsistence, reintegrative services, and medical and dental health care costs.

(b) The panel shall award the claimant reasonable attorney fees incurred in bringing a claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for compensation based on exoneration under chapter 590.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 24. Minnesota Statutes 2018, section 611.365, subdivision 3, is amended to read:

Subd. 3. **Limits on damages.** There is no limit on the aggregate amount of damages that may be awarded under this section. Damages that may be awarded under subdivision 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of ~~imprisonment~~ incarceration and \$50,000 per year served on supervised release or probation or as a registered predatory offender.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 25. Minnesota Statutes 2018, section 611.367, is amended to read:

**611.367 COMPENSATING EXONERATED PERSONS; APPROPRIATIONS PROCESS.**

The compensation panel established in section 611.363 shall forward an award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the award to the legislature for consideration as an appropriation ~~during the next session of the legislature.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 26. Minnesota Statutes 2018, section 611.368, is amended to read:

**611.368 SHORT TITLE.**

Sections 611.362 to 611.368 shall be cited as the "~~Imprisonment~~ Incarceration and Exoneration Remedies Act."

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 27. Minnesota Statutes 2018, section 611A.039, subdivision 1, is amended to read:

Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case.

(b) The probation agent or office responsible for supervising an offender, or the agent's or office's designee, shall make a reasonable and good faith effort to notify each affected crime victim within a reasonable time after the court orders an offender discharged early from probation.

(c) When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

(1) the date and approximate time of the review;

(2) the location where the review will occur;

(3) the name and telephone number of a person to contact for additional information; and

(4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

(d) As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Sec. 28. Minnesota Statutes 2018, section 629.53, is amended to read:

**629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.**

Subdivision 1. **Pretrial release.** A person charged with a criminal offense may be released with or without bail in accordance with rule 6.02 of the Rules of Criminal Procedure and this section. To the extent a court determines there is a conflict between rule 6.02 of the Rules of Criminal Procedure and this section, this section shall control.

Subd. 2. **Release of a person charged with a misdemeanor offense.** (a) A defendant charged with a misdemeanor offense, other than a violation identified in paragraph (e), must be released on personal recognizance unless the court determines that there is a substantial likelihood that the defendant will not appear at future court proceedings or poses a threat to a victim's safety.

(b) If the court determines that there is a substantial likelihood that a defendant will not appear at future court appearances, the court must impose the least restrictive conditions of release that will reasonably assure the person's appearance as ordered. These conditions of release include but are not limited to an unsecured appearance bond or money bail on which the defendant may be released by posting cash or sureties. If the court sets conditions of release other than an unsecured appearance bond or money bail, it must also set money bail without other conditions on which the defendant may be released.

(c) The court must not impose a financial condition of release on a defendant subject to this subdivision that results in the pretrial detention of the defendant. Financial conditions of release include but are not limited to money bail.

(d) If a defendant subject to this subdivision remains in custody for more than 48 hours after the court imposes a financial condition of release, the court must review the conditions of release and there exists a rebuttable presumption that the financial condition resulted in the pretrial detention of the defendant.

(e) This subdivision does not apply to violations of:

(1) section 169A.20;

(2) section 518B.01;

(3) section 609.224;

(4) section 609.2242;

(5) section 609.748;

(6) section 609.749; and

(7) section 629.75.

(f) If a defendant released pursuant to paragraph (a) or (b) fails to appear at a required court hearing, the court shall issue a summons or warrant directing that the defendant appear in court pursuant to rule 6.03 of the Rules of Criminal Procedure.

Subd. 3. **Presumption of release on personal recognizance.** Except as described in subdivision 2, on appearance before the court, a defendant charged with a misdemeanor must be released on personal recognizance or an unsecured appearance bond unless otherwise provided by law, or a court determines that release will endanger the public safety, a victim's safety, or will not reasonably assure the defendant's appearance.

**Subd. 4. Money bail; disposition.** Money bail is the property of the accused, whether deposited by that person or by a third person on the accused's behalf. When money bail is accepted by a judge, that judge shall order it to be deposited with the court administrator. The court administrator shall retain it until the final disposition of the case and the final order of the court disposing of the case. Upon release, the amount released must be paid to the accused personally or upon that person's written order. In case of conviction, the judge may order the money bail deposit to be applied to any fine or restitution imposed on the defendant by the court and, if the fine or restitution is less than the deposit, order the balance to be paid to the defendant. Money bail deposited with the court or any officer of it is exempt from garnishment or levy under attachment or execution.

**EFFECTIVE DATE.** This section is effective August 1, 2019.

Sec. 29. Minnesota Statutes 2018, section 638.02, subdivision 3, is amended to read:

**Subd. 3. Pardon extraordinary; filing; copies sent.** Upon granting a pardon extraordinary, the Board of Pardons shall file a copy of it with the district court of the county in which the conviction occurred, ~~and the court shall order the conviction set aside and include a copy of the pardon in the court file.~~ The court shall order all records wherever held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the opening of the records except under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1). The court shall send a copy of its order and the pardon to the Bureau of Criminal Apprehension and all other government entities that hold affected records.

Sec. 30. Laws 2017, chapter 95, article 3, section 30, is amended to read:

**Sec. 30. ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.** (a) Agencies providing supervision to offenders on probation, parole, or supervised release are eligible for grants to facilitate access to community options including, but not limited to, inpatient chemical dependency treatment for nonviolent controlled substance offenders to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of release. For purposes of this section, "nonviolent controlled substance offender" is a person who meets the criteria described under Minnesota Statutes, section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a court order of probation, condition of parole, or condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

(b) The Department of Corrections shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient.

(c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit a an annual report to the chairs of the house of representatives and senate committees with jurisdiction over public safety policy and finance by January 15 of each year. At a minimum, the report must include:

- (1) the total number of grants issued under this program;
- (2) the average amount of each grant;
- (3) the community services accessed as a result of the grants;
- (4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;
- (5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; ~~and~~

(6) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant, separating technical violations and new criminal offenses-;

(7) the number of individuals who completed or were discharged from probation after participating in the program;

(8) the number of individuals identified in clause (7) who committed a new offense within four years after discharge from the program;

(9) identification of barriers nonviolent controlled substance offenders face in accessing community services and a description of how the program navigates those barriers; and

(10) identification of gaps in existing community services for nonviolent controlled substance offenders.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 31. **GRANTS TO FACILITATE EXIT FROM SUPERVISED RELEASE.**

(a) The commissioner of corrections shall provide grants to facilitate access to community options for supervised offenders. The commissioner shall establish criteria for selecting grant recipients and the amount awarded to each grant recipient, with a preference for how recipients will enhance existing supervision and services.

(b) By January 15, 2021, the commissioner of corrections shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over public safety policy and finance. At a minimum, the report must include:

(1) the total number of grants issued under this program;

(2) the average amount of each grant;

(3) the community services accessed as a result of the grants;

(4) a summary of the type of supervision offenders were under when a grant was used to help access a community option;

(5) the number of individuals who completed, and the number who failed to complete, programs accessed as a result of this grant; and

(6) the number of individuals who violated the terms of release following participation in a program accessed as a result of this grant, separating technical violations and new criminal offenses.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 32. **RULE SUPERSEDED.**

Minnesota Rules of Juvenile Delinquency Procedure, rule 2.03, subdivision 1, is superseded to the extent it conflicts with Minnesota Statutes, section 260B.008.

Sec. 33. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

By July 1, 2020, each judicial district shall develop a protocol to address how to implement and comply with Minnesota Statutes, section 260B.008. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, and public defenders within the district, as well as any other entity deemed necessary by the district's chief judge.

Sec. 34. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT INSTRUMENT.**

Subdivision 1. **Adoption required.** By September 15, 2020, the commissioner of corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument.

Subd. 2. **Consultation required.** In adopting the risk assessment instrument required in subdivision 1, the commissioner shall consult and collaborate with the commissioners of public safety and human services, state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative, and individuals throughout the state who are knowledgeable in matters relating to the detention and treatment of juvenile offenders and at-risk juveniles including but not limited to individuals from the courts, probation, law enforcement, prosecutorial offices, public defender's offices, communities of color, social services, juvenile detention and shelter care facilities, and juvenile residential treatment and correctional facilities. The commissioner shall also review similar risk assessment instruments in use both inside and outside of the state.

Sec. 35. **SPECIALIZED MENTAL HEALTH COMMUNITY SUPERVISION.**

Subdivision 1. **Authorization.** The commissioner of corrections shall award grants to up to two counties with no mental health specialty court to develop and implement a pilot project to evaluate the impact of a coordinated, multidisciplinary service delivery approach for offenders on probation, parole, supervised release, or pretrial status struggling with mental illness in the community. The pilot project is from July 1, 2019, to June 30, 2021.

Subd. 2. **Pilot project goals and design.** (a) The pilot project must provide enhanced assessment, case management, treatment services, and community supervision for criminal justice clients with mental illness struggling to manage symptoms and behavior resulting in heightened risk to harm self or others, recidivate, commit violations of supervision, or face incarceration or reincarceration.

(b) The goals of the pilot project are to:

(1) improve mental health service delivery and supervision coordination through the establishment of a multidisciplinary caseload management team that must include at least one probation officer and one social services professional who share case management responsibilities;

(2) provide expedited assessment, diagnosis, and community-based treatment and programming for acute symptom and behavior management;

(3) enhance community supervision through a specialized caseload and team specifically trained to work with individuals with mental illness;

(4) offer community-based mental health treatment and programming alternatives to jail or prison incarceration if available and appropriate;

(5) reduce the number of incarceration days related to unmanaged mental illness and technical violations;

(6) eliminate or reduce duplication of services between county social services and corrections; and

(7) improve collaboration and reduce barriers among criminal justice system partners, county social services, and community service providers.

Subd. 3. **Target population.** The target population of the pilot project is:

(1) adult offenders on probation, parole, supervised release, or pretrial status assessed with significant or unmanaged mental illness or acute symptoms who may pose a risk to self or others, pose an increased risk to recidivate, or commit technical violations of supervision;

(2) adult offenders receiving county social service case management for mental illness and under correctional supervision in a county with no mental health specialty court; and

(3) adult offenders incarcerated in jail with significant or unmanaged mental illness who may be safely treated in a community setting under correctional supervision.

Subd. 4. **Evaluation and report.** By October 1, 2021, grant recipients must report to the chairs and ranking members of the legislative committees and divisions with jurisdiction over public safety and corrections, and the commissioner of corrections, on the impact and outcomes of the project.

Sec. 36. **TASK FORCE ON THE IMPLEMENTATION OF DOSAGE PROBATION.**

Subdivision 1. **Establishment.** A task force on the implementation of dosage probation is established to analyze dosage probation and earned time credit programs, develop a comprehensive plan for implementation of dosage probation in Minnesota, and recommend possible legislative action.

Subd. 2. **Membership.** (a) The task force consists of 16 members as follows:

(1) the chief justice of the supreme court or a designee;

(2) one district court judge appointed by the chief justice of the supreme court;

(3) the state public defender or a designee;

(4) one county attorney appointed by the board of directors of the Minnesota County Attorneys Association;

(5) one city attorney;

(6) the commissioner of corrections or a designee;

(7) one probation officer from a Community Corrections Act county in the metropolitan area;

(8) one probation officer from a Community Corrections Act county in greater Minnesota;

(9) one probation officer from the Department of Corrections;

(10) one county probation officer as described in Minnesota Statutes, section 244.19;

(11) one peace officer, as defined in Minnesota Statutes, section 626.84, from the metropolitan area;

(12) one peace officer, as defined in Minnesota Statutes, section 626.84, from greater Minnesota;

(13) two individuals who have been convicted of a felony offense and served a sentence of probation;

(14) a representative from a nonprofit agency providing treatment services to individuals on probation in the metropolitan area; and

(15) a representative from a nonprofit agency providing treatment services to individuals on probation in greater Minnesota.

(b) For purposes of this subdivision, "metropolitan area" has the meaning given in Minnesota Statutes, section 473.121, subdivision 2, and "greater Minnesota" has the meaning given in Minnesota Statutes, section 116J.8738, subdivision 1, paragraph (e).

(c) Members of the task force serve without compensation.

(d) Unless otherwise specified, members shall be appointed by the commissioner of corrections. Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

**Subd. 3. Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The commissioner of corrections shall convene the first meeting of the task force no later than August 1, 2019, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

(c) The task force shall meet at least quarterly or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

(d) The task force shall request the cooperation and assistance of tribal governments, nongovernmental organizations, community and advocacy organizations working with adults on probation, and academic researchers and experts.

**Subd. 4. Duties.** (a) The duties of the task force shall, at a minimum, include:

(1) reviewing and examining the dosage probation model of the National Institute of Corrections;

(2) reviewing and assessing current supervision models in use in Minnesota, including specialty courts and any pilot projects;

(3) reviewing and assessing probation models in use in other states;

(4) recommending training for judges, county attorneys, city attorneys, public defenders, and probation agents;

(5) identifying gaps in existing services, supports, and housing for individuals on probation;

(6) developing a comprehensive plan to implement a dosage probation model in Minnesota; and

(7) reviewing existing Minnesota law and proposing amendments or new statutory provisions.

(b) At its discretion, the task force may examine other related issues consistent with this section.

Subd. 5. **Report.** On or before January 15, 2020, the task force shall report to the chairs and ranking members of the legislative committees and divisions with jurisdiction over public safety on the work of the task force including but not limited to the issues to be examined in subdivision 1. The report shall include an assessment of the effect adopting dosage probation would be expected to have on public safety, probation supervision, and the Department of Corrections; the comprehensive plan developed under subdivision 4; and any recommended legislative action.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 37. **SENTENCING GUIDELINES; MODIFICATIONS.**

(a) By January 15, 2020, the Sentencing Guidelines Commission shall propose to the legislature modifications to the sentencing guidelines, including the guidelines grid, establishing probation guidelines or early discharge targets. When proposing the modifications, the commission must advise the legislature how the probation guidelines or early discharge targets will work in conjunction with the procedural requirements imposed by the U.S. Supreme Court decision in Blakely v. Washington, 542 U.S. 296 (2004), and make recommendations regarding statutory changes that may be needed to facilitate their operation.

(b) Modifications proposed by the commission under this section are effective August 1, 2020, unless the legislature by law provides otherwise.

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

Sec. 38. **EFFECTIVE DATE.**

Sections 1, 2, 13, 14, and 20 are effective the day following final enactment and apply to offenders sentenced on or after that date, and retroactively to offenders sentenced to life imprisonment without possibility of release following a conviction under Minnesota Statutes, section 609.185, paragraph (a), clause (1), (2), (4), or (7), for an offense committed when the offender was under 18 years of age and when a sentence was imposed pursuant to Minnesota Statutes, section 609.106, subdivision 2, clause (1).

ARTICLE 10  
FIREFIGHTERS

Section 1. Minnesota Statutes 2018, section 299N.01, subdivision 2, is amended to read:

Subd. 2. **Fire department.** "Fire department" means a regularly organized fire department, fire protection district, or fire company, ~~as defined in the State Fire Code adopted under section 326B.02, subdivision 6,~~ regularly charged with the responsibility of providing fire protection to the state or a local government and includes a private nonprofit fire department directly serving a local government. It does not include industrial fire brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 2. Minnesota Statutes 2018, section 299N.01, subdivision 3, is amended to read:

Subd. 3. **Firefighter.** "Firefighter" means a volunteer, paid on-call, part-time, or ~~career~~ full-time firefighter serving a general population within the boundaries of the state.

Sec. 3. Minnesota Statutes 2018, section 299N.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** Notwithstanding any provision of chapter 15 to the contrary, the Board of Firefighter Training and Education consists of the following members:

(1) five members representing the Minnesota State Fire Department Association, four of whom must be volunteer firefighters and one of whom may be a ~~career~~ full-time firefighter, appointed by the governor;

(2) two members representing the Minnesota State Fire Chiefs Association, one of whom must be a volunteer fire chief, appointed by the governor;

(3) two members representing the Minnesota Professional Firefighters Association, appointed by the governor;

(4) two members representing Minnesota home rule charter and statutory cities, appointed by the governor;

(5) two members representing Minnesota towns, appointed by the governor;

(6) the commissioner of public safety or the commissioner's designee; and

(7) one public member not affiliated or associated with any member or interest represented in clauses (1) to (6), appointed by the governor.

The Minnesota State Fire Department Association shall recommend five persons to be the members described in clause (1), the Minnesota State Fire Chiefs Association shall recommend two persons to be the members described in clause (2), the Minnesota Professional Firefighters Association shall recommend two persons to be the members described in clause (3), the League of Minnesota Cities shall recommend two persons to be the members described in clause (4), and the Minnesota Association of Townships shall recommend two persons to be the members described in clause (5). In making the appointments the governor shall try to achieve representation from all geographic areas of the state.

Sec. 4. Minnesota Statutes 2018, section 299N.02, subdivision 2, is amended to read:

Subd. 2. **Terms; chair; compensation.** Members of the board shall serve for terms of four years and ~~annually~~ biennially elect a chair from among the members. Terms and filling of vacancies are subject to section 15.0575, subdivisions 2, 4, and 5. Members serve without compensation.

Sec. 5. Minnesota Statutes 2018, section 299N.02, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** (a) The board shall:

(1) review fire service training needs and make recommendations on training to Minnesota fire service organizations;

(2) establish standards for educational programs for the fire service and develop procedures for continuing oversight of the programs;

(3) establish qualifications for fire service training instructors in programs established under clause (2); ~~and~~

(4) maintain a list of instructors that have met the qualifications established under clause (3), subject to application procedures and requirements established by the board; and

~~(4)~~ (5) license full-time firefighters and volunteer firefighters under this chapter.

(b) The board may:

(1) hire or contract for technical or professional services according to section 15.061;

(2) pay expenses necessary to carry out its duties;

(3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity may make to the board for the purposes of this chapter and may use any money given to it consistent with the terms and conditions under which the money was received and for the purposes stated;

(4) accept funding from the fire safety account and allocate funding to Minnesota fire departments in the form of reimbursements that are consistent with the board's recommendations and the Department of Public Safety firefighter training;

(5) set guidelines regarding how the allocated reimbursement funds must be disbursed;

(6) set and make available to the fire service standards governing the use of funds reimbursed under this section;

~~(4)~~ (7) make recommendations to the legislature to improve the quality of firefighter training;

~~(5)~~ (8) collect and provide data, subject to section 13.03;

~~(6)~~ (9) conduct studies and surveys and make reports; and

~~(7)~~ (10) conduct other activities necessary to carry out its duties.

Sec. 6. Minnesota Statutes 2018, section 299N.03, subdivision 4, is amended to read:

Subd. 4. **Fire department.** "Fire department" has the meaning given it in section 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department also includes a division of a state agency, regularly charged with the responsibility of providing fire protection to the state or a local government, to include a private, nonprofit fire department directly serving a local government, but does not include ~~an~~ industrial fire ~~brigade~~ brigades that do not have a fire department identification number issued by the state fire marshal.

Sec. 7. Minnesota Statutes 2018, section 299N.03, subdivision 5, is amended to read:

Subd. 5. **Full-time firefighter.** A "full-time firefighter" means a person who is employed and charged with the prevention ~~and~~ or suppression of fires within the boundaries of the state on a full-time, ~~salaried~~ basis and who is directly engaged in the hazards of firefighting or is in charge of a designated fire ~~company or companies, as defined in section 299N.01, subdivision 2,~~ that are directly engaged in the hazards of firefighting. Full-time firefighter does not include a volunteer, part-time, or paid-on-call firefighter.

Sec. 8. Minnesota Statutes 2018, section 299N.03, subdivision 6, is amended to read:

Subd. 6. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to include a fire department employee, member, supervisor, state employee, or appointed official, who is licensed by the board and charged with the prevention or suppression of fires within the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

Sec. 9. Minnesota Statutes 2018, section 299N.03, is amended by adding a subdivision to read:

Subd. 8. **NFPA 1001 standard.** "NFPA 1001 standard" means the standard for firefighter professional qualifications established by the National Fire Protection Association.

Sec. 10. Minnesota Statutes 2018, section 299N.04, is amended to read:

**299N.04 FIREFIGHTER CERTIFICATION EXAMINATION.**

Subdivision 1. ~~Certification Examination; requirements.~~ (a) The board must appoint an organization that is accredited by the International Fire Service Accreditation Congress to prepare and administer firefighter certification examinations. Firefighter certification examinations ~~shall~~ must be designed to ensure and demonstrate competency ~~in at least the following areas: that meets the NFPA 1001 standard or a national standard in areas including but not limited to:~~

- (1) fire prevention;
- (2) fire suppression; and
- (3) hazardous materials operations.

~~(b) To receive a certificate, an individual must demonstrate competency in fire prevention and fire suppression.~~

(b) Certification must be obtained by the individual demonstrating competency in fire prevention and protection under the NFPA 1001 standard.

(c) Nothing in this section shall be construed to prohibit any requirement imposed by a local fire department for more comprehensive training.

Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision 3, any person may take the firefighter certification examination who has successfully completed the following:

(1)(i) a firefighter course from a postsecondary educational institution, an accredited institution of higher learning, or another entity that teaches a course that has been approved by the board; or (ii) an apprenticeship or cadet program maintained by a Minnesota fire department ~~employing the person~~ that has been approved by the board; and

(2) a skills-oriented basic training course.

Subd. 3. **Certain baccalaureate or associate degree holders eligible to take certification examination.** A person with a baccalaureate degree or an associate degree in applied fire science technology from an accredited college or university, who has successfully completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible to take the firefighter certification examination notwithstanding the requirements of subdivision 2, clause (1).

Sec. 11. Minnesota Statutes 2018, section 299N.05, subdivision 1, is amended to read:

Subdivision 1. **Licensure requirement.** A firefighter employed full time by a fire department is not eligible for permanent employment without being licensed by the board: and meeting the following requirements:

(1) the firefighter successfully completes a firefighter examination under section 299N.04 or completes the examination while serving a probationary period, if any, as determined by the hiring authority; and

(2) the chief firefighting officer or the chief designee completes the employment verification portion of the licensing process.

Sec. 12. Minnesota Statutes 2018, section 299N.05, subdivision 2, is amended to read:

Subd. 2. **Optional licensing.** A volunteer firefighter affiliated with a department may receive or apply for licensure under ~~this section~~ subdivision 1 and section 299N.04 under the same terms as full-time firefighters.

Sec. 13. Minnesota Statutes 2018, section 299N.05, subdivision 5, is amended to read:

Subd. 5. **Obtaining a firefighter license.** To obtain a license, a firefighter must be affiliated with a fire department, complete the board application process, and meet the requirements of this section or section 299N.04 or 299N.06. A license is valid for a three-year period determined by the board, and the fee for the license is \$75. Fees under this subdivision may be prorated by the board for licenses issued with a three-year licensure period.

Sec. 14. Minnesota Statutes 2018, section 299N.05, subdivision 6, is amended to read:

Subd. 6. **License renewal; expiration and reinstatement.** (a) A license ~~shall~~ must be renewed ~~so long as if the firefighter and the chief firefighting officer provide evidence to the board that the licensed firefighter has had 72 hours of approved firefighting training in the preceding three years and the firefighter completes the renewal application. The fee for renewing a firefighter license is \$75, and the license is valid for an additional three years.~~ or chief designee completes the renewal application and:

(1) attests to the board that the licensed firefighter has met the required 72 hours of approved firefighter training in the preceding three years;

(2) upon request, provides evidence the licensed firefighter completed the required 72 hours of approved firefighter training in the preceding three years;

(3) verifies that the licensed firefighter is actively serving on a department; and

(4) attests that the licensed firefighter has not been convicted of or pled guilty or nolo contendere to a felony, any arson-related charge, or another offense arising from the same set of circumstances.

(b) The fee to renew a firefighter license is \$75. The license is valid for an additional three-year period, unless submitted within the triennial period. Fees under this subdivision may be prorated by the board for licenses reinstated or renewed within the three-year licensure period.

~~(b)~~ (c) If a license expires, a firefighter may apply to have it reinstated. In order to receive reinstatement, the firefighter must:

(1) complete a reinstatement application;

(2) satisfy all ~~prior firefighter training~~ requirements listed in paragraph (a);

(3) pay any outstanding renewal fees; and

(4) pay the delayed renewal fee set by the board.

~~(c)~~ (d) In lieu of a reinstatement application under paragraph ~~(b)~~ (c), a firefighter may complete a new application for licensure under section 299N.04.

Sec. 15. Minnesota Statutes 2018, section 299N.05, subdivision 7, is amended to read:

Subd. 7. **Duties of chief firefighting officer.** (a) Every chief firefighting officer has a duty to ensure that every full-time firefighter has a license issued by the board.

(b) Every chief firefighting officer or designee has the duty to verify that every full-time and volunteer individual applying, reinstating, or renewing a license is affiliated with a Minnesota fire department.

~~(b)~~ (c) Every chief firefighting officer, provider, and individual licensee has a duty to ensure proper training records and reports are retained. Records must include, for the three-year period subsequent to the license renewal date:

- (1) the dates, subjects, and duration of programs;
- (2) sponsoring organizations;
- (3) fire training hours earned;
- (4) registration receipts to prove attendance at training sessions; and
- (5) other pertinent information.

~~(b)~~ (d) The board may require a licensee, provider, or fire department to provide the information under paragraph ~~(b)~~ (c) to demonstrate compliance with the 72-hour firefighting training requirement under subdivision 6, paragraph (a).

Sec. 16. Minnesota Statutes 2018, section 299N.05, subdivision 9, is amended to read:

Subd. 9. **Fees; appropriation.** Fees collected under this section must be deposited in the state treasury and credited to a special account and are appropriated to the board to pay costs incurred under this section and sections 299N.04 ~~and 299N.05 and 299N.06.~~

Sec. 17. Minnesota Statutes 2018, section 299N.06, is amended to read:

**299N.06 ELIGIBILITY FOR RECIPROCITY AND EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.**

Subdivision 1. **Reciprocity license requirements for out-of-state certified applicants.** A person may apply for licensure if the person (1) becomes employed by or becomes an active member of a fire department, (2) has the appropriately certified accreditation by the International Fire Service Accreditation Congress or Pro Board, and (3) has met the requirements of section 299N.04.

Subd. 2. **Examination based on relevant military experience.** (a) For purposes of this section:

- (1) "active service" has the meaning given in section 190.05, subdivision 5; and
- (2) "relevant military experience" means:
  - (i) four years' cumulative service experience in a military firefighting occupational specialty;
  - (ii) two years' cumulative service experience in a military firefighting occupational specialty, and completion of at least a two-year degree from a regionally accredited postsecondary education institution; or

(iii) four years' cumulative experience as a full-time firefighter in another state combined with cumulative service experience in a military firefighting occupational specialty.

(b) A person is eligible to take ~~the reciprocity~~ a firefighter examination and does not have to otherwise meet the requirements of section 299N.04, subdivisions 2 and 3, if the person has:

(1) relevant military experience; and

(2) been honorably discharged from military active service as evidenced by the most recent form DD-214 or is currently in active service, as evidenced by:

(i) active duty orders providing service time in a military firefighting specialty;

(ii) a United States Department of Defense Manpower Data Center status report pursuant to the Service Members Civil Relief Act, active duty status report; or

(iii) Military Personnel Center assignment information.

(c) A person who passed the examination under paragraph (b), clause (2), shall not be eligible to be licensed as a firefighter until honorably discharged as evidenced by the most recent form DD-214.

(d) To receive a firefighter license, a person who passed ~~the reciprocity certification~~ a firefighter examination must meet the requirements of section 299N.05, ~~subdivision 4~~.

## ARTICLE 11 STATEWIDE EMERGENCY COMMUNICATION

Section 1. Minnesota Statutes 2018, section 403.21, subdivision 7a, is amended to read:

Subd. 7a. **Statewide Radio Emergency Communication Board.** "Statewide ~~Radio Emergency Communication~~ Board," "~~radio emergency communication~~ board," or "board" means the ~~Statewide Radio Board established under section 403.36 and where the Statewide Radio Board has affirmatively elected to become a Statewide Emergency Communication Board as provided in section 403.382 it shall mean the Statewide Emergency Communication Board as and is~~ the successor to the Statewide Radio Board.

Sec. 2. Minnesota Statutes 2018, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair the Statewide ~~Radio Emergency Communication~~ Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

(1) the commissioner of public safety;

(2) the commissioner of transportation;

(3) the state chief information officer;

(4) the commissioner of natural resources;

(5) the chief of the Minnesota State Patrol;

(6) the chair of the Metropolitan Council;

(7) the commissioner of corrections;

(8) a representative from the Minnesota Indian Affairs Council;

~~(7)~~ (9) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

~~(8)~~ (10) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;

~~(9)~~ (11) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

~~(10)~~ (12) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Chiefs' of Police Association;

~~(11)~~ (13) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Fire Chiefs' Association;

~~(12)~~ (14) two representatives of emergency medical service providers, one from the ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by the ~~governor after considering recommendations made by the~~ Minnesota Ambulance Association;

~~(13)~~ (15) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan Emergency Services Board; and

~~(14)~~ (16) a representative of Greater Minnesota elected by those units of government in phase three and any subsequent phase of development as defined in the statewide, shared radio and communication plan, who have submitted a plan to the Statewide ~~Radio~~ Emergency Communication Board and where development has been initiated.

(c) The Statewide ~~Radio~~ Emergency Communication Board shall coordinate the appointment of board members representing Greater Minnesota with the appointing authorities and may designate the geographic region or regions from which an appointed board member is selected where necessary to provide representation from throughout the state.

Sec. 3. Minnesota Statutes 2018, section 403.36, subdivision 1b, is amended to read:

Subd. 1b. **Compensation; removal; vacancies.** Compensation, removal, and filling of vacancies of board members are governed by section 15.0575, except that appointments to the board are not subject to the open appointments process of sections 15.0597 to 15.0599. Pursuant to subdivision 1a, members appointed to fill vacancies under this subdivision shall have no set term.

Sec. 4. Minnesota Statutes 2018, section 403.36, subdivision 1c, is amended to read:

Subd. 1c. **Voting.** Each member has one vote. The majority of the voting power of the board constitutes a quorum, although a smaller number may adjourn from time to time. Any motion, other than adjournment, must be favored by a majority of the voting power of the board in order to carry. In the event of a conflict between the board's bylaws and state law, state law shall prevail.

Sec. 5. Minnesota Statutes 2018, section 403.36, subdivision 1d, is amended to read:

Subd. 1d. **Calling meeting.** The board shall convene upon the call of the chair, vice-chair, other officer, or any six members of the board.

Sec. 6. Minnesota Statutes 2018, section 403.37, subdivision 12, is amended to read:

Subd. 12. **Allocation of money.** (a) The board shall allocate money available to the Statewide ~~Radio~~ Emergency Communication Board among regional radio boards or to local entities within a region to encourage local and regional participation in the system. This does not limit the authority of regional radio boards and local entities to individually or collectively seek funding of local and regional enhancements and subsystems to the system backbone.

(b) The Statewide Emergency Communication Board, which encompasses other emergency communication networks, including but not limited to wireless broadband, the Integrated Public Alert and Warning System, 911 service, and the ARMER system, may grant money as available to support the goals set forth in the board's strategic plan.

Sec. 7. Minnesota Statutes 2018, section 403.382, subdivision 1, is amended to read:

Subdivision 1. **Statewide Emergency Communication Board.** ~~(a) By an affirmative vote of a majority of the members of the Statewide Radio Board, the board may elect to become a Statewide Emergency Communication Board.~~

~~(b) As a~~ The Statewide Emergency Communication Board, the board shall be ~~is~~ responsible for the statewide coordination of 911 service ~~in addition to,~~ existing responsibilities for the ARMER system provided for in sections 403.21 to 403.37, wireless broadband, and the Integrated Public Alert and Warning System.

Sec. 8. Minnesota Statutes 2018, section 403.382, subdivision 8, is amended to read:

Subd. 8. **Other emergency communication system planning and coordination.** In addition to powers provided for in this section for the coordination of 911 service, the board shall be responsible for planning and coordination of the following public safety emergency communication networks:

(1) developing and maintaining a plan for the implementation of ~~a statewide public safety broadband network~~ the National Public Safety Broadband Network, as approved by the board, including the definition of technical and operational standards for that network; and

(2) other wireless communication technologies or wireless communication networks for public safety communications, such as the Integrated Public Alert and Warning System, where the board finds that coordination and planning on a regional or statewide basis is appropriate or where regional or statewide coordination has been requested by the Federal Communications Commission or the Department of Homeland Security which is coordinating the technology or network on a national level.

Sec. 9. **REVISOR INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall substitute the term "Statewide Emergency Communication Board" for "Statewide Radio Board" or "radio board" wherever the term refers to the powers, duties, and responsibilities of the Statewide Radio Board, consistent with the changes in this article. The revisor shall also make grammatical changes related to the change in terms.

ARTICLE 12  
UNIFORM COLLATERAL CONSEQUENCES  
OF CONVICTION ACT

Section 1. Minnesota Statutes 2018, section 245C.22, is amended by adding a subdivision to read:

Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements regarding a decision to disqualify an individual under section 638.17 are met by the commissioner when implementing the requirements of this section and the exclusion under section 245C.24, subdivision 4a.

Sec. 2. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision to read:

Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding statutory limits on the commissioner's authority to set aside an individual's disqualification under this section, the commissioner may consider issuing a set-aside according to section 245C.22 if the disqualified individual has been issued an order of limited relief under section 638.19 that provides this specific relief.

(b) An individual who received a set-aside of a disqualification as a result of paragraph (a) must immediately inform the commissioner upon restriction or revocation of an order of limited relief under section 638.22.

(c) Upon receipt of information regarding a restriction or revocation of an order of limited relief according to section 638.22, the commissioner shall rescind a set-aside of a disqualification and the individual shall have the appeal rights stated in section 245C.22, subdivision 6.

Sec. 3. Minnesota Statutes 2018, section 364.07, is amended to read:

**364.07 APPLICATION.**

The provisions of sections 364.01 to 364.10 shall prevail over any other laws and rules, except for sections 638.10 to 638.25, which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment for a lack of good moral character or the like, the hiring or licensing authority may consider evidence of conviction of a crime or crimes but only in the same manner and to the same effect as provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10 shall be construed to otherwise affect relevant proceedings involving the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment.

Sec. 4. **[638.10] SHORT TITLE.**

Sections 638.10 to 638.25 may be cited as the "Uniform Collateral Consequences of Conviction Act."

Sec. 5. **[638.11] DEFINITIONS.**

(a) For the purposes of sections 638.10 to 638.25, the terms defined in this section have the meanings given them.

(b) "Collateral consequence" means a collateral sanction or a disqualification.

(c) "Collateral sanction" means a penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual's conviction of an offense which applies by operation of law whether or not the penalty, disability, or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(d) "Conviction" or "convicted" includes a child adjudicated delinquent.

(e) "Decision maker" means the state acting through a department, agency, officer, or instrumentality, including a political subdivision, educational institution, board, or commission, or its employees, or a government contractor, including a subcontractor, made subject to sections 638.10 to 638.25 by contract, other law, or ordinance.

(f) "Disqualification" means a penalty, disability, or disadvantage, however denominated, that an administrative agency, governmental official, or court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual's conviction of an offense.

(g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a delinquent under the laws of this state, another state, or the United States.

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

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

Sec. 6. **[638.12] LIMITATION ON SCOPE.**

(a) Sections 638.10 to 638.25 do not provide a basis for:

(1) invalidating a plea, conviction, or sentence;

(2) a cause of action for money damages; or

(3) a claim for relief from or defense to the application of a collateral consequence based on a failure to comply with section 638.13, 638.14, or 638.15.

(b) Sections 638.10 to 638.25 do not affect:

(1) the duty an individual's attorney owes to the individual; or

(2) a right or remedy under law other than sections 638.10 to 638.25 available to an individual convicted of an offense.

**Sec. 7. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF LAWS REGARDING COLLATERAL CONSEQUENCES.**

(a) The revisor of statutes shall:

(1) identify or cause to be identified any provision in this state's constitution, statutes, and administrative rules which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(2) in a timely manner after the effective date of sections 638.10 to 638.25, prepare a collection of citations to, and the text or short descriptions of, the provisions identified under clause (1); and

(3) annually update the collection in a timely manner after the regular or last special session of the legislature in a calendar year.

In complying with clauses (1) and (2), the revisor may rely on the study of this state's collateral sanctions, disqualifications, and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

(b) The revisor of statutes shall include the following statements or substantially similar language in a prominent manner at the beginning of the collection required under paragraph (a):

(1) This collection has not been enacted into law and does not have the force of law.

(2) An error or omission in this collection or in any reference work cited in this collection is not a reason for invalidating a plea, conviction, or sentence or for not imposing a collateral sanction or authorizing a disqualification.

(3) The laws of other jurisdictions and local governments which impose additional collateral sanctions and authorize additional disqualifications are not included in this collection.

(4) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after (date the collection was prepared or last updated.)

(c) The Office of the Revisor of Statutes shall publish the collection prepared and updated as required under paragraph (a). If available, it shall publish as part of the collection the title and website address of the most recent collection of:

(1) the collateral consequences imposed by federal law; and

(2) any provision of federal law that may afford relief from a collateral consequence.

(d) The collection described under paragraph (c) must be available to the public on the Internet without charge in a reasonable time after it is created or updated.

**Sec. 8. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION, PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

(a) When a peace officer issues a citation to a person for an offense, the officer shall ensure that the person receives a notice of additional legal consequences substantially similar to that described in paragraph (b). This requirement may be satisfied by using the uniform traffic ticket described in section 169.99 or the statewide standard citation if that document addresses collateral consequences of a criminal conviction.

(b) When an individual receives formal notice that the individual is charged with an offense, the prosecuting attorney of the county or city in which the individual is charged shall provide information substantially similar to the following to the individual:

#### **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

If you pled guilty or are convicted of an offense you may suffer additional legal consequences beyond the sentence imposed by the court. These consequences may include, among many others, ineligibility to keep or obtain some licenses, permits or jobs, public housing or education benefits, and to vote or possess a firearm. You may be denied citizenship and be deported. It is your responsibility to learn what consequences may apply to you. Ask your attorney. Most consequences can be found at <https://niccc.csgjusticecenter.org/about/>.

(c) Before the court accepts a plea of guilty from an individual, the court shall confirm that the individual received and understands the notice required by paragraphs (a) and (b), and had an opportunity to discuss the notice with counsel.

#### **Sec. 9. [638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING AND UPON RELEASE.**

(a) As provided in paragraphs (b) and (c), an individual convicted of an offense shall be given the following notice:

(1) that collateral consequences may apply because of this conviction;

(2) the website address of the collection of laws published under section 638.13, paragraph (c);

(3) that there may be ways to obtain relief from collateral consequences;

(4) contact information for government or nonprofit agencies, groups, or organizations, if any, offering assistance to individuals seeking relief from collateral consequences; and

(5) when an individual convicted of an offense may vote under state law.

(b) The court shall provide the notice in paragraph (a) as a part of sentencing.

(c) If an individual is sentenced to imprisonment or other incarceration, the officer or agency releasing the individual shall provide the notice in paragraph (a) not more than 30 days and, if practicable, at least ten days before release.

#### **Sec. 10. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION; AMBIGUITY.**

(a) A collateral sanction may be imposed only by statute or ordinance, or by rule authorized by law and adopted under chapter 14.

(b) A law creating a collateral consequence that is ambiguous as to whether it imposes a collateral sanction or authorizes a disqualification must be construed as authorizing a disqualification.

#### **Sec. 11. [638.17] DECISION TO DISQUALIFY.**

In deciding whether to impose a disqualification, a decision maker shall undertake an individualized assessment to determine whether the benefit or opportunity at issue shall be denied the individual. In making that decision, the decision maker may consider, if substantially related to the benefit or opportunity at issue, the particular facts and

circumstances involved in the offense and the essential elements of the offense. A conviction itself may not be considered except as having established the elements of the offense. The decision maker shall also consider other relevant information including, at a minimum, the effect on third parties of granting the benefit or opportunity and whether the individual has been granted relief such as an order of limited relief.

**Sec. 12. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

(a) For purposes of authorizing or imposing a collateral consequence in this state, a conviction of an offense in a court of another state or the United States is deemed a conviction of the offense in this state with the same elements. If there is no offense in this state with the same elements, the conviction is deemed a conviction of the most serious offense in this state which is established by the elements of the offense. A misdemeanor in the jurisdiction of conviction may not be deemed a felony in this state, and an offense lesser than a misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony, gross misdemeanor, or misdemeanor in this state.

(b) For purposes of authorizing or imposing a collateral consequence in this state, a juvenile adjudication in another state or the United States may not be deemed a conviction of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this state, but may be deemed a juvenile adjudication for the delinquent act in this state with the same elements. If there is no delinquent act in this state with the same elements, the juvenile adjudication is deemed an adjudication of the most serious delinquent act in this state which is established by the elements of the offense.

(c) A conviction that is reversed, overturned, or otherwise vacated by a court of competent jurisdiction of this state, another state, or the United States on grounds other than rehabilitation or good behavior may not serve as the basis for authorizing or imposing a collateral consequence in this state.

(d) A pardon issued by another state or the United States has the same effect for purposes of authorizing, imposing, and relieving a collateral consequence in this state as it has in the issuing jurisdiction.

(e) A conviction that has been relieved by expungement, sealing, annulment, set-aside, or vacation by a court of competent jurisdiction of another state or the United States on grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant to statute, has the same effect for purposes of authorizing or imposing collateral consequences in this state as it has in the jurisdiction of conviction. However, this relief or restoration of civil rights does not relieve collateral consequences applicable under the law of this state for which relief could not be granted under section 638.21 or for which relief was expressly withheld by the court order or by the law of the jurisdiction that relieved the conviction. An individual convicted in another jurisdiction may seek relief under section 638.19 from any collateral consequence for which relief was not granted in the issuing jurisdiction, other than those listed in section 638.21, and the judge shall consider that the conviction was relieved or civil rights restored in deciding whether to issue an order of limited relief.

(f) A charge or prosecution in any jurisdiction which has been finally terminated without a conviction and imposition of sentence based on participation in a deferred adjudication or diversion program may not serve as the basis for authorizing or imposing a collateral consequence in this state. This paragraph does not affect the validity of any restriction or condition imposed by law as part of participation in the deferred adjudication or diversion program, before or after the termination of the charge or prosecution.

**Sec. 13. [638.19] ORDER OF LIMITED RELIEF.**

(a) The court shall conduct proceedings, make determinations, and issue orders on petitions for orders of limited relief filed under this section.

(b) An individual convicted of an offense may petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The petition may be brought before the court at any time after sentencing.

(c) Except as otherwise provided in section 638.21, the judge may issue an order of limited relief relieving one or more of the collateral sanctions described in paragraph (b) if, after reviewing the petition, the individual's criminal history, and any other relevant evidence, the judge finds the individual has established by a preponderance of the evidence that:

(1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public benefits, or occupational licensing;

(2) the individual has substantial need for the relief requested in order to live a law-abiding life; and

(3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public.

(d) The order of limited relief must specify:

(1) the collateral sanction from which relief is granted; and

(2) any restriction imposed pursuant to section 638.22, paragraph (a).

(e) An order of limited relief relieves a collateral sanction to the extent provided in the order.

(f) If a collateral sanction has been relieved pursuant to this section, a decision maker may consider the conduct underlying a conviction as provided in section 638.17.

Sec. 14. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF LIMITED RELIEF.**

An order of limited relief may not be issued to relieve the following collateral sanctions:

(1) requirements imposed by sections 243.166 and 243.167;

(2) a motor vehicle license suspension, revocation, limitation, or ineligibility for driving while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797, 169A.52, 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is available pursuant to sections 171.30 and 171.306;

(3) ineligibility for employment pursuant to sections 387.36 and 419.06 or other law restricting employment of convicted individuals by law enforcement agencies, such as the Department of Corrections, Department of Public Safety, Office of the Attorney General, sheriff's offices, police departments, and judicial offices; or

(4) eligibility to purchase, possess, use, transfer, or own a firearm.

Sec. 15. **[638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER OF LIMITED RELIEF.**

(a) When a petition is filed under section 638.19, including a petition for enlargement of an existing order of limited relief, the judge may issue an order subject to restriction, condition, or additional requirement. When issuing, denying, modifying, or revoking an order, the judge may impose conditions for reapplication.

(b) The judge may restrict or revoke an order of limited relief issued by a court in this state if it finds just cause by a preponderance of the evidence. An order of restriction or revocation may be issued:

(1) on motion of the judge;

(2) after notice to the individual; and

(3) after a hearing if requested by the individual.

(c) The judge shall order any test, report, investigation, or disclosure by the individual it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited relief.

(d) The court shall maintain a public record of the issuance, modification, and revocation of orders of limited relief and certificates of restoration of rights. The criminal history record system of the Bureau of Criminal Apprehension must include issuance, modification, and revocation of orders and certificates.

Sec. 16. **[638.23] RELIANCE ON ORDER AS EVIDENCE OF DUE CARE.**

In a judicial or administrative proceeding alleging negligence or other fault, an order of limited relief may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the order was issued, if the person knew of the order at the time of the alleged negligence or other fault.

Sec. 17. **[638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 18. **[638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

(a) Sections 638.10 to 638.25 apply to collateral consequences whenever enacted or imposed, unless the law creating the collateral consequence expressly states that sections 638.10 to 638.25 do not apply.

(b) Sections 638.10 to 638.25 do not invalidate the imposition of a collateral sanction on an individual before the effective date of sections 638.10 to 638.25, but a collateral sanction validly imposed before the effective date of sections 638.10 to 638.25 may be the subject of relief under these sections.

Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE STANDARD CITATION.**

By January 1, 2021, the uniform traffic ticket described in Minnesota Statutes, section 169.99, and the statewide standard citation must include a notice of additional legal consequences substantially similar to that described in Minnesota Statutes, section 638.14, paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a minimum, inform the offender generally of the issue of potential collateral consequences and provide the following website address: <https://niccc.csgjusticecenter.org/about/>.

Sec. 20. **REPEALER.**

Minnesota Statutes 2018, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179;

609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

Sec. 21. **EFFECTIVE DATE.**

(a) Except as provided in paragraph (b), sections 1 to 20 are effective January 1, 2020.

(b) Section 8, paragraph (a), is effective July 1, 2024.

ARTICLE 13  
PREDATORY OFFENDERS

Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, location of individuals required to register under section 243.166 or 243.167, and supervision of offenders;

(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts;

(4) to child support enforcement purposes under section 256.978; and

(5) to a county medical examiner or coroner as required by section 390.005 as necessary to fulfill the duties under sections 390.11 and 390.25.

Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates otherwise, the following terms have the meanings given them.

(b) "Bureau" means the Bureau of Criminal Apprehension.

(c) "Corrections agent" means a county or state probation agent or other corrections employee. Corrections agent also includes employees of the federal government who work with a person subject to this section.

(⇌) (d) "Dwelling" means the building where the person lives under a formal or informal agreement to do so. However, dwelling does not include a supervised publicly or privately operated shelter or facility designed to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5.

(⇌) (e) "Incarceration" and "confinement" do not include electronic home monitoring.

(⇌) (f) "Law enforcement authority" or "authority" means, ~~with respect to the chief of police of a home rule charter or statutory city, the chief of police, and with respect to the county sheriff of an unincorporated area, the county sheriff in that county.~~ An authority must be located in Minnesota.

(⇌) (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

(⇌) (h) "Primary address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

(⇌) (i) "School" includes any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

(⇌) (j) "Secondary address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible. However, the location of a supervised publicly or privately operated shelter or facility designated to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5, does not constitute a secondary address.

(⇌) (k) "Treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential chemical dependency treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

(⇌) (l) "Work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, paragraph (a), clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

(ii) false imprisonment in violation of section 609.255, subdivision 2;

(iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322;

(iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

(v) soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1);

(vi) using a minor in a sexual performance in violation of section 617.246; or

(vii) possessing pornographic work involving a minor in violation of section 617.247, ~~and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;~~

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; ~~or~~

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(5) the person was charged with or petitioned for a violation of a law similar to an offense described in clause (1), (2), (3), or (4) in another country where there are sufficient safeguards for fundamental fairness and due process for the accused and the person was convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state or country in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or country or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state ~~or~~ the United States, or another country, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state ~~or~~ the United States, or another country;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states or countries with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state ~~or~~ the United States, or another country.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

Subd. 2. **Notice.** When a person who is required to register under subdivision 1b, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall ~~forward~~ make available the signed ~~sex-offender-registration court notification~~ form, the complaint, and sentencing documents to the bureau. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition and does not have a corrections agent, the law enforcement authority with jurisdiction over the person's primary address shall notify the person of the requirements. When a person who is required to register under subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau.

Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, fingerprints, biological specimen for DNA analysis as defined under section 299C.155, subdivision 1, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall ~~send one copy to~~ notify that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall ~~forward~~ submit the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority may photograph any offender at a time and frequency chosen by the agent or authority.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau. Notice is sufficient under this paragraph, if the verification form is sent by first class mail to the person's last reported primary address, or for persons registered under subdivision 3a, to the law enforcement authority where the offender most recently reported.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, ~~stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.~~ The person cannot change any registration information as part of the verification process.

(3) In addition to the requirements listed in this section, an offender who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be subject to community notification pursuant to section 253D.32 or is a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered primary address ~~or addresses~~.

(6) A law enforcement authority may determine whether the person is at that person's primary address, secondary address, or school or work location, if any, or the accuracy of any other information required under subdivision 4a if the person whose primary address, secondary address, or school or work location, if any, is within the authority's jurisdiction, regardless of the assignment of a corrections agent.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~, the United States, or another country, the bureau shall comply with clause (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

~~(f) When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.~~ For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide a biological specimen for the purpose of DNA analysis to the probation agency or law enforcement authority where that person is registered. A person who provides or has provided a biological specimen for the purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements of this paragraph.

(g) For persons registered under this section on the effective date of this section, each person, on or before one year from that date, must provide fingerprints to the probation agency or law enforcement authority where that person is registered.

Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **Information required to be provided.** (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

- (1) the person's primary address;
- (2) all of the person's secondary addresses in Minnesota, including all addresses used for residential or recreational purposes;
- (3) the addresses of all Minnesota property owned, leased, or rented by the person;

(4) the addresses of all locations where the person is employed;

(5) the addresses of all schools where the person is enrolled; ~~and~~

(6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person;

(7) the expiration year for the motor vehicle license plate tabs of all motor vehicles owned by the person; and

(8) all telephone numbers including work, school, and home and any cellular telephone service.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to ~~(6) (8)~~, within five days of the date the clause becomes applicable. If because of a change in circumstances any information reported under paragraph (a), clauses (1) to ~~(6) (8)~~, no longer applies, the person shall immediately inform the agent or authority that the information is no longer valid. If the person leaves a primary address and does not have a new primary address, the person shall register as provided in subdivision 3a.

Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

(1) "health care facility" means a facility:

~~(1) (i)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

~~(2) (ii)~~ (ii) registered by the commissioner of health as a housing with services establishment as defined in section 144D.01; or

~~(3) (iii)~~ (iii) licensed by the commissioner of human services as a residential facility under chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency treatment to adults, or residential services to persons with disabilities; ~~and~~

(2) "home care provider" has the meaning given in section 144A.43.

(b) Prior to admission to a health care facility or home care services from a home care provider, a person required to register under this section shall disclose to:

(1) the health care facility employee or the home care provider processing the admission the person's status as a registered predatory offender under this section; and

(2) the person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority with whom the person is currently required to register, that ~~inpatient~~ admission will occur.

(c) A law enforcement authority or corrections agent who receives notice under paragraph (b) or who knows that a person required to register under this section is planning to be admitted and receive, or has been admitted and is receiving health care at a health care facility or home care services from a home care provider, shall notify the administrator of the facility or the home care provider and deliver a fact sheet to the administrator or provider containing the following information: (1) name and physical description of the offender; (2) the offender's conviction history, including the dates of conviction; (3) the risk level classification assigned to the offender under section 244.052, if any; and (4) the profile of likely victims.

(d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, and if the facility admits the offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility determines that distribution to a resident is not appropriate given the resident's medical, emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of kin or emergency contact.

(e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, the provider shall distribute the fact sheet to any individual who will provide direct services to the offender before the individual begins to provide the service.

Sec. 8. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in writing and signed by the person required to register. For purposes of this section, a signature is as defined in section 645.44, subdivision 14, by an electronic method established by the bureau, or by use of a biometric for the person. If a biometric is used, the person must provide a sample that is forwarded to the bureau so that it can be maintained for comparison purposes to verify the person's identity.

Sec. 9. Minnesota Statutes 2018, section 243.166, is amended by adding a subdivision to read:

Subd. 4d. **Travel.** (a) A person required to register under this section who intends to travel outside the boundaries of the United States must appear in person to notify the person's corrections agent or the law enforcement authority with jurisdiction over the person's primary address of the travel plans. The person must provide:

(1) anticipated departure date;

(2) place of departure;

(3) place of arrival or return;

(4) carrier and flight numbers for air travel;

(5) destination country and address or other contact information;

(6) means and purpose of travel;

(7) visa information, if any; and

(8) any other itinerary information requested by the corrections agent or law enforcement authority.

(b) The notice must be provided at least 21 calendar days before the departure date and forwarded to the bureau within one business day of receipt. If it is not possible to give 21 calendar days' notice due to an emergency or a work assignment, the person is required to notify the corrections agent or the law enforcement authority with jurisdiction over the person's primary address as soon as possible prior to departure. If the travel is due to an emergency, the person must provide a copy of the message conveying the emergency that includes the date and time sent and the source of the information. If the travel is the result of a work assignment, the employer must provide the date the employee was informed of the need to travel and the nature of the work to be performed.

(c) The corrections agent or law enforcement authority must forward the notification to the bureau as soon as possible after receipt. The bureau must forward the international travel information to the United States Marshals Service pursuant to International Megan's Law, Public Law 114-119.

(d) A person required to register under this section who is assigned a corrections agent must receive the corrections agent's approval for all international travel. Nothing in this subdivision requires a corrections agent to approve of travel that is inconsistent with the terms of the offender's supervision.

Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any of its provisions provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau 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.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.

(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state ~~or~~ the United States, or another country, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years.

(d) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18, Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period does not include the period of commitment.

(b) The commissioner of public safety shall require a person to continue to register for an additional period of five years if a the person required to register under this section fails to:

(1) provide the person's primary address as required by subdivision 3, paragraph (b), fails to;

(2) comply with the requirements of subdivision 3a, fails to;

(3) provide information as required by ~~subdivision~~ subdivisions 4a, ~~or fails to~~ and 4d;

(4) return the verification form referenced in subdivision 4 within ten days, ~~the commissioner of public safety shall require the person to continue to register for an additional period of five years;~~

(5) remain at the primary address of record; or

(6) sign a registration form, verification form, or change of information form.

This five-year period is added to the end of the offender's registration period. In addition, if the person is not in compliance at the end of the registration period, the commissioner shall require the person to continue to register for an additional period of two years.

(c) If a person required to register under this section is incarcerated due to a conviction for a new offense, or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state, another country, or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state, another country, or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar statute from another state ~~or~~ the United States, or another country;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state ~~or~~ the United States, or another country similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the United States, or another country.

(e) A person described in subdivision 1b, paragraph (b), who is required to register under the laws of a state or another country in which the person has been previously convicted or adjudicated delinquent, shall register under this section for the time period required by the state of conviction or adjudication unless a longer time period is required elsewhere in this section.

Sec. 12. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for:

(1) state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b); and

(2) purposes of completing background studies under chapter 245C.

Sec. 13. Minnesota Statutes 2018, section 243.166, subdivision 7a, is amended to read:

Subd. 7a. **Availability of information on offenders who are out of compliance with registration law.** (a) The bureau may make information available to the public about offenders who are 16 years of age or older and who are out of compliance with this section for 30 days or longer for failure to:

(1) provide the offenders' primary ~~or secondary~~ addresses;

(2) comply with the requirements of subdivision 3a;

(3) provide information as required by subdivisions 4a and 4d;

(4) return the verification form referenced in subdivision 4 within 15 days;

(5) remain at the primary address of record; or

(6) sign a registration form, verification form, or change of information form.

This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available is limited to the information necessary for the public to assist law enforcement in locating the offender.

(b) An offender who comes into compliance with this section after the bureau discloses information about the offender to the public may send a written request to the bureau requesting the bureau to treat information about the offender as private data, consistent with subdivision 7. The bureau shall review the request and promptly take reasonable action to treat the data as private, if the offender has complied with the requirement that the offender provide the offender's primary and secondary addresses, has returned the verification form or has returned to the primary address, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the bureau's decision.

(c) If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

(d) The bureau is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public under this subdivision, if the bureau acts in good faith.

Sec. 14. Minnesota Statutes 2018, section 299C.093, is amended to read:

**299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the data required to be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time period that the person is required to register. The superintendent shall maintain this data in a manner that ensures that it is readily available to law enforcement agencies. This data is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under section 626.556. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C. In addition, the data may be used as provided in section 243.166, subdivisions 4b and 7a.

ARTICLE 14  
FIREARM BACKGROUND CHECKS AND TRANSFERS

Section 1. Minnesota Statutes 2018, section 624.7131, is amended to read:

**624.7131 TRANSFEREE PERMIT; PENALTY.**

Subdivision 1. **Information.** Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

- (1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;
- (2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;
- (3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1; and
- (4) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Forms.** Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. **Grounds for disqualification.** ~~A determination by (a) The chief of police or sheriff that shall refuse to grant a transferee permit if the applicant is prohibited by section 624.713 state or federal law from possessing a pistol or semiautomatic military-style assault weapon shall be the only basis for refusal to grant a transferee permit or is determined to be a danger to self or others under paragraph (b).~~

(b) A chief of police or sheriff shall refuse to grant a permit to a person who is a danger to self or others. The decision of the chief of police or sheriff must be based on documented past contact with law enforcement. A notice of disqualification issued pursuant to this paragraph must describe and document the specific law enforcement contact or contacts relied upon to deny the permit.

(c) A person is not eligible to submit a permit application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 8 was denied, whichever is later.

(d) A chief of police or sheriff who denies a permit application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the proposed transferee's residence.

Subd. 5. **Granting of permits.** (a) The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit.

(b) In the case of a denial, the chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial.

(c) The permits and their renewal shall be granted free of charge.

Subd. 6. **Permits valid statewide.** Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained, except that all renewed permits must comply with the standards adopted by the commissioner under section 624.7151.

Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. **Permit voided; revocation.** (a) The transferee permit shall be void at the time that the holder becomes prohibited from possessing or receiving a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. If the chief law enforcement officer who issued the permit has knowledge that the permit holder is ineligible to possess firearms, the chief law enforcement officer must revoke the permit and give notice to the holder in writing. Failure of the holder to return the permit within the five days of

learning that the permit is void or revoked is a gross misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

(b) When a permit holder receives a court disposition that prohibits the permit holder from possessing a firearm, the court must take possession of the permit, if it is available, and send it to the issuing law enforcement agency. If the permit holder does not have the permit when the court imposes a firearm prohibition, the permit holder must surrender the permit to the assigned probation officer, if applicable. When a probation officer is assigned upon disposition of the case, the court shall inform the probation agent of the permit holder's obligation to surrender the permit. Upon surrender, the probation officer must send the permit to the issuing law enforcement agency. If a probation officer is not assigned to the permit holder, the holder shall surrender the permit as provided for in paragraph (a).

Subd. 8. **Hearing upon denial.** Any person aggrieved by denial of a transferee permit may appeal the denial to the district court having jurisdiction over the county or municipality in which the denial occurred.

~~Subd. 9. **Permit to carry.** A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.~~

~~Subd. 10. **Transfer report not required.** A person who transfers a pistol or semiautomatic military style assault weapon to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.~~

Subd. 11. **Penalty.** A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a ~~gross misdemeanor~~ felony.

Subd. 12. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 624.7132, is amended to read:

#### **624.7132 REPORT OF TRANSFER.**

Subdivision 1. **Required information.** Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(2) the sex, date of birth, height, weight, and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(3) a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1;

(4) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(5) the address of the place of business of the transferor.

The report shall be signed and dated by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Subd. 2. **Investigation.** Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota Crime Information System, the national criminal record repository, and the National Instant Criminal Background Check System. The chief of police or sheriff shall also make a reasonable effort to check other available state and local record-keeping systems. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Subd. 3. **Notification.** The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail the transferee's right of appeal under subdivision 13.

Subd. 4. **Delivery.** Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until five business days after the date the agreement to transfer is delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the ~~seven-day~~ waiting period. The chief of police or sheriff may waive all or a portion of the ~~five-business-day~~ waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.

No person shall deliver a ~~pistol or semiautomatic military-style assault weapon~~ firearm to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a ~~pistol or semiautomatic military-style assault weapon~~ firearm.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within five business days after delivery of the agreement to transfer, the ~~pistol or semiautomatic military-style assault weapon~~ firearm may be delivered to the transferee.

Subd. 5. **Grounds for disqualification.** ~~A determination by (a)~~ The chief of police or sheriff that shall deny an application if the proposed transferee is prohibited by ~~section 624.713~~ state or federal law from possessing a pistol or semiautomatic military-style assault weapon ~~shall be the sole basis for a notification of disqualification under this section or is determined to be a danger to self or others under paragraph (b).~~

(b) A chief of police or sheriff shall deny an application if the person is a danger to self or others. The decision of the chief of police or sheriff must be based on documented past contact with law enforcement. A notice of disqualification issued pursuant to this paragraph must describe and document the specific law enforcement contact or contacts relied upon to deny the application.

(c) A chief of police or sheriff need not process an application under this section if the person has had an application denied pursuant to paragraph (b) and less than six months have elapsed since the denial was issued or the person's appeal under subdivision 13 was denied, whichever is later.

(d) A chief of police or sheriff who denies an application pursuant to paragraph (b) must provide a copy of the notice of disqualification to the chief of police or sheriff with joint jurisdiction over the applicant's residence.

~~Subd. 6. **Transferee permit.** If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military style assault weapon, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.~~

Subd. 8. **Report not required.** If the proposed transferee presents ~~a valid transferee permit issued under section 624.7131~~ or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

Subd. 9. **Number of pistols or semiautomatic military-style assault weapons.** Any number of pistols or semiautomatic military-style assault weapons may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols or semiautomatic military-style assault weapons a person may acquire.

Subd. 10. **Restriction on records.** If, after a determination that the transferee is not a person prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon, a transferee requests that no record be maintained of the fact of who is the transferee of a pistol or semiautomatic military-style assault weapon, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. **Forms; cost.** Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer.

Subd. 12. **Exclusions.** Except as otherwise provided in section 609.66, subdivision 1f, this section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

- (1) a transfer by a person other than a federally licensed firearms dealer;
- (2) a loan to a prospective transferee if the loan is intended for a period of no more than one day;
- (3) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;
- (4) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
- (5) a loan between persons at a firearms collectors exhibition;
- (6) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(7) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(8) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Subd. 13. **Appeal.** A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon may appeal the determination as provided in this subdivision. The district court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol or semiautomatic military-style assault weapon by section 624.713.

Subd. 14. ~~**Transfer to unknown party.** (a) No person shall transfer a pistol or semiautomatic military style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor.~~

~~(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military style assault weapon unless the person presents evidence of identity to the transferor.~~

~~(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.~~

~~(d) A person who becomes a transferee of a pistol or semiautomatic military style assault weapon in violation of this subdivision is guilty of a misdemeanor.~~

Subd. 15. **Penalties.** (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;

(2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Subd. 16. **Local regulation.** This section shall be construed to supersede municipal or county regulation of the transfer of pistols.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

Sec. 3. **[624.7134] PRIVATE PARTY TRANSFERS; BACKGROUND CHECK REQUIRED.**

Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given.

(b) "Firearms dealer" means a person who is licensed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, under United States Code, title 18, section 923(a).

(c) "State or federally issued identification" means a document or card made or issued by or under the authority of the United States government or the state that contains the person's name, residence address, date of birth, and photograph and is of a type commonly accepted for the purpose of identification of individuals.

Subd. 2. **Background check and evidence of identity.** A person who is not a firearms dealer is prohibited from transferring possession or ownership of a pistol or semiautomatic military-style assault weapon to any other person who is not a firearms dealer unless the transferee presents a valid transferee permit issued under section 624.7131 and a current state or federally issued identification.

Subd. 3. **Record of transfer; required information.** (a) When two parties complete the transfer of a pistol or semiautomatic military-style assault weapon under subdivision 2, the transferor and transferee must complete a record of transfer on a form designed and made publicly available without fee for this purpose by the superintendent of the Bureau of Criminal Apprehension. Each page of the record of transfer must be signed and dated by the transferor and the transferee and contain the serial number of the pistol or semiautomatic military-style assault weapon.

(b) The record of transfer must contain the following information:

(1) a clear copy of each person's current state or federally issued identification;

(2) a clear copy of the transferee permit presented by the transferee; and

(3) a signed statement by the transferee swearing that the transferee is not currently prohibited by state or federal law from possessing a firearm.

(c) The record of transfer must also contain the following information regarding the transferred pistol or semiautomatic military-style assault weapon:

(1) the type of pistol or semiautomatic military-style assault weapon;

(2) the manufacturer, make, and model of the pistol or semiautomatic military-style assault weapon; and

(3) the pistol or semiautomatic military-style assault weapon's manufacturer-assigned serial number.

(d) Both the transferor and the transferee must retain a copy of the record of transfer and any attachments to the record of transfer for 20 years from the date of the transfer. A copy in digital form shall be acceptable for the purposes of this paragraph.

**Subd. 4. Compulsory production of record of transfer; gross misdemeanor penalty.** (a) The transferor and transferee of a pistol or semiautomatic military-style assault weapon transferred under this section must produce the record of transfer when a peace officer requests the record as part of a criminal investigation.

(b) A person who refuses or is unable to produce a record of transfer for a firearm transferred under this section in response to a request for production made by a peace officer pursuant to paragraph (a) is guilty of a gross misdemeanor. A prosecution or conviction for violation of this subdivision is not a bar to conviction of, or punishment for, any other crime committed involving the transferred firearm.

**Subd. 5. Immunity.** A person is immune to a charge of violating this section if the person presents a record of transfer that satisfies the requirements of subdivision 3.

**Subd. 6. Exclusions.** (a) This section shall not apply to the following transfers:

(1) a transfer by or to a federally licensed firearms dealer;

(2) a transfer by or to any law enforcement agency;

(3) to the extent the transferee is acting within the course and scope of employment and official duties, a transfer to:

(i) a peace officer, as defined in section 626.84, subdivision 1, paragraph (c);

(ii) a member of the United States armed forces, the National Guard, or the reserves of the United States armed forces;

(iii) a federal law enforcement officer; or

(iv) a security guard employed by a protective agent licensed pursuant to chapter 326;

(4) a transfer between immediate family members, which for the purposes of this section means spouses, domestic partners, parents, children, siblings, grandparents, and grandchildren;

(5) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm;

(6) a transfer of an antique firearm as defined in section 624.712, subdivision 3;

(7) a transfer of a curio or relic, as defined in Code of Federal Regulations, title 27, section 478.11, if the transfer is between collectors of firearms as curios or relics as defined by United States Code, title 18, section 921(a)(13), who each have in their possession a valid collector of curio and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

(8) the temporary transfer of a firearm if:

(i) the transfer is necessary to prevent imminent death or great bodily harm; and

(ii) the person's possession lasts only as long as immediately necessary to prevent such imminent death or great bodily harm;

(9) transfers by or to an auctioneer who is in compliance with chapter 330 and acting in the person's official role as an auctioneer to facilitate or conduct an auction of the firearm; and

(10) a temporary transfer if the transferee's possession of the firearm following the transfer is only:

(i) at a shooting range that operates in compliance with the performance standards under chapter 87A or is a nonconforming use under section 87A.03, subdivision 2, or, if compliance is not required by the governing body of the jurisdiction, at an established shooting range operated consistently with local law in the jurisdiction;

(ii) at a lawfully organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as part of the performance;

(iii) while hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for hunting or trapping; or

(iv) while in the actual presence of the transferor.

(b) A transfer under this subdivision is permitted only if the transferor has no reason to believe:

(1) that the transferee is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms;

(2) if the transferee is under 18 years of age and is receiving the firearm under direct supervision and control of an adult, that the adult is prohibited by federal law from buying or possessing firearms or not entitled under state law to possess firearms; or

(3) that the transferee will use or intends to use the firearm in the commission of a crime.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes committed on or after that date.

## ARTICLE 15 POSSESSION OF FIREARMS

Section 1. Minnesota Statutes 2018, section 624.713, subdivision 1, is amended to read:

Subdivision 1. **Ineligible persons.** The following persons shall not be entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon or, except for clause (1), any other firearm:

(1) a person under the age of 18 years except that a person under 18 may possess ammunition designed for use in a firearm that the person may lawfully possess and may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(2) except as otherwise provided in clause (9), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(3) a person who is or has ever been committed in Minnesota or elsewhere by a judicial determination that the person is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(4) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other such violation of chapter 152 or a similar law of another state; or a person who is or has ever been committed by a judicial determination for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person's ability to possess a firearm and ammunition has been restored under subdivision 4;

(5) a person who has been committed to a treatment facility in Minnesota or elsewhere by a judicial determination that the person is chemically dependent as defined in section 253B.02, unless the person has completed treatment or the person's ability to possess a firearm and ammunition has been restored under subdivision 4. Property rights may not be abated but access may be restricted by the courts;

(6) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(7) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(8) except as otherwise provided in clause (9), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(9) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm or ammunition for the period determined by the sentencing court;

(10) a person who:

(i) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(ii) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(iii) is an unlawful user of any controlled substance as defined in chapter 152;

(iv) has been judicially committed to a treatment facility in Minnesota or elsewhere as a person who is mentally ill, developmentally disabled, or mentally ill and dangerous to the public, as defined in section 253B.02;

(v) is an alien who is illegally or unlawfully in the United States;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) has renounced the person's citizenship having been a citizen of the United States; or

(viii) is disqualified from possessing a firearm under United States Code, title 18, section 922(g)(8) or (9), as amended through March 1, 2014;

(11) a person who has been convicted of the following offenses at the gross misdemeanor level, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of these sections: section 609.229 (crimes committed for the benefit of a gang); 609.2231, subdivision 4 (assaults motivated by bias); 609.255 (false imprisonment); 609.378 (neglect or endangerment of a child); 609.582, subdivision 4 (burglary in the fourth degree); 609.665 (setting a spring gun); 609.71 (riot); or 609.749 (stalking). For purposes of this paragraph, the specified gross misdemeanor convictions include crimes committed in other states or jurisdictions which would have been gross misdemeanors if conviction occurred in this state;

(12) a person who has been convicted of a violation of section 609.224 if the court determined that the assault was against a family or household member in accordance with section 609.2242, subdivision 3 (domestic assault), unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of another violation of section 609.224 or a violation of a section listed in clause (11); ~~or~~

(13) a person who is subject to an order for protection as described in section 260C.201, subdivision 3, paragraph (d), or 518B.01, subdivision 6, paragraph (g); or

(14) a person who is subject to an extreme risk protection order as described in section 624.7162 or 624.7164.

A person who issues a certificate pursuant to this section in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm or ammunition committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

The lifetime prohibition on possessing, receiving, shipping, or transporting firearms and ammunition for persons convicted or adjudicated delinquent of a crime of violence in clause (2), applies only to offenders who are discharged from sentence or court supervision for a crime of violence on or after August 1, 1993.

For purposes of this section, "judicial determination" means a court proceeding pursuant to sections 253B.07 to 253B.09 or a comparable law from another state.

## Sec. 2. **[624.7161] EXTREME RISK PROTECTION ORDERS.**

**Subdivision 1. Definitions.** As used in sections 624.7161 to 624.7168, "firearm" has the meaning given in section 609.666, subdivision 1, paragraph (a).

Subd. 2. **Court jurisdiction.** An application for relief under this section shall be filed in the county of residence of the respondent. Actions under this section shall be given docket priorities by the court.

Subd. 3. **Generally.** (a) There shall exist an action known as a petition for an extreme risk protection order, which order shall enjoin and prohibit the respondent from possessing firearms for a fixed period.

(b) A petition for relief under sections 624.7161 to 624.7168 may be made by the chief law enforcement officer or a designee or a city or county attorney.

(c) A petition for relief shall allege that the respondent poses a significant danger of bodily harm to self or to other persons by possessing a firearm. The petition shall be accompanied by an affidavit made under oath stating specific facts and circumstances forming a basis to allege that an extreme risk protection order should be granted. The affidavit may include but is not limited to evidence showing any of the factors described in section 624.7162, subdivision 2.

(d) A petition for emergency relief under section 624.7164 shall additionally allege that the respondent presents an immediate and present danger of bodily harm.

(e) A petition for relief must describe, to the best of the petitioner's knowledge, the types and location of any firearms believed by the petitioner to be possessed by the respondent.

(f) The state court administrator shall create all forms necessary under sections 624.7161 to 624.7168.

(g) The filing fees for an extreme risk protection order under this section are waived for the petitioner and respondent.

(h) An extreme risk protection order issued under sections 624.7161 to 624.7168 applies throughout the state.

(i) Any proceeding under sections 624.7161 to 624.7168 shall be in addition to other civil or criminal remedies.

(j) All health records and other health information provided in a petition or considered as evidence in a proceeding under sections 624.7161 to 624.7168 shall be protected from public disclosure but may be provided to law enforcement agencies as described in this section.

(k) Any extreme risk protection order or subsequent extension issued under sections 624.7161 to 624.7168 shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the respondent. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any extreme risk protection order issued under sections 624.7161 to 624.7168.

**Sec. 3. [624.7162] EXTREME RISK PROTECTION ORDERS ISSUED AFTER HEARING.**

Subdivision 1. **Hearing.** (a) Upon receipt of the petition for an order after a hearing, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing.

(b) The petitioning agency shall be responsible for service of an extreme risk protection order issued by the court and shall further be the agency responsible for the execution of any legal process required for the seizure and storage of firearms subject to the order. Nothing in this provision limits the ability of the law enforcement agency of record from cooperating with other law enforcement entities.

(c) Personal service of notice for the hearing may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if the respondent is served less than five days prior to the hearing, which continuance shall be granted unless there are compelling reasons not to do so. If the court grants the requested continuance, and an existing emergency order under section 624.7164 will expire due to the continuance, the court shall also issue a written order continuing the emergency order pending the new time set for the hearing.

(d) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

Subd. 2. **Relief by court.** (a) At the hearing, the petitioner must prove by a preponderance of the evidence that the respondent poses a significant danger of bodily harm to self or other persons by possessing a firearm.

(b) In determining whether to grant the order after a hearing, the court shall consider evidence of the following, whether or not the petitioner has provided evidence of the same:

(1) a history of threats or acts of violence by the respondent directed toward another person;

(2) the history of use, attempted use, or threatened use of physical force by the respondent against another person;

(3) a violation of any court order, including but not limited to orders issued under sections 624.7161 to 624.7168 or chapter 260C or 518B;

(4) a prior arrest for a felony offense;

(5) a conviction or prior arrest for a violent misdemeanor offense, for a stalking offense under section 609.749, or for domestic assault under section 609.2242;

(6) a conviction for an offense of cruelty to animals under chapter 343;

(7) the unlawful and reckless use, display, or brandishing of a firearm by the respondent;

(8) a history of self-harm by the respondent; and

(9) whether the respondent is named in an existing order in effect under sections 624.7161 to 624.7168 or chapter 260C or 518B, or party to a pending lawsuit, complaint, petition, or other action under sections 624.7161 to 624.7168 or chapter 518B.

(c) In determining whether to grant the order after a hearing, the court may consider any other evidence that bears on whether the respondent poses a danger to the respondent's self or others.

(d) If the court finds there is a preponderance of the evidence to issue an extreme risk protection order, the court shall issue the order prohibiting the person from possessing a firearm for the duration of the order. The court shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165. The court shall also give notice to the county attorney's office, which may take action as it deems appropriate.

(e) The order shall have a fixed period, to be determined by the court, of not less than six months and not more than two years, subject to renewal or extension under section 624.7163.

(f) If there is no existing emergency order under section 624.7164 at the time an order is granted under this section, the court shall determine by a preponderance of the evidence whether the respondent presents an immediate and present danger of bodily harm. If the court so determines, the transfer order shall include the provisions described in section 624.7165, paragraph (c).

(g) If, after a hearing, the court does not issue an order of protection, the court shall vacate any emergency extreme risk protection order currently in effect.

(h) A respondent may waive the respondent's right to contest the hearing and consent to the court's imposition of an extreme risk protection order. The court shall seal the petition filed under this section and section 624.7144 if a respondent who consents to imposition of an extreme risk protection order requests that the petition be sealed, unless the court finds that there is clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the respondent of not sealing the petition. All extreme risk protection orders shall remain public.

#### Sec. 4. **[624.7163] SUBSEQUENT EXTENSIONS AND TERMINATION.**

(a) Upon application by any party entitled to petition for an order under section 624.7162, and after notice to the respondent and a hearing, the court may extend the relief granted in an existing order granted after a hearing under section 624.7162. Application for an extension may be made any time within the three months before the expiration of the existing order. The order may be extended for a fixed period of at least six months and not to exceed two years, if the court makes the same findings by a preponderance of the evidence as required for granting of an initial order under section 624.7162, subdivision 2, paragraph (d). The court shall consider the same types of evidence as required for the initial order under section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) Upon application by the respondent to an order issued under section 624.7162, the court may terminate an order after a hearing at which the respondent shall bear the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm. Application for termination may be made one time for each year an order is in effect. If an order has been issued for a period of six months, the respondent may apply for termination one time.

#### Sec. 5. **[624.7164] EMERGENCY ISSUANCE OF EXTREME RISK PROTECTION ORDER.**

(a) In determining whether to grant an emergency extreme risk protection order, the court shall consider evidence of all facts identified in section 624.7162, subdivision 2, paragraphs (b) and (c).

(b) If the court finds there is reasonable grounds that (1) the respondent poses a significant danger of bodily harm to the respondent's self or to other persons by possessing a firearm, and (2) the respondent presents an immediate and present danger of bodily harm, the court shall issue an ex parte emergency order prohibiting the respondent from possessing a firearm for the duration of the order. The order shall inform the respondent that the respondent is prohibited from possessing firearms and shall issue a transfer order under section 624.7165, paragraph (c).

(c) A finding by the court that there is a basis for issuing an emergency extreme risk protection order constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(d) The emergency order shall have a fixed period of 14 days unless a hearing is set under section 624.7162 on an earlier date, in which case the order shall expire upon a judge's finding that no order is issued under section 624.7162.

(e) Except as provided in paragraph (f), the respondent shall be personally served immediately with a copy of the emergency order and a copy of the petition and, if a hearing is requested by the petitioner under section 624.7162, notice of the date set for the hearing. If the petitioner does not request a hearing under section 624.7162, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing challenging the issuance of the emergency order, and must be accompanied by a form that can be used by the respondent to request a hearing.

(f) Service of the emergency order may be made by alternate service as provided under section 624.7162, subdivision 1, paragraph (d), provided that the petitioner files the affidavit required under that subdivision. If the petitioner does not request a hearing under section 624.7162, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing described in paragraph (e).

#### Sec. 6. **[624.7165] TRANSFER OF FIREARMS.**

(a) Except as provided in paragraph (b), upon issuance of an extreme risk protection order, the court shall direct the respondent to transfer any firearms the person possesses as soon as reasonably practicable, but in no case later than 24 hours, to a federally licensed firearms dealer or a law enforcement agency. If the respondent elects to transfer the respondent's firearms to a law enforcement agency, the agency must accept the transfer. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm and does not transfer ownership or title. If the respondent makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the respondent a reasonable fee to store the firearms and may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms. If a respondent permanently transfers the respondent's firearms to a law enforcement agency, the agency is not required to compensate the respondent and may charge the respondent a reasonable processing fee.

(b) A person directed to transfer any firearms pursuant to paragraph (a) may transfer any antique firearm, as defined in United States Code, title 18, section 921, paragraph (a), clause (16), as amended, or a curio or relic as defined in Code of Federal Regulations, title 27, section 478.11, as amended, to a relative who does not live with the respondent after confirming that the relative may lawfully own or possess a firearm.

(c) The respondent must file proof of transfer as provided in this paragraph.

(1) A law enforcement agency or federally licensed firearms dealer accepting transfer of a firearm pursuant to this section shall provide proof of transfer to the respondent. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and must include the name of the respondent, date of transfer, and the serial number, manufacturer, and model of all transferred firearms. If transfer is made to a federally licensed firearms dealer, the respondent shall, within two business days after being served with the order, file a copy of proof of transfer with the law enforcement agency and attest that all firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the person currently does not possess any firearms. If the respondent claims not to own or possess firearms, the respondent shall file a declaration of nonpossession with the law enforcement agency attesting that, at the time of the order, the respondent neither owned nor possessed any firearms, and that the respondent currently neither owns nor possesses any firearms. If the transfer is made to a

relative pursuant to paragraph (b), the relative must sign an affidavit under oath before a notary public either acknowledging that the respondent permanently transferred the respondent's antique firearms, curios, or relics to the relative or agreeing to temporarily store the respondent's antique firearms, curios, or relics until such time as the respondent is legally permitted to possess firearms. To the extent possible, the affidavit shall indicate the serial number, make, and model of all antique firearms, curios, or relics transferred by the respondent to the relative.

(2) The court shall seal affidavits, proofs of transfer, and declarations of nonpossession filed pursuant to this paragraph.

(d) If a court issues an emergency order under section 624.7164, or makes a finding of immediate and present danger under section 624.7162, subdivision 2, paragraph (e), and there is probable cause to believe the respondent possesses firearms, the court shall issue a search warrant to the local law enforcement agency to take possession of all firearms in the respondent's possession as soon as practicable. The local law enforcement agency shall, upon written notice from the respondent, transfer the firearms to a federally licensed firearms dealer. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the federally licensed firearms dealer receiving the firearm to submit a proof of transfer that complies with the requirements for proofs of transfer established in paragraph (c). The agency shall file all proofs of transfer received by the court within two business days of the transfer. A federally licensed firearms dealer who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (a) and (c) as if accepting transfer directly from the respondent. If the law enforcement agency does not receive written notice from the respondent within three business days, the agency may charge a reasonable fee to store the respondent's firearms. A law enforcement agency may establish policies for disposal of abandoned firearms, provided these policies require that the respondent be notified prior to disposal of abandoned firearms.

#### Sec. 7. [624.7166] RETURN OF FIREARMS.

Subdivision 1. **Law enforcement.** A local law enforcement agency that accepted temporary transfer of firearms under section 624.7165 shall return the firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law.

Subd. 2. **Firearms dealer.** A federally licensed firearms dealer that accepted temporary transfer of firearms under section 624.7165 shall return the transferring firearms to the respondent upon request after the expiration of the order, provided the respondent is not otherwise prohibited from possessing firearms under state or federal law. A federally licensed firearms dealer returning firearms shall comply with state and federal law as though transferring a firearm from the dealer's own inventory.

#### Sec. 8. [624.7167] OFFENSES.

Subdivision 1. **False information or harassment.** A person who petitions for an extreme risk protection order under section 624.7162 or 624.7164, knowing any information in the petition to be materially false or with the intent to harass, abuse, or threaten, is guilty of a misdemeanor.

Subd. 2. **Violation of order.** A person who possesses a firearm and knows or should have known that the person is prohibited from doing so by an extreme risk protection order under section 624.7162 or 624.7164, or by an order of protection granted by a judge or referee pursuant to a substantially similar law of another state, is guilty of a misdemeanor and shall be prohibited from possessing firearms for a period of five years. Each extreme risk protection order granted under this chapter must contain a conspicuous notice to the respondent regarding the penalty for violation of the order.

Sec. 9. **[624.7168] LIABILITY PROTECTION.**

Subdivision 1. **Liability protection for petition.** A chief law enforcement officer, or a designee, or a city or county attorney, who, in good faith, decides not to petition for an extreme risk protection order or emergency extreme risk protection order shall be immune from criminal or civil liability.

Subd. 2. **Liability protection for storage of firearms.** A law enforcement agency shall be immune from civil or criminal liability for any damage or deterioration of firearms, ammunition, or weapons stored or transported pursuant to section 624.7165. This subdivision shall not apply if the damage or deterioration occurred as a result of recklessness, gross negligence, or intentional misconduct by the law enforcement agency.

Subd. 3. **Liability protection for harm following service of an order or execution of a search warrant.** A peace officer, law enforcement agency, and the state or a political subdivision by which a peace officer is employed has immunity from any liability, civil or criminal, for harm caused by a person who is the subject of an extreme risk protection order, a search warrant issued pursuant to section 624.7165, paragraph (d), or both after service of the order or execution of the warrant, whichever comes first, if the peace officer acts in good faith in serving the order or executing the warrant.

Sec. 10. **[626.8474] EXTREME RISK PROTECTION ORDER; DEVELOPMENT OF MODEL PROCEDURES.**

By December 1, 2020, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7165.

Sec. 11. **REVISOR INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes 2018, sections 624.7161 to 624.7168, and correct cross-references to those provisions so as not to conflict with this act.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 9 and 11 are effective January 1, 2020, and apply to firearm permit background checks made on or after that date.

ARTICLE 16  
DISASTER ASSISTANCE

Section 1. **DISASTER ASSISTANCE CONTINGENCY ACCOUNT; TRANSFER.**

\$10,000,000 in fiscal year 2020 and \$10,000,000 in fiscal year 2021 are transferred from the general fund to the commissioner of public safety for deposit in the disaster assistance contingency account established under Minnesota Statutes, section 12.221, subdivision 6. These are onetime transfers.

ARTICLE 17  
JUDICIARY APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2020" and "2021" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is fiscal years 2020 and 2021.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2020</u></b>	<b><u>2021</u></b>
Sec. 2. <b><u>SUPREME COURT</u></b>		
Subdivision 1. <b><u>Total Appropriation</u></b>	<b><u>\$59,131,000</u></b>	<b><u>\$61,304,000</u></b>
<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>		
Subd. 2. <b><u>Supreme Court Operations</u></b>	<u>43,608,000</u>	<u>44,858,000</u>
(a) <b><u>Contingent Account</u></b>		
<u>\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.</u>		
(b) <b><u>Judges' Compensation</u></b>		
<u>Judges' compensation is increased by three percent each year.</u>		
(c) <b><u>Cybersecurity Program</u></b>		
<u>\$2,500,000 each year is for a cybersecurity program.</u>		
(d) <b><u>Early Neutral Evaluation</u></b>		
<u>\$50,000 the first year is to contract with the Board of Regents of the University of Minnesota for its Extension Service to develop and conduct a survey of all early neutral evaluation participants and provide a report to the legislature pursuant to article 2, section 8.</u>		
Subd. 3. <b><u>Civil Legal Services</u></b>	<u>15,523,000</u>	<u>16,446,000</u>
<b><u>Legal Services to Low-Income Clients in Family Law Matters.</u></b>		
<u>\$1,062,000 the first year and \$1,125,000 the second year are to improve the access of low-income clients to legal representation in</u>		

family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services program described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available in the second year.

Sec. 3. **COURT OF APPEALS**

**\$12,878,000**

**\$13,258,000**

**Judges' Compensation.** Judges' compensation is increased by three percent each year.

Sec. 4. **DISTRICT COURTS**

**\$311,201,000**

**\$321,140,000**

(a) **Judges' Compensation**

Judges' compensation is increased by four percent each year.

(b) **New Trial Judges**

\$912,000 the first year and \$846,000 the second year are for two new trial court judge units in the Seventh Judicial District.

(c) **Mandated Psychological Services**

\$1,070,000 each year is for mandated court services.

(d) **Treatment Courts Stability**

\$306,000 each year is for treatment courts stability.

(e) **Gun Violence Prevention**

\$81,000 each year is to process petitions for extreme risk protection orders.

Sec. 5. **GUARDIAN AD LITEM BOARD**

**\$21,876,000**

**\$22,578,000**

**Compliance Positions.** \$4,205,000 the first year and \$4,443,000 the second year are for new positions to maintain compliance with federal and state mandates.

Sec. 6. **TAX COURT**

**\$1,807,000**

**\$1,808,000**

Sec. 7. **UNIFORM LAWS COMMISSION**

**\$98,000**

**\$98,000**

Sec. 8. **BOARD ON JUDICIAL STANDARDS**

**\$535,000**

**\$509,000**

**Major Disciplinary Actions.** \$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures until June 30, 2023.

Sec. 9. **BOARD OF PUBLIC DEFENSE****\$100,029,000****\$111,657,000**(a) **New Positions**

\$3,296,000 the first year and \$9,472,000 the second year are contingent on participation in veteran's specialty courts.

(b) **Forfeiture Representation**

\$205,000 the first year and \$515,000 the second year are for providing representation in forfeiture proceedings for individuals entitled to be represented in criminal matters.

(c) **Base Adjustment**

The general fund base is increased by \$108,000 beginning in fiscal year 2022.

Sec. 10. **HUMAN RIGHTS****\$6,421,000****\$6,698,000**

\$10,000 the second year is for a microgrant program for capacity building by local units of government and local groups.

Sec. 11. **BUREAU OF MEDIATION SERVICES****\$2,200,000****\$413,000**

\$2,200,000 the first year and \$413,000 the second year are to develop and implement the online cooperative private divorce program under article 5, section 4. The cooperative private divorce program must be made available on the Bureau of Mediation Services website by January 1, 2021.

Sec. 12. **LEGISLATIVE COORDINATING COMMISSION****\$7,000****\$7,000**

\$7,000 each year is for the Legislative Commission on Intelligence and Technology under article 4, section 1.

Sec. 13. **TRANSFER.**

\$10,000 the first year and \$20,000 the second year and annually thereafter are appropriated to the commissioner of management and budget for transfer to the special revenue fund for use by the displaced homemaker program.

Sec. 14. **TRANSFER.**

\$1,075,000 annually is appropriated to the commissioner of management and budget for transfer to the Minnesota State Patrol's forfeited property account in the special revenue fund for use by the Minnesota State Patrol as a supplement to the agency's operating fund.

Sec. 15. **TRANSFER.**

\$763,000 annually is appropriated to the commissioner of management and budget for transfer to the Bureau of Criminal Apprehension's forfeited property account for use by the Bureau of Criminal Apprehension as a supplement to the agency's operating fund.

ARTICLE 18  
COURTS

Section 1. Minnesota Statutes 2018, section 169.99, subdivision 1c, is amended to read:

Subd. 1c. **Notice of surcharge.** All parts of the uniform traffic ticket must ~~give~~ provide conspicuous notice ~~of the fact~~ that, if convicted, the person to whom it was issued ~~must~~ may be required to pay a state-imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

**EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 2. Minnesota Statutes 2018, section 169.99, is amended by adding a subdivision to read:

Subd. 1d. **Financial hardship.** The first paragraph on the reverse side of the summons on the uniform traffic ticket must include the following, or substantially similar, language: "All or part of the cost of this summons may be waived on a showing of indigency or undue hardship on you or your family. You may schedule a court appearance to request a waiver based on your ability to pay by calling the Minnesota Court Payment Center (CPC) [followed by the Court Payment Center telephone number]. For more information, call the CPC or visit [www.mncourts.gov/fines](http://www.mncourts.gov/fines)."

**EFFECTIVE DATE.** This section is effective August 1, 2019. The changes to the uniform traffic ticket described in this section must be reflected on the ticket the next time it is revised.

Sec. 3. Minnesota Statutes 2018, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$285~~ \$335, except in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

- (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8 for an uncertified copy.
- (3) Issuing a subpoena, \$16 for each name.
- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$75.
- (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.
- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- (11) For the deposit of a will, \$27.
- (12) For recording notary commission, \$20.
- (13) Filing a motion or response to a motion for modification of child support, a fee of \$50.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 357.021, is amended by adding a subdivision to read:

Subd. 2c. **Court cybersecurity fee.** In addition to any other filing fee under this chapter, the court administrator shall collect a \$1 cybersecurity fee on filings made under subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to the commissioner of management and budget for deposit in the general fund. This subdivision expires June 30, 2021.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this ~~paragraph~~ subdivision, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or

ordinance relating to vehicle parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

~~(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.~~

~~(c) (b) The court may not reduce the amount or waive payment of the surcharge required under this subdivision. Upon on a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments. Additionally, the court may permit the defendant to perform community work service in lieu of a surcharge.~~

~~(d) (c) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.~~

~~(e) (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the court administrator or other entity collecting the surcharge imposed by the court.~~

~~(f) (e) A person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.~~

~~(g) (f) The surcharge does not apply to administrative citations issued pursuant to section 169.999.~~

Sec. 6. Minnesota Statutes 2018, section 484.85, is amended to read:

**484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul municipality or subdivision of government within Ramsey County and one-third credited to the state general fund; and~~

~~(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of government and one-half credited to the state general fund.~~

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 7. Minnesota Statutes 2018, section 609.101, subdivision 5, is amended to read:

Subd. 5. **Waiver prohibited; reduction and installment payments.** (a) The court may not waive payment of the minimum fine required by this section.

(b) If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the fine would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum fine to not less than \$50. Additionally, the court may permit the defendant to perform community work service in lieu of a fine.

(c) The court also may authorize payment of the fine in installments.

(d) Before sentencing a person convicted of a felony, gross misdemeanor, misdemeanor, or petty misdemeanor to pay money for a fine, fee, or surcharge, the court shall make a finding on the record as to indigency or the convicted person's ability to comply with an order to pay without undue hardship for the convicted person or that person's immediate family. In determining indigency or whether the defendant is able to comply with an order to pay a fine, fee, or surcharge without undue hardship to the convicted person or that person's immediate family, the court shall consider:

(1) income;

(2) dependents;

(3) financial resources, including assets and liabilities;

(4) basic living expenses;

(5) receipt of means-tested public assistance program; and

(6) any special circumstances that may bear on the person's ability to pay.

(e) Paragraph (d) shall not apply when a conviction for a violation that is included on the uniform fine schedule authorized under section 609.101, subdivision 4, is entered without a hearing before the court.

Sec. 8. **EARLY NEUTRAL EVALUATION STUDY AND REPORT.**

(a) The supreme court is requested to contract with the Board of Regents of the University of Minnesota to develop and conduct a survey and report as provided in this section.

(b) The board, through its Extension Service, is requested to develop and conduct a survey of all early neutral evaluation participants from November 1, 2019, to November 1, 2020. At a minimum, the survey must seek the following information:

(1) the participant's demographic information, including age, gender, and race;

(2) a participant's satisfaction levels with the early neutral evaluation process and outcome as it relates to the following:

(i) custody arrangements;

(ii) parenting time;

(iii) property division;

(iv) legal expenses;

(v) length of time of the process;

(vi) level of cooperation of each party; and

(vii) the effectiveness of the neutral or neutrals;

(3) the participant's opinion regarding fairness of the early neutral evaluation process, whether the participant's expectations were met, whether the participant made decisions voluntarily, and whether the participant would recommend the early neutral evaluation to others; and

(4) the participant's recommendations related to the early neutral evaluation process and outcome.

(c) The Extension Service is requested to aggregate the results of the survey and report summary data, as defined in Minnesota Statutes, section 13.03, subdivision 19, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over children, families, and the judiciary by January 15, 2021. The report is requested to include the following:

(1) the total number of early neutral evaluation participants;

(2) the total number of social-early neutral evaluation participants;

(3) the total number of financial-early neutral evaluation participants;

(4) all disaggregated data, including survey data, collected by judicial district;

(5) a description of the methods used to collect data; and

(6) a description of general trends, findings, and conclusions based on data collected.

(d) Data collected by the Extension Service in individual participant surveys are private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivision 12.

ARTICLE 19  
FORFEITURE

Section 1. Minnesota Statutes 2018, section 84.7741, subdivision 13, is amended to read:

Subd. 13. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 2. Minnesota Statutes 2018, section 97A.221, subdivision 5, is amended to read:

Subd. 5. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures of firearms, bows, and motor vehicles occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 3. Minnesota Statutes 2018, section 97A.223, subdivision 6, is amended to read:

Subd. 6. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures of firearms, bows, and motor vehicles occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 4. Minnesota Statutes 2018, section 97A.225, subdivision 10, is amended to read:

Subd. 10. **Reporting.** The appropriate agency and prosecuting authority shall report on forfeitures occurring under this section as described in section ~~609.5315, subdivision 6~~ 609.112, subdivision 35.

Sec. 5. Minnesota Statutes 2018, section 152.21, subdivision 6, is amended to read:

Subd. 6. **Exemption from criminal sanctions.** For the purposes of this section, the following are not violations under this chapter:

- (1) use or possession of THC, or both, by a patient in the research program;
- (2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and
- (3) possession or distribution of THC, or both, by a pharmacy registered to handle Schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section 609.112.

For the purposes of this section, THC is removed from Schedule I contained in section 152.02, subdivision 2, and inserted in Schedule II contained in section 152.02, subdivision 3.

Sec. 6. Minnesota Statutes 2018, section 152.32, subdivision 2, is amended to read:

Subd. 2. **Criminal and civil protections.** (a) Subject to section 152.23, the following are not violations under this chapter:

(1) use or possession of medical cannabis or medical cannabis products by a patient enrolled in the registry program, or possession by a registered designated caregiver or the parent or legal guardian of a patient if the parent or legal guardian is listed on the registry verification;

(2) possession, dosage determination, or sale of medical cannabis or medical cannabis products by a medical cannabis manufacturer, employees of a manufacturer, a laboratory conducting testing on medical cannabis, or employees of the laboratory; and

(3) possession of medical cannabis or medical cannabis products by any person while carrying out the duties required under sections 152.22 to 152.37.

(b) Medical cannabis obtained and distributed pursuant to sections 152.22 to 152.37 and associated property is not subject to forfeiture under ~~sections 609.531 to 609.5316~~ section 609.112.

(c) The commissioner, the commissioner's staff, the commissioner's agents or contractors, and any health care practitioner are not subject to any civil or disciplinary penalties by the Board of Medical Practice, the Board of Nursing, or by any business, occupational, or professional licensing board or entity, solely for the participation in the registry program under sections 152.22 to 152.37. A pharmacist licensed under chapter 151 is not subject to any civil or disciplinary penalties by the Board of Pharmacy when acting in accordance with the provisions of sections 152.22 to 152.37. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law.

(d) Notwithstanding any law to the contrary, the commissioner, the governor of Minnesota, or an employee of any state agency may not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment under sections 152.22 to 152.37.

(e) Federal, state, and local law enforcement authorities are prohibited from accessing the patient registry under sections 152.22 to 152.37 except when acting pursuant to a valid search warrant.

(f) Notwithstanding any law to the contrary, neither the commissioner nor a public employee may release data or information about an individual contained in any report, document, or registry created under sections 152.22 to 152.37 or any information obtained about a patient participating in the program, except as provided in sections 152.22 to 152.37.

(g) No information contained in a report, document, or registry or obtained from a patient under sections 152.22 to 152.37 may be admitted as evidence in a criminal proceeding unless independently obtained or in connection with a proceeding involving a violation of sections 152.22 to 152.37.

(h) Notwithstanding section 13.09, any person who violates paragraph (e) or (f) is guilty of a gross misdemeanor.

(i) An attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing legal assistance to prospective or registered manufacturers or others related to activity that is no longer subject to criminal penalties under state law pursuant to sections 152.22 to 152.37.

(j) Possession of a registry verification or application for enrollment in the program by a person entitled to possess or apply for enrollment in the registry program does not constitute probable cause or reasonable suspicion, nor shall it be used to support a search of the person or property of the person possessing or applying for the registry verification, or otherwise subject the person or property of the person to inspection by any governmental agency.

Sec. 7. Minnesota Statutes 2018, section 299A.681, subdivision 11, is amended to read:

Subd. 11. **Forfeiture.** Property seized by the task force is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The task force shall receive the proceeds from the sale of all property properly seized and forfeited under section 609.112.

Sec. 8. Minnesota Statutes 2018, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund. \$30 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapters 260, 260A, 260B, and 260C;

(6) forfeiture of property under ~~sections 169A.63 and 609.531 to 609.5317~~ section 609.112;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 9. **[609.112] CRIMINAL FORFEITURE.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "Abandoned property" means personal property left by an owner who relinquishes all rights to its control. Real property may not be abandoned.

(c) "Actual knowledge" means direct and clear awareness of information, a fact, or a condition.

(d) "Appropriate agency" means the Bureau of Criminal Apprehension; the Department of Commerce Fraud Bureau; the Minnesota Division of Driver and Vehicle Services; the Minnesota State Patrol; a county sheriff's department; the Three Rivers Park District park rangers; the University of Minnesota Police Department; the Department of Corrections Fugitive Apprehension Unit; a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.642 or 299A.681.

(e) "Contraband" means goods that, in themselves, are unlawful to possess. Contraband includes but is not limited to scheduled drugs without a valid prescription; bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime; and weapons upon conviction of the weapon's owner or possessor for:

(1) a controlled substance crime;

(2) any offense of this chapter or chapter 624; or

(3) a violation of an order for protection under section 518B.01, subdivision 14.

In this chapter, contraband does not include proceeds derived from an alleged crime or an instrumentality used in an alleged crime.

(f) "Conveyance" means a device used for transportation and includes a motor vehicle, trailer, snowmobile, airplane, vessel, or any equipment attached to one of these devices. The term does not include property that is stolen or taken in violation of the law.

(g) "Designated offense" means:

(1) for weapons used, any violation of this chapter or chapter 152 or 624;

(2) for driver's license or identification card transactions, any violation of section 171.22;

(3) all controlled substances that were manufactured, distributed, dispensed, or acquired in violation of chapter 152, and all property, real and personal, that has been used or is intended for use, or has in any way facilitated, in whole or in part, the manufacturing, compounding, processing, delivering, importing, cultivating, exporting, transporting, or exchanging of contraband, or a controlled substance that has not been lawfully manufactured, distributed, dispensed, and acquired, is subject to forfeiture under this section, except as provided in this section;

(4) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree driving while impaired);

(5) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10), and not reinstated; or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance; or

(6) for all other purposes, a felony violation of or a felony-level attempt or conspiracy to violate section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.2112; 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.2335; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); 609.345, subdivision 1, clauses (a) to (e) and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324; or a felony violation of or a felony-level attempt or conspiracy to violate Minnesota Statutes 2012, section 609.21.

(h) "Instrumentality" means property otherwise lawful to possess that is used in the commission of a designated offense. An instrumentality includes but is not limited to land, buildings, a container, a conveyance, equipment, materials, products, a tool, a computer, computer software, a telecommunications device, a firearm, or ammunition.

(i) "Proceeds" means money, securities, negotiable instruments, or other means of exchange obtained by the sale of property.

**Subd. 2. Purpose.** Forfeiture is disfavored. The purpose of this chapter is to:

(1) deter criminal activity by reducing its economic incentives;

(2) confiscate property used in violation of the law and disgorge the fruits of illegal conduct; and

(3) protect rights due to defendants and innocent owners.

**Subd. 3. Seizure of personal property with process.** At the request of the state at any time, a court may issue an ex parte preliminary order to attach, seize, or secure personal property for which forfeiture is sought and to provide for its custody. Application, issuance, execution, and return are subject to state statute and court rules.

**Subd. 4. Seizure of personal property without process.** (a) Personal property is subject to forfeiture and may be seized without a court order if:

(1) the personal property is the subject of a prior judgment in favor of the state;

(2) the seizure of personal property is incident to a lawful arrest for a designated offense, the property was discovered in a lawful search, and the appropriate agency has probable cause to believe the property:

(i) was used in any manner or part to commit or to facilitate the commission of the designated offense; or

(ii) constitutes or was derived directly from proceeds of a designated offense; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the property and that:

(i) the property was used or is intended to be used in commission of a felony; or

(ii) the property is dangerous to health or safety.

(b) Mere presence or possession of United States currency, without other indicia of an offense that authorizes forfeiture of property, is insufficient probable cause for seizure of United States currency.

**Subd. 5. Seizure or restraint of real property with process.** (a) Seizure or restraint of real property requires a court order. Except as provided in subdivision 6, a court may issue an order to seize or secure real property for which forfeiture is sought only after proper notice to property owners and an opportunity for a contested hearing to determine the sufficiency of probable cause for the seizure.

(b) Except as provided in subdivision 6, nothing in this section prohibits the prosecuting authority from seeking a lis pendens or restraining order to hinder the sale or destruction of the real property. However, if the prosecuting attorney obtains a lis pendens or restraining order, the prosecuting authority shall notify any party with an interest in any real property within 30 days.

(c) Application, filing, issuance, execution, and return of any order are subject to state law.

**Subd. 6. Rental property.** (a) When contraband or a controlled substance manufactured, distributed, or acquired in violation of chapter 152 is seized on residential rental property incident to a lawful search or arrest, the prosecuting authority shall give the notice required by this subdivision to (1) the landlord of the property or the fee owner identified in the records of the county assessor, and (2) the agent authorized by the owner to accept service pursuant to section 504B.181. The notice is not required during an ongoing investigation. The notice shall state what has been seized and specify the applicable duties and penalties under this subdivision. The notice shall state that the landlord who chooses to assign the right to bring an eviction action retains all rights and duties, including removal of a tenant's personal property following issuance of the writ of recovery and delivery of the writ to the sheriff for execution. The notice shall also state that the landlord may contact the prosecuting authority if threatened by the tenant. Notice shall be sent by certified letter, return receipt requested, within 30 days of the seizure. If receipt is not returned, notice shall be given in the manner provided by law for service of summons in a civil action.

(b) Within 15 days after notice of the first occurrence, the landlord shall bring or assign to the prosecuting authority of the county in which the real property is located the right to bring an eviction action against the tenant. The assignment must be in writing on a form prepared by the prosecuting authority. If the landlord chooses to assign the right to bring an eviction action, the assignment shall be limited to those rights and duties up to and including delivery of the writ of recovery to the sheriff for execution.

(c) Upon notice of a second occurrence on any residential rental property owned by the same landlord in the same county and involving the same tenant, and within one year after notice of the first occurrence, the property is subject to forfeiture under this section unless an eviction action has been commenced as provided in paragraph (b) or the right to bring an eviction action was assigned to the prosecuting authority as provided in paragraph (b). If the right has been assigned and not previously exercised, or if the prosecuting authority requests an assignment and the landlord makes an assignment, the prosecuting authority may bring an eviction action rather than an action for forfeiture.

(d) The Department of Corrections Fugitive Apprehension Unit shall not seize real property for the purposes of forfeiture as described in paragraphs (a) to (c).

(e) It is a defense against a proceeding under paragraph (b) that the tenant had no knowledge or reason to know of the presence of the contraband or controlled substance or could not prevent its being brought onto the property. It is a defense against a proceeding under paragraph (c) that the landlord made every reasonable attempt to evict a tenant or to assign the prosecuting authority the right to bring an eviction action against the tenant or that the landlord did not receive notice of the seizure.

(f) This subdivision shall not apply if the retail value of the controlled substance is less than \$100, but this subdivision does not subject real property to forfeiture unless (1) the retail value of the controlled substance is \$1,000 or more, or (2) there have been two previous controlled substance seizures involving the same tenant.

Subd. 7. **Exemptions.** (a) The following property is exempt from seizure and forfeiture:

(1) homestead real property;

(2) United States currency totaling no more than \$300; and

(3) a motor vehicle of no more than \$2,500 in market value, except that this provision does not apply to a motor vehicle used in violation of section 609.66, subdivision 1e.

(b) A prosecuting authority may establish an exemption with a minimum dollar amount larger than those in paragraph (a), clauses (2) and (3), in the prosecuting authority's jurisdiction.

Subd. 8. **Contraband.** No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to law.

Subd. 9. **Waiver prohibition.** (a) An appropriate agency may not request, require, or in any manner induce any person to execute a document purporting to waive, for purposes of forfeiture under this section, the person's interest in or rights to property seized. This prohibition does not apply to the prosecuting agency responsible for the litigation of the forfeiture case.

(b) Any document in violation of paragraph (a) purporting to waive a person's interest in, or right to, property seized under this chapter is null, void, and inadmissible in court.

Subd. 10. **Receipt.** When property is seized, the appropriate agency shall give an itemized receipt to the person possessing the property or, in the absence of any person, leave a receipt in the place where the property was found, if reasonably possible.

Subd. 11. **Criminal forfeiture; property subject to forfeiture.** When a person is convicted of violating a designated offense, the court, consistent with this chapter, may order the person to forfeit:

(1) any property constituting or derived directly from proceeds of the underlying offense for which the person is convicted; or

(2) any of the person's property used in any manner or part to commit or to facilitate the commission of the offense for which the person is convicted.

**Subd. 12. Conviction required; standard of proof.** (a) There shall be no civil forfeiture under this chapter.

(b) Property may be forfeited if (1) the offense is a designated offense, (2) the offense is established by proof of a criminal conviction, and (3) the state establishes that the property is subject to forfeiture under subdivision 11 by clear and convincing evidence.

(c) Nothing in this section prevents property from being forfeited by plea agreement approved by the presiding criminal court except the court shall not accept a plea agreement or other arrangement that prevents the claims of any person who filed a statement of interest or ownership pursuant to subdivision 20 or 21 from being adjudicated.

(d) The court may waive the conviction requirement if the prosecuting authority shows by clear and convincing evidence that, before conviction, the defendant:

(1) died;

(2) no longer resides in the United States;

(3) was granted immunity or reduced punishment in exchange for testifying or assisting a law enforcement investigation or prosecution;

(4) fled state jurisdiction; or

(5) abandoned the property.

(e) Notwithstanding any law to the contrary, the court shall order the sale of personal property that is (1) seized from a person who flees state jurisdiction, or (2) abandoned to be credited to the state general fund.

(f) The court shall order currency that is (1) seized from a person who flees the jurisdiction, or (2) abandoned to be credited to the state general fund.

**Subd. 13. Forfeiture indictment.** (a) In any case in which the state seeks forfeiture of property except through a complaint as provided in subdivision 14, the prosecuting authority shall file an indictment or information that includes:

(1) a criminal charge; and

(2) a charge for which forfeiture of property under this chapter may be ordered. This property-related charge shall identify the specific assets to be forfeited, if known, or the relevant forfeiture statutes if specific assets to be forfeited are not known at the time the prosecuting authority requests the issuance of the indictment.

(b) Upon application of the prosecuting authority, the court may enter a restraining order or injunction, or take other action to preserve the availability of property only:

(1) upon the issuance of an indictment or information according to paragraph (a); or

(2) prior to the issuance of such an indictment or information if the court determines there is a substantial probability the state will prevail on the issue of criminal forfeiture and that failure to enter the order will result in property being destroyed, removed from the jurisdiction, or otherwise made unavailable for forfeiture.

(c) Any order entered pursuant to paragraph (b) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment or information described in paragraph (b), clause (1), has been subsequently issued.

(d) Notice must be provided as set forth in the complaint process provided in subdivision 14 to all persons known to have an interest in the property who are not named in the indictment or information.

Subd. 14. **Forfeiture complaint; service of process.** (a) In any case in which the state seeks forfeiture of property, except when the state seeks forfeiture through indictment or information as provided in subdivision 13, the prosecuting authority shall file a criminal complaint that includes (1) criminal charges, and (2) the information identified in paragraph (b) before the defendant's first appearance in court. Upon motion by the prosecuting authority, a court may permit the filing of an amended criminal complaint within seven days of the first appearance for good cause shown. Service of an amended criminal complaint on a represented party must be made on the attorney. Service on the attorney or party must be made in the manner provided by the rules of practice of the court, including by electronic means as authorized by the court. The court shall verify service at the defendant's next appearance.

(b) A complaint in any case in which the state seeks forfeiture of property must include:

(1) a description of the property seized;

(2) the date and place of the seizure;

(3) the name and address of the appropriate agency responsible for the seizure;

(4) a statement of facts establishing probable cause to believe that the charged offense has been committed, that the defendant committed it, and that the seized property is an instrument or represents the proceeds of the underlying offense;

(5) the name of any person known to the prosecuting authority to have an interest in the property and the nature of that interest; and

(6) references to the relevant statutory provisions required to show the property is the type of property that may be forfeited under subdivision 11.

(c) If notice is not served in accordance with paragraphs (a) and (b) to all persons appearing to have an interest in the property and no time extension is granted or the extension period has expired, the appropriate agency shall, upon the owner's request, return the property to the person from whom the property was seized, if known. The agency shall not be required to return contraband.

(d) Failure to file a forfeiture complaint required by this subdivision shall not invalidate prosecution for the underlying criminal offense.

(e) Unless otherwise specified in law, the prosecuting authority shall provide notice of the forfeiture proceeding to the registered owner of any vehicle and any other individual known to have an interest in any property subject to forfeiture under this section who is not charged with a crime in the complaint. Notice must be given within seven days of the filing of the complaint pursuant to paragraph (a) or, if an interest was not known at the time of the filing, within seven days of discovery of an individual with an interest in the property and may be made by personal service if the owner is a resident of this state, or by certified mail if the person is a resident of another state.

(f) The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure; and

(3) a copy of the complaint filed pursuant to paragraph (a).

(g) Substantially, the following language must appear conspicuously in the notice:

"WARNING: You may lose the right to be heard in court if you do not file a petition pursuant to Minnesota Statutes, section 609.112, subdivision 20 or 21. You do not have to pay a filing fee to file your notice."

Subd. 15. **Title.** (a) Title to the property subject to forfeiture vests with the state when the court issues a forfeiture judgment and relates back to the time when the state seizes or restrains the property.

(b) Title to substitute assets vests when the court issues an order forfeiting substitute assets.

(c) For either paragraph (a) or (b), title is subject to claims by third parties adjudicated under this chapter.

Subd. 16. **Defendant's pretrial replevin hearing.** (a) Following the seizure of property, a defendant has a right to a pretrial hearing to determine the validity of the seizure.

(b) The court shall hold the hearing at the time the defendant enters a plea or no later than 14 days after the defendant's first appearance under rule 5 of the Rules of Criminal Procedure.

(c) Either party may, by agreement or for good cause, move the court for one extension of no more than ten days. This motion may be supported by affidavits or other submissions.

(d) The court shall issue a writ of replevin if it finds that:

(1) it is likely the final judgment will be that the state must return the property to the defendant;

(2) the property is not reasonably required to be held for evidentiary reasons; and

(3) the property is the only reasonable means for the defendant to pay for legal representation and minimum living expenses in the forfeiture or criminal proceeding unless the prosecuting authority shows by clear and convincing evidence that the property is the instrument or proceeds of an offense for which the defendant is charged. At the court's discretion, it may order the return of funds or property sufficient to obtain counsel of choice but less than the total amount seized.

Subd. 17. **Discovery.** Discovery is subject to the Rules of Criminal Procedure.

Subd. 18. **Venue; trial proceedings.** (a) The district court with jurisdiction over the related criminal matter has jurisdiction over the forfeiture proceeding.

(b) The litigation related to the forfeiture of property shall be held in a single proceeding following entry of a plea of guilty or the trial of the related alleged offense. The litigation associated with the forfeiture of property of less than \$10,000 in value shall be held before only a judge.

(c) The court is not bound by the rules of evidence or technical or formal rules of pleading or procedure in the litigation related to the forfeiture of property when a property owner engages in pro se representation in a case before a judge.

(d) If the defendant in the related criminal matter was represented by the public defender, the state public defender or chief public defender of the judicial district may authorize representation of the defendant in the forfeiture proceeding.

**Subd. 19. Proportionality hearing.** (a) At any time during a hearing pursuant to subdivision 16 or 18, the defendant may petition the court to determine whether the forfeiture is unconstitutionally excessive under the state or federal constitution.

(b) The defendant has the burden of proving the forfeiture is disproportional to the seriousness of the offense by a preponderance of the evidence at a hearing conducted by the court without a jury.

(c) In determining whether the forfeiture of an instrumentality is unconstitutionally excessive, the court may consider all relevant factors, including but not limited to:

(1) the seriousness of the offense and its impact on the community, including the duration of the activity and the harm caused by the defendant;

(2) the extent to which the defendant participated in the offense;

(3) the extent to which the property was used in committing the offense;

(4) the sentence imposed for committing the crime authorizing forfeiture; and

(5) whether the offense was completed or attempted.

(d) In determining the value of the instrumentality subject to forfeiture, the court may consider the fair market value of the property.

(e) The court may also consider:

(1) the hardship to the defendant if the forfeiture is realized and if the forfeiture would deprive the property owner of the owner's livelihood; and

(2) the hardship from the loss of a primary residence, motor vehicle, or other property to the defendant's family members or others if the property is forfeited.

(f) The court may not consider the value of the instrumentality to the state in determining whether the forfeiture of an instrumentality is constitutionally excessive.

**Subd. 20. Secured interest.** (a) Property encumbered by a bona fide security interest is not subject to forfeiture. A person claiming a security interest must establish by clear and convincing evidence the validity of the interest.

(b) The prosecuting authority summarily and without unreasonable delay shall return seized property to the person with a bona fide security interest, up to the value of the secured interest.

(c) If the person alleges a valid security interest but the state seeks to proceed with the forfeiture against the property claimed by the person, the state shall prove by clear and convincing evidence that the person had actual knowledge of the underlying crime giving rise to the forfeiture. Either party may ask the court for a hearing at any time before the court enters a judgment in the criminal prosecution.

Subd. 21. **Innocent owner.** (a) Any person, including an heir but excluding the defendant or a secured-interest holder, asserting a legal interest in property that has been seized or restrained may, at any time before the court enters judgment in the criminal prosecution, petition the court for a hearing to adjudicate the validity of the person's alleged interest in the property. The hearing shall be held before the court without a jury.

(b) The petitioner shall file a simple statement of interest or ownership. The petitioner shall sign the petition under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; any additional facts supporting the petitioner's claim; and the relief sought.

(c) The filing fee for the statement under this subdivision is waived.

(d) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subdivision.

(e) At the hearing, the petitioner may testify and present evidence and witnesses on the petitioner's own behalf and cross-examine witnesses who appear at the hearing. The state may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing.

(f) The petitioner who has an ownership interest in property subject to forfeiture at the time the commission of the crime giving rise to forfeiture occurred and who claims to be an innocent owner bears the burden of proving by clear and convincing evidence that the person has a legal right, title, or interest in the property seized under this chapter.

(g) If paragraph (f) is satisfied and the state seeks to proceed with the forfeiture of the property, the state shall prove by clear and convincing evidence that the petitioner had actual knowledge of the underlying crime giving rise to the forfeiture.

(h) A petitioner who acquired an ownership interest in property subject to forfeiture after the commission of the crime giving rise to the forfeiture and who claims to be an innocent owner bears the burden of proving by clear and convincing evidence that the person has a legal right, title, or interest in the property seized under this chapter.

(i) If paragraph (h) is satisfied and the state seeks to proceed with the forfeiture of the property, the state shall prove by clear and convincing evidence that, at the time the petitioner acquired the property, the person:

(1) had actual knowledge that the property was subject to forfeiture; or

(2) was not a bona fide purchaser without notice of any defect in title and for valuable consideration.

(j) If the state fails to meet its burden in paragraph (g) or (i), the court shall find that the petitioner is an innocent owner and shall order the state to relinquish all claims of title to the property.

(k) No information in the statement of interest or ownership filed pursuant to this section shall be used as evidence in the criminal matter. Nothing in this section prohibits the petitioner who has filed a statement of interest or ownership under this section from providing information to any prosecuting authority or defendant involved in the related criminal matter or representatives of any prosecuting authority or defendant, or from testifying in any criminal trial as to facts within the petitioner's knowledge.

(1) The defendant or convicted offender may invoke the right against self-incrimination or the marital privilege during the forfeiture-related stage of the prosecution. The trier of fact at the hearing may draw an adverse inference from the invocation of the right or privilege.

Subd. 22. **Judgment.** (a) If the prosecuting authority fails to meet its burden as to any claimant, the court must enter judgment dismissing the forfeiture proceeding and delivering the property to the prevailing owner, unless the owner's possession of the property is illegal.

(b) If the prosecuting authority meets its burden as to all claimants, the court shall enter judgment forfeiting the seized property.

(c) A court may enter judgment following a hearing or pursuant to a stipulation or plea agreement.

Subd. 23. **Substitution of assets.** Upon the state's motion following conviction, the court may order the forfeiture of substitute property owned by the defendant up to the value of unreachable property that is beyond the court's jurisdiction or cannot be located through due diligence only if the state proves by a preponderance of the evidence that the defendant intentionally:

(1) dissipated property;

(2) transferred, sold, or deposited property with a third party to avoid forfeiture;

(3) diminished substantially the value of the property; or

(4) commingled property with other property that cannot be divided without difficulty.

Subd. 24. **No additional remedies.** The state may not seek personal money judgments or other remedies related to the forfeiture of property not provided for in this section.

Subd. 25. **No joint and several liability.** A defendant is not jointly and severally liable for forfeiture awards owed by other defendants. When ownership is unclear, a court may order each defendant to forfeit property on a pro rata basis or by another means the court finds equitable.

Subd. 26. **Appeal.** (a) A party to forfeiture litigation, other than the defendant, may appeal the district court's decision regarding the seizure, on an interlocutory basis, or forfeiture of property under this chapter.

(b) The defendant may appeal the district court's decision regarding the seizure or forfeiture of property following judgment in the forfeiture litigation.

Subd. 27. **Attorney fees.** In any proceeding in which a property owner's claims prevail by recovering at least half, by value, of the property or currency claimed, the seizing agency shall be liable for:

(1) attorney fees and other litigation costs reasonably incurred by the claimant;

(2) postjudgment interest; and

(3) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, any interest actually paid from the date of seizure.

**Subd. 28. Return of property; damages; costs.** (a) If the court orders the return of property, the appropriate agency that holds the property shall return the property to the owner or other prevailing claimant within a reasonable period of time not to exceed five days after entry of judgment.

(b) Any owner to whom property is returned shall not be subject to any charges for storage of the property or expenses incurred in the preservation of the property.

(c) The appropriate agency that holds the property is responsible for any damages, storage fees, and related costs applicable to property returned under this section.

**Subd. 29. Disposition of property and proceeds.** (a) At any time when contraband held for evidentiary purposes is no longer needed for that purpose, the court may order that it be destroyed pursuant to state law.

(b) At any time when abandoned property held for evidentiary purposes is no longer needed for that purpose, the court may order the property to be sold and the proceeds distributed pursuant to subdivision 12, paragraphs (e) and (f).

(c) If forfeiture is granted, the proceeds from the sale of forfeited personal property shall first be used to pay all outstanding recorded liens on the forfeited property.

(d) The court may then order that a portion of the currency seized or proceeds from the sale of forfeited property be used to (1) pay the victim of the crime for which the defendant is convicted, and (2) pay reasonable nonpersonnel expenses for the seizure, storage, and maintenance of any forfeited property.

(e) The court must then order remaining funds be credited equally to:

(1) the justice programs forfeiture account in the special revenue fund and is appropriated to the commissioner of public safety for grants administered through the Office of Justice Programs;

(2) the commissioner of health to be deposited in the safe harbor for youth account in the special revenue fund and is appropriated to the commissioner of health for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31;

(3) the public defender forfeiture account in the special revenue fund and is appropriated to the Minnesota Board of Public Defense; and

(4) the state general fund.

(f) A justice programs forfeiture account is established as a special account in the state treasury.

(g) A public defender forfeiture account is established as a special account in the state treasury.

**Subd. 30. Prohibition on retaining property; sale restrictions.** No appropriate agency may retain forfeited or abandoned property for its own use or sell it directly or indirectly to any employee of the agency, to a person related to an employee by blood or marriage, or to another appropriate agency or any other law enforcement agency.

**Subd. 31. Prohibition of federal adoption.** A local, county, or state law enforcement agency shall not refer, transfer, or otherwise relinquish possession of property seized under state law to a federal agency by way of adoption of the seized property or other means by the federal agency for the purpose of the property's forfeiture under the federal Controlled Substances Act, United States Code, title 21, section 881, or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, section 413.

Subd. 32. **Limit on receiving forfeiture proceeds from joint task forces.** (a) In a case in which the aggregate net equity value of the property and currency seized has a value of \$50,000 or less, excluding the value of contraband, a local, county, or state law enforcement agency or participant in a joint task force or other multijurisdictional collaboration with the federal government shall transfer responsibility for the seized property to the state prosecuting authority for forfeiture under state law.

(b) If the federal government prohibits the transfer of seized property and currency to the state prosecuting authority as required by paragraph (a) and instead requires the property be transferred to the federal government for forfeiture under federal law, the agency is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the federal government.

(c) Nothing in paragraph (a) or (b) shall be construed to restrict an agency from transferring responsibility to the federal government for forfeiture of seized property and currency that has an aggregate net equity value of greater than \$50,000, excluding the value of contraband.

(d) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to restrict a local, county, or state law enforcement agency from acting alone or collaborating with a federal agency or other agency to seize contraband or property a law enforcement agent has probable cause to believe is the proceeds or instruments of a crime that subjects property to forfeiture.

(e) Nothing in paragraph (a) or (b) or subdivision 31 shall be construed to prohibit the federal government, acting without the involvement of a local, county, or state law enforcement agency, from seizing property and seeking forfeiture under federal law.

Subd. 33. **Preemption.** This chapter preempts laws by other governments in the state that regulate forfeiture of property in crimes related to controlled substances and driving while impaired.

Subd. 34. **Exception.** The provisions of this section other than the reporting requirement under subdivision 35 do not apply to seizure or forfeiture proceedings under chapter 84 or 97A.

Subd. 35. **Reporting requirement.** (a) For each forfeiture occurring in the state, the appropriate agency and the prosecuting authority shall provide a written record of the forfeiture incident to the state auditor. The record shall include the amount forfeited, the statutory authority for the forfeiture, the date, a brief description of the circumstances involved, and whether the forfeiture was contested. The record shall also list the number of firearms forfeited and the make, model, and serial number of each firearm forfeited. The record shall indicate how the property was or is to be disposed of.

(b) An appropriate agency or the prosecuting authority shall report to the state auditor all instances in which property seized for forfeiture is returned to its owner either because forfeiture is not pursued or for any other reason.

(c) Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

(d) For forfeitures resulting from the activities of multijurisdictional law enforcement entities, the entity on its own behalf shall report the information required in this subdivision.

(e) The prosecuting authority is not required to report information required by this subdivision unless the prosecuting authority has been notified by the state auditor that the appropriate agency has not reported it.

Sec. 10. Minnesota Statutes 2018, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under paragraphs (d) and (f), whoever possesses, stores, or keeps a dangerous weapon while knowingly on school property 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.

(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.

(c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a misdemeanor.

(d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding ~~section 609.531~~ any law to the contrary, a firearm carried in violation of this paragraph is not subject to forfeiture.

(e) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has the meaning given it in section 609.713; and

(4) "school property" means:

(i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

(ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

(f) This subdivision does not apply to:

(1) active licensed peace officers;

(2) military personnel or students participating in military training, who are on-duty, performing official duties;

(3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;

(4) persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;

(5) firearm safety or marksmanship courses or activities conducted on school property;

(6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(7) a gun or knife show held on school property;

(8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or

(9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

(g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

Sec. 11. Minnesota Statutes 2018, section 609.762, subdivision 2, is amended to read:

Subd. 2. **Seizure.** ~~Forfeiture of property subject to forfeiture under identified in subdivision 1 may be seized by any law enforcement agency upon process issued by any court having jurisdiction over the property. Seizure without process may be made if:~~ must be made pursuant to section 609.112.

~~(1) the seizure is incident to an arrest or a search under a search warrant;~~

~~(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or~~

~~(3) the law enforcement agency has probable cause to believe that the property was used or is intended to be used in a gambling violation and the delay occasioned by the necessity to obtain process would result in the removal, loss, or destruction of the property.~~

Sec. 12. Minnesota Statutes 2018, section 609.856, subdivision 2, is amended to read:

Subd. 2. **Forfeiture.** A radio or device defined in subdivision 1 that is used in the commission of a felony or violation of section 609.487 or attempt to commit a felony or violation of section 609.487 is contraband property and subject to the forfeiture provisions of section ~~609.531~~ 609.112.

Sec. 13. Minnesota Statutes 2018, section 609.895, subdivision 5, is amended to read:

Subd. 5. **Forfeiture.** Property used to commit or facilitate the commission of a violation of this section, and all money and property representing proceeds of a violation of this section, shall be forfeited in accordance with ~~sections 609.531 to 609.5316~~ section 609.112. Notwithstanding any provision of section ~~609.5315~~ 609.112 to the contrary, forfeited items bearing or identified by a counterfeit mark must be destroyed unless the intellectual property owner consents to another disposition.

Sec. 14. Minnesota Statutes 2018, section 609.908, subdivision 3, is amended to read:

Subd. 3. **Sale proceeds.** The proceeds of a sale or other disposition of forfeited property under this section whether by final judgment, settlement, or otherwise, must be applied as follows:

(1) to the fees and costs of the forfeiture and sale including expenses of seizure, maintenance, and custody of the property pending its disposition, advertising, and court costs;

(2) to all costs and expenses of investigation and prosecution including costs of resources and personnel incurred in investigation and prosecution; and

(3) the balance to the appropriate agencies under section ~~609.5315, subdivision 5~~ 609.112, subdivision 28.

Sec. 15. Minnesota Statutes 2018, section 609B.515, is amended to read:

**609B.515 DWI; VEHICLE FORFEITURE.**

Under section ~~169A.63~~ 609.112, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in section ~~169A.63, subdivision 1~~ 609.112, subdivision 1.

Section ~~169A.63, subdivision 7~~, 609.112 specifies limitations on vehicle forfeiture. ~~Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.~~

Sec. 16. Minnesota Statutes 2018, section 611.32, subdivision 2, is amended to read:

Subd. 2. **Proceedings at time of apprehension or arrest.** Following the apprehension or arrest of a person disabled in communication for an alleged violation of a criminal law, the arresting officer, sheriff or other law enforcement official shall immediately make necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the earliest possible time at the place of detention. A law enforcement officer shall, with the assistance of the interpreter, explain to the person disabled in communication, all charges filed against the person, and all procedures relating to the person's detainment and release. If the property of a person is seized under section ~~609.531, subdivision 4~~ 609.112, the seizing officer, sheriff, or other law enforcement official shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review. ~~If the seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be made within 15 days after service of the notice of seizure and forfeiture. For a person who requests an interpreter under this section because of a seizure of property under section 609.5314, the 60 days for filing a demand for a judicial determination of a forfeiture begins when the interpreter is provided.~~ The interpreter shall also assist the person with all other communications, including communications relating to needed medical attention. Prior to interrogating or taking the statement of the person disabled in communication, the arresting officer, sheriff, or other law enforcement official shall make available to the person a qualified interpreter to assist the person throughout the interrogation or taking of a statement.

Sec. 17. Minnesota Statutes 2018, section 624.714, subdivision 1b, is amended to read:

Subd. 1b. **Display of permit; penalty.** (a) The holder of a permit to carry must have the permit card and a driver's license, state identification card, or other government-issued photo identification in immediate possession at all times when carrying a pistol and must display the permit card and identification document upon lawful demand by a peace officer, as defined in section 626.84, subdivision 1. A violation of this paragraph is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) A citation issued for violating paragraph (a) must be dismissed if the person demonstrates, in court or in the office of the arresting officer, that the person was authorized to carry the pistol at the time of the alleged violation.

(c) Upon the request of a peace officer, a permit holder must write a sample signature in the officer's presence to aid in verifying the person's identity.

(d) Upon the request of a peace officer, a permit holder shall disclose to the officer whether or not the permit holder is currently carrying a firearm.

Sec. 18. Minnesota Statutes 2018, section 624.714, subdivision 7a, is amended to read:

Subd. 7a. **Change of address; loss or destruction of permit.** (a) Within 30 days after changing permanent address, or within 30 days of having lost or destroyed the permit card, the permit holder must notify the issuing sheriff of the change, loss, or destruction. Failure to provide notification as required by this subdivision is a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of this paragraph is not subject to forfeiture.

(b) After notice is given under paragraph (a), a permit holder may obtain a replacement permit card by paying \$10 to the sheriff. The request for a replacement permit card must be made on an official, standardized application adopted for this purpose under section 624.7151, and, except in the case of an address change, must include a notarized statement that the permit card has been lost or destroyed.

Sec. 19. Minnesota Statutes 2018, section 624.714, subdivision 17, is amended to read:

Subd. 17. **Posting; trespass.** (a) A person carrying a firearm on or about his or her person or clothes under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of this subdivision is not subject to forfeiture.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; or

(ii) the requester or the requester's agent personally informs the person that guns are prohibited in the premises and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), within the private establishment or deny the officer access thereto, except when specifically authorized by statute. The owner or operator of the private establishment may require the display of official credentials issued by the agency that employs the peace officer prior to granting the officer entry into the private establishment.

(e) This subdivision does not apply to private residences. The lawful possessor of a private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

(f) A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.

(g) Notwithstanding any inconsistent provisions in section 609.605, this subdivision sets forth the exclusive criteria to notify a permit holder when otherwise lawful firearm possession is not allowed in a private establishment and sets forth the exclusive penalty for such activity.

(h) This subdivision does not apply to a security guard acting in the course and scope of employment. The owner or operator of a private establishment may require the display of official credentials issued by the company, which must be licensed by the Private Detective and Protective Agent Services Board, that employs the security guard and the guard's permit card prior to granting the guard entrance into the private establishment.

Sec. 20. Minnesota Statutes 2018, section 624.7142, subdivision 6, is amended to read:

Subd. 6. **Penalties.** (a) A person who violates a prohibition under subdivision 1, clauses (1) to (5), is guilty of a misdemeanor. A second or subsequent violation is a gross misdemeanor.

(b) A person who violates subdivision 1, clause (6), is guilty of a misdemeanor.

(c) In addition to the penalty imposed under paragraph (a), if a person violates subdivision 1, clauses (1) to (5), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is revoked and the person may not reapply for a period of one year from the date of conviction.

(d) In addition to the penalty imposed under paragraph (b), if a person violates subdivision 1, clause (6), the person's authority to carry a pistol in a public place on or about the person's clothes or person under the provisions of a permit or otherwise is suspended for 180 days from the date of conviction.

(e) Notwithstanding section ~~609.531~~ 609.112, a firearm carried in violation of subdivision 1, clause (6), is not subject to forfeiture.

Sec. 21. Minnesota Statutes 2018, section 629.715, subdivision 2, is amended to read:

Subd. 2. **Surrender of firearms.** The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms, destructive devices, or dangerous weapons owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm, destructive device, or dangerous weapon surrendered under this subdivision shall be inventoried and retained, with due care to preserve its quality and function, by the local law enforcement agency, and must be returned to the person upon the person's acquittal, when charges are dismissed, or if no charges are filed. If the person is convicted, the firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil

rights. If the person is convicted of a ~~designated~~ an offense as defined in section 609.531, under which the firearm is subject to forfeiture, it is subject to forfeiture as provided under that section 609.112. This condition may be imposed in addition to any other condition authorized by rule 6.02 of the Rules of Criminal Procedure.

Sec. 22. **REPEALER.**

Minnesota Statutes 2018, sections 169A.63; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, and 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, and 6; and 609.905, subdivision 3, are repealed.

Sec. 23. **EFFECTIVE DATE.**

This article is effective July 1, 2019.

ARTICLE 20  
CIVIL POLICY

Section 1. **[3.8844] LEGISLATIVE COMMISSION ON INTELLIGENCE AND TECHNOLOGY.**

Subdivision 1. **Established.** The Legislative Commission on Intelligence and Technology is created to study and make recommendations on issues relating to the effect of emerging technology on privacy. The commission has investigatory and oversight jurisdiction over government surveillance programs and technology, including subpoena power.

Subd. 2. **Membership.** The commission consists of four members of the senate, two appointed by the majority leader and two appointed by the minority leader, and four members of the house of representatives, two appointed by the speaker of the house and two appointed by the minority leader. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in an odd-numbered year. Each member of the commission must take an oath, swearing to faithfully discharge the duties of members of the commission in compliance with the laws governing the commission.

Subd. 3. **Terms; vacancies.** Commission member terms begin upon appointment and end at the beginning of the regular legislative session in the next odd-numbered year. In the case of a vacancy, the appropriate appointing authority must fill the vacancy for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and vice-chair and may elect other officers as the commission determines is necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission.

Subd. 6. **Meetings; data.** Notwithstanding any other laws or legislative rules to the contrary, the commission may determine that a meeting shall not be open to the public. Notwithstanding any contrary provision of chapter 13 or other law, the commission may require a law enforcement official to disclose not public data to the commission, as the commission determines is necessary for performance of the commission's duties. If data provided to the commission is disseminated by the commission or its members or agents in violation of section 13.05, subdivision 4, the commission is subject to liability under section 13.08, subdivisions 1 and 3. Disclosure of not public data by a member of the commission is grounds for an ethics complaint to the committee with jurisdiction over ethics in the chamber in which the member serves.

Subd. 7. **Subpoena power.** The chair or vice-chair or a member of the commission designated by the chair may issue subpoenas requiring the appearance of persons, producing relevant records, and giving relevant testimony on matters within the jurisdiction of the commission. The person issuing the subpoena may request the issuance of an attachment to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to do so. Section 3.153 applies to issuance of subpoenas under this section, except as otherwise provided in this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Appointing authorities must make initial appointments by June 1, 2019. The speaker of the house must designate one member of the commission to convene the first meeting of the commission by June 15, 2019.

Sec. 2. Minnesota Statutes 2018, section 13.599, is amended by adding a subdivision to read:

Subd. 5. **State Arts Board.** Notwithstanding subdivision 3, responses submitted by a grantee to the State Arts Board or to a regional arts council under chapter 129D become public data at the public review meeting at which they are considered, except for trade secret data as defined and classified in section 13.37.

Sec. 3. Minnesota Statutes 2018, section 257.56, is amended to read:

**257.56 ARTIFICIAL INSEMINATION ASSISTED REPRODUCTION.**

Subdivision 1. ~~**Husband Spouse treated as biological father parent.**~~ If, under the supervision of a licensed physician and with the consent of her ~~husband spouse~~, a ~~wife is inseminated artificially~~ woman conceives through assisted reproduction with semen or ova or both, donated by a ~~man not her husband~~ donor or donors not her spouse, the ~~husband spouse~~ is treated in law as ~~if he were the biological father~~ the parent of a child thereby conceived. The ~~husband's spouse's~~ consent must be in writing and signed by ~~him and his wife~~ the spouse and the woman conceiving through assisted reproduction. The consent must be retained by the physician for at least four years after the confirmation of a pregnancy that occurs during the process of ~~artificial insemination~~ assisted reproduction.

All papers and records pertaining to the ~~insemination~~ assisted reproduction, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

Subd. 2. ~~**Donor not treated as biological father parent.**~~ The donor of semen or ova provided to a licensed physician for use in ~~artificial insemination of~~ assisted reproduction by a married woman other than the donor's ~~wife spouse~~ is treated in law as if ~~he were the donor is not the biological father parent~~ of a child thereby conceived, unless a court finds satisfactory evidence that the donor and the woman intended for the donor to be a parent.

Sec. 4. Minnesota Statutes 2018, section 363A.03, subdivision 43, is amended to read:

Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or materially offensive employment, public accommodations, public services, educational, or housing environment.

(b) Paragraph (a), clause (3), does not require the harassing conduct or communication to be severe or pervasive. Conduct or communication has the purpose or effect of creating an intimidating, hostile, or materially offensive environment when:

(1) a reasonable person in similar circumstances to the plaintiff would find the environment intimidating, hostile, or materially offensive; and

(2) the plaintiff found the environment intimidating, hostile, or materially offensive.

The intimidating, hostile, or materially offensive environment must be determined based on the totality of the circumstances.

**EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to causes of action arising on or after that date.

Sec. 5. Minnesota Statutes 2018, section 363A.35, subdivision 3, is amended to read:

Subd. 3. **Access to closed files.** (a) Except as otherwise provided in this subdivision, human rights investigative data contained in a closed case file are private data on individuals or nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data.

(b) The commissioner may make human rights investigative data contained in a closed case file inaccessible to the charging party or the respondent in order to protect medical or other security interests of the parties or third persons.

(c) Except for paragraph (b), when the charging party files a case in district court, the commissioner may provide private data or nonpublic data in a closed case file to the charging party and respondent.

Sec. 6. Minnesota Statutes 2018, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** ~~(a) For all contracts for goods and services in excess of \$100,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than 40 full time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of four years. A department, an agency of the state, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not execute a contract for goods or services in excess of \$100,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has a workforce certificate, as created in sections 363A.36 and 363A.37, from the commissioner of human rights or has certified in writing that it is exempt. Determinations of exempt status shall be made by the commissioner of human rights. A certificate is valid for four years.~~ A municipality as defined in section 466.01, subdivision 1, that receives state money for any

reason is encouraged to prepare and implement an affirmative action plan for the employment of ~~minority persons, people with disabilities, people of color, and women, and the qualified disabled~~ and to submit the plan to the commissioner.

~~(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.~~

~~(e)~~ (b) This section does not apply to contracts entered into by the State Board of Investment for investment options under section 356.645.

~~(d)~~ (c) The commissioner shall issue a certificate of compliance or notice of denial within 15 days of the application submitted by the business or firm.

Sec. 7. Minnesota Statutes 2018, section 363A.36, subdivision 4, is amended to read:

Subd. 4. **Revocation of contract.** A contract awarded by a department or agency of the state, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695, may be terminated or abridged by the department or agency, the Metropolitan Council, an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695, because of suspension or revocation of a certificate based upon a contractor's failure to implement or make a good faith effort to implement an affirmative action plan approved by the commissioner under this section. If a contract is awarded to a person who does not have a contract compliance certificate required under subdivision 1, the commissioner may void the contract on behalf of the state.

Sec. 8. Minnesota Statutes 2018, section 363A.36, is amended by adding a subdivision to read:

Subd. 6. **Access to data.** Data created, collected, and maintained by the commissioner for a business to receive and retain a certificate of compliance under this section is private data or nonpublic data. Applications, forms, or similar documents submitted by a business seeking a certificate of compliance is public data. A letter that states the commissioner's decision to issue, not issue, revoke, or suspend a certificate of compliance is public data.

Sec. 9. Minnesota Statutes 2018, section 363A.44, subdivision 1, is amended to read:

Subdivision 1. **Scope.** (a) ~~Not~~ A department, an agency of the state, the Metropolitan Council, ~~or~~ an agency subject to section 473.143, subdivision 1, or a public officer or agency subject to section 16A.695 shall not execute a contract for goods or services or an agreement for goods or services in excess of \$500,000 with a business that has 40 or more full-time employees in this state or a state where the business has its primary place of business on a single day during the prior 12 months, unless the business has an equal pay certificate or it has certified in writing that it is exempt. A certificate is valid for four years.

(b) This section does not apply to a business with respect to a specific contract if the commissioner of administration determines that application of this section would cause undue hardship to the contracting entity. This section does not apply to a contract to provide goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I, 256L, and 268A, with a business that has a license, certification, registration, provider agreement, or provider enrollment contract that is prerequisite to providing those goods and services. This section does not apply to contracts entered into by the State Board of Investment for investment options under section 352.965, subdivision 4.

Sec. 10. Minnesota Statutes 2018, section 517.02, is amended to read:

**517.02 PERSONS CAPABLE OF CONTRACTING.**

Every A person who has attained the full age of 18 years is capable in law of contracting into a civil marriage, if otherwise competent. ~~A person of the full age of 16 years may, with the consent of the person's legal custodial parents, guardian, or the court, as provided in section 517.08, receive a license to marry, when, after a careful inquiry into the facts and the surrounding circumstances, the person's application for a license and consent for civil marriage of a minor form is approved by the judge of the district court of the county in which the person resides. If the judge of the district court of the county in which the person resides is absent from the county and has not by order assigned another judge or a retired judge to act in the judge's stead, then the court commissioner or any judge of district court of the county may approve the application for a license.~~

~~The consent for civil marriage of a minor must be in the following form:~~

~~STATE OF MINNESOTA, COUNTY OF ..... (insert county name)~~

~~I/We ..... (insert legal custodial parent or guardian names) under oath or affirmation say:~~

~~That I/we are the legal custodial parent(s) or guardian of ..... (insert name of minor), who was born at ..... (insert place of birth) on ..... (insert date of birth) who is presently the age of ..... (insert age).~~

~~That the minor has not been previously married.~~

~~That I/we consent to the civil marriage of this minor to ..... (insert name of the person minor intends to marry) who is of the age of ..... (insert age).~~

~~That affidavit is being made for the purpose of requesting the judge's consent to allow this minor to marry and make this civil marriage legal.~~

~~Date: .....~~

~~.....  
.....~~

~~(Signature of legal custodial parents or guardian)~~

~~Sworn to or affirmed and acknowledged before me on this ..... day of .....~~

~~.....~~

~~NOTARY PUBLIC~~

~~STATE OF MINNESOTA, COUNTY OF ..... (insert county name).~~

~~The undersigned is the judge of the district court where the minor resides and grants the request for the minor to marry.~~

~~..... (judge of district court)~~

~~..... (date).~~

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to marriages entered into on or after that date.

Sec. 11. Minnesota Statutes 2018, section 517.03, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The following civil marriages are prohibited:

(1) a civil marriage entered into before the dissolution of an earlier civil marriage of one of the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction where the dissolution was granted;

(2) a civil marriage between an ancestor and a descendant, or between siblings, whether the relationship is by the half or the whole blood or by adoption; ~~and~~

(3) a civil marriage between an uncle or aunt and a niece or nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to civil marriages permitted by the established customs of aboriginal cultures; ~~and~~

(4) a civil marriage entered into between persons when both have not attained the full age of 18 years.

(b) A civil marriage prohibited under paragraph (a), clause (4), that is recognized by another state or foreign jurisdiction under common law or statute is void and against the public policy of this state unless neither party was a resident of this state at the time the marriage was entered into.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to marriages entered into on or after that date.

Sec. 12. Minnesota Statutes 2018, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the parties upon a form provided for the purpose and shall contain the following information:

(1) the full names of the parties and the sex of each party;

(2) their post office addresses and county and state of residence;

(3) their full ages;

(4) if either party has previously been married, the party's married name, and the date, place and court in which the civil marriage was dissolved or annulled or the date and place of death of the former spouse;

~~(5) if either party is a minor, the name and address of the minor's parents or guardian;~~

~~(6) (5) whether the parties are related to each other, and, if so, their relationship;~~

~~(7) (6) the address of the parties after the civil marriage is entered into to which the local registrar shall send a certified copy of the civil marriage certificate;~~

~~(8) (7) the full names the parties will have after the civil marriage is entered into and the parties' Social Security numbers. The Social Security numbers must be collected for the application but must not appear on the civil marriage license. If a party listed on a civil marriage application does not have a Social Security number, the party must certify on the application, or a supplement to the application, that the party does not have a Social Security number;~~

~~(9)~~ (8) if one or both of the parties to the civil marriage license has a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and

~~(40)~~ (9) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different name after a civil marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to applications submitted to the local registrar on or after that date.

Sec. 13. Minnesota Statutes 2018, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Both parties must present proof of age to the local registrar. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party. The civil marriage license must not be released until the verification statement and proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, ..... (name of educator), confirm that ..... (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

**EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2019, and applies to applications submitted to the local registrar on or after that date.

Sec. 14. Minnesota Statutes 2018, section 517.08, is amended by adding a subdivision to read:

**Subd. 1d. Proof of age.** For purposes of this section, proof of age of a party may be established in the form of:

(1) an original or certified copy of a birth certificate or birth record;

(2) a driver's license or other identification card issued by a government entity or school; or

(3) a school record, immigration record, naturalization record, court record, or other document or record issued by a government entity that contains the date of birth of a party.

## ARTICLE 21 COOPERATIVE PRIVATE DIVORCE PROGRAM

Section 1. Minnesota Statutes 2018, section 62A.21, subdivision 2a, is amended to read:

Subd. 2a. **Continuation privilege.** Every policy described in subdivision 1 shall contain a provision which permits continuation of coverage under the policy for the insured's dependent children, which is defined as required by section 62A.302, and former spouse, who was covered on the day before the entry of a valid decree of dissolution of marriage or a certificate of marital dissolution. The coverage shall be continued until the earlier of the following dates:

~~(a)~~ (1) the date the insured's former spouse becomes covered under any other group health plan; or

~~(b)~~ (2) the date coverage would otherwise terminate under the policy.

If the coverage is provided under a group policy, any required premium contributions for the coverage shall be paid by the insured on a monthly basis to the group policyholder for remittance to the insurer. The policy must require the group policyholder to, upon request, provide the insured with written verification from the insurer of the cost of this coverage promptly at the time of eligibility for this coverage and at any time during the continuation period. In no event shall the amount of premium charged exceed 102 percent of the cost to the plan for such period of coverage for other similarly situated spouses and dependent children with respect to whom the marital relationship has not dissolved, without regard to whether such cost is paid by the employer or employee.

Upon request by the insured's former spouse, who was covered on the day before the entry of a valid decree of dissolution, or dependent child, a health carrier must provide the instructions necessary to enable the child or former spouse to elect continuation of coverage.

Sec. 2. Minnesota Statutes 2018, section 518.191, is amended by adding a subdivision to read:

Subd. 6. **Summary real estate disposition judgment following certificate of marital dissolution.** A summary real estate disposition judgment may also be obtained after a certificate of marital dissolution is issued in accordance with section 518.80, subdivision 5. Upon the filing of the certificate the district court administrator may provide to a participant upon request certified copies of a summary real estate disposition judgment submitted by the participants that contains the following information:

(1) the dates of the participants' marriage and of the issuance of the certificate of marital dissolution;

(2) the legal description of each parcel of real estate;

(3) the name or names of the persons awarded an interest in each parcel of real estate and a description of the interest awarded;

(4) liens, mortgages, encumbrances, or other interests in the real estate described in the declaration of divorce; and

(5) triggering or contingent events set forth in the declaration of divorce affecting the disposition of each parcel of real estate.

Sec. 3. Minnesota Statutes 2018, section 518.195, is amended by adding a subdivision to read:

Subd. 5. **Issuance of qualified domestic relations order following certificate of marital dissolution.** A certificate of marital dissolution issued in accordance with section 518.80, subdivision 5, may be filed with the district court administrator. Upon the filing of the certificate, the district court administrator may enter a decree of dissolution and may issue a qualified domestic relations order submitted by the participants and approved by the retirement plan administrator for the assignment of an interest in a retirement plan as provided in the declaration of divorce.

Sec. 4. **[518.80] COOPERATIVE PRIVATE DIVORCE PROGRAM.**

Subdivision 1. **Commissioner.** For purposes of this section, "commissioner" means the commissioner of the Bureau of Mediation Services.

Subd. 2. **Establishment.** The commissioner shall establish a cooperative private divorce program as provided in this section.

Subd. 3. **Requirements.** The cooperative private divorce program must, at a minimum:

(1) be made available on the Bureau of Mediation Services website;

(2) make available to the participants of the program the notices and instructions provided under subdivisions 9 and 10 and section 518.82;

(3) allow participants of the program to electronically complete and submit to the commissioner an intent to divorce and a declaration of divorce as provided under subdivision 11;

(4) require a separate unique login and password for each participant to access the program;

(5) provide a notification system that automatically contacts one participant when the other participant accesses the program;

(6) provide a list of supportive services and service providers that may be helpful to participants;

(7) provide a method to authenticate the identities of the signatories of the forms required under subdivision 11;

(8) employ security measures to protect the confidentiality and personal information of the participants submitting information through the program; and

(9) encrypt all data sent and received through the program website.

Subd. 4. **Residency requirement.** Married participants seeking dissolution under this section qualify for the cooperative private divorce program if the residency requirements under section 518.07 have been met by the participants.

Subd. 5. **Procedure.** (a) Notwithstanding any law to the contrary, married participants who meet the criteria under subdivision 4 may dissolve their marital status through the cooperative private divorce program made available on the Bureau of Mediation Services website by:

(1) signing and submitting the intent to divorce under subdivision 11; and

(2) completing, signing, and submitting the declaration of divorce under subdivision 11 at least 90 days after but not more than two years after the intent to divorce was submitted by both participants.

(b) Upon receipt of the completed declaration of divorce, the commissioner shall issue a certificate of marital dissolution that includes the following information:

(1) the name and any prior names of the two participants to the cooperative private divorce dissolution;

(2) the name of any living minor or dependent children of the participants;

(3) that the marriage of the participants is dissolved and the date of the dissolution; and

(4) the Social Security numbers of the participants and any living minor or dependent children of the participants.

(c) A certificate of marital dissolution issued under this section completely dissolves the marital status of the participants.

(d) Upon receipt of a declaration of divorce, the commissioner shall issue a certificate of marital dissolution that is accessible to each participant through the online cooperative private divorce program. The certificate of marital dissolution is conclusive evidence of the divorce.

(e) The commissioner shall maintain a public registry containing the following:

(1) the name and any prior names of any participant of the cooperative private divorce program;

(2) the name of any living minor or dependent children of a participant; and

(3) that the marriage of the participants is dissolved and the date of the dissolution.

(f) Before the commissioner issues a certificate of marital dissolution to married participants who are parents of minor children, the married participants must attend a four-hour parent education program as required under section 518.81.

Subd. 6. **Certain agreements.** (a) Any agreement made by the participants as part of the declaration of divorce that allocates expenses for their child or children is an enforceable contract between the participants under section 518.1705.

(b) It is the intent of this paragraph that agreements recorded in a declaration of divorce shall be deemed to be a decree of divorce wherever a decree of divorce is referred to in the Internal Revenue Code, and agreements between the participants in a declaration of divorce regarding alimony or maintenance shall be deemed to be a divorce or separation agreement for purposes of deductibility under the Internal Revenue Code.

(c) Any issue that is not specifically addressed by the participants in the declaration of divorce agreement is considered to be reserved for future agreement by the participants or de novo review by the court.

Subd. 7. **Modification.** Any agreement made by the participants in their declaration of divorce may be modified at any time after a declaration of divorce agreement is submitted to the commissioner through the cooperative private divorce program, but prior to the parties modifying or vacating an agreement under subdivision 8, if both participants agree to the amendment and submit an amended declaration of divorce.

Subd. 8. **Court involvement.** (a) At any time prior to the submission of a declaration of divorce, participants in a cooperative private divorce may initiate an action for marriage dissolution under this chapter in district court. Any action under this chapter pending in district court must be resolved or dismissed before participants may submit a declaration of divorce.

(b) Cooperative private divorce agreements contained in a declaration of divorce may be enforced, modified, or vacated by the district court, or the court may address issues that were reserved by the participants according to the provisions of this chapter. Review of a cooperative private divorce agreement under paragraph (e) in district court are de novo and determined by existing statute.

(c) Upon the filing of a certificate of marital dissolution by the participants, the court administrator shall enter a decree of dissolution as provided in section 518.195 without necessity of court approval or a judgment and decree and without regard to the criteria or procedures in section 518.195, subdivisions 1 and 2.

(d) By executing a declaration of divorce with the Bureau of Mediation Services that may be filed with the court, each participant consents to the continuing personal jurisdiction of the Minnesota courts as to all matters related to the declaration of divorce.

(e) A participant in a cooperative private divorce may by petition initiate an action in district court to:

(1) enforce, modify, or vacate the declaration of divorce;

(2) petition the court to address any issue reserved by the participants;

(3) obtain a summary real estate disposition judgment;

(4) obtain a qualified domestic relations order; or

(5) obtain a court decree of dissolution when necessary to comply with state or federal law involving interstate enforcement of the participants' divorce.

A participant initiating an action under this paragraph must, by personal service, provide to the other participant notice of filing the certificate of marital dissolution with the district court together with any motion for relief. Any subsequent court action related to the certificate of marital dissolution may be initiated by notice of motion and motion. An action initiated under this paragraph shall be venued in a county located in this state where either participant was residing at the time the certificate of marital dissolution was issued by the Bureau of Mediation Services. Matters reviewed by the court under this section are reviewed by the court de novo and governed by this chapter, chapter 518A, and other applicable laws. The filing fee for any action under this paragraph is \$315. For a motion to vacate the declaration of divorce under section 518.145, the one-year period of limitation begins on the date of the participants' dissolution, which is the date of the certificate of marital dissolution in subdivision 5, paragraph (d).

Subd. 9. **Notices; introduction to private divorce; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

#### **NOTICE: Introduction to Cooperative Private Divorce**

You are considering obtaining a Cooperative Private Divorce rather than going to court to get divorced. Cooperative Private Divorce is a simplified procedure for couples who want to avoid the expense, emotional strain, and arbitrary time frames that often accompany adversarial court proceedings. To obtain a Cooperative Private Divorce you will need to reach an agreement with your spouse about the issues in your divorce. Many public and private services are available to help you.

The Cooperative Private Divorce process is based on the assumption that most people have the capacity to divorce with respect and fairness if they are supported in that direction. To that end, a Cooperative Private Divorce differs in two important ways from a court divorce. First, the two of you have total control over your divorce and no one will oversee or scrutinize the decisions you make. Second, it is a completely private process.

This leaves you with a great deal of flexibility. After you have educated yourself, you can choose how detailed or simple to make your divorce decisions, and whether to postpone some decisions to a later time. You can also create your own understanding of fairness unique to your own situation.

These special features of a Cooperative Private Divorce, eliminating the anxiety of someone else having control over your family, and lessening the pressure to resolve everything all at once during a very stressful time are intended to replace conflict with your spouse by creating a healthy transition for you and your family. You are encouraged to view each other as partners in creating the best solution for you and your family in parenting and financial matters.

#### **Basic Principles**

Cooperative Private Divorce is not for everyone. Because of the need to create a fair and healthy plan without coercion or oversight, it is intended for couples who can work together in good faith for the best interests of everyone in the family.

Here are the six principles underlying Cooperative Private Divorce. If you and your spouse believe you can fashion your divorce according to these principles, then a Cooperative Private Divorce may be the best procedure for you.

1. The preventing unnecessary divorce principle: You have reached a decision to initiate a divorce only after exhausting other options to solve your problems within your marriage, particularly if you have children.

2. The healthy relationships principle: If you have children, your parenting plan promotes safe, nurturing, and stable relationships among the children and with both of their parents.

3. The maximum parent involvement principle: Your parenting plan promotes high levels of involvement of both parents with the children when that is feasible and consistent with the needs of the children.

4. The equity principle: Your financial plan promotes equitable and sustainable lifestyles for all family members in light of the unique circumstances of your marriage and family.

5. The flexibility principle: Your divorce agreements take into account both the value of having stable arrangements and the likelihood that the needs and circumstances of your family will change over time.

6. The optimal timing principle: You create partial or comprehensive agreements with the timing and sequence that work best for you and your family.

### **Two Cautions**

First, if you feel pressured or intimidated by your spouse to use this process or to agree to specific matters in your divorce, or if you have doubts generally about your spouse's willingness to reach agreements that are best for everyone in your family, consider getting professional assistance before going further.

Second, the flexibility of a Cooperative Private Divorce also leaves you with an important responsibility. Some couples have relatively simple issues to address in their divorce. But some couples have more complex financial and parenting matters to resolve. Financial matters are often more complex if you are self-employed or a business owner. If you do not consider such matters carefully, you may face problems such as having agreements that do not work over time or that are not enforceable. You are responsible to educate yourself about the issues in your divorce and to obtain professional assistance if you need it.

### **Professional and Community Resources**

To begin with, recognize that going ahead with a divorce is a significant decision, especially if you have children. Many research studies have shown that divorce can have an adverse effect on children. If you want help to make sure you are making the right decision for you and your family, you can make use of services available in local communities.

If you have made the decision to go ahead with the divorce, you may choose to work with an advocate or with a facilitator who can guide you and your spouse in cooperative processes that focus on your interests and needs and what will work for your family. You may want to consult with an adviser on parenting or financial issues. From private sources you can obtain sample agreements that may help you frame all of the issues you will likely encounter. Although divorce can seem complex and difficult, these resources and professional services can help make it easier for you and your spouse to reach an agreement.

The Bureau of Mediation Services serves as a clearinghouse for information about the types of resources available. It can also provide information about services that are offered for free or on a sliding fee.

Subd. 10. **Instructions; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

**Instructions for Cooperative Private Divorce**

- 1. Both spouses obtain unique identifiers from the Bureau of Mediation Services.
- 2. Both spouses sign and submit the INTENT TO DIVORCE form with their unique identifiers to register with the Bureau of Mediation Services.
- 3. At any time at least 90 days after but not more than two years after submitting the INTENT TO DIVORCE form, submit the Declaration of Divorce form signed by both spouses.
- 4. Upon submitting the Declaration of Divorce form, both spouses will receive a certification that your marriage is dissolved.
- 5. Most complete divorce agreements address the issues set forth in the Declaration of Divorce form. It is up to you whether you want to record agreements in all or any of these areas. But recognize that if your agreements are vague or incomplete or if you do not record your agreements, it may be difficult for you to recall them, live up to your obligations, or later ask a court to enforce an agreement. Use attachments if you want to record agreements that are longer than space here permits. No one will review or approve the agreements you set forth here before your divorce is certified. They are for your use only.
- 6. At any time, either spouse can retrieve the Declaration of Divorce form containing your agreements by providing your unique identifier. No one except you and your spouse will have access to this form.
- 7. At any time, you and your former spouse can retrieve the Declaration of Divorce form, make additions or modifications that you both agree to, and resubmit it.
- 8. If you want to modify your previous agreements but you and your former spouse cannot agree on the modifications, or if you want to seek enforcement of a previous agreement, you are encouraged to seek assistance from professionals in the community who specialize in helping former spouses reach fair agreements. You also have the option of going to court to submit your Declaration of Divorce form.
- 9. Remember that by creating a smooth family transition now and working on issues that may arise in the future, developing a trustworthy working relationship with your spouse will be just as helpful as written agreements.

Subd. 11. **Intent to divorce; declaration of divorce; form.** The commissioner shall make available the following form for use in the cooperative private divorce program:

**Intent to Divorce**

We hereby declare that we are legally married, have both been residents of Minnesota for at least 180 days, and intend to divorce. We understand that our divorce will be certified if we submit the Declaration of Divorce form signed by both spouses at least 90 days after but not more than two years after the date this INTENT TO DIVORCE form is submitted.

Date and place of marriage: .....

Signature, date: .....

E-mail address: .....

Social Security number: .....

Signature, date: .....

E-mail address: .....

Social Security number: .....

### **Declaration of Divorce**

#### **Facts**

1. We agree that the following is a list of all our assets and their approximate value:
2. We agree that the following is a list of all our debts:
3. Spouse A name, previous name(s) if any, and yearly income, including any bonuses:
4. Spouse B name, previous name(s) if any, and yearly income, including any bonuses:
5. The names, dates of birth, and Social Security numbers of our minor or dependent children covered by this agreement are:

#### **Agreements**

1. We agree to the following plan for parenting our child or children together after the divorce. If our plan is temporary, we agree to the following process for updating it. (A comprehensive plan would include: (a) how you will make important decisions like those about school, health care, and religion; (b) how you will allocate your time with the children during the school year, summer, holidays, and vacations to provide a nurturing environment and rich relationships with both of you; and (c) how you will communicate with each other and work out differences of opinion.)
2. We agree to the following plan for sharing the expenses of raising our child or children.

#### **Guideline Child Support**

The guideline child support for our child(ren) is \$..... We agree that ..... will pay the guideline child support amount.

(The Minnesota Child Support guidelines calculator can be accessed at .....)

Attach the guidelines printout.

#### **Non-Guideline Child Support**

We agree to deviate from the guideline child support amount after considering the following factors that support deviation (Make a check or "X" on all that apply):

- .... each of our earnings, income, circumstances, and resources, including our real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of Minnesota Statutes, section 518A.29, paragraph (b);
- .... the extraordinary financial needs and resources, physical and emotional condition, and educational needs of our child(ren) to be supported;
- .... the standard of living our child would enjoy if we were currently living together, but recognizing that we now have separate households;
- .... whether our child resides for more than one year in a foreign country that has a substantially higher or lower cost of living than this country;
- .... the income taxation dependency exemption and the financial benefit that one of us receives from it;
- .... our agreed-upon plan for paying off our debts under paragraph 4;
- .... the obligor's total payments for court-ordered child support exceed the limitations set forth in Minnesota Statutes, section 571.922;
- .... an allocation of the expenses of our children that enables us to maintain a suitable place for our children, taking into account our current standard of living;
- .... the following factor: .....

Make a check or "X" on one of the following:

- .... Because of the factor(s) we have checked above, we agree that ..... will pay \$..... in child support on the ..... of each month;
- .... We will be sharing the following children's expenses: (list items) with ..... paying ... percent and ..... paying ... percent; or
- .... We agree that no child support will be exchanged between us, as we are each paying the children's expenses directly.

Make a check or "X" on all that apply:

- .... We agree to modify the amount of child support from time to time as our circumstances may change.
- .... We agree to a biennial adjustment in the amount of child support to be paid based on cost-of-living changes using a cost-of-living index published by the Department of Labor.

(If either parent is receiving public assistance, the county attorney must approve this agreement or it is not enforceable. The county attorney may ask the court to modify any child support agreement you make if a minor or dependent child receives or begins to receive public assistance.)

#### Caution

If your former spouse does not pay you the child support agreed upon in the declaration of divorce, you should act promptly to address the matter because if you decide to go to court, the court may not order the payment of arrears.

3. We agree to the following plan for providing health insurance for our children.

4. We agree to the following plan for paying off our debts. (This agreement will not change your obligations to any creditor. It is simply an agreement between the two of you about who will be paying a debt.)

5. We agree to the following plan for dividing our property and assets. (If an allocation of assets or debts, or both, deviates from a nearly equal division, provide the reasons for the allocation. Educate yourself about the difference between marital and nonmarital property.)

a. Real estate (Include who will pay any mortgages or agreements to refinance a mortgage, and make provisions for recording necessary documents with the county recorder. This declaration of divorce does not transfer an interest in real estate. To transfer interest in real estate, you must prepare a quitclaim deed or a summary real estate disposition judgment for the court administrator, either of which you would need to file with the county recorder. It is advisable to seek professional assistance about this process.)

b. Personal property, such as household furnishings, vehicles, and other objects you own.

c. Financial assets, such as retirements, investments, stock, bank accounts, and business interests. (This declaration of divorce has no effect on the division of a retirement account or pension plan unless the account or plan receives proper instructions. Many retirement assets cannot be divided unless they receive a qualified domestic relations order from a court. Often a draft of such an order is approved by the pension plan administrator before it is submitted to the court. It is advisable to seek professional assistance about this process.)

6. We agree to the following schedule of payments for spousal support (alimony) which ends upon the death of either of us or the remarriage of the payee spouse. (If there is a large difference in your incomes and you agree to a minimal amount or no amount of spousal support, provide the reasons for the spousal support agreement. For purposes of federal tax deductibility, this agreement is deemed to be a divorce or separation instrument. Be aware that, upon motion, a court has the authority to modify the amount of spousal support you agree on here at any time during the time period in which spousal support is being paid.)

7. We agree to the following plan to maintain health insurance coverage for both spouses. (If one spouse is interested in continuing health insurance coverage under the other spouse's employer-provided policy, certain laws apply, including a requirement that an election must be made and submitted to the other spouse's employer and health insurance carrier within 60 days of your divorce.)

8. We agree to the following plan for paying any past joint tax liability or future tax liability, or both, and we agree to the following plan for who will claim the child or dependency exemptions or credits for our child or children.

9. We have reached the following additional agreements which we wish to record.

(You may not use the cooperative private divorce program to legally change a name. A name can be changed only by a court.)

**Dissolution**

We hereby agree to the dissolution of our marriage according to the preceding terms. We hereby warrant that we have made complete disclosure to each other of all information and documents that are important to these agreements, and that the list of assets and debts contained in paragraph (1) are complete and accurate and there are no open court cases involving these issues.

Signature, date: .....  
Signature, date: .....

Subd. 12. **Fee.** The commissioner shall charge the participants of the cooperative private divorce program a fee of \$1,062. Collected fees must be deposited in the cooperative divorce account established under subdivision 13. The commissioner may reduce the fee to ensure that revenue more closely matches the expenses of the program.

Subd. 13. **Cooperative divorce account.** The cooperative divorce account is established as a separate account in the special revenue fund in the state treasury. Money in the account is appropriated to the commissioner to administer and manage the online program under this section.

Subd. 14. **Data.** Data collected under this section is classified as private data on individuals as defined in section 13.02, subdivision 12.

Subd. 15. **Notice; translations.** Notices provided in this section and section 518.82 must be provided in languages that participants can understand and versions of the notices must be available online in languages commonly spoken in Minnesota.

**Sec. 5. [518.81] PARENT EDUCATION; COOPERATIVE PRIVATE DIVORCE.**

Subdivision 1. **Parent education requirements.** Married participants who are parents of minor children shall attend a four-hour parent education program prior to receiving a certificate of marital dissolution under section 518.80, subdivision 5. The parent education program must provide information on:

(1) constructive parenting in the dissolution process, including risk factors for families, how marriage dissolution affects children of different ages, and skills that parents can learn to increase cooperation and minimize conflict, particularly conflict arising when parents place children in the middle, creating conflicting loyalty. This component of the program must be aimed at increasing a parent's sensitivity to a child's needs and at giving a parent skills to improve the parent's and the child's adjustment to the dissolution of the marriage. The primary emphasis of the program must be on constructive parenting information, and its content must be consistent with and promote the principles of cooperative private divorce as described in section 518.80, subdivision 9;

(2) assessing if a parent is perpetrating domestic violence against the other parent and when cooperation in co-parenting may not be desirable because of safety risks, and providing information on local domestic violence resources;

(3) information on the option of reconciliation, including research on reconciliation interests among couples considering marriage dissolution, the potential benefits of avoiding marriage dissolution, resources to assist with reconciliation for interested couples, and information on when the risk of domestic violence should exclude consideration of reconciliation; and

(4) an overview of the legal process of marital dissolution and the advantages and disadvantages of litigation and alternative processes, including but not limited to mediation, collaborative and cooperative law, and restorative circles.

Subd. 2. **Program requirements.** A parent education program under this section may be conducted in person or online.

Subd. 3. **Confidentiality.** Unless all parties agree in writing, statements made by a party during participation in a parent education program are inadmissible as evidence for any purpose, including impeachment. No record may be made regarding a party's participation in a parent education program, except a record of completion of the program as required under this section. Instructors shall not disclose information regarding an individual participant obtained as a result of participation in a parent education program. Parent education instructors may not be subpoenaed or called as witnesses in court proceedings.

Subd. 4. **Costs and program providers.** Each parent education program must enable persons to have timely and reasonable access to education sessions. A party who qualifies for a waiver of filing fees under section 563.01 is exempt from paying the parent education program fee. Program providers shall implement a sliding fee scale.

#### Sec. 6. **[518.82] COOPERATIVE PRIVATE DIVORCE SCREENING; NOTICE; FORM.**

The commissioner of the Bureau of Mediation Services shall make available the following notice for use in the cooperative private divorce program under section 518.80 before full access to the program is granted to a user. The data maintained by the coercion screening tool are private data on individuals, as defined in section 13.02, subdivision 12, and shall not be tracked or recorded by any means at any time.

#### COERCION SCREENING TOOL WHEN NOT TO USE COOPERATIVE PRIVATE DIVORCE

Cooperative private divorce is not for everyone. It is probably not appropriate for you if any of the following statements are true. Choices you make in this section are private. No record of any choice you make in this section will be recorded or tracked.

- ... You are feeling undue pressure or intimidation from your spouse to use cooperative private divorce.
- ... You have serious doubts about your spouse's willingness to reach agreements that are best for everyone in the family.
- ... Your spouse has made threats of physical or emotional harm during discussions of divorce.
- ... Your spouse has unilaterally ruled out involving any professionals in your divorce process even though you want this kind of support.
- ... Your spouse is telling you not to discuss your divorce options with anyone.

Information on resources can be provided upon request if any of the above risks are occurring.

Sec. 7. Minnesota Statutes 2018, section 518A.43, subdivision 1, is amended to read:

Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive child support obligation computed under section 518A.34 is intended to encourage prompt and regular payments of child support and to prevent either parent or the joint children from living in poverty. In addition to the child support guidelines and other factors used to calculate the child support obligation under section 518A.34, the court must take into consideration the following factors in setting or modifying child support or in determining whether to deviate upward or downward from the presumptive child support obligation:

(1) all earnings, income, circumstances, and resources of each parent, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of section 518A.29, paragraph (b);

(2) the extraordinary financial needs and resources, physical and emotional condition, and educational needs of the child to be supported;

(3) the standard of living the child would enjoy if the parents were currently living together, but recognizing that the parents now have separate households;

(4) whether the child resides in a foreign country for more than one year that has a substantially higher or lower cost of living than this country;

(5) which parent receives the income taxation dependency exemption and the financial benefit the parent receives from it;

(6) the parents' debts as provided in subdivision 2; ~~and~~

(7) the obligor's total payments for court-ordered child support exceed the limitations set forth in section 571.922; and

(8) an allocation of expenses of the children in a parenting plan under section 518.1705, subdivision 8, or in a declaration of dissolution under section 518.80, subdivision 6, paragraph (a), that enables both parents to maintain a suitable place for their children, taking into account their current standard of living.

Sec. 8. **REPORT.**

The commissioner of the Bureau of Mediation Services shall conduct an evaluation of the cooperative private divorce program after the first and second years of operation. The areas of evaluation shall include but not be limited to:

(1) number of users of the cooperative private divorce program, both initially and transferring to and from a court divorce;

(2) costs of the cooperative private divorce program to government and families in comparison to court divorces;

(3) user satisfaction with the cooperative private divorce program process and with their agreements; and

(4) any correlation between use of the cooperative private divorce program system and subsequent use of court services for the same case or related cases."

Delete the title and insert:

"A bill for an act relating to judiciary; modifying certain provisions relating to public safety; courts; corrections; law enforcement; sexual offenders; controlled substances; DWI; vehicle operations; pretrial release; offender sentencing, probation, and diversion; firefighters; statewide emergency communication; predatory offenders; and forfeiture; modifying ex-offender voting rights; enacting the Uniform Collateral Consequences of Conviction Act; raising the age of marriage to 18; establishing a cooperative private divorce program; requiring reports; providing for task forces; providing for studies; providing for criminal penalties; appropriating money for sentencing guidelines, public safety, courts, corrections, Peace Officer Standards and Training (POST) Board, Private Detective Board, human services, health, civil legal services, human rights, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Bureau of Mediation Services, and Legislative Coordinating Commission; amending Minnesota Statutes 2018, sections 13.599, by adding a subdivision; 13.6905, by adding a subdivision; 13.851, by adding a subdivision; 15A.0815, subdivision 3; 62A.21, subdivision 2a; 84.7741, subdivision 13; 84.91, subdivision 1; 86B.331, subdivision 1; 97A.221, subdivision 5; 97A.223, subdivision 6; 97A.225, subdivision 10; 144.121, subdivision 1a, by adding a subdivision; 151.37, subdivision 12; 152.021, subdivision 2a; 152.025, subdivisions 1, 2, 4; 152.0275; 152.18, subdivision 1; 152.21, subdivision 6; 152.32, subdivision 2; 169.92, subdivision 4; 169.99, subdivision 1c, by adding a subdivision; 169A.03, subdivision 18; 169A.37, subdivision 1; 169A.55, subdivision 2; 169A.60, subdivisions 4, 5, 8; 169A.63, by adding a subdivision; 171.07, subdivision 1a; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.20, subdivision 4; 171.26, subdivision 1; 171.29, subdivision 1; 241.01, subdivision 3a; 241.025, subdivisions 1, 2; 241.75, subdivision 2; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision; 243.48, subdivision 1; 244.05, subdivisions 4, 5; 244.09, subdivisions 6, 8; 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 257.56; 260B.176, by adding a subdivision; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299A.55, subdivisions 2, 4; 299A.681, subdivision 11; 299A.706; 299A.707, by adding a subdivision; 299C.091, subdivision 5; 299C.093; 299C.46, subdivision 3; 299F.857; 299N.01, subdivisions 2, 3; 299N.02, subdivisions 1, 2, 3; 299N.03, subdivisions 4, 5, 6, by adding a subdivision; 299N.04; 299N.05, subdivisions 1, 2, 5, 6, 7, 9; 299N.06; 340A.22, subdivision 4; 340A.304; 340A.417; 357.021, subdivisions 1a, 2, 6, 7, by adding a subdivision; 363A.03, subdivision 43; 363A.35, subdivision 3; 363A.36, subdivisions 1, 4, by adding a subdivision; 363A.44, subdivision 1; 364.07; 403.02, by adding a subdivision; 403.03; 403.21, subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382, subdivisions 1, 8; 446A.083, subdivision 2; 480.15, by adding a subdivision; 484.85; 517.02; 517.03, subdivision 1; 517.08, subdivisions 1a, 1b, by adding a subdivision; 518.191, by adding a subdivision; 518.195, by adding a subdivision; 518A.43, subdivision 1; 590.01, subdivision 4; 590.11, subdivisions 1, 2, 5, 7; 609.101, subdivision 5; 609.106, subdivision 2, by adding a subdivision; 609.115, by adding a subdivision; 609.135, subdivisions 1a, 1c, 2, by adding a subdivision; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.341, subdivisions 10, 11, 12, by adding subdivisions; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 1; 609.3455, subdivision 2; 609.582, subdivisions 3, 4; 609.66, subdivision 1d; 609.749, subdivisions 1, 2, 3, 5, 8; 609.762, subdivision 2; 609.856, subdivision 2; 609.895, subdivision 5; 609.908, subdivision 3; 609A.02, by adding a subdivision; 609A.025; 609B.515; 611.32, subdivision 2; 611.365, subdivisions 2, 3; 611.367; 611.368; 611A.039, subdivision 1; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by adding a subdivision; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131; 624.7132; 624.714, subdivisions 1b, 7a, 17; 624.7142,

subdivision 6; 626.556, subdivision 2; 626.841; 626.93, subdivisions 3, 4; 628.26; 629.53; 629.715, subdivision 2; 631.412; 634.20; 638.02, subdivision 3; 641.15, subdivision 3a; Laws 2009, chapter 59, article 3, section 4, subdivision 9, as amended; Laws 2017, chapter 95, article 1, section 11, subdivision 7; article 3, section 30; proposing coding for new law in Minnesota Statutes, chapters 3; 13; 152; 171; 241; 243; 244; 260B; 299A; 340A; 518; 609; 611A; 624; 626; 638; 641; repealing Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 169A.63; 299A.12, subdivision 4; 299A.18; 401.13; 609.349; 609.531, subdivisions 1, 1a, 4, 5, 5a, 6a, 7, 8; 609.5311; 609.5312; 609.5313; 609.5314; 609.5315; 609.5316; 609.5317; 609.5318; 609.5319; 609.762, subdivisions 3, 4, 5, 6; 609.905, subdivision 3; 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725."

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

The report was adopted.

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

H. F. No. 2808, A bill for an act relating to state government; establishing a Website Accessibility Grant Advisory Council; appropriating money for grants to cities and counties to improve website accessibility; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 1, H. F. No. 2808 was re-referred to the Committee on Rules and Legislative Administration.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1487, 1543, 1581, 1935, 2125 and 2792 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Christensen introduced:

H. F. No. 2842, A bill for an act relating to education; appropriating money to increase minimum starting salary for nonlicensed personnel.

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

Hamilton introduced:

H. F. No. 2843, A bill for an act relating to capital investment; appropriating money for a new city hall and community center in Ellsworth; authorizing the sale and issuance of state bonds.

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

Moran introduced:

H. F. No. 2844, A bill for an act relating to taxes; property taxes; modifying classification of community land trust property; amending Minnesota Statutes 2018, sections 273.11, subdivision 12; 273.13, subdivision 25.

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

Moran introduced:

H. F. No. 2845, A bill for an act relating to human services; appropriating money for a grant to Village Arms.

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

Xiong, T., introduced:

H. F. No. 2846, A bill for an act relating to capital investment; appropriating money for an outdoor firing range for law enforcement training in Maplewood; authorizing the sale and issuance of state bonds.

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

Miller, Draskowski and Munson introduced:

H. F. No. 2847, A bill for an act relating to child care; establishing an income tax credit for parents caring for dependent children; repealing the human services child care assistance program; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 2018, sections 119B.011; 119B.02; 119B.025; 119B.03, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6b, 8, 9, 10; 119B.035; 119B.04; 119B.05, subdivisions 1, 4, 5; 119B.06;

119B.08, subdivisions 1, 2, 3; 119B.09, subdivisions 1, 3, 4, 4a, 5, 6, 7, 8, 9, 9a, 10, 11, 12, 13; 119B.095; 119B.097; 119B.10; 119B.105; 119B.11, subdivisions 1, 2a, 3, 4; 119B.12; 119B.125; 119B.13, subdivisions 1, 1a, 3, 3a, 3b, 3c, 4, 5, 6, 7; 119B.14; 119B.15; 119B.16; Minnesota Rules, parts 3400.0010; 3400.0020, subparts 1, 4, 5, 8, 9a, 10a, 12, 17a, 18, 18a, 20, 24, 25, 26, 28, 29a, 31b, 32b, 33, 34a, 35, 37, 38, 38a, 38b, 39, 40, 40a, 44; 3400.0030; 3400.0035; 3400.0040, subparts 1, 3, 4, 5, 5a, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, 14, 15, 15a, 17, 18; 3400.0060, subparts 2, 4, 5, 6, 6a, 7, 8, 9, 10; 3400.0080, subparts 1, 1a, 1b, 8; 3400.0090, subparts 1, 2, 3, 4; 3400.0100, subparts 2a, 2b, 2c, 5; 3400.0110, subparts 1, 1a, 2, 2a, 3, 4a, 7, 8, 9, 10, 11; 3400.0120, subparts 1, 1a, 2, 2a, 3, 5; 3400.0130, subparts 1, 1a, 2, 3, 3a, 3b, 5, 5a, 7; 3400.0140, subparts 1, 2, 4, 5, 6, 7, 8, 9, 9a, 10, 14; 3400.0150; 3400.0170, subparts 1, 3, 4, 6a, 7, 8, 9, 10, 11; 3400.0180; 3400.0183, subparts 1, 2, 5; 3400.0185; 3400.0187, subparts 1, 2, 3, 4, 6; 3400.0200; 3400.0220; 3400.0230, subpart 3; 3400.0235, subparts 1, 2, 3, 4, 5, 6.

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

Vang; Lee; Hassan; Her; Noor; Kunesh-Podein; Bierman; Xiong, J.; Moran; Bernardy; Brand; Xiong, T.; Freiberg; Koegel; Youakim and Sandell introduced:

H. F. No. 2848, A bill for an act relating to elections; requiring voting instructions in certain languages other than English for use in in-person absentee voting; amending Minnesota Statutes 2018, section 203B.081, subdivision 3.

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

Bernardy introduced:

H. F. No. 2849, A bill for an act relating to higher education; providing student relief from Argosy University closure; requiring a report.

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

Elkins, Edelson and Youakim introduced:

H. F. No. 2850, A bill for an act relating to education; establishing a grant program for school robotics programs; requiring a report; appropriating money.

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

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Halverson.

**REPORTS FROM THE COMMITTEE ON RULES  
AND LEGISLATIVE ADMINISTRATION**

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Wednesday, April 24, 2019 and established a prefiling requirement for amendments offered to the following bill:

H. F. No. 2414.

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Thursday, April 25, 2019 and established a prefiling requirement for amendments offered to the following bill:

H. F. No. 2125.

**CALENDAR FOR THE DAY**

H. F. No. 2400 was reported to the House.

Kresha moved that H. F. No. 2400 be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Kresha motion and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Carlson, A.	Ecklund	Hansen	Klevorn	Lien
Bahner	Carlson, L.	Edelson	Hassan	Koegel	Lillie
Becker-Finn	Christensen	Elkins	Hausman	Kotzya-Witthuhn	Lippert
Bernardy	Clafin	Fischer	Her	Kunesh-Podein	Lislegard
Bierman	Considine	Freiberg	Hornstein	Lee	Loeffler
Brand	Davnie	Gomez	Howard	Lesch	Long
Cantrell	Dehn	Halverson	Huot	Liebling	Mahoney

Mann	Morrison	Persell	Sandstede	Vang	Xiong, T.
Mariani	Murphy	Pinto	Sauke	Wagenius	Youakim
Marquart	Nelson, M.	Poppe	Schultz	Wazlawik	Spk. Hortman
Masin	Noor	Pryor	Stephenson	Winkler	
Moller	Olson	Richardson	Sundin	Wolgamott	
Moran	Pelowski	Sandell	Tabke	Xiong, J.	

The motion did not prevail.

Morrison moved to amend H. F. No. 2400, the first engrossment, as follows:

Page 194, after line 22, insert:

"Sec. 16. **WORKING GROUP ON LINKS BETWEEN HEALTH DISPARITIES AND EDUCATIONAL ACHIEVEMENT FOR CHILDREN FROM AMERICAN INDIAN COMMUNITIES AND COMMUNITIES OF COLOR; REPORT.**

Subdivision 1. Working group established. (a) The commissioner of health, in consultation with the commissioner of education, must convene one or more working groups to:

(1) examine the links between health disparities and disparities in educational achievement for children from American Indian communities and communities of color; and

(2) develop recommendations for programs, services, or funding to address health disparities and decrease disparities in educational achievement for children from American Indian communities and communities of color.

(b) Membership in the working group must include persons from American Indian communities in Minnesota and communities of color in Minnesota and representatives from:

(1) organizations that represent American Indian communities or communities of color and children from American Indian communities or communities of color;

(2) community health boards;

(3) one or more organizations representing teachers;

(4) an organization representing school nurses;

(5) federally qualified health centers;

(6) school-based health clinics;

(7) pediatricians and other health care providers who provide health care services to children from American Indian communities or communities of color;

(8) organizations with knowledge and expertise regarding specific health disparities experienced by American Indian communities or one or more communities of color; and

(9) other experts and organizations designated by the commissioner of health or commissioner of education.



Sandell moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 246, line 27, delete "347,000" and insert "369,000"

Kresha moved to amend the Sandell amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 2, delete "369,000" and insert "357,000"

Page 1, after line 2, insert:

"Page 247, after line 3, insert:

"Sec. 11. **AWARENESS OF SEXUAL EXPLOITATION OF MINORS.**

\$12,000 in fiscal year 2020 is appropriated from the general fund to the Board of School Administrators for a public awareness campaign directed toward school employees to raise awareness of the sexual exploitation of youth and the maltreatment of minors. The awareness campaign must emphasize the duties of mandatory reporters."

ReNUMBER the sections in sequence and correct internal references"

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment to the Sandell amendment and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Sandell amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Schultz was excused between the hours of 11:30 a.m. and 1:35 p.m.

Lien moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 177, line 13, strike "the lesser"

Page 177, line 14, strike "of one or the ratio of" and strike "average" and strike "to 35 years" and insert "index"

Page 177, after line 24, insert:

"(b) A district's building age index equals the greater of:

(1) the lesser of one or the ratio of the district's average building age for the most recent year for which data is available, to 35 years; or

(2) the district's building age index for the previous year.

(c) Notwithstanding paragraph (b) for fiscal year 2021 and later, for a school district that (1) adds new square footage after January 1, 2016, (2) continues to utilize for educational purposes more than 80 percent of its previous square footage, (3) has a lower building age index under this section in the current year compared to the fiscal year immediately prior to the addition of the square footage, and (4) demonstrates to the commissioner's satisfaction that its total school facilities square footage is educationally necessary, the district's building age index is the greater of the ratio calculated under paragraph (b) or the building age index for the fiscal year immediately prior to the inclusion of the building addition in the building age index."

Page 177, line 25, delete "(b)" and reinstate the stricken "(d)"

Page 180, line 16, delete "125" and insert "125.04"

Page 206, line 14, delete "108,231,000" and insert "108,276,000"

Page 206, line 16, delete "\$97,692,000" and insert "\$97,737,000"

The motion prevailed and the amendment was adopted.

Tabke moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 10, after line 19, insert:

"Sec. 13. Minnesota Statutes 2018, section 123B.92, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them.

(a) "Actual expenditure per pupil transported in the regular and excess transportation categories" means the quotient obtained by dividing:

(1) the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 15 percent per year for districts operating a program under section 124D.128 for grades 1 to 12 for all students in the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on the district's type III vehicles, as defined in section 169.011, subdivision 71, which must be used a majority of the time for pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses by:

(2) the number of pupils eligible for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

(b) "Transportation category" means a category of transportation service provided to pupils as follows:

(1) Regular transportation is:

(i) transportation to and from school during the regular school year for resident elementary pupils residing one mile or more from the public or nonpublic school they attend, and resident secondary pupils residing two miles or more from the public or nonpublic school they attend, excluding desegregation transportation and noon kindergarten transportation; but with respect to transportation of pupils to and from nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent and that pupil's child between the pupil's home and the child care provider and between the provider and the school, if the home and provider are within the attendance area of the school;

(iv) transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; ~~and~~

(v) transportation to and from school during the regular school year required under subdivision 3 for nonresident elementary pupils when the distance from the attendance area border to the public school is one mile or more, and for nonresident secondary pupils when the distance from the attendance area border to the public school is two miles or more, excluding desegregation transportation and noon kindergarten transportation; ~~and~~ and

(vi) transportation of pregnant or parenting pupils to and from a program that was established on or before January 1, 2018, that provides:

(A) academic instruction;

(B) at least four hours per week of parenting instruction; and

(C) high-quality child care on site during the education day with the capacity to serve all children of enrolled pupils.

For the purposes of this paragraph, a district may designate a licensed day care facility, school day care facility, respite care facility, the residence of a relative, or the residence of a person or other location chosen by the pupil's parent or guardian, or an after-school program for children operated by a political subdivision of the state, as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence, or program is within the attendance area of the school the pupil attends.

(2) Excess transportation is:

(i) transportation to and from school during the regular school year for resident secondary pupils residing at least one mile but less than two miles from the public or nonpublic school they attend, and transportation to and from school for resident pupils residing less than one mile from school who are transported because of full-service school zones, extraordinary traffic, drug, or crime hazards; and

(ii) transportation to and from school during the regular school year required under subdivision 3 for nonresident secondary pupils when the distance from the attendance area border to the school is at least one mile but less than two miles from the public school they attend, and for nonresident pupils when the distance from the attendance area border to the school is less than one mile from the school and who are transported because of full-service school zones, extraordinary traffic, drug, or crime hazards.

(3) Desegregation transportation is transportation within and outside of the district during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the commissioner or under court order.

(4) "Transportation services for pupils with disabilities" is:

(i) transportation of pupils with disabilities who cannot be transported on a regular school bus between home or a respite care facility and school;

(ii) necessary transportation of pupils with disabilities from home or from school to other buildings, including centers such as developmental achievement centers, hospitals, and treatment centers where special instruction or services required by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district where services are provided;

(iii) necessary transportation for resident pupils with disabilities required by sections 125A.12, and 125A.26 to 125A.48;

(iv) board and lodging for pupils with disabilities in a district maintaining special classes;

(v) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, and necessary transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities who are provided special instruction and services on a shared-time basis or if resident pupils are not transported, the costs of necessary travel between public and private schools or neutral instructional sites by essential personnel employed by the district's program for children with a disability;

(vi) transportation for resident pupils with disabilities to and from board and lodging facilities when the pupil is boarded and lodged for educational purposes;

(vii) transportation of pupils for a curricular field trip activity on a school bus equipped with a power lift when the power lift is required by a student's disability or section 504 plan; and

(viii) services described in clauses (i) to (vii), when provided for pupils with disabilities in conjunction with a summer instructional program that relates to the pupil's individualized education program or in conjunction with a learning year program established under section 124D.128.

For purposes of computing special education initial aid under section 125A.76, the cost of providing transportation for children with disabilities includes (A) the additional cost of transporting a student in a shelter care facility as defined in section 260C.007, subdivision 30, a homeless student in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin but only through the end of the academic year; and (B) depreciation on district-owned school buses purchased after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled transportation category must be excluded in calculating the actual expenditure per pupil transported in the regular and excess transportation categories according to paragraph (a). For purposes of subitem (A), a school district may transport a child who does not have a school of origin to the same school attended by that child's sibling, if the siblings are homeless or in a shelter care facility.

(5) "Nonpublic nonregular transportation" is:

(i) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, excluding transportation for nonpublic pupils with disabilities under clause (4);

(ii) transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123B.44; and

(iii) late transportation home from school or between schools within a district for nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services, and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123B.41, subdivision 13.

**EFFECTIVE DATE.** This section is effective July 1, 2019."

Page 16, after line 1, insert:

"Sec. 22. Minnesota Statutes 2018, section 126C.10, subdivision 18a, is amended to read:

Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special school district's transportation sparsity revenue under subdivision 18 is increased by the greater of zero or 18.2 percent of the difference between:

(1) the lesser of the district's total cost for regular and excess pupil transportation under section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal year or 105 percent of the district's total cost for the second previous fiscal year; and

(2) the sum of:

(i) 4.66 percent of the district's basic revenue for the previous fiscal year;

(ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year; ~~and~~

(iii) the district's charter school transportation adjustment for the previous fiscal year; ~~and~~

(iv) the district's reimbursement for transportation provided under section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi).

(b) A charter school's pupil transportation adjustment equals the school district per pupil adjustment under paragraph (a).

**EFFECTIVE DATE.** This section is effective July 1, 2019."

Page 32, after line 10, insert:

"Subd. 10. **Pregnant and parenting pupil transportation reimbursement.** (a) To reimburse districts for transporting pregnant or parenting pupils under Minnesota Statutes, section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi):

<u>\$56,000</u>	<u>.....</u>	<u>2020</u>
<u>\$56,000</u>	<u>.....</u>	<u>2021</u>

(b) To receive reimbursement, districts must apply using the form and manner of application prescribed by the commissioner. If the appropriation is insufficient, the commissioner must prorate the amount paid to districts seeking reimbursement.

(c) Any balance in the first year does not cancel but is available in the second year."

Page 158, line 4, delete "\$200" and insert "\$198"

Page 167, lines 31 and 32, delete "7,154,000" and insert "7,098,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Kresha moved to amend the Tabke amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 2, line 20, after "2018," insert "or that is in operation on or after July 1, 2021,"

The motion prevailed and the amendment to the amendment was adopted.

Kresha moved to amend the Tabke amendment, as amended, to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 2, line 19, delete "that was"

Page 2, line 20, delete "established on or before January 1, 2018,"

Page 6, after line 3, insert:

"Page 245, line 16, delete "and"

Page 245, line 18, delete the period and insert "; and"

Page 245, after line 18, insert:

"(13) Each year, the department must transfer the amounts necessary to fully fund the pregnant teen pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi)."

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

The question recurred on the Tabke amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 200, line 4, delete "must" and insert "may"

The motion prevailed and the amendment was adopted.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 197, line 28, delete "above a level where action should be taken as set by the guidance"

Page 197, line 29, delete "either remediate the presence of"

Page 197, line 30, delete "lead to below the level set in the guidance, verified by retest, or"

Page 197, line 31, after "result" insert "and whether the level of lead was above or below the level set in guidance by the state"

The motion prevailed and the amendment was adopted.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 199, line 13, after "meeting" insert ". make the results of the testing available to the public for review, and notify parents of the availability of the information"

The motion prevailed and the amendment was adopted.

Gruenhagen moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 165, after line 28, insert:

"Sec. 16. **SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.**

Subdivision 1. **Duties.** A legislative working group on special education is created to review special education delivery and costs in Minnesota and submit a written report to the legislature. The working group must:

(1) review how school districts, charter schools, intermediate school districts, special education cooperatives, education districts, service cooperatives, and nonpublic schools deliver special education services, and the costs and benefits associated with each model;

(2) compare relevant state and federal special education laws and regulations by reviewing the 2013 evaluation report by the Office of the Legislative Auditor on special education and other publicly available reports;

(3) analyze trends in special education enrollment and the reasons for the increased proportion of Minnesota students receiving special education, including disparities in student identification;

(4) identify strategies or programs that would be effective in reducing the need for special education services or could provide less-intensive special education services, when appropriate;

(5) analyze funding for children receiving special education services in a nonresident district or charter school in accordance with Minnesota Statutes, sections 124E.21, 125A.11, and 127A.47;

(6) analyze the effect of the 2013 statutory changes to the state special education funding formula, including interactions and conformity with federal funding formulas;

(7) describe how school districts and charter schools use section 504 plans, including criteria used to determine when a section 504 plan is appropriate and the prevalence of section 504 plans in school districts and charter schools; and

(8) review the recommendations of the 2013 evaluation report by the Office of the Legislative Auditor on special education and whether any recommendations have been enacted or implemented.

Subd. 2. **Membership.** (a) The legislative working group on special education consists of:

(1) six duly elected and currently serving members of the house of representatives, three appointed by the speaker of the house and three appointed by the house minority leader, and must include the current chairs of the house of representatives Education Policy Committee and Education Finance Division; and

(2) six duly elected and currently serving senators, three appointed by the senate majority leader and three appointed by the senate minority leader, and must include the current chair of the senate Education Finance and Policy Committee.

(b) Only duly elected and currently serving members of the house of representatives or senate may be members of the special education legislative working group. A chair of an education committee or division appointed under paragraph (a) may designate another member of the chair's chamber to attend a meeting of the legislative working group in place of the chair.

**Subd. 3. Organization; process; administrative and technical support.** The special education legislative working group appointments must be made by July 1, 2019. If a vacancy occurs, the leader of the caucus in the house of representatives or senate to which the vacating working group member belonged must fill the vacancy. The chair of the house of representatives Education Policy Committee shall serve as a cochair of the working group. The chair of the senate Education Finance and Policy Committee shall serve as a cochair of the working group and shall convene the first meeting. The working group must meet periodically. Meetings of the working group must be open to the public. The Legislative Coordinating Commission must provide administrative assistance upon request. The Department of Education must provide technical assistance upon request.

**Subd. 4. Consultation with stakeholders.** In developing its recommendations, the special education legislative working group must consult with interested and affected stakeholders.

**Subd. 5. Report.** The special education legislative working group must submit a report providing its findings and policy recommendations to the legislature by January 15, 2020.

**Subd. 6. Expiration.** The special education legislative working group expires January 16, 2020, unless extended by law.

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

Renumber the sections in sequence and correct the internal references

Gruenhagen moved to amend the Gruenhagen amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 2, line 3, delete the second "and"

Page 2, after line 3, insert:

"(8) review the use of medications intended to modify the mood or behavior of students with 504 plans or individual education programs; and"

Page 2, line 4, delete "(8)" and insert "(9)"

A roll call was requested and properly seconded.

The question was taken on the Gruenhagen amendment to the Gruenhagen amendment and the roll was called. There were 118 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Acomb	Bennett	Daniels	Erickson	Gruenhagen	Heintzeman
Albright	Bernardy	Daudt	Fabian	Gunther	Her
Anderson	Bierman	Davids	Fischer	Haley	Hertaus
Backer	Boe	Davnie	Franson	Halverson	Johnson
Bahner	Carlson, A.	Demuth	Garofalo	Hamilton	Jurgens
Bahr	Carlson, L.	Dettmer	Gomez	Hansen	Klevorn
Baker	Christensen	Drazkowski	Green	Hassan	Koegel
Becker-Finn	Clafin	Ecklund	Grossell	Heinrich	Kotyza-Witthuhn

Koznick	Lueck	Murphy	Petersburg	Sauke	Wagenius
Kresha	Mahoney	Nash	Pierson	Schomacker	Wazlawik
Kunesh-Podein	Mann	Nelson, M.	Pinto	Scott	West
Layman	Marquart	Nelson, N.	Poppe	Stephenson	Winkler
Lee	Masin	Neu	Poston	Sundin	Wolgamott
Lien	McDonald	Noor	Pryor	Swedzinski	Xiong, J.
Lillie	Mekeland	Nornes	Quam	Tabke	Xiong, T.
Lippert	Miller	O'Driscoll	Richardson	Theis	Youakim
Lislegard	Moller	Olson	Robbins	Torkelson	Zerwas
Loeffler	Moran	O'Neill	Runbeck	Urdahl	Spk. Hortman
Long	Morrison	Pelowski	Sandell	Vang	
Lucero	Munson	Persell	Sandstede	Vogel	

Those who voted in the negative were:

Brand	Dehn	Freiberg	Howard	Liebling
Cantrell	Edelson	Hausman	Huot	Mariani
Considine	Elkins	Hornstein	Lesch	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Gruenhagen amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

This moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 160, after line 4, insert:

"(m) "Special education equity metro region" means the districts with their administrative offices located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County on January 1, 2012, and districts in other counties with 7,500 or more pupils in adjusted average daily membership.

"(n) "Special education equity rural region" means the districts with their administrative offices located outside Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County on January 1, 2012, and districts in other counties with less than 7,500 pupils in adjusted average daily membership."

Page 162, after line 24, insert:

**"Sec. 12. [125A.81] SPECIAL EDUCATION REGIONAL EQUITY AID.**

**Subdivision 1. Special education equity aid.** A school district's special education equity aid equals the greater of zero or, for the second preceding year, the lesser of (1) 30 percent of the difference between the school district's remaining special education cross subsidy per pupil in adjusted average daily membership and the regional average remaining special education cross subsidy per pupil in adjusted average daily membership, or (2) \$120 times the district's adjusted average daily membership. For purposes of this section, remaining cross subsidy aid means the cross subsidy after adjusting for cross subsidy aid under section 125A.76, subdivision 2e.

**Subd. 2. Special education equity region.** The department must assign school districts to special education equity regions under section 125A.76, subdivision 1, paragraphs (m) and (n).

Subd. 3. **Regional equity cross subsidy.** For each region established in subdivision 2, the department must calculate the regional average remaining special education cross subsidy under section 125A.76, subdivision 1, paragraph (k), after adjustments for cross subsidy aid under section 125A.76, subdivision 2e, per pupil in adjusted average daily membership for the second preceding year.

**EFFECTIVE DATE.** This section is effective for fiscal year 2022 and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Davnie moved to amend the Theis amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 2, line 6, delete "2022" and insert "2024"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Theis amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

O'Driscoll moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 3, line 11, strike "and"

Page 3, line 15, delete the period and insert "; and"

Page 3, after line 15, insert:

"(6) the permanent school fund compensation aid until \$50,000,000 has been transferred to the commissioner of education for payment of school aids under section 38."

Page 30, after line 23, insert:

"Sec. 38. **PERMANENT SCHOOL FUND COMPENSATION AID.**

Subdivision 1. **Transfer.** The commissioner must pay permanent school fund compensation aid to school districts with the money transferred from the state budget surplus under Minnesota Statutes, section 16A.152, subdivision 2, paragraph (a), clause (6).

Subd. 2. **Student and school safety aid.** (a) Concurrent with the September and March apportionments from the school endowment fund to each school district and charter school under Minnesota Statutes, section 127A.33, the commissioner must distribute student and school safety aid equal to a total of \$57.08 times each district's adjusted average daily membership for fiscal year 2019. This amount may be apportioned over one or more years.

(b) The state aid received under this section may be used for student and staff safety activities consistent with Minnesota Statutes, section 126C.44, or for any other school-related purpose as deemed appropriate by the board."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the O'Driscoll amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

Urdahl moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 37, after line 4, insert:

"Sec. 6. Minnesota Statutes 2018, section 120B.024, subdivision 1, is amended to read:

Subdivision 1. **Graduation requirements.** Students ~~beginning 9th grade in the 2011-2012 school year and later~~ must successfully complete the following high school level credits for graduation:

(1) four credits of language arts sufficient to satisfy all of the academic standards in English language arts;

(2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;

(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics;

(4) three credits of science, including at least one credit of biology, one credit of chemistry or physics, and one elective credit of science. The combination of credits under this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;

(5) three and one-half credits of social studies, including credit for a course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2020-2021 school year and later, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

(6) one credit of the arts sufficient to satisfy all of the state or local academic standards in the arts; and

(7) a minimum of seven elective credits.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Urdahl moved to amend the Urdahl amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 17, delete "including" and insert "of which a school district is encouraged to offer"

Page 1, line 19, delete "and a combination of other credits"

The motion prevailed and the amendment to the amendment was adopted.

Urdahl withdrew his amendment, as amended, to H. F. No. 2400, the first engrossment, as amended.

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 37, after line 4, insert:

"Sec. 6. Minnesota Statutes 2018, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** (a) The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history that promotes American exceptionalism; the experiences of American pioneers, settlers, and farmers; geography, economics, and government and citizenship that includes civics consistent with section 120B.02, subdivision 3;

(5) physical education;

(6) health, for which locally developed academic standards apply; and

(7) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

(b) For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education program team has determined that the required academic standards are inappropriate. An individualized education program team that makes this determination must establish alternative standards.

(c) The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards. The department may modify and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.

(d) A school district may include child sexual abuse prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention instruction may include age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and available resources.

(e) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Youakim moved to amend the Kresha amendment to H. F. No. 2400, the first engrossment, as amended.

Kresha requested a division of the Youakim amendment to the Kresha amendment to H. F. No. 2400, the first engrossment, as amended.

Kresha further requested that the second portion of the divided Youakim amendment to the Kresha amendment be voted on first.

The second portion of the Youakim amendment to the Kresha amendment to H. F. No. 2400, the first engrossment, as amended, reads as follows:

Page 1, line 10, after "of" insert "indigenous peoples," and after "pioneers," insert "immigrants, slaves and their descendants,"

The motion prevailed and the second portion of the Youakim amendment to the Kresha amendment was adopted.

The first portion of the Youakim amendment to the Kresha amendment to H. F. No. 2400, the first engrossment, as amended, reads as follows:

Page 1, line 9, delete "promotes" and insert "includes"

A roll call was requested and properly seconded.

The question was taken on the first portion of the Youakim amendment to the Kresha amendment and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the first portion of the Youakim amendment to the Kresha amendment was adopted.

Kresha withdrew his amendment, as amended, to H. F. No. 2400, the first engrossment, as amended.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 37, line 6, before "A" insert "(a)"

Page 38, after line 7, insert:

"(b) A school board must submit to the commissioner the plan adopted under paragraph (a). The commissioner must review each plan."

The motion prevailed and the amendment was adopted.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 120, line 12, before the period, insert ". except that a school district must notify the parent of a student in the classroom of a teacher who is in the improvement process referenced in clause (12) that the teacher does not meet professional teaching standards"

Page 122, line 31, before the period, insert ". except that a school district must notify the parent of a student in the classroom of a teacher who is in the improvement process referenced in clause (12) that the teacher does not meet professional teaching standards"

A roll call was requested and properly seconded.

The question was taken on the Scott amendment and the roll was called. There were 58 yeas and 73 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Brand	Clafflin	Ecklund	Gomez	Her
Bahner	Cantrell	Considine	Edelson	Halverson	Hornstein
Becker-Finn	Carlson, A.	Dauids	Elkins	Hansen	Howard
Bernardy	Carlson, L.	Davnie	Fischer	Hassan	Huot
Bierman	Christensen	Dehn	Freiberg	Hausman	Klevorn

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

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

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 117, line 21, after "LICENSES" insert "AND PERFORMANCE"

Page 117, line 29, after "who" insert ":(1)" and after "licenses" insert ":(2) do not meet professional teaching standards or have been placed on a teacher improvement process in accordance with section 122A.40, subdivision 8 or 122A.41, subdivision 5; and (3) the average grade point average of the teachers in each school building"

Scott moved to amend the Scott amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 3, after the semicolon, insert "and"

Page 1, line 5, delete everything after "5"

Page 1, delete line 6

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Scott amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 40, line 3, after the period, insert "Questions on state-constructed tests must be developed by licensed Minnesota teachers."

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 56, line 6, delete "person" and insert "qualified teacher, as defined in section 122A.16, that"

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 4, line 28, after the period, insert "The best interests of the student must not be influenced by the preferences of the prior or current enrolling school and the best interests of the student must not be influenced by the educational costs associated with the placement of the foster student."

The motion prevailed and the amendment was adopted.

Theis moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 162, line 22, delete "and" and insert a comma

Page 162, line 23, after "2021" insert ", and ten percent for fiscal year 2022"

Davnie moved to amend the Theis amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 3, delete "year" and insert "years" and after "2021" insert ", 2022, and 2023" and delete "2022" and insert "2024"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Theis amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 118, after line 18, insert:

"Sec. 41. Minnesota Statutes 2018, section 122A.26, is amended by adding a subdivision to read:

Subd. 4. **Wages.** A school district must provide adult basic education and early childhood and family education teachers salaries comparable to the salaries of local kindergarten through grade 12 teachers."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 69, after line 27, insert:

"Subd. 4. **Community partners.** A community partner, including a nonprofit organization and a for profit organization, may partner with a full-service community school to provide financial and in-kind support for the full-service community school activities under this section. A community partner may pay for the costs of the full-service community school initiative director and the site coordinator."

Davnie moved to amend the Jurgens amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 7, after the period, insert "Nothing in this subdivision affects the employment relationship between a full service community school initiative director or site coordinator and the school district."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Jurgens amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Urdahl moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 37, after line 4, insert:

"Sec. 6. Minnesota Statutes 2018, section 120B.11, subdivision 1a, is amended to read:

Subd. 1a. **Performance measures.** Measures to determine school district and school site progress in striving to create the world's best workforce must include at least:

(1) the size of the academic achievement gap, rigorous course taking under section 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student subgroup;

(2) student performance on the Minnesota Comprehensive Assessments;

(3) high school graduation rates; and

(4) career and college readiness and an understanding of civic life under section 120B.30, subdivision 1.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later."

Page 44, after line 27, insert:

"(r) For purposes of statewide accountability, an understanding of "civic life" means student learning experiences that include public engagement activities such as:

(1) volunteering as an election judge;

(2) serving as a poll watcher;

(3) contacting public officials on a matter of public interest;

(4) writing a letter to the editor;

(5) registering to vote or participating in a nonpartisan voter registration drive; or

(6) other public interest activities authorized by the school board, including but not limited to:

(i) volunteering on a matter of political interest;

(ii) participating in a nonprofit organization; or

(iii) participating in a charity event."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Urdahl moved to amend the Urdahl amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, delete lines 2 to 13

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Urdahl amendment, as amended, to H. F. No. 2400, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 56, line 14, after the period, insert "Freedom of speech includes freedom to express political viewpoints."

The motion prevailed and the amendment was adopted.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 171, line 26, before the period, insert ". provide parents a copy of instructional materials used to provide sexual health instruction, and inform parents of the requirements of section 120B.20. If a parent or adult student requests alternative instruction, the school district or charter school must provide such instruction, or if no agreement can be reached regarding reasonable arrangements for alternative instruction, the district or charter school must allow the parent or adult student to opt the student out of sexual health instruction with no academic or other penalty for the student"

A roll call was requested and properly seconded.

Youakim moved to amend the Scott amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 2, delete "a copy of" and insert "access to the"

Page 1, line 4, delete everything after the period

Page 1, delete line 5

Page 1, line 6, delete everything before "the"

A roll call was requested and properly seconded.

The question was taken on the Youakim amendment to the Scott amendment and the roll was called. There were 74 yeas and 58 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Scott amendment, as amended, and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Backer	Baker	Bernardy	Brand	Carlson, L.
Albright	Bahner	Becker-Finn	Bierman	Cantrell	Christensen
Anderson	Bahr	Bennett	Boe	Carlson, A.	Clafin

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

The motion prevailed and the amendment, as amended, was adopted.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 171, line 23, after the period, insert "A school district or charter school must provide notice to the parent of a child who receives sexual health instruction from a person without a teaching license or a person not employed by the district or charter school, that the person is not a licensed teacher and, if applicable, the community organization that employs the person."

A roll call was requested and properly seconded.

The question was taken on the Scott amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Christensen	Franson	Her	Liebling	Miller
Albright	Clafin	Freiberg	Hertaus	Lien	Moller
Anderson	Considine	Garofalo	Hornstein	Lillie	Moran
Backer	Daniels	Gomez	Howard	Lippert	Morrison
Bahner	Daudt	Green	Huot	Lislegard	Munson
Bahr	Davids	Grossell	Johnson	Loeffler	Murphy
Baker	Davnie	Gruenhagen	Jurgens	Long	Nash
Becker-Finn	Demuth	Gunther	Klevorn	Lucero	Nelson, M.
Bennett	Dettmer	Haley	Koegel	Lueck	Nelson, N.
Bernardy	Drazkowski	Halverson	Kotyza-Witthuhn	Mahoney	Neu
Bierman	Ecklund	Hamilton	Koznick	Mann	Noor
Boe	Edelson	Hansen	Kresha	Mariani	Nornes
Brand	Elkins	Hassan	Kunesh-Podein	Marquart	O'Driscoll
Cantrell	Erickson	Hausman	Layman	Masin	Olson
Carlson, A.	Fabian	Heinrich	Lee	McDonald	O'Neill
Carlson, L.	Fischer	Heintzeman	Lesch	Mekeland	Pelowski

Persell	Pryor	Sandstede	Sundin	Vang	Wolgamott
Petersburg	Quam	Sauke	Swedzinski	Vogel	Xiong, J.
Pierson	Richardson	Schomacker	Tabke	Wagenius	Xiong, T.
Pinto	Robbins	Schultz	Theis	Wazlawik	Youakim
Poppe	Runbeck	Scott	Torkelson	West	Zerwas
Poston	Sandell	Stephenson	Urdahl	Winkler	Spk. Hortman

The motion prevailed and the amendment was adopted.

McDonald was excused between the hours of 1:50 p.m. and 9:25 p.m.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 171, line 19, delete "Notwithstanding any law to the contrary."

Page 171, line 20, delete "may" and insert "must" and delete "without" and insert "with" and delete everything after "license" and insert a period

Page 171, delete lines 21 to 23

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Daudt and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Winkler moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Scott amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

#### CALL OF THE HOUSE LIFTED

Winkler moved that the call of the House be lifted. The motion prevailed and it was so ordered.

The Speaker resumed the Chair.

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

Bennett moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 170, delete section 2

Page 194, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

On the motion of Daudt and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Winkler moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Bennett amendment and the roll was called. There were 58 yeas and 73 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Cantrell	Davnie	Freiberg	Her	Kotyza-Witthuhn
Bahner	Carlson, A.	Dehn	Gomez	Hornstein	Kunesh-Podein
Becker-Finn	Carlson, L.	Ecklund	Halverson	Howard	Lee
Bernardy	Christensen	Edelson	Hansen	Huot	Lesch
Bierman	Clafin	Elkins	Hassan	Klevorn	Liebling
Brand	Considine	Fischer	Hausman	Koegel	Lien

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

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

Garofalo was excused between the hours of 2:55 p.m. and 3:45 p.m.

Scott moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 170, line 23, after "(a)" insert "Subject to paragraph (e)."

Page 171, after line 23, insert:

"(e) A school district or charter school may opt out of the requirements of this section."

A roll call was requested and properly seconded.

#### MOTION TO LIFT THE CALL OF THE HOUSE

Daudt moved that the call of the House be lifted. The motion did not prevail.

The question recurred on the Scott amendment and the roll was called.

Daudt moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Bernardy	Cantrell	Christensen	Davnie	Edelson
Bahner	Bierman	Carlson, A.	Claflin	Dehn	Elkins
Becker-Finn	Brand	Carlson, L.	Considine	Ecklund	Fischer

Freiberg	Klevorn	Lislegard	Morrison	Sandell	Winkler
Gomez	Koegel	Loeffler	Murphy	Sandstede	Wolgamott
Halverson	Kotzya-Witthuhn	Long	Nelson, M.	Sauke	Xiong, J.
Hansen	Kunesh-Podein	Mahoney	Noor	Schultz	Xiong, T.
Hassan	Lee	Mann	Olson	Stephenson	Youakim
Hausman	Lesch	Mariani	Persell	Sundin	Spk. Hortman
Her	Liebling	Marquart	Pinto	Tabke	
Hornstein	Lien	Masin	Poppe	Vang	
Howard	Lillie	Moller	Pryor	Wagenius	
Huot	Lippert	Moran	Richardson	Wazlawik	

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
GENERAL EDUCATION

Section 1. Minnesota Statutes 2018, section 16A.152, subdivision 1b, is amended to read:

Subd. 1b. **Budget reserve level.** (a) The commissioner of management and budget shall calculate the budget reserve level by multiplying the current biennium's general fund nondedicated revenues and the most recent budget reserve percentage under subdivision 8.

(b) If, on the basis of a November forecast of general fund revenues and expenditures, the commissioner of management and budget determines that there will be a positive unrestricted general fund balance at the close of the biennium and that the provisions of subdivision 2, paragraph (a), ~~clauses (1), (2), (3), and (4)~~, are satisfied, the commissioner shall transfer to the budget reserve account in the general fund the amount necessary to increase the budget reserve to the budget reserve level determined under paragraph (a). The amount of the transfer authorized in this paragraph shall not exceed 33 percent of the positive unrestricted general fund balance determined in the forecast.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 2. Minnesota Statutes 2018, section 16A.152, subdivision 2, is amended to read:

Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund revenues and expenditures, the commissioner of management and budget determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of management and budget must allocate money to the following accounts and purposes in priority order:

(1) the cash flow account established in subdivision 1 until that account reaches \$350,000,000;

(2) the budget reserve account established in subdivision 1a until that account reaches \$1,596,522,000;

(3) the amount necessary to increase the aid payment schedule for school district aids and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest tenth of a percent without exceeding the amount available and with any remaining funds deposited in the budget reserve;

(4) the amount necessary to restore all or a portion of the net aid reductions under section 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75, subdivision 5, by the same amount; and

~~(5) the clean water fund established in section 114D.50 until \$22,000,000 has been transferred into the fund. the amount necessary to increase the special education aid payment percentage under section 127A.45, subdivision 13, paragraph (b), to not more than 100 percent.~~

(b) The amounts necessary to meet the requirements of this section are appropriated from the general fund within two weeks after the forecast is released or, in the case of transfers under paragraph (a), clauses (3) ~~and~~, (4), and (5), as necessary to meet the appropriations schedules otherwise established in statute.

(c) The commissioner of management and budget shall certify the total dollar amount of the reductions under paragraph (a), clauses (3) ~~and~~, (4), and (5), to the commissioner of education. The commissioner of education shall increase the aid payment percentage ~~and~~, reduce the property tax shift percentage, and increase the special education aid payment percentage by these amounts and apply those reductions to the current fiscal year and thereafter.

~~(d) Paragraph (a), clause (5), expires after the entire amount of the transfer has been made.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 3. Minnesota Statutes 2018, section 123B.41, subdivision 2, is amended to read:

Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including electronic books as well as other printed materials delivered electronically, which a pupil uses as a text or text substitute in a particular class or program in the school regularly attended and a copy of which is expected to be available for the individual use of each pupil in this class or program. Textbook includes an online book with an annual subscription cost. Textbook includes a teacher's edition, teacher's guide, or other materials that accompany a textbook that a pupil uses when the teacher's edition, teacher's guide, or other teacher materials are packaged physically or electronically with textbooks for student use.

(b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks, the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf form, as well as electronic books and other printed materials delivered electronically, intended for use as a principal source of study material for a given class or a group of students.

(c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software or other educational technology" include only such secular, neutral, and nonideological materials as are available, used by, or of benefit to Minnesota public school pupils.

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

Sec. 4. Minnesota Statutes 2018, section 123B.41, subdivision 5, is amended to read:

Subd. 5. **Individualized instructional or cooperative learning materials.** (a) "Individualized instructional or cooperative learning materials" means educational materials which:

~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative learning group in a particular class or program in the school the pupil regularly attends, including teacher materials that accompany materials that a pupil uses;

~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious use; and

(e) (3) are available, used by, or of benefit to Minnesota public school pupils.

(b) Subject to the requirements in ~~clauses (a), (b), and (c)~~ paragraph (a), "individualized instructional or cooperative learning materials" include, but are not limited to, the following if they do not fall within the definition of "textbook" in subdivision 2: published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound recordings; manipulative materials; desk charts; games; study prints and pictures; desk maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems; prepared instructional computer software programs; choral and band sheet music; electronic books and other printed materials delivered electronically; and CD-Rom.

(c) "Individualized instructional or cooperative learning materials" do not include instructional equipment, instructional hardware, or ordinary daily consumable classroom supplies.

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

Sec. 5. Minnesota Statutes 2018, section 123B.42, subdivision 3, is amended to read:

Subd. 3. **Cost; limitation.** (a) The cost per pupil of the textbooks, individualized instructional or cooperative learning materials, software or other educational technology, and standardized tests provided for in this section for each school year must not exceed the statewide average expenditure per pupil, adjusted pursuant to ~~clause~~ paragraph (b), by the Minnesota public elementary and secondary schools for textbooks, individualized instructional materials and standardized tests as computed and established by the department by February 1 of the preceding school year from the most recent public school year data then available.

(b) The cost computed in ~~clause~~ paragraph (a) shall be increased by an inflation adjustment equal to the percent of increase in the formula allowance, pursuant to section 126C.10, subdivision 2, from the second preceding school year to the current school year. ~~Notwithstanding the amount of the formula allowance for fiscal years 2015 and 2016 in section 126C.10, subdivision 2, the commissioner shall use the amount of the formula allowance for the current year minus \$414 in determining the inflation adjustment for fiscal years 2015 and 2016.~~

(c) The commissioner shall allot to the districts or intermediary service areas the total cost for each school year of providing or loaning the textbooks, individualized instructional or cooperative learning materials, software or other educational technology, and standardized tests for the pupils in each nonpublic school. The allotment shall not exceed the product of the statewide average expenditure per pupil, according to ~~clause~~ paragraph (a), adjusted pursuant to ~~clause~~ paragraph (b), multiplied by the number of nonpublic school pupils who make requests pursuant to this section and who are enrolled as of September 15 of the current school year.

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

Sec. 6. Minnesota Statutes 2018, section 124D.4531, is amended to read:

**124D.4531 CAREER AND TECHNICAL REVENUE.**

Subdivision 1. **Career and technical revenue.** (a) A district with a career and technical program approved under this section for the fiscal year in which the levy is certified is eligible for career and technical revenue equal to ~~35~~ 50 percent of approved expenditures in the fiscal year in which the levy is certified for the following:

(1) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year, including extended contracts, for services rendered in the district's approved career and technical education programs, excluding salaries reimbursed by another school district under clause (2);

(2) amounts paid to another Minnesota school district for salaries of essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved career and technical education programs;

(3) contracted services provided by a public or private agency other than a Minnesota school district or cooperative center under chapter 123A or 136D;

(4) necessary travel between instructional sites by licensed career and technical education personnel;

(5) necessary travel by licensed career and technical education personnel for vocational student organization activities held within the state for instructional purposes;

(6) curriculum development activities that are part of a five-year plan for improvement based on program assessment;

(7) necessary travel by licensed career and technical education personnel for noncollegiate credit-bearing professional development; and

(8) specialized vocational instructional supplies.

(b) The district must recognize the full amount of this levy as revenue for the fiscal year in which it is certified.

~~(c) The amount of the revenue calculated under this subdivision may not exceed \$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and \$20,657,000 for taxes payable in 2014.~~

~~(d) If the estimated revenue exceeds the amount in paragraph (c), the commissioner must reduce the percentage in paragraph (a) until the estimated revenue no longer exceeds the limit in paragraph (c).~~

Subd. 1a. **Career and technical levy.** ~~(a) For fiscal year 2014 only, a district may levy an amount not more than the product of its career and technical revenue times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the career and technical revenue equalizing factor. The career and technical revenue equalizing factor for fiscal year 2014 equals \$7,612.~~

~~(b) For fiscal year 2015 and later, A district may levy an amount not more than the product of its career and technical revenue times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the career and technical revenue equalizing factor. The career and technical revenue equalizing factor for fiscal year 2015 and later equals \$7,612 \$13,575.~~

Subd. 1b. **Career and technical aid.** ~~For fiscal year 2014 and later, A district's career and technical aid equals its career and technical revenue less its career and technical levy. If the district levy is less than the permitted levy, the district's career and technical aid shall be reduced proportionately.~~

Subd. 2. **Allocation from cooperative centers and intermediate districts.** For purposes of this section, a cooperative center or an intermediate district must allocate its approved expenditures for career and technical education programs among participating districts.

Subd. 3. **Revenue guarantee.** Notwithstanding subdivision 1, paragraph (a), the career and technical education revenue for a district is not less than the lesser of:

(1) the district's career and technical education revenue for the previous fiscal year; or

(2) 100 percent of the approved expenditures for career and technical programs included in subdivision 1, paragraph (a), for the fiscal year in which the levy is certified.

~~Subd. 3a. **Revenue adjustments.** Notwithstanding subdivisions 1, 1a, and 3, for taxes payable in 2012 to 2014 only, the department must calculate the career and technical revenue for each district according to Minnesota Statutes 2010, section 124D.4531, and adjust the revenue for each district proportionately to meet the statewide revenue target under subdivision 1, paragraph (c). For purposes of calculating the revenue guarantee under subdivision 3, the career and technical education revenue for the previous fiscal year is the revenue according to Minnesota Statutes 2010, section 124D.4531, before adjustments to meet the statewide revenue target.~~

Subd. 4. **District reports.** Each district or cooperative center must report data to the department for all career and technical education programs as required by the department to implement the career and technical revenue formula.

Subd. 5. **Allocation from districts participating in agreements for secondary education or interdistrict cooperation.** For purposes of this section, a district with a career and technical program approved under this section that participates in an agreement under section 123A.30 or 123A.32 must allocate its revenue authority under this section among participating districts.

**EFFECTIVE DATE.** This section is effective for fiscal year 2021 and later.

Sec. 7. Minnesota Statutes 2018, section 124D.65, subdivision 5, is amended to read:

Subd. 5. **School district ~~EL~~ English learner program revenue.** (a) A district's English learner programs revenue equals the product of (1) ~~\$704~~ \$740 times (2) the greater of 20 or the adjusted average daily membership of eligible English learners enrolled in the district during the current fiscal year.

(b) A pupil ceases to generate state English learner aid in the school year following the school year in which the pupil attains the state cutoff score on a commissioner-provided assessment that measures the pupil's emerging academic English.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2020 and later.

Sec. 8. Minnesota Statutes 2018, section 124E.20, subdivision 1, is amended to read:

Subdivision 1. **Revenue calculation.** (a) General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted pupil unit is the state average general education revenue per pupil unit, plus the referendum equalization aid allowance and first tier local optional aid allowance in the pupil's district of residence, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0466, calculated without declining enrollment revenue, local optional revenue, basic skills revenue, extended time revenue, pension adjustment revenue, transition revenue, and transportation sparsity revenue, plus declining enrollment revenue, basic skills revenue, pension adjustment revenue, and transition revenue as though the school were a school district.

(b) For a charter school operating an extended day, extended week, or summer program, the general education revenue in paragraph (a) is increased by an amount equal to 25 percent of the statewide average extended time revenue per adjusted pupil unit.

(c) Notwithstanding paragraph (a), the general education revenue for an eligible special education charter school as defined in section 124E.21, subdivision 2, equals the sum of the amount determined under paragraph (a) and the school's unreimbursed cost as defined in section 124E.21, subdivision 2, for educating students not eligible for special education services.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 9. Minnesota Statutes 2018, section 126C.10, subdivision 2, is amended to read:

Subd. 2. **Basic revenue.** The basic revenue for each district equals the formula allowance times the adjusted pupil units for the school year. ~~The formula allowance for fiscal year 2017 is \$6,067. The formula allowance for fiscal year 2018 is \$6,188.~~ The formula allowance for fiscal year 2019 ~~and later~~ is \$6,312. The formula allowance for fiscal year 2020 is \$6,501. The formula allowance for fiscal year 2021 and later is \$6,631.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 10. Minnesota Statutes 2018, section 126C.10, subdivision 2d, is amended to read:

Subd. 2d. **Declining enrollment revenue.** (a) A school district's declining enrollment revenue equals the greater of zero or the product of: (1) 28 percent of the formula allowance for that year and (2) the difference between the adjusted pupil units for the preceding year and the adjusted pupil units for the current year.

(b) Notwithstanding paragraph (a), for fiscal years 2015, 2016, and 2017 only, a pupil enrolled at the Crosswinds school shall not generate declining enrollment revenue for the district or charter school in which the pupil was last counted in average daily membership.

(c) Notwithstanding paragraph (a), for fiscal years 2017, 2018, and 2019 only, prekindergarten pupil units under section 126C.05, subdivision 1, paragraph ~~(d)~~ (c), must be excluded from the calculation of declining enrollment revenue.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 11. Minnesota Statutes 2018, section 126C.10, subdivision 2e, is amended to read:

Subd. 2e. **Local optional revenue.** (a) For fiscal year 2020, local optional revenue for a school district equals \$424 times the adjusted pupil units of the district for that school year. For fiscal year 2021 and later, local optional revenue for a school district equals the sum of the district's first tier local optional revenue and second tier local optional revenue. A district's first tier local optional revenue equals \$300 times the adjusted pupil units of the district for that school year. A district's second tier local optional revenue equals \$424 times the adjusted pupil units of the district for that school year.

(b) For fiscal year 2020, a district's local optional levy equals its local optional revenue times the lesser of one or the ratio of its referendum market value per resident pupil unit to \$510,000. For fiscal year 2021 and later, a district's local optional levy equals the sum of the first tier local optional levy and the second tier local optional levy. A district's first tier local optional levy equals the district's first tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$880,000. A district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$510,000. The local optional ~~revenue~~ levy must be spread on referendum market value. A district may levy less than the permitted amount.

(c) A district's local optional aid equals its local optional revenue ~~less minus~~ its local optional levy, ~~times the ratio of the actual amount levied to the permitted levy.~~ If a district's actual levy for first or second tier local optional revenue is less than its maximum levy limit for that tier, its aid must be proportionately reduced.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 12. Minnesota Statutes 2018, section 126C.10, subdivision 3, is amended to read:

Subd. 3. **Compensatory education revenue.** (a) The compensatory education revenue for each building in the district equals the formula allowance minus \$839 times the compensation revenue pupil units computed according to section 126C.05, subdivision 3. A district's compensatory revenue equals the sum of its compensatory revenue for each building in the district and the amounts designated under Laws 2015, First Special Session chapter 3, article 2, section 70, subdivision 8, for fiscal year 2017. Revenue shall be paid to the district and must be allocated according to section 126C.15, subdivision 2.

(b) When the district contracting with an alternative program under section 124D.69 changes prior to the start of a school year, the compensatory revenue generated by pupils attending the program shall be paid to the district contracting with the alternative program for the current school year, and shall not be paid to the district contracting with the alternative program for the prior school year.

(c) When the fiscal agent district for an area learning center changes prior to the start of a school year, the compensatory revenue shall be paid to the fiscal agent district for the current school year, and shall not be paid to the fiscal agent district for the prior school year.

~~(d) Of the amount of revenue under this subdivision, 1.7 percent for fiscal year 2018, 3.5 percent for fiscal year 2019, and for fiscal year 2020 and later, 3.5 percent plus the percentage change in the formula allowance from fiscal year 2019, must be used for extended time activities under subdivision 2a, paragraph (c).~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 13. Minnesota Statutes 2018, section 126C.10, subdivision 13a, is amended to read:

Subd. 13a. **Operating capital levy.** To obtain operating capital revenue, a district may levy an amount not more than the product of its operating capital revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the operating capital equalizing factor. The operating capital equalizing factor equals ~~\$15,740 for fiscal year 2017, \$20,548 for fiscal year 2018, \$24,241 for fiscal year 2019, and \$22,912~~ \$23,902 for fiscal year 2020, \$23,885 for fiscal year 2021, \$23,895 for fiscal year 2022, and \$23,974 for fiscal year 2023 and later.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 14. Minnesota Statutes 2018, section 126C.10, subdivision 24, is amended to read:

Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

(1) the school district's adjusted pupil unit amount of basic revenue, transition revenue, first tier local optional revenue, and referendum revenue is less than the value of the school district at or immediately above the 95th percentile of school districts in its equity region for those revenue categories; and

(2) the school district's administrative offices are not located in a city of the first class on July 1, 1999.

~~(b)~~ Equity revenue for a qualifying district that receives referendum revenue under section 126C.17, subdivision 4, equals the product of (1) the district's adjusted pupil units for that year; times (2) the sum of (i) \$14, plus (ii) \$80, times the school district's equity index computed under subdivision 27.

~~(c)~~ Equity revenue for a qualifying district that does not receive referendum revenue under section 126C.17, subdivision 4, equals the product of the district's adjusted pupil units for that year times \$14.

~~(d)~~ (c) A school district's equity revenue is increased by the greater of zero or an amount equal to the district's adjusted pupil units times the difference between ten percent of the statewide average amount of referendum revenue and first tier local optional revenue per adjusted pupil unit for that year and the sum of the district's referendum revenue and first tier local optional revenue per adjusted pupil unit. A school district's revenue under this paragraph must not exceed \$100,000 for that year.

~~(e)~~ (d) A school district's equity revenue for a school district located in the metro equity region equals the amount computed in paragraphs (b); and (c); ~~and (d)~~ multiplied by 1.25.

~~(f)~~ For fiscal years 2017, 2018, and 2019 for a school district not included in paragraph (e), a district's equity revenue equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.16. ~~(e)~~ For fiscal year 2020 and later for a school district not included in paragraph (e) (d), a district's equity revenue equals the amount computed in paragraphs (b); and (c); ~~and (d)~~ multiplied by 1.25.

~~(g)~~ (f) A school district's additional equity revenue equals \$50 times its adjusted pupil units.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 15. Minnesota Statutes 2018, section 126C.17, subdivision 1, is amended to read:

Subdivision 1. **Referendum allowance.** (a) A district's initial referendum allowance for fiscal year 2021 and later equals the result of the following calculations:

~~(1) multiply the referendum allowance the district would have received for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 1, based on elections held before July 1, 2013, by the resident marginal cost pupil units the district would have counted for fiscal year 2015 under Minnesota Statutes 2012, section 126C.05;~~

~~(2) add to the result of clause (1) the adjustment the district would have received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013;~~

~~(3) divide the result of clause (2) by the district's adjusted pupil units for fiscal year 2015;~~

~~(4) add to the result of clause (3) any additional referendum allowance per adjusted pupil unit authorized by elections held between July 1, 2013, and December 31, 2013;~~

~~(5) add to the result in clause (4) any additional referendum allowance resulting from inflation adjustments approved by the voters prior to January 1, 2014;~~

~~(6) subtract from the result of clause (5), the sum of a district's actual local optional levy and local optional aid under section 126C.10, subdivision 2e, divided by the adjusted pupil units of the district for that school year; and~~

(1) subtract \$424 from the district's allowance under Minnesota Statutes 2018, section 126C.17, subdivision 1, paragraph (a), clause (5);

(2) if the result of clause (1) is less than zero, set the allowance to zero;

(3) add to the result in clause (2) any new referendum allowance authorized between July 1, 2013, and December 31, 2013, under Minnesota Statutes 2013, section 126C.17, subdivision 9a;

(4) add to the result in clause (3) any additional referendum allowance per adjusted pupil unit authorized between January 1, 2014, and June 30, 2019;

(5) subtract from the result in clause (4) any allowances expiring in fiscal year 2016, 2017, 2018, 2019, or 2020;

(6) subtract \$300 from the result in clause (5); and

(7) if the result of clause (6) is less than zero, set the allowance to zero.

(b) A district's referendum allowance equals the sum of the district's initial referendum allowance, plus any new referendum allowance authorized ~~between July 1, 2013, and December 31, 2013, under subdivision 9a, plus any additional referendum allowance per adjusted pupil unit authorized after December 31, 2013~~ after July 1, 2019, minus any allowances expiring in fiscal year ~~2016~~ 2021 or later, plus any inflation adjustments for fiscal year 2021 and later approved by the voters prior to July 1, 2019, provided that the allowance may not be less than zero. ~~For a district with more than one referendum allowance for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, the allowance calculated under paragraph (a), clause (3), must be divided into components such that the same percentage of the district's allowance expires at the same time as the old allowances would have expired under Minnesota Statutes 2012, section 126C.17.~~ For a district with more than one allowance for fiscal year 2015 that expires in the same year, the reduction under paragraph (a), ~~clause~~ clauses (1) and (6), to offset local optional revenue shall be made first from any allowances that do not have an inflation adjustment approved by the voters.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 16. Minnesota Statutes 2018, section 126C.17, subdivision 2, is amended to read:

Subd. 2. **Referendum allowance limit.** (a) Notwithstanding subdivision 1, for fiscal year ~~2015~~ 2021 and later, a district's referendum allowance must not exceed ~~the annual inflationary increase as calculated under paragraph (b) times the greatest~~ greater of:

(1) ~~\$1,845~~ the product of the annual inflationary increase as calculated under paragraph (b), and \$2,079.50, minus \$300;

(2) the product of the annual inflationary increase as calculated under paragraph (b), and the sum of the referendum revenue the district would have received for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 4, based on elections held before July 1, 2013, and the adjustment the district would have received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013, divided by the district's adjusted pupil units for fiscal year 2015, minus \$300;

(3) ~~the product of the referendum allowance limit the district would have received for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 2, and the resident marginal cost pupil units the district would have received for fiscal year 2015 under Minnesota Statutes 2012, section 126C.05, subdivision 6, plus the adjustment the district would have received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013, divided by the district's adjusted pupil units for fiscal year 2015; minus \$424 for a newly reorganized district created on July 1, 2020, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its adjusted pupil units for the year preceding reorganization, minus \$300; or~~

(4) for a newly reorganized district created after July 1, ~~2013~~ 2021, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its adjusted pupil units for the year preceding reorganization.

(b) For purposes of this subdivision, for fiscal year ~~2016~~ 2022 and later, "inflationary increase" means one plus the percentage change in the Consumer Price Index for urban consumers, as prepared by the United States Bureau of Labor ~~Standards Statistics~~, for the current fiscal year to fiscal year ~~2015~~. ~~For fiscal year 2016 and later, for purposes of paragraph (a), clause (3), the inflationary increase equals one fourth of the percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2015.~~ 2021.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 17. Minnesota Statutes 2018, section 126C.17, subdivision 5, is amended to read:

Subd. 5. **Referendum equalization revenue.** (a) A district's referendum equalization revenue equals the sum of the first tier referendum equalization revenue and the second tier referendum equalization revenue, ~~and the third tier referendum equalization revenue.~~

(b) A district's first tier referendum equalization revenue equals the district's first tier referendum equalization allowance times the district's adjusted pupil units for that year.

(c) A district's first tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or ~~\$300~~ \$460.

(d) A district's second tier referendum equalization revenue equals the district's second tier referendum equalization allowance times the district's adjusted pupil units for that year.

(e) A district's second tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or ~~\$760, minus the district's first tier referendum equalization allowance.~~

~~(f) A district's third tier referendum equalization revenue equals the district's third tier referendum equalization allowance times the district's adjusted pupil units for that year.~~

~~(g) A district's third tier referendum equalization allowance equals the lesser of the district's referendum allowance under subdivision 1 or 25 percent of the formula allowance, minus the sum of \$300 and the district's first tier referendum equalization allowance ~~and second tier referendum equalization allowance.~~~~

~~(h) (f)~~ Notwithstanding paragraph ~~(g)~~ (e), the ~~third~~ second tier referendum allowance for a district qualifying for secondary sparsity revenue under section 126C.10, subdivision 7, or elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's referendum allowance under subdivision 1 minus the ~~sum of the~~ district's first tier referendum equalization allowance ~~and second tier referendum equalization allowance.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 18. Minnesota Statutes 2018, section 126C.17, subdivision 6, is amended to read:

Subd. 6. **Referendum equalization levy.** (a) A district's referendum equalization levy equals the sum of the first tier referendum equalization levy, and the second tier referendum equalization levy, ~~and the third tier referendum equalization levy.~~

(b) A district's first tier referendum equalization levy equals the district's first tier referendum equalization revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to ~~\$880,000~~ \$650,000.

(c) A district's second tier referendum equalization levy equals the district's second tier referendum equalization revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to ~~\$510,000~~ \$290,000.

~~(d) A district's third tier referendum equalization levy equals the district's third tier referendum equalization revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$290,000.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 19. Minnesota Statutes 2018, section 126C.17, subdivision 7, is amended to read:

Subd. 7. **Referendum equalization aid.** (a) A district's referendum equalization aid equals the difference between its referendum equalization revenue and levy.

(b) If a district's actual levy for first, second, or third tier referendum equalization revenue is less than its maximum levy limit for that tier, aid shall be proportionately reduced.

(c) Notwithstanding paragraph (a), the referendum equalization aid for a district, ~~where the referendum equalization aid under paragraph (a) exceeds 90 percent of the referendum revenue,~~ must not exceed: (1) 25 percent of the formula allowance minus \$300; times (2) the district's adjusted pupil units. A district's referendum levy is increased by the amount of any reduction in referendum aid under this paragraph.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 20. Minnesota Statutes 2018, section 126C.17, subdivision 7a, is amended to read:

Subd. 7a. **Referendum tax base replacement aid.** For each school district that had a referendum allowance for fiscal year 2002 exceeding \$415, for each separately authorized referendum levy, the commissioner of revenue, in consultation with the commissioner of education, shall certify the amount of the referendum levy in taxes payable year 2001 attributable to the portion of the referendum allowance exceeding \$415 levied against property classified as class 2, noncommercial 4c(1), or 4c(4), under section 273.13, excluding the portion of the tax paid by the portion of class 2a property consisting of the house, garage, and surrounding one acre of land. The resulting amount must be used to reduce the district's referendum levy or first tier local optional levy amount otherwise determined, and must be paid to the district each year that the referendum or first tier local optional authority remains in effect, is renewed, or new referendum authority is approved. The aid payable under this subdivision must be subtracted from the district's referendum equalization aid under subdivision 7. The referendum equalization aid and the first tier local optional aid after the subtraction must not be less than zero.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 21. Minnesota Statutes 2018, section 126C.17, subdivision 9, is amended to read:

Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held

in a calendar year. Unless the referendum is conducted by mail under subdivision 11, paragraph (a), the referendum must be held on the first Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per adjusted pupil unit. The ballot may state a schedule, determined by the board, of increased revenue per adjusted pupil unit that differs from year to year over the number of years for which the increased revenue is authorized or may state that the amount shall increase annually by the rate of inflation. For this purpose, the rate of inflation shall be the annual inflationary increase calculated under subdivision 2, paragraph (b). The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies, and may state that the referendum may be renewed by school board resolution subject to a reverse referendum. The ballot, including a ballot on the question to revoke or reduce the increased revenue amount under paragraph (c), must abbreviate the term "per adjusted pupil unit" as "per pupil." The notice required under section 275.60 may be modified to read, in cases of renewing existing levies at the same amount per pupil as in the previous year:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS SCHEDULED TO EXPIRE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of ....., School District No. ..., be approved?"

If approved, an amount equal to the approved revenue per adjusted pupil unit times the adjusted pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must deliver by mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum extends an existing operating referendum at the same amount per pupil as in the previous year."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board. A referendum to revoke or reduce the revenue amount must state the amount per adjusted pupil unit by which the authority is to be reduced. Revenue authority approved by the voters of

the district pursuant to paragraph (a) must be available to the school district at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(e) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

Sec. 22. Minnesota Statutes 2018, section 126C.17, is amended by adding a subdivision to read:

Subd. 9b. **Renewal by school board.** (a) Notwithstanding the election requirements of subdivision 9, a school board may renew an expiring referendum approved by the voters after July 1, 2019, by board action if:

(1) the ballot for the expiring referendum included a statement that the referendum may be renewed by school board resolution subject to a reverse referendum;

(2) the per-pupil amount of the referendum is the same as the amount expiring or, for an expiring referendum that was adjusted annually by the rate of inflation, the same as the per-pupil amount of the expiring referendum, adjusted annually for inflation in the same manner as if the expiring referendum had continued;

(3) the term of the renewed referendum is no longer than the initial term approved by the voters; and

(4) the school board has adopted a written resolution authorizing the renewal after holding a meeting and allowing public testimony on the proposed renewal.

(b) The resolution must be adopted by the school board by June 15 and becomes effective 60 days after its adoption.

(c) A referendum expires at the end of the last fiscal year in which the referendum generates revenue for the school district. A school board may renew an expiring referendum under this subdivision not more than two fiscal years before the referendum expires.

(d) A district renewing an expiring referendum under this subdivision must submit a copy of the adopted resolution to the commissioner and to the county auditor no later than September 1 of the calendar year in which the levy is certified.

Sec. 23. Minnesota Statutes 2018, section 126C.17, is amended by adding a subdivision to read:

Subd. 14. **Reverse referendum.** (a) For purposes of this subdivision, "board-renewed referendum authority" means referendum authority renewed by the school board.

(b) A referendum on the question of revoking board-renewed referendum authority under subdivision 9b shall be called by the board upon written petition of qualified voters of the district. A referendum to revoke a district's board-renewed referendum authority must state the authority to be revoked in total and per pupil unit. A revocation referendum may be held to revoke board-renewed referendum authority for the subsequent fiscal year and for years thereafter.

(c) A petition authorized by this subdivision is effective if:

(1) signed by more than 25 percent of the registered voters of the district on the day the petition is filed with the board; and

(2) filed with the board by June 1 of that year.

A referendum invoked by petition must be held on the date required in subdivision 9.

(d) The approval of more than 50 percent of those voting on the question is required to revoke board-renewed referendum authority.

Sec. 24. **[127A.20] EVIDENCE-BASED EDUCATION GRANTS.**

Subdivision 1. **Purpose and applicability.** The purpose of this section is to create a process to describe, measure, and report on the effectiveness of any prekindergarten through grade 12 grant programs funded in whole or in part through funds appropriated by the legislature to the commissioner of education for grants to organizations. The evidence-based evaluation required by this section applies to all grants awarded by the commissioner of education on or after July 1, 2019.

Subd. 2. **Goals.** Each applicant for a grant awarded by the commissioner of education must include in the grant application a statement of the goals of the grant. To the extent practicable, the goals must be aligned to the state's world's best workforce and the federally required Every Student Succeeds Act accountability systems.

Subd. 3. **Strategies and data.** Each applicant must include in the grant application a description of the strategies that will be used to meet the goals specified in the application. The applicant must also include a plan to collect data to measure the effectiveness of the strategies outlined in the grant application.

Subd. 4. **Reporting.** Within 180 days of the end of the grant period, each grant recipient must compile a report that describes the data that was collected and evaluate the effectiveness of the strategies. The evidence-based report may identify or propose alternative strategies based on the results of the data. The report must be submitted to the commissioner of education and to the chairs and ranking minority members of the legislative committees with jurisdiction over prekindergarten through grade 12 education. The report must be filed with the Legislative Reference Library according to section 3.195.

Subd. 5. **Grant defined.** For purposes of this section, a grant means money appropriated from the state general fund to the commissioner of education for distribution to the grant recipients.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 25. Minnesota Statutes 2018, section 127A.45, subdivision 13, is amended to read:

Subd. 13. **Aid payment percentage.** (a) Except as provided in subdivisions 11, 12, 12a, and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A, 120B, 121A, 122A, 123A, 123B, 124D, 124E, 125A, 125B, 126C, 134, and section 273.1392, shall be paid at the current year aid payment percentage of the estimated entitlement during the fiscal year of the entitlement.

(b) For the purposes of this subdivision, a district's estimated entitlement for special education aid under section 125A.76 for fiscal year 2014 and later equals 97.4 percent of the district's entitlement for the current fiscal year.

(c) The final adjustment payment, according to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 26. Minnesota Statutes 2018, section 127A.49, subdivision 2, is amended to read:

Subd. 2. **Abatements.** Whenever by virtue of chapter 278, sections 270C.86, 375.192, or otherwise, the net tax capacity or referendum market value of any district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the local tax rate as determined by the county auditor based upon the original net tax capacity is applied upon the changed net tax capacities, the county auditor ~~shall~~ must, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the district during the preceding year. Each year, the commissioner ~~shall~~ must pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount ~~shall~~ must be deducted from the amount of the levy authorized by section 126C.46. The amount of the abatement adjustment must be the product of:

(1) the net revenue loss as certified by the county auditor, times

(2) the ratio of:

(i) the sum of the amounts of the district's certified levy in the third preceding year according to the following:

(A) section ~~123B.57~~ 123B.595, if the district received ~~health and safety~~ long-term facilities maintenance aid according to that section for the second preceding year;

(B) section 124D.20, if the district received aid for community education programs according to that section for the second preceding year;

(C) section 124D.135, subdivision 3, if the district received early childhood family education aid according to section 124D.135 for the second preceding year;

(D) section 126C.17, subdivision 6, if the district received referendum equalization aid according to that section for the second preceding year;

(E) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;

(F) section 126C.10, subdivision 29, if the district received equity aid according to section 126C.10, subdivision 30, in the second preceding year;

(G) section 126C.10, subdivision 32, if the district received transition aid according to section 126C.10, subdivision 33, in the second preceding year;

(H) section 123B.53, subdivision 5, if the district received debt service equalization aid according to section 123B.53, subdivision 6, in the second preceding year;

(I) section 123B.535, subdivision 4, if the district received natural disaster debt service equalization aid according to section 123B.535, subdivision 5, in the second preceding year;

(J) section 124D.22, subdivision 3, if the district received school-age care aid according to section 124D.22, subdivision 4, in the second preceding year;

(K) section ~~123B.591, subdivision 3~~ 126C.10, subdivision 2e, paragraph (b), if the district received ~~deferred maintenance local optional~~ aid according to section ~~123B.591, subdivision 4~~ 126C.10, subdivision 2e, paragraph (c), in the second preceding year; and

(L) section 122A.415, subdivision 5, if the district received alternative teacher compensation equalization aid according to section 122A.415, subdivision 6, paragraph (a), in the second preceding year; to

(ii) the total amount of the district's certified levy in the third preceding December, plus or minus auditor's adjustments.

Sec. 27. **APPROPRIATIONS.**

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

Subd. 2. General education aid. For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

<u>\$7,446,529,000</u>	.....	<u>2020</u>
<u>\$7,660,500,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$700,383,000 for 2019 and \$6,746,146,000 for 2020.

The 2021 appropriation includes \$749,571,000 for 2020 and \$6,910,929,000 for 2021.

Subd. 3. Enrollment options transportation. For transportation of pupils attending postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

<u>\$24,000</u>	.....	<u>2020</u>
<u>\$26,000</u>	.....	<u>2021</u>

Subd. 4. Abatement aid. For abatement aid under Minnesota Statutes, section 127A.49:

<u>\$2,897,000</u>	.....	<u>2020</u>
<u>\$2,971,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$274,000 for 2019 and \$2,623,000 for 2020.

The 2021 appropriation includes \$291,000 for 2020 and \$2,680,000 for 2021.

Subd. 5. Consolidation transition aid. For districts consolidating under Minnesota Statutes, section 123A.485:

<u>\$0</u>	.....	<u>2020</u>
<u>\$270,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$0 for 2019 and \$0 for 2020.

The 2021 appropriation includes \$0 for 2020 and \$270,000 for 2021.

**Subd. 6. Nonpublic pupil education aid.** For nonpublic pupil education aid under Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

<u>\$18,135,000</u>	<u>.....</u>	<u>2020</u>
<u>\$18,728,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$1,806,000 for 2019 and \$16,509,000 for 2020.

The 2021 appropriation includes \$1,834,000 for 2020 and \$16,894,000 for 2021.

**Subd. 7. Nonpublic pupil transportation.** For nonpublic pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 9:

<u>\$19,649,000</u>	<u>.....</u>	<u>2020</u>
<u>\$19,920,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$1,961,000 for 2019 and \$17,688,000 for 2020.

The 2021 appropriation includes \$1,965,000 for 2020 and \$17,955,000 for 2021.

**Subd. 8. One-room schoolhouse.** For a grant to Independent School District No. 690, Warroad, to operate the Angle Inlet School:

<u>\$65,000</u>	<u>.....</u>	<u>2020</u>
<u>\$65,000</u>	<u>.....</u>	<u>2021</u>

**Subd. 9. Career and technical aid.** For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

<u>\$3,751,000</u>	<u>.....</u>	<u>2020</u>
<u>\$15,471,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$422,000 for 2019 and \$3,329,000 for 2020.

The 2021 appropriation includes \$369,000 for 2020 and \$15,102,000 for 2021.

Sec. 28. **REPEALER.**

Minnesota Statutes 2018, sections 126C.17, subdivision 9a; and 127A.14, are repealed.

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

## ARTICLE 2 EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2018, section 124D.09, subdivision 3, is amended to read:

Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings given to them.

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by ~~the North Central Association of Colleges and Schools~~ a United States Department of Education recognized accrediting agency, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

(b) "Course" means a course or program.

(c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by a secondary teacher or a postsecondary faculty member, and are offered at a high school for which the district is eligible to receive concurrent enrollment program aid under section 124D.091.

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

Sec. 2. Minnesota Statutes 2018, section 124D.091, is amended to read:

#### **124D.091 CONCURRENT ENROLLMENT PROGRAM AID.**

Subdivision 1. **Accreditation.** To establish a uniform standard by which concurrent enrollment courses and professional development activities may be measured, postsecondary institutions must adopt and implement the National Alliance of Concurrent Enrollment Partnership's program standards and required evidence for accreditation by the 2020-2021 school year and later.

Subd. 2. **Eligibility.** A district that offers a concurrent enrollment course according to an agreement under section 124D.09, subdivision 10, is eligible to receive aid for the costs of providing postsecondary courses at the high school. ~~Beginning in fiscal year 2011, districts~~ A district is only ~~are~~ eligible for aid if the college or university concurrent enrollment courses offered by the district are accredited by the National Alliance of Concurrent Enrollment Partnership, in the process of being accredited, or are shown by clear evidence to be of comparable standard to accredited courses, or are technical courses within a recognized career and technical education program of study approved by the commissioner of education and the chancellor of the Minnesota State Colleges and Universities.

Subd. 3. **Aid.** An eligible ~~district shall receive~~ district's concurrent enrollment aid equals \$150 per pupil times the number of pupils enrolled in a concurrent enrollment course during that school year. ~~The money~~ Concurrent enrollment aid must be used to defray the cost of delivering ~~the course~~ concurrent enrollment courses at the high school. The commissioner shall establish application procedures and deadlines for receipt of aid payments.

Sec. 3. Minnesota Statutes 2018, section 124D.2211, is amended to read:

#### **124D.2211 AFTER-SCHOOL COMMUNITY LEARNING PROGRAMS.**

Subdivision 1. **Establishment.** A competitive statewide after-school community learning grant program is established to provide grants to ~~community or nonprofit organizations, political subdivisions, for-profit or nonprofit child care centers, or school-based programs that serve youth after school or during nonschool hours~~ organizations that offer academic and enrichment activities for elementary and secondary school students during nonschool hours. Grants must be used to offer a broad array of enrichment activities that promote positive after-school activities, including art, music, community engagement, literacy, science, technology, engineering, math, health, and recreation programs. The commissioner ~~shall~~ must develop criteria for after-school community learning programs. The commissioner may award grants under this section to community or nonprofit organizations, political subdivisions, public libraries, for-profit or nonprofit child care centers, or school-based programs that serve youth after school or during nonschool hours.

Subd. 2. **Program-outcomes Objectives.** The ~~expected-outcomes~~ objectives of the after-school community learning programs are to ~~increase~~:

(1) school connectedness of participants increase access to protective factors that build young people's capacity to become productive adults, such as through connections to a caring adult in order to promote healthy behavior, attitudes, and relationships;

(2) academic achievement of participating students in one or more core academic areas develop skills and behaviors necessary to succeed in postsecondary education or career opportunities; and

(3) the capacity of participants to become productive adults; and encourage school attendance and improve academic performance in accordance with the state's world's best workforce goals under section 120B.11.

~~(4) prevent truancy from school and prevent juvenile crime.~~

Subd. 3. **Grants.** (a) An applicant ~~shall~~ must submit an after-school community learning program proposal to the commissioner. The submitted ~~plan~~ proposal must include:

(1) collaboration with and leverage of existing community resources that have demonstrated effectiveness;

(2) outreach to children and youth; ~~and~~

~~(3) involvement of local governments, including park and recreation boards or schools, unless no government agency is appropriate~~ an explanation of how the proposal will support the objectives identified in subdivision 2; and

(4) a plan to implement effective after-school practices and provide staff access to professional development opportunities.

~~Proposals will be reviewed and approved by the commissioner.~~

(b) The commissioner must review proposals and award grants to programs that:

(1) primarily serve students eligible for free or reduced-price meals; and

(2) provide opportunities for academic enrichment and a broad array of additional services and activities to meet program objectives.

(c) To the extent practicable, the commissioner must award grants equitably among the geographic areas of Minnesota, including rural, suburban, and urban communities.

(d) The commissioner must award grants without giving preference to any particular grade of students served by an applicant program.

Subd. 4. **Technical assistance and continuous improvement.** (a) The commissioner must monitor and evaluate the performance of grant recipients to assess the programs' effectiveness in meeting the objectives identified in subdivision 2.

(b) The commissioner must provide technical assistance, capacity building, and professional development to grant recipients, including guidance on:

(1) aligning activities with the state's world's best workforce goals under section 120B.11; and

(2) effective practices for after-school programs.

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

Sec. 4. Minnesota Statutes 2018, section 124D.231, is amended to read:

**124D.231 FULL-SERVICE COMMUNITY SCHOOLS.**

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

(a) "Community organization" means a nonprofit organization that has been in existence for three years or more and serves persons within the community surrounding the covered school site on education and other issues.

(b) "Community school consortium" means a group of schools and community organizations that propose to work together to plan and implement community school programming.

(c) "Community school programming" means services, activities, and opportunities described under subdivision 2, paragraph ~~(e)~~ (f).

~~(d) "Community-wide full-service community school leadership team" means a district-level team that is responsible for guiding the vision, policy, resource alignment, implementation, oversight, and goal setting for community school programs within the district. This team must include representatives from the district; teachers, school leaders, students, and family members from the eligible schools; community members; system-level partners that include representatives from government agencies, relevant unions, and nonprofit and other community-based partners; and, if applicable, the full-service community school initiative director.~~

~~(e) "Full-service community school initiative director" means a director responsible for coordinating districtwide administrative and leadership assistance to community school sites and site coordinators including chairing the district's community-wide full-service community school leadership team, site coordinator support, data gathering and evaluation, administration of partnership and data agreements, contracts and procurement, and grants.~~

~~(d)~~ (f) "High-quality child care or early childhood education programming" means educational programming for preschool-aged children that is grounded in research, consistent with best practices in the field, and provided by licensed teachers.

~~(e)~~ (g) "School site" means a school site at which an applicant has proposed or has been funded to provide community school programming.

~~(f)~~ (h) "Site coordinator" ~~is an individual~~ means a full-time staff member serving one eligible school who is responsible for ~~aligning~~ the identification, implementation, and coordination of programming with to address the needs of the school community identified in the baseline analysis.

Subd. 2. **Full-service community school program.** (a) The commissioner ~~shall~~ must provide funding to ~~districts and charter schools with~~ eligible school sites to plan, implement, and improve full-service community schools. Eligible school sites must meet one of the following criteria:

(1) the school is on a development plan for continuous improvement under section 120B.35, subdivision 2; or

(2) the school is in a district that has an achievement and integration plan approved by the commissioner of education under sections 124D.861 and 124D.862.

(b) ~~An eligible school site may receive up to \$150,000 annually.~~ Districts and charter schools may receive up to:

(1) \$100,000 for each eligible school available for up to one year to fund planning activities including convening a full-service community school leadership team, facilitating family and community stakeholder engagement, conducting a baseline analysis, and creating a full-service community school plan. At the end of this period, the school must submit a full-service community school plan, pursuant to paragraphs (f) and (g); and

(2) \$150,000 annually for each eligible school for up to three years of implementation of a full-service community school plan, pursuant to paragraphs (f) and (g). School sites receiving funding under this section ~~shall~~ must hire or contract with a partner agency to hire a site coordinator to coordinate services at each covered school site. Districts or charter schools receiving funding under this section for three or more schools must provide or contract with a partner agency to provide a full-service community school initiative director.

~~(c) Of grants awarded, implementation funding of up to \$20,000 must be available for up to one year for planning for school sites. At the end of this period, the school must submit a full-service community school plan, pursuant to paragraph (g). If the site decides not to use planning funds, the plan must be submitted with the application.~~

~~(d)~~ (c) The commissioner ~~shall~~ must consider additional school factors when dispensing funds including: schools with significant populations of students receiving free or reduced-price lunches; significant homeless and highly mobile rates; ~~and~~ equity among urban, suburban, and greater Minnesota schools; and demonstrated success implementing full-service community school programming.

~~(e)~~ (d) A school site must establish a full-service community school leadership team responsible for developing school-specific programming goals, assessing program needs, and overseeing the process of implementing expanded programming ~~at each covered site~~. The school leadership team ~~shall~~ must have ~~between~~ at least 12 ~~to 15~~ members and ~~shall~~ must meet the following requirements:

(1) at least 30 percent of the members are parents, guardians, or students and 30 percent of the members are teachers at the school site and must include the school principal and representatives from partner agencies; and

(2) the full-service community school leadership team must be responsible for overseeing the baseline analyses under paragraph ~~(f)~~ (e) and the creation of a full-service community school plan under paragraphs (f) and (g). A full-service community school leadership team must meet at least quarterly, have ongoing responsibility for monitoring the development and implementation of full-service community school operations and programming at the school site, and ~~shall~~ must issue recommendations to schools on a regular basis and summarized in an annual report. These reports ~~shall~~ must also be made available to the public at the school site and on school and district websites.

~~(f)~~ (e) School sites must complete a baseline analysis prior to ~~beginning programming as a full-service community school~~ the creation of a full-service community school plan. The analysis ~~shall~~ must include:

(1) a baseline analysis of needs at the school site, led by the school leadership team, ~~which shall include~~ including the following elements:

(i) identification of challenges facing the school;

(ii) analysis of the student body, including:

(A) number and percentage of students with disabilities and needs of these students;

(B) number and percentage of students who are English learners and the needs of these students;

(C) number of students who are homeless or highly mobile; ~~and~~

(D) number and percentage of students receiving free or reduced-price lunch and the needs of these students; and

(E) number and percentage of students by race and ethnicity;

(iii) analysis of enrollment and retention rates for students with disabilities, English learners, homeless and highly mobile students, and students receiving free or reduced-price lunch;

(iv) analysis of suspension and expulsion data, including the justification for such disciplinary actions and the degree to which particular populations, including, but not limited to, American Indian students and students of color, students with disabilities, students who are English learners, and students receiving free or reduced-price lunch are represented among students subject to such actions;

(v) analysis of school achievement data disaggregated by major demographic categories, including, but not limited to, race, ethnicity, English learner status, disability status, and free or reduced-price lunch status;

(vi) analysis of current parent engagement strategies and their success; and

(vii) evaluation of the need for and availability of ~~wraparound services~~ full-service community school activities, including, but not limited to:

(A) ~~mechanisms for meeting students' social, emotional, and physical health needs, which may include coordination of existing services as well as the development of new services based on student needs; and integrated student supports that address out-of-school barriers to learning through partnerships with social and health service agencies and providers to assist with medical, dental, vision care, and mental health services, or counselors to assist with housing, transportation, nutrition, immigration, or criminal justice issues;~~

(B) ~~strategies to create a safe and secure school environment and improve school climate and discipline, such as implementing a system of positive behavioral supports, and taking additional steps to eliminate bullying; expanded and enriched learning time and opportunities, including: before-school, after-school, weekend, and summer programs that provide additional academic instruction, individualized academic support, enrichment activities, and learning opportunities that emphasize real-world learning and community problem solving and may include art, music, drama, creative writing, hands-on experience with engineering or science, tutoring and homework help, or recreational programs that enhance and are consistent with the school's curriculum;~~

(C) active family and community engagement that brings students' families and the community into the school as partners in education and makes the school a neighborhood hub, providing adults with educational opportunities that may include adult English as a second language classes, computer skills classes, art classes, or other programs or events; and

(D) collaborative leadership and practices that build a culture of professional learning, collective trust, and shared responsibility and include a school-based full-service community school leadership team, a full-service community school site coordinator, a full-service community school initiative director, a community-wide leadership team, other leadership or governance teams, teacher learning communities, or other staff to manage the joint work of school and community organizations;

(2) a baseline analysis of community assets ~~and a strategic plan for utilizing and aligning identified assets. This analysis should include, but is not limited to,~~ including a documentation of individuals in the community, faith-based organizations, community and neighborhood associations, colleges, hospitals, libraries, businesses, and social service agencies ~~who~~ that may be able to provide support and resources; and

(3) a baseline analysis of needs in the community surrounding the school, led by the school leadership team, including, ~~but not limited to:~~

(i) the need for high-quality, full-day child care and early childhood education programs;

(ii) the need for physical and mental health care services for children and adults; and

(iii) the need for job training and other adult education programming.

~~(g)~~ (f) Each school site receiving funding under this section must ~~establish~~ develop a full-service community school plan that utilizes and aligns district and community assets and establishes services in at least two of the following types of programming:

(1) early childhood:

(i) early childhood education; and

(ii) child care services;

(2) academic:

(i) academic support and enrichment activities, including expanded learning time;

(ii) summer or after-school enrichment and learning experiences;

(iii) job training, internship opportunities, and career counseling services;

(iv) programs that provide assistance to students who have been truant, suspended, or expelled; and

(v) specialized instructional support services;

(3) parental involvement:

(i) programs that promote parental involvement and family literacy;

(ii) parent leadership development activities that empower and strengthen families and communities, provide volunteer opportunities, or promote inclusion in school-based leadership teams; and

(iii) parenting education activities;

(4) mental and physical health:

(i) mentoring and other youth development programs, including peer mentoring and conflict mediation;

(ii) juvenile crime prevention and rehabilitation programs;

(iii) home visitation services by teachers and other professionals;

(iv) developmentally appropriate physical education;

(v) nutrition services;

(vi) primary health and dental care; and

(vii) mental health counseling services;

(5) community involvement:

(i) service and service-learning opportunities;

(ii) adult education, including instruction in English as a second language; and

(iii) homeless prevention services;

(6) positive discipline practices; and

(7) other programming designed to meet school and community needs identified in the baseline analysis and reflected in the full-service community school plan.

~~(h)~~ (g) The full-service community school leadership team at each school site must develop a full-service community school plan detailing the steps the school leadership team will take, including:

(1) timely establishment and consistent operation of the school leadership team;

(2) maintenance of attendance records in all programming components;

(3) maintenance of measurable data showing annual participation and the impact of programming on the participating children and adults;

(4) documentation of meaningful and sustained collaboration between the school and community stakeholders, including local governmental units, civic engagement organizations, businesses, and social service providers;

(5) establishment and maintenance of partnerships with institutions, such as universities, hospitals, museums, or not-for-profit community organizations to further the development and implementation of community school programming;

(6) ensuring compliance with the district nondiscrimination policy; and

(7) plan for school leadership team development.

Subd. 3. **Full-service community school review.** (a) ~~Every three years,~~ A full-service community school site must submit to the commissioner, and make available at the school site and online, a report describing efforts to integrate community school programming at each covered school site and the effect of the transition to a full-service community school on participating children and adults. This report ~~shall~~ must include, but is not limited to, the following:

(1) an assessment of the effectiveness of the school site in development or implementing the community school plan;

(2) problems encountered in the design and execution of the community school plan, including identification of any federal, state, or local statute or regulation impeding program implementation;

(3) the operation of the school leadership team and its contribution to successful execution of the community school plan;

(4) recommendations for improving delivery of community school programming to students and families;

(5) the number and percentage of students receiving community school programming who had not previously been served;

(6) the number and percentage of nonstudent community members receiving community school programming who had not previously been served;

(7) improvement in retention among students who receive community school programming;

(8) improvement in academic achievement among students who receive community school programming;

(9) changes in student's readiness to enter school, active involvement in learning and in their community, physical, social and emotional health, and student's relationship with the school and community environment;

(10) an accounting of anticipated local budget savings, if any, resulting from the implementation of the program;

(11) improvements to the frequency or depth of families' involvement with their children's education;

(12) assessment of community stakeholder satisfaction;

(13) assessment of institutional partner satisfaction;

(14) the ability, or anticipated ability, of the school site and partners to continue to provide services in the absence of future funding under this section;

(15) increases in access to services for students and their families; and

(16) the degree of increased collaboration among participating agencies and private partners.

(b) Reports submitted under this section ~~shall~~ must be evaluated by the commissioner with respect to the following criteria:

(1) the effectiveness of the school or the community school consortium in implementing the full-service community school plan, including the degree to which the school site navigated difficulties encountered in the design and operation of the full-service community school plan, including identification of any federal, state, or local statute or regulation impeding program implementation;

(2) the extent to which the project has produced lessons about ways to improve delivery of community school programming to students;

(3) the degree to which there has been an increase in the number or percentage of students and nonstudents receiving community school programming;

(4) the degree to which there has been an improvement in retention of students and improvement in academic achievement among students receiving community school programming;

(5) local budget savings, if any, resulting from the implementation of the program;

(6) the degree of community stakeholder and institutional partner engagement;

(7) the ability, or anticipated ability, of the school site and partners to continue to provide services in the absence of future funding under this section;

- (8) increases in access to services for students and their families; and
- (9) the degree of increased collaboration among participating agencies and private partners.

Sec. 5. Minnesota Statutes 2018, section 124D.59, subdivision 2a, is amended to read:

Subd. 2a. **English learner; interrupted formal education.** Consistent with subdivision 2, an English learner includes an English learner with an interrupted formal education who meets three of the following five requirements:

(1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;

(2) enters school in the United States after grade 6;

(3) has at least two years less schooling than the English learner's peers;

(4) functions at least two years below expected grade level in reading and mathematics; and

(5) may be preliterate in the English learner's native language.

Sec. 6. Minnesota Statutes 2018, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or is an English learner;

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) ~~For fiscal years 2017 and 2018 only,~~ A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, ~~and was in an early middle college program during the previous school year~~ is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section.

Sec. 7. Minnesota Statutes 2018, section 124D.83, subdivision 2, is amended to read:

Subd. 2. **Revenue amount.** An American Indian-controlled tribal contract or grant school that is located on a reservation within the state and that complies with the requirements in subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is derived by:

(1) multiplying the formula allowance under section 126C.10, subdivision 2, less \$170, times the difference between (i) the resident pupil units as defined in section 126C.05, subdivision 6, in average daily membership, excluding section 126C.05, subdivision 13, and (ii) the number of pupils for the current school year, weighted according to section 126C.05, subdivision 1, receiving benefits under section 123B.42 or 123B.44 or for which the school is receiving reimbursement under section 124D.69;

(2) adding to the result in clause (1) an amount equal to the product of the formula allowance under section 126C.10, subdivision 2, less \$300 times the tribal contract compensation revenue pupil units;

(3) subtracting from the result in clause (2) the amount of money allotted to the school by the federal government through Indian School Equalization Program of the Bureau of Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E, for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied to kindergarten through twelfth grade, excluding small school adjustments and additional weighting, but not money allotted through subparts F to L for contingency funds, school board training, student training, interim maintenance and minor repair, interim administration cost, prekindergarten, and operation and maintenance, and the amount of money that is received according to section 124D.69;

(4) dividing the result in clause (3) by the sum of the resident pupil units in average daily membership, excluding section 126C.05, subdivision 13, plus the tribal contract compensation revenue pupil units; and

(5) multiplying the sum of the resident pupil units, including section 126C.05, subdivision 13, in average daily membership plus the tribal contract compensation revenue pupil units by the lesser of \$3,230 for fiscal ~~years 2016 to year~~ 2019 and \$1,500 51.17 percent of the formula allowance for fiscal year 2020 and later or the result in clause (4).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 8. Minnesota Statutes 2018, section 124D.862, subdivision 1, is amended to read:

Subdivision 1. **Initial achievement and integration revenue.** (a) An eligible district's initial achievement and integration revenue equals the lesser of 100.3 percent of the district's expenditures under the budget approved by the commissioner under section 124D.861, subdivision 3, paragraph (c), excluding expenditures used to generate incentive revenue under subdivision 2, or the sum of (1) \$350 times the district's adjusted pupil units for that year times the ratio of the district's enrollment of protected students for the previous school year to total enrollment for the previous school year and (2) the greater of zero or 66 percent of the difference between the district's integration revenue for fiscal year 2013 and the district's integration revenue for fiscal year 2014 under clause (1).

(b) In each year, an amount equal to 0.3 percent of each district's initial achievement and integration revenue for the second prior fiscal year is transferred to the department for the oversight and accountability activities required under this section and section 124D.861.

Sec. 9. Minnesota Statutes 2018, section 124D.862, subdivision 4, is amended to read:

Subd. 4. **Achievement and integration aid.** For fiscal year 2015 and later, a district's achievement and integration aid equals the sum of 70 percent of its achievement and integration revenue and its achievement and integration equalization aid under subdivision 5a.

Sec. 10. Minnesota Statutes 2018, section 124D.862, subdivision 5, is amended to read:

Subd. 5. **Achievement and integration levy.** (a) A district's achievement and integration levy revenue equals its achievement and integration revenue times 30 percent.

(b) A district's achievement and integration levy equals the product of (1) the achievement and integration levy revenue, times (2) the lesser of one or the ratio of the district's adjusted net tax capacity per adjusted pupil unit to 30 percent of the state average adjusted net tax capacity per adjusted pupil unit.

(c) For Special School District No. 1, Minneapolis; Independent School District No. 625, St. Paul; and Independent School District No. 709, Duluth, 100 percent of the levy certified under this subdivision is shifted into the prior calendar year for purposes of sections 123B.75, subdivision 5, and 127A.441.

Sec. 11. Minnesota Statutes 2018, section 124D.862, is amended by adding a subdivision to read:

Subd. 5a. **Achievement and integration equalization aid.** A district's achievement and integration equalization aid equals the district's achievement and integration levy revenue minus the district's achievement and integration levy. If a district does not levy the entire amount permitted, the achievement and integration equalization aid must be reduced in proportion to the actual amount levied.

Sec. 12. Minnesota Statutes 2018, section 124D.957, is amended by adding a subdivision to read:

Subd. 5. **Funding.** The Minnesota Alliance With Youth may receive annual state appropriations to fund the operations for the Minnesota Youth Council.

Sec. 13. Minnesota Statutes 2018, section 124D.98, is amended by adding a subdivision to read:

Subd. 4. **Medium and high growth.** (a) The definitions in this subdivision apply to this section.

(b) "Medium growth" is an assessment score within one-half standard deviation above or below the average year-two assessment scores for students with similar year-one assessment scores.

(c) "High growth" is an assessment score one-half standard deviation or more above the average year-two assessment scores for students with similar year-one assessment scores.

Sec. 14. Laws 2016, chapter 189, article 25, section 61, is amended to read:

Sec. 61. **CERTIFICATION INCENTIVE REVENUE.**

Subdivision 1. **Qualifying certificates.** As soon as practicable, the commissioner of education, in consultation with the Governor's Workforce Development Council established under Minnesota Statutes, section 116L.665, and the P-20 education partnership operating under Minnesota Statutes, section 127A.70, must establish the list of qualifying career and technical certificates and post the names of those certificates on the Department of Education's Web site. The certificates must be in fields where occupational opportunities exist.

Subd. 2. **School district participation.** (a) A school board may adopt a policy authorizing its students in grades 9 through 12, including its students enrolled in postsecondary enrollment options courses under Minnesota Statutes, section 124D.09, the opportunity to complete a qualifying certificate. The certificate may be completed as part of a regularly scheduled course.

(b) A school district may register a student for any assessment necessary to complete a qualifying certificate and pay any associated registration fees for its students.

Subd. 3. **Incentive funding.** (a) A school district's career and technical certification aid equals \$500 times the district's number of students enrolled during the current fiscal year who have obtained one or more qualifying certificates during the current fiscal year.

(b) The statewide total certificate revenue must not exceed \$1,000,000. The commissioner must proportionately reduce the initial aid provided under this subdivision so that the statewide aid cap is not exceeded.

Subd. 4. **Reports to the legislature.** (a) The commissioner of education must report to the committees of the legislature with jurisdiction over kindergarten through grade 12 education and higher education by February 1, 2017, on the number and types of certificates authorized for the 2016-2017 school year. The commissioner must also recommend whether the pilot program should be continued.

(b) By February 1, ~~2018~~ 2021, the commissioner of education must report to the committees of the legislature with jurisdiction over kindergarten through grade 12 education and higher education about the number and types of certificates earned by Minnesota's students during the ~~2016-2017~~ prior school year.

Sec. 15. Laws 2016, chapter 189, article 25, section 62, subdivision 15, is amended to read:

Subd. 15. **Certificate incentive funding.** (a) For the certificate incentive program:

\$ <del>1,000,000</del> <u>140,000</u>	. . . . .	2017
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(b) This is a onetime appropriation. This appropriation is available until June 30, 2019. \$860,000 of the initial fiscal year 2017 appropriation is canceled to the general fund on June 30, 2019.

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

Sec. 16. **RURAL CAREER AND TECHNICAL EDUCATION CONSORTIUM GRANTS.**

Subdivision 1. **Definition.** "Rural career and technical education (CTE) consortium" means a voluntary collaboration of a service cooperative and other regional public and private partners, including school districts and higher education institutions, that work together to provide career and technical education opportunities within the service cooperative's multicounty service area.

Subd. 2. **Establishment.** (a) A rural CTE consortium shall:

(1) focus on the development of courses and programs that encourage collaboration between two or more school districts;

(2) develop new career and technical programs that focus on industry sectors that fuel the rural regional economy;

(3) facilitate the development of highly trained and knowledgeable students who are equipped with technical and workplace skills needed by regional employers;

(4) improve access to career and technical education programs for students who attend sparsely populated rural school districts by developing public and private partnerships with business and industry leaders and by increasing coordination of high school and postsecondary program options;

(5) increase family and student awareness of the availability and benefit of career and technical education courses and training opportunities; and

(6) provide capital start-up costs for items including but not limited to a mobile welding lab, medical equipment and lab, and industrial kitchen equipment.

(b) In addition to the requirements in paragraph (a), a rural CTE consortium may:

(1) address the teacher shortage in career and technical education through incentive funding and training programs; and

(2) provide transportation reimbursement grants to provide equitable opportunities throughout the region for students to participate in career and technical education.

Subd. 3. **Rural career and technical education advisory committee.** In order to be eligible for a grant under this section, a service cooperative must establish a rural career and technical education advisory committee to advise the cooperative on administering the rural CTE consortium.

Subd. 4. **Private funding.** A rural CTE consortium may receive other sources of funds to supplement state funding. All funds received shall be administered by a service cooperative that is a member of the consortium.

Subd. 5. **Reporting requirements.** A rural CTE consortium must submit an annual report on the progress of its activities to the commissioner of education and the legislative committees with jurisdiction over secondary and postsecondary education. The annual report must contain a financial report for the preceding fiscal year. The first report is due no later than January 15, 2021.

Subd. 6. **Grant recipients.** For fiscal years 2020 and 2021, the commissioner shall award a two-year grant to the consortium that is a collaboration of the Southwest/West Central Service Cooperative (SWWC), Southwest Minnesota State University, Minnesota West Community and Technical College, Ridgewater College, and other regional public and private partners. For fiscal years 2020 and 2021, the commissioner shall award a two-year grant to an applicant consortium that includes the South Central Service Cooperative or Southeast Service Cooperative and a two-year grant to an applicant consortium that includes the Northwest Service Cooperative or Northeast Service Cooperative.

## Sec. 17. **VOCATIONAL ENRICHMENT PROGRAM.**

Subdivision 1. **Vocational enrichment program.** A school district or charter school may establish a vocational enrichment program that operates outside of the regular school day, including over weekends or the summer, to provide instruction in vocational courses focused on construction trades and welding. The district must first offer the program to enrolled secondary students but may broaden registration to others if space permits.

Subd. 2. **Vocational enrichment grants.** (a) A school district must apply for a vocational enrichment grant in the form and manner specified by the commissioner. The maximum amount of a vocational enrichment grant equals the product of:

(1) \$5,117;

(2) 1.2;

(3) the number of students participating in the program; and

(4) the ratio of the actual hours of service provided to each student to 1,020.

(b) If applications for funding exceed the amount appropriated for the program, the commissioner must prioritize grants to welding and construction trades programs.

Subd. 3. **Reporting.** By February 15 of each year following the receipt of a grant, a school district must report on its website and to the commissioner of education on the courses funded through the grant, the demographics of the participants in the program, and the outcome for course participants.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 18. **BRECKENRIDGE SCHOOL DISTRICT.**

Notwithstanding Minnesota Statutes, section 124D.09, subdivision 3, Independent School District No. 846, Breckenridge, may enter into an agreement under Minnesota Statutes, section 124D.09, subdivision 10, with a higher education institution located outside of the state of Minnesota but within four miles of the high school. The higher education institution is an eligible institution only for the purposes of providing a postsecondary enrollment options program under Minnesota Statutes, section 124D.09.

Sec. 19. **APPROPRIATIONS.**

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

Subd. 2. **Achievement and integration aid.** For achievement and integration aid under Minnesota Statutes, section 124D.862:

<u>\$80,589,000</u>	<u>.....</u>	<u>2020</u>
<u>\$83,436,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$7,059,000 for 2019 and \$73,530,000 for 2020.

The 2021 appropriation includes \$8,170,000 for 2020 and \$75,266,000 for 2021.

Subd. 3. **Interdistrict desegregation or integration transportation grants.** For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

<u>\$13,874,000</u>	<u>.....</u>	<u>2020</u>
<u>\$14,589,000</u>	<u>.....</u>	<u>2021</u>

Subd. 4. **Literacy incentive aid.** For literacy incentive aid under Minnesota Statutes, section 124D.98:

<u>\$45,304,000</u>	<u>.....</u>	<u>2020</u>
<u>\$45,442,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$4,582,000 for 2019 and \$40,722,000 for 2020.

The 2021 appropriation includes \$4,524,000 for 2020 and \$40,918,000 for 2021.

**Subd. 5. Tribal contract school aid.** For tribal contract school aid under Minnesota Statutes, section 124D.83:

<u>\$3,321,000</u>	<u>.....</u>	<u>2020</u>
<u>\$3,819,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$299,000 for 2019 and \$3,022,000 for 2020.

The 2021 appropriation includes \$335,000 for 2020 and \$3,484,000 for 2021.

**Subd. 6. American Indian education aid.** For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

<u>\$9,515,000</u>	<u>.....</u>	<u>2020</u>
<u>\$9,673,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$960,000 for 2019 and \$8,555,000 for 2020.

The 2021 appropriation includes \$950,000 for 2020 and \$8,723,000 for 2021.

**Subd. 7. Tribal Nations Education Committee.** (a) For a grant to the Tribal Nations Education Committee under Minnesota Statutes, section 124D.79:

<u>\$150,000</u>	<u>.....</u>	<u>2020</u>
<u>\$150,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

**Subd. 8. ServeMinnesota program.** For funding ServeMinnesota programs under Minnesota Statutes, sections 124D.37 to 124D.45:

<u>\$900,000</u>	<u>.....</u>	<u>2020</u>
<u>\$900,000</u>	<u>.....</u>	<u>2021</u>

A grantee organization may provide health and child care coverage to the dependents of each participant enrolled in a full-time ServeMinnesota program to the extent such coverage is not otherwise available. Any balance in the first year does not cancel but is available in the second year.

**Subd. 9. Early childhood literacy programs.** (a) For early childhood literacy programs under Minnesota Statutes, section 119A.50, subdivision 3:

<u>\$7,950,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,950,000</u>	<u>.....</u>	<u>2021</u>

(b) Up to \$7,950,000 each year is for leveraging federal and private funding to support AmeriCorps members serving in the Minnesota reading corps program established by ServeMinnesota, including costs associated with training and teaching early literacy skills to children ages three through grade 3 and evaluating the impact of the program under Minnesota Statutes, sections 124D.38, subdivision 2, and 124D.42, subdivision 6.

(c) Any balance in the first year does not cancel but is available in the second year.

**Subd. 10. Minnesota math corps program.** (a) For the Minnesota math corps program under Minnesota Statutes, section 124D.42, subdivision 9:

<u>\$1,000,000</u>	.....	<u>2020</u>
<u>\$1,000,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year. The base funding in fiscal year 2022 and later is \$500,000.

**Subd. 11. ServeMinnesota programs at tribal contract and grant schools.** (a) For grants to ServeMinnesota to enhance reading and math corps programming at American Indian-controlled tribal contract and grant schools eligible for aid under Minnesota Statutes, section 124D.83:

<u>\$416,000</u>	.....	<u>2020</u>
<u>\$416,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

**Subd. 12. Student organizations.** (a) For student organizations:

<u>\$768,000</u>	.....	<u>2020</u>
<u>\$768,000</u>	.....	<u>2021</u>

(b) \$46,000 each year is for student organizations serving health occupations (HOSA).

(c) \$100,000 each year is for student organizations serving trade and industry occupations (Skills USA, secondary and postsecondary).

(d) \$95,000 each year is for student organizations serving business occupations (BPA, secondary and postsecondary).

(e) \$193,000 each year is for student organizations serving agriculture occupations (FFA, PAS).

(f) \$185,000 each year is for student organizations serving family and consumer science occupations (FCCLA). Notwithstanding Minnesota Rules, part 3505.1000, subparts 28 and 31, the student organizations serving FCCLA shall continue to serve students younger than grade 9.

(g) \$109,000 each year is for student organizations serving marketing occupations (DECA and DECA collegiate).

(h) \$40,000 each year is for the Minnesota Foundation for Student Organizations.

(i) Any balance in the first year does not cancel but is available in the second year.

**Subd. 13. Museums and education centers.** (a) For grants to museums and education centers:

<u>\$591,000</u>	.....	<u>2020</u>
<u>\$591,000</u>	.....	<u>2021</u>

(b) \$319,000 each year is for the Minnesota Children's Museum. Of the amount in this paragraph, \$50,000 each year is for the Minnesota Children's Museum, Rochester.

(c) \$50,000 each year is for the Duluth Children's Museum.

(d) \$41,000 each year is for the Minnesota Academy of Science.

(e) \$50,000 each year is for the Headwaters Science Center.

(f) \$31,000 each year is for the Children's Discovery Museum in Grand Rapids.

(g) \$50,000 each year is for the Children's Museum of Southern Minnesota.

(h) \$50,000 each year is for The Works Museum.

(i) To the extent practicable, grant recipients must prioritize grant proceeds to expand access to museum and education center programs for low-income families and other underserved populations.

(j) Any balance in the first year does not cancel but is available in the second year.

Subd. 14. **Starbase MN.** (a) For a grant to Starbase MN for a rigorous science, technology, engineering, and math (STEM) program providing students in grades 4 through 6 with a multisensory learning experience and a hands-on curriculum in an aerospace environment using state-of-the-art technology:

<u>\$500,000</u>	<u>.....</u>	<u>2020</u>
<u>\$500,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

Subd. 15. **Recovery program grants.** (a) For recovery program grants under Minnesota Statutes, section 124D.695:

<u>\$750,000</u>	<u>.....</u>	<u>2020</u>
<u>\$750,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

Subd. 16. **Minnesota Principals Academy.** (a) For grants to the University of Minnesota College of Education and Human Development for the operation of the Minnesota Principals Academy:

<u>\$250,000</u>	<u>.....</u>	<u>2020</u>
<u>\$250,000</u>	<u>.....</u>	<u>2021</u>

(b) Of these amounts, \$50,000 must be used to pay the costs of attendance for principals and school leaders from schools identified for intervention under the state's accountability system as implemented to comply with the federal Every Student Succeeds Act. To the extent funds are available, the Department of Education is encouraged to use up to \$200,000 of federal Title II funds to support additional participation in the Principals Academy by principals and school leaders from schools identified for intervention under the state's accountability system as implemented to comply with the federal Every Student Succeeds Act.

(c) Any balance in the first year does not cancel but is available in the second year.

Subd. 17. **Charter school building lease aid.** For building lease aid under Minnesota Statutes, section 124E.22:

<u>\$85,450,000</u>	.....	<u>2020</u>
<u>\$91,064,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$8,021,000 for 2019 and \$77,429,000 for 2020.

The 2021 appropriation includes \$8,603,000 for 2020 and \$82,461,000 for 2021.

Subd. 18. **Statewide testing and reporting system.** (a) For the statewide testing and reporting system under Minnesota Statutes, section 120B.30:

<u>\$10,892,000</u>	.....	<u>2020</u>
<u>\$10,877,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year. The base for this appropriation in 2022 is \$10,892,000.

Subd. 19. **Certificate incentive funding.** (a) For the certificate incentive program under Laws 2016, chapter 189, article 25, section 61:

<u>\$860,000</u>	.....	<u>2020</u>
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(b) This is a onetime appropriation.

(c) Any balance in the first year does not cancel but is available in the second year.

Subd. 20. **Examination fees; teacher training and support programs.** (a) For students' advanced placement and international baccalaureate examination fees under Minnesota Statutes, section 120B.13, subdivision 3, and the training and related costs for teachers and other interested educators under Minnesota Statutes, section 120B.13, subdivision 1:

<u>\$4,500,000</u>	.....	<u>2020</u>
<u>\$4,500,000</u>	.....	<u>2021</u>

(b) The advanced placement program shall receive 75 percent of the appropriation each year and the international baccalaureate program shall receive 25 percent of the appropriation each year. The department, in consultation with representatives of the advanced placement and international baccalaureate programs selected by the Advanced Placement Advisory Council and International Baccalaureate Minnesota, respectively, shall determine the amounts of the expenditures each year for examination fees and training and support programs for each program.

(c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least \$500,000 each year is for teachers to attend subject matter summer training programs and follow-up support workshops approved by the advanced placement or international baccalaureate programs. The amount of the subsidy for each teacher attending an advanced placement or international baccalaureate summer training program or workshop shall be the same. The commissioner shall determine the payment process and the amount of the subsidy.

(d) The commissioner shall pay all examination fees for all students of low-income families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent of available appropriations, shall also pay examination fees for students sitting for an advanced placement examination, international baccalaureate examination, or both.

(e) Any balance in the first year does not cancel but is available in the second year.

**Subd. 21. Grants to increase science, technology, engineering, and math course offerings.** (a) For grants to schools to encourage low-income and other underserved students to participate in advanced placement and international baccalaureate programs according to Minnesota Statutes, section 120B.132:

<u>\$250,000</u>	<u>.....</u>	<u>2020</u>
<u>\$250,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

**Subd. 22. Rural career and technical education consortium.** (a) For rural career and technical education consortium grants:

<u>\$3,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$3,000,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

**Subd. 23. Grants to support students experiencing homelessness.** (a) To provide grants to eligible school districts in order to address the needs of students experiencing homelessness:

<u>\$500,000</u>	<u>.....</u>	<u>2020</u>
<u>\$500,000</u>	<u>.....</u>	<u>2021</u>

(b) The department may retain up to five percent of the appropriation to monitor and administer the grant program. Any balance in the first year does not cancel but is available in the second year.

**Subd. 24. Minnesota Center for the Book programming.** (a) For grants to the entity designated by the Library of Congress as the Minnesota Center for the Book to provide statewide programming related to the Minnesota Book Awards and for additional programming throughout the state related to the Center for the Book designation:

<u>\$125,000</u>	<u>.....</u>	<u>2020</u>
<u>\$125,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

**Subd. 25. Concurrent enrollment aid.** (a) For concurrent enrollment aid under Minnesota Statutes, section 124D.091:

<u>\$7,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,000,000</u>	<u>.....</u>	<u>2021</u>

(b) If the appropriation is insufficient, the commissioner must proportionately reduce the aid payment to each school district.

(c) The base for fiscal year 2022 is \$8,000,000.

**Subd. 26. Full-service community schools.** (a) For full-service community schools under Minnesota Statutes, section 124D.231:

<u>\$7,500,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,500,000</u>	<u>.....</u>	<u>2021</u>

(b) Up to \$50,000 each year is for administration of this program. Any balance in the first year does not cancel but is available in the second year.

(c) The base for fiscal year 2022 is \$12,500,000.

Subd. 27. **ConnectZ program.** (a) For a grant to Girl Scouts River Valleys as fiscal agent for Girl Scout councils serving Minnesota residents providing innovative, culturally responsive programming to underrepresented, underresourced girls in kindergarten through grade 12, including programming relating to healthy relationships; science, technology, engineering, and math; financial literacy; career and college readiness; and leadership development and service learning:

<u>\$1,400,000</u>	.....	<u>2020</u>
<u>\$1,400,000</u>	.....	<u>2021</u>

(b) By February 15 following each fiscal year of the grant, the grantee must submit a report detailing expenditures and outcomes of the grant-supported programs to the commissioner of education and the chairs and ranking minority members of the legislative committees with primary jurisdiction over kindergarten through grade 12 education policy and finance. The report must, at least:

(1) provide self-reported free and reduced-price lunch status and self-reported demographic information for the girls participating in programs funded by this grant;

(2) report participants' average program contacts in the areas of healthy relationships; science, technology, engineering, and math; financial literacy; career and college readiness; and leadership development and service learning;

(3) identify the number and proportion of high school program participants who report they are confident they will attend college;

(4) report the number and proportion of grade 12 participants who apply to a postsecondary institution; and

(5) to the extent possible, verify the number and percentage of participants who actually enroll in a postsecondary institution.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2022 is zero.

Subd. 28. **Civics education grants.** (a) For grants to the Minnesota Civic Education Coalition, Minnesota Civic Youth, Learning Law and Democracy Foundation, and YMCA Youth in Government to provide civics education programs for Minnesota youth ages 18 and younger:

<u>\$125,000</u>	.....	<u>2020</u>
<u>\$125,000</u>	.....	<u>2021</u>

(b) Civics education means the study of constitutional principles and the democratic foundation of our national, state, and local institutions, and the study of political processes and structures of government, grounded in the understanding of constitutional government under the rule of law.

(c) Any balance in the first year does not cancel but is available in the second year.

Subd. 29. **After-school community learning programs.** (a) For grants for after-school community learning programs under Minnesota Statutes, section 124D.2211:

<u>\$2,000,000</u>	.....	<u>2020</u>
<u>\$2,000,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year. The base for fiscal year 2022 is \$2,500,000.

(c) The commissioner of education may retain up to two percent of the appropriation amount to administer the grant program.

(d) The commissioner of education may use up to five percent of the appropriation amount in each fiscal year to monitor the grant and provide technical assistance to grant recipients under Minnesota Statutes, section 124D.2211, subdivision 4. The commissioner must use 2.5 percent of the appropriation amount to contract with Ignite Afterschool to provide technical assistance to grant recipients under Minnesota Statutes, section 124D.2211, subdivision 4, paragraph (b).

Subd. 30. **Vocational enrichment grants.** (a) For vocational enrichment grants to school districts and charter schools:

<u>\$100,000</u>	.....	<u>2020</u>
<u>\$100,000</u>	.....	<u>2021</u>

(b) Of the amounts in paragraph (a), \$50,000 in each year is for a grant to Independent School District No. 2752, Fairmont.

Subd. 31. **Minnesota Youth Council.** (a) For grants to the Minnesota Alliance With Youth for the activities of the Minnesota Youth Council:

<u>\$250,000</u>	.....	<u>2020</u>
<u>\$250,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

### ARTICLE 3 TEACHERS

#### Section 1. **[120B.113] INCLUSIVE SCHOOL ENHANCEMENT GRANTS.**

Subdivision 1. **Grant program established.** The commissioner must establish a grant program to support implementation of world's best workforce strategies under section 120B.11, subdivision 2, clauses (4) and (6), to support collaborative efforts to make school climate and curriculum more inclusive and respectful toward all students, families, and employees, especially those of diverse racial and ethnic backgrounds.

Subd. 2. **Applications and grant awards.** The commissioner must determine application procedures and deadlines, select schools to participate in the grant program, and determine the payment process and amount of the grants. To the extent there are sufficient applications, the commissioner should award an approximately equal number of grants between districts in greater Minnesota and those in the Twin Cities metropolitan area. If there are an insufficient number of applications received for either geographic area, the commissioner may award grants to meet the requests for funds wherever a district is located.

Subd. 3. **Description.** The grant program must provide funding that supports collaborative efforts to make schools' curricula and learning and work environments more inclusive and respectful of students' racial and ethnic diversity and to address issues of structural inequities in schools that create opportunity gaps and achievement gaps for students, families, and staff who are of color or who are American Indian, consistent with the requirements for long-term plans under section 124D.861, subdivision 2, paragraph (c).

Subd. 4. **Report.** Grant recipients must annually report to the commissioner by a date and in a form and manner determined by the commissioner on efforts planned and implemented that engaged students, families, educators, and community members of diverse racial and ethnic backgrounds in making improvements to school climate and curriculum. The report must assess the impact of those efforts as perceived by racially and ethnically diverse stakeholders as well as the areas needed for further continuous improvement.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 2. **[120B.117] INCREASING THE PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** This section sets a goal for increasing the percentage of teachers of color and American Indian teachers in Minnesota to increase access to effective teachers who reflect the diversity of students.

Subd. 2. **Equitable access to diverse teachers.** The percentage of teachers of color or American Indian teachers in Minnesota should increase at least two percentage points per year to have a teaching workforce that more closely reflects the student population and increase access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** (a) By October 1, 2019, and each odd-numbered year thereafter, the Professional Educator Licensing and Standards Board must report on progress toward achieving the goal adopted under this section. The board must submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education and higher education policy and finance in accordance with section 3.195. The report must be available to the public on the board's website. The board must report on the effectiveness of state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The board must consult with the four ethnic councils under sections 3.922 and 15.0145, along with other community and stakeholder groups, including students of color, in developing the report.

(b) The board must collaborate with the Department of Education and the Office of Higher Education to summarize reports from the programs each agency administers and any other programs receiving state appropriations with an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 120B.113, 122A.2451, 122A.59, 122A.63, 122A.635, 122A.685, 122A.70, 124D.09, 124D.861, 136A.1275, and 136A.1791 along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers.

(c) The report must include recommendations for state policy and funding needed to achieve the goals of this section, plans for sharing the report and activities of grant recipients, and opportunities among grant recipients of various programs to share effective practices with each other. The 2019 report must include a recommendation on whether a state advisory council should be established to address the shortage of racially and ethnically diverse teachers and the composition and charge of such an advisory council if established.

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

Sec. 3. **[122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.**

**Subdivision 1. Establishment.** The commissioner of education must establish a program to reimburse school districts for hiring bonuses paid to licensed teachers from other states in order to meet staffing needs in shortage areas.

**Subd. 2. Teacher eligibility.** (a) The commissioner must require a school district applying for reimbursement for a hiring bonus of up to \$5,000 under this section to demonstrate that a teacher that received the hiring bonus:

(1) was issued a Tier 3 teaching license under section 122A.183;

(2) moved to the economic development region in Minnesota where the school district is located, notwithstanding section 122A.40, subdivision 3; and

(3) belongs to a racial or ethnic group that is underrepresented among teachers compared to students in the district or school based on the categories listed in section 120B.35, subdivision 3, paragraph (a), clause (2).

(b) The commissioner must require a school district applying for reimbursement for a hiring bonus of up to \$8,000 under this section to demonstrate that a teacher that received the hiring bonus met the eligibility criteria in paragraph (a) and has a field license in a licensure field reported by the Professional Educator Licensing and Standards Board as experiencing a teacher shortage.

**Subd. 3. Bonus payment.** A school district must pay a teacher eligible for a bonus under subdivision 2 half of the bonus at the time the teacher begins employment and the other half after the teacher has completed four years of service in the hiring district. A teacher who does not complete one school year of employment with the hiring school district must repay the district the hiring bonus.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements contracts effective July 1, 2019, and thereafter.

Sec. 4. Minnesota Statutes 2018, section 122A.63, subdivision 1, is amended to read:

**Subdivision 1. Establishment.** (a) A grant program is established to assist American Indian people to become teachers and to provide additional education for American Indian teachers. The commissioner may award a joint grant to each of the following:

(1) the Duluth campus of the University of Minnesota and Independent School District No. 709, Duluth;

(2) Bemidji State University and Independent School District No. 38, Red Lake;

(3) Moorhead State University and one of the school districts located within the White Earth Reservation; and

(4) Augsburg College, Independent School District No. 625, St. Paul, and Special School District No. 1, Minneapolis.

(b) If additional funds are available, the commissioner may award additional joint grants to other postsecondary institutions and school districts.

(c) Grantees may enter into contracts with tribal, technical, and community colleges and four-year postsecondary institutions to identify and provide grants to students at those institutions interested in the field of education. A grantee may contract with partner institutions to provide professional development and supplemental services to a

tribal, technical, or community college or four-year postsecondary institution, including identifying prospective students, providing instructional supplies and materials, and providing grant money to students. A contract with a tribal, technical, or community college or four-year postsecondary institution includes coordination of student identification, professional development, and mentorship services.

Sec. 5. Minnesota Statutes 2018, section 122A.63, subdivision 4, is amended to read:

Subd. 4. **Grant amount.** The commissioner may award a joint grant in the amount it determines to be appropriate. The grant shall include money for the postsecondary institution, school district, and student scholarships, and student loans grants.

Sec. 6. Minnesota Statutes 2018, section 122A.63, subdivision 5, is amended to read:

Subd. 5. **Information to student applicants.** At the time a student applies for a scholarship ~~and loan~~, the student ~~shall~~ must be provided information about the fields of licensure needed by school districts in the part of the state within which the district receiving the joint grant is located. The information ~~shall~~ must be acquired and periodically updated by the recipients of the joint grant and their contracted partner institutions. Information provided to students ~~shall~~ must clearly state that scholarship ~~and loan~~ decisions are not based upon the field of licensure selected by the student.

Sec. 7. Minnesota Statutes 2018, section 122A.63, subdivision 6, is amended to read:

Subd. 6. **Eligibility for scholarships ~~and loans.~~** (a) The following American Indian people are eligible for scholarships:

(1) a student having origins in any of the original peoples of North America and maintaining cultural identification through tribal affiliation or community recognition;

~~(1)~~ (2) a student, including a teacher aide employed by a district receiving a joint grant or their contracted partner school, who intends to become a teacher or who is interested in the field of education and who is enrolled in a postsecondary institution or their contracted partner institutions receiving a joint grant;

~~(2)~~ (3) a licensed employee of a district receiving a joint grant or a contracted partner institution, who is enrolled in a master of education program; and

~~(3)~~ (4) a student who, after applying for federal and state financial aid and an American Indian scholarship according to section 136A.126, has financial needs that remain unmet. Financial need ~~shall~~ must be determined according to the congressional methodology for needs determination or as otherwise set in federal law.

~~A person who has actual living expenses in addition to those addressed by the congressional methodology for needs determination, or as otherwise set in federal law, may receive a loan according to criteria established by the commissioner. A contract shall be executed between the state and the student for the amount and terms of the loan.~~

(b) Priority must be given to a student who is tribally enrolled and then to first- and second-generation descendants.

Sec. 8. Minnesota Statutes 2018, section 122A.63, is amended by adding a subdivision to read:

Subd. 9. **Eligible programming.** (a) The grantee institutions and their contracted partner institutions may provide scholarships to students progressing toward educational goals in any area of teacher licensure, including an associate's, bachelor's, master's, or doctoral degree in the following:

(1) any educational certification necessary for employment;

(2) early childhood family education or prekindergarten licensure;

(3) elementary and secondary education;

(4) school administration; or

(5) any educational program that provides services to American Indian students in prekindergarten through grade 12.

(b) For purposes of recruitment, the grantees or their contracted partner institutions must agree to work with their respective organizations to hire an American Indian work-study student or other American Indian staff to conduct initial information queries and to contact persons working in schools to provide programming regarding education professions to high school students who may be interested in education as a profession.

(c) At least 80 percent of the grants awarded under this section must be used for student scholarships. No more than 20 percent of the grants awarded under this section may be used for recruitment or administration of the student scholarships.

**Sec. 9. [122A.635] COLLABORATIVE URBAN AND GREATER MINNESOTA EDUCATORS OF COLOR GRANT PROGRAM.**

Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards Board must award competitive grants to increase the number of teacher candidates of color or who are American Indian, and meet the requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this section is limited to public or private higher education institutions that offer a teacher preparation program approved by the Professional Educator Licensing and Standards Board.

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

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

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

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

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

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

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

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

Subd. 3. **Grant program administration.** The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education. The agreement may include a transfer of funds to the Office of Higher Education to help establish and administer the competitive grant process. The board must award grants to institutions located in various economic development regions throughout the state, but must not predetermine the number of institutions to be awarded grants under this section or set a limit for the amount that any one institution may receive as part of the competitive grant application process. All grants must be awarded by August 15 of the fiscal year in which the grants are to be used except that, for initial competitive grants awarded for fiscal year 2020, grants must be awarded by September 15. An institution that receives a grant under this section may use the grant funds over a two- to four-year period to support teacher candidates.

Subd. 4. **Account established.** A collaborative urban and greater Minnesota educator of color account is created in the special revenue fund for depositing money appropriated to or received by the board for the program. Money deposited in the account is appropriated to the board, does not cancel, and is continuously available for grants under this section.

Subd. 5. **Report.** (a) By January 15 of each year, an institution awarded a grant under this section must prepare for the legislature and the board a detailed report regarding the expenditure of grant funds, including the amounts used to recruit, retain, and induct teacher candidates of color or who are American Indian. The report must include the total number of teacher candidates of color, disaggregated by race or ethnic group, who are recruited to the institution, are newly admitted to the licensure program, are enrolled in the licensure program, have completed student teaching, have graduated, are licensed, and are newly employed as Minnesota teachers in their licensure field. A grant recipient must report the total number of teacher candidates of color or who are American Indian at each stage from recruitment to licensed teaching as a percentage of total candidates seeking the same licensure at the institution.

(b) The board must post a report on its website summarizing the activities and outcomes of grant recipients and results that promote sharing of effective practices among grant recipients.

#### Sec. 10. [122A.685] GROW YOUR OWN PATHWAYS TO TEACHER LICENSURE GRANTS.

Subdivision 1. **Establishment.** The commissioner of education must award grants under this section to school districts and charter schools throughout Minnesota to develop or expand Grow Your Own programs.

Subd. 2. **Definition.** For purposes of this section, "Grow Your Own programs" means programs within schools or districts in partnership with Professional Educator Licensing and Standards Board-approved teacher preparation programs designed to provide a pathway to teaching at any level from early childhood to secondary school for paraprofessionals, cultural liaisons, or other nonlicensed employees.

Subd. 3. **Nonconventional teacher residency programs.** (a) A school district, charter school, or cooperative unit as defined in section 123A.24 may apply for a grant under this section to fund an established and effective Professional Educator Licensing and Standards Board-approved nonconventional teacher residency program. The program must provide tuition scholarships or stipends to enable school district and charter school employees seeking a teaching license who are of color or who are American Indian to participate in a nonconventional teacher preparation program. If extra awarded grant funds are available, programs may use remaining grant funds to provide tuition scholarships to employees who are not persons of color or American Indian, who are seeking to teach in a licensure area that is identified by the board as experiencing a shortage within the economic development region where the program is located.

(b) School districts and charter schools that receive funds under this subdivision must have a program to recruit and retain candidates of color or who are American Indian and have demonstrated that at least 50 percent of past participants in the residency programs are persons of color or American Indian. The commissioner must give priority in awarding grants to programs with the highest total numbers and percentages of participants of color or who are American Indian and those that have a percentage of participants of color or who are American Indian that meets or exceeds the overall percentage of students of color or American Indian students in the district, school, or cooperative.

(c) School districts and charter schools providing financial support to new teacher candidates under this subdivision may require a commitment from the candidates, as determined by each district or school, to teach in the district or school for a reasonable amount of time not to exceed five years.

**Subd. 4. Expanded Grow Your Own programs.** (a) School districts, charter schools, or cooperatives as defined in section 123A.24, community-based organizations led by and for communities of color or American Indian communities, and Head Start programs under section 119A.50 may apply for grants under this subdivision to provide financial assistance, mentoring, and other assistance to enable persons of color or who are American Indian to become teachers.

(b) Grants awarded under this subdivision must be used for:

(1) tuition scholarships or stipends to eligible teaching assistants, cultural liaisons, or other nonlicensed employees of color or who are American Indian and are enrolled in a Professional Educator Licensing and Standards Board-approved teacher preparation program;

(2) developing and implementing innovative school-based residency programs or other programs emphasizing clinical experiences in a district, cooperative, or charter school for nonlicensed employees of color or who are American Indian, and who seek a teaching license in collaboration with a conventional or nonconventional Professional Educator Licensing and Standards Board-approved program;

(3) developing pathway programs that provide stipends and tuition scholarships to parents and community members of color or who are American Indian to change careers and obtain a Tier 3 license to teach in schools or other credential needed to teach in a Head Start program; or

(4) developing innovative programs that encourage secondary school students to pursue teaching, including developing and offering dual-credit postsecondary course options in schools for "Introduction to Teaching" or "Introduction to Education" courses consistent with section 124D.09, subdivision 10, and supporting future teacher clubs involving middle and high school students of color or who are American Indian to have experiential learning supporting the success of younger students or peers and to increase their interest in pursuing a teaching career.

(c) School districts, charter schools, and Head Start programs providing financial assistance to individuals under this subdivision may require a commitment from the individuals, as determined by each district or school, to teach in the district or school for a reasonable amount of time not to exceed five years.

**Subd. 5. Grant procedure.** (a) A school district, charter school, cooperative, or Head Start program must apply for a grant under this section in the form and manner specified by the commissioner of education. To be eligible, grant recipients must ensure that the percentage of participants of color or who are American Indian is at least equivalent to the percentage of students enrolled in the district, school, cooperative, or program who are of color or American Indian. If a majority of students are of color or American Indian, then a majority of participants in the program must be persons of color or American Indian. Priority for awarding grants must be given to programs with the highest total numbers and percentages of participants of color or American Indian.

(b) For the 2019-2020 school year only, the commissioner must review all applications for continuing grants from programs that received funding under Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23, by August 1, 2019, and must notify grant recipients of the amount of the grants awarded by August 15, 2019.

(c) For the 2020-2021 school year and later, grant applications for new and existing programs must be received by the commissioner no later than December 1 of the year prior to the school year in which the grant will be used. The commissioner must review all applications and notify grant recipients by February 1 of the amount awarded.

(d) Grant recipients must spend any amounts received under this section within 18 months of receiving the grant money.

Subd. 6. **Report.** Grant recipients must annually report to the commissioner of education by the date determined by the commissioner on their activities under this section, including the number of participants, the percentage of participants of color or who are American Indian, and an assessment of program effectiveness, including participant feedback, areas for improvement, the percentage of participants continuing to pursue teacher licensure, and the number of participants hired in the school or district as teachers after completing preparation programs. The commissioner must post on the department's website a report that summarizes the activities and outcomes of grant recipients and what was done to promote sharing of effective practices among grant recipients.

Sec. 11. Minnesota Statutes 2018, section 122A.70, is amended to read:

#### **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE TEACHERS.**

Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School districts are encouraged to develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching.

(b) Teacher mentoring programs must be included in or aligned with districts' teacher evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41, subdivision 5. A district may use staff development revenue under section 122A.61, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three years and is not on an improvement plan. Other initiatives using such funds or funds available under sections 124D.861 and 124D.862 may include:

(1) additional stipends as incentives to mentors of color or who are American Indian;

(2) financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year. For purposes of this section, "affinity groups" are groups of educators who share a common racial or ethnic identity in society as persons of color or who are American Indian;

(3) programs for induction aligned with the district or school mentorship program during the first three years of teaching, especially for teachers from underrepresented racial and ethnic groups; or

(4) grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

(c) Schools or districts may negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must make application forms available to sites interested in developing or expanding a mentorship program. A school district; a group of school districts; ~~or~~ a coalition of districts, teachers, and teacher education institutions; or a coalition of schools, teachers, or nonlicensed educators may apply for a ~~teacher mentorship~~ program grant. The Professional Educator Licensing and Standards Board, in consultation with the teacher mentoring task force, must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring, professional development, and retention components, ~~include a variety of coalitions~~ and be geographically distributed throughout the state. The Professional Educator Licensing and Standards Board must encourage the selected sites to consider the use of its assessment procedures.

Subd. 3. **Criteria for selection.** At a minimum, applicants must express commitment to:

- (1) allow staff participation;
- (2) assess skills of both beginning and mentor teachers;
- (3) provide appropriate in-service to needs identified in the assessment;
- (4) provide leadership to the effort;
- (5) cooperate with higher education institutions;
- (6) provide facilities and other resources;
- (7) share findings, materials, and techniques with other school districts; and
- (8) retain teachers of color and teachers who are American Indian.

Subd. 4. **Additional funding.** Applicants are required to seek additional funding and assistance from sources such as school districts, postsecondary institutions, foundations, and the private sector.

Subd. 5. **Program implementation.** New and expanding mentorship sites that are funded to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation. The Professional Educator Licensing and Standards Board must provide resources and assistance to support new sites in their program efforts. These activities and services may include, but are not limited to: planning, planning guides, media, training, conferences, institutes, and regional and statewide networking meetings. Nonfunded schools or districts interested in getting started may participate. Fees may be charged for meals, materials, and the like.

Subd. 6. **Report.** By June 30 of each year after receiving a grant, recipients must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

Sec. 12. Minnesota Statutes 2018, section 124D.09, subdivision 10, is amended to read:

Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a public school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution, as defined in subdivision 3. All provisions of this section ~~shall~~ apply to a pupil, public school board, district, and the governing body of a postsecondary institution, except as otherwise provided.

(b) To encourage students, especially American Indian students and students of color, to consider teaching as a profession, participating schools, school districts, and postsecondary institutions are encouraged to develop and offer an "Introduction to Teaching" or "Introduction to Education" course under this subdivision. ~~An institution that receives a~~ For the purpose of applying for grants under this paragraph, "eligible institution" includes schools and districts that partner with an accredited college or university in addition to postsecondary institutions identified in subdivision 3, paragraph (a). Grant ~~to develop a course~~ recipients under this paragraph must annually report to the commissioner in a form and manner determined by the commissioner on the participation rates of students in courses under this paragraph, including the number of students who apply for admission to colleges or universities with teacher preparation programs and the number of students of color and American Indian students who earned postsecondary credit. Grant recipients must also describe recruiting efforts intended to ensure that the percentage of participants of color or who are American Indian meets or exceeds the overall percentage of students of color or American Indian students in the school.

Sec. 13. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. Plan components may include:

(1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;

(2) family engagement initiatives that involve families in their students' academic life and success;

(3) professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(4) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or

(5) recruitment and retention of teachers ~~and~~ administrators ~~with diverse~~ cultural and family liaisons, paraprofessionals, and other nonlicensed staff from racial and ethnic backgrounds represented in the student population.

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to make schools' curricula and learning and work environments more inclusive and respectful of students' racial and ethnic diversity and to address issues of structural inequities in schools that create opportunity gaps and achievement gaps for students, families, and staff who are of color or who are American Indian, and program revenues may be used to implement such strategies. Examples of possible structural inequities include but are not limited to policies and practices that unintentionally result in disparate referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower level coursework, participation in cocurricular activities, parent involvement, and lack of access to diverse teachers. Plans may include but are not limited to the following activities that may involve collaboration with or support from regional centers of excellence:

(1) creating opportunities for students, families, staff, and community members of color or who are American Indian to share their experiences in the school setting with school staff and administration to develop specific proposals for improving school environments to be more inclusive and respectful toward all students, families, and staff;

(2) implementing creative programs for increased parent engagement and improving relations between home and school;

(3) developing or expanding ethnic studies course offerings to provide all students with in-depth opportunities to learn about their own and others' cultures and historical experiences;

(4) examining and revising curricula in various subjects to be culturally relevant and inclusive of various racial and ethnic groups;

(5) examining academic and discipline data, reexamining institutional policies and practices that result in opportunity and achievement disparities between racial and ethnic groups, and making necessary changes that increase access, meaningful participation, representation, and positive outcomes for students of color, American Indian students, and students who qualify for free or reduced-price lunch;

(6) providing professional development opportunities to learn more about various racial and ethnic groups' experiences, assets, and issues and developing cross-cultural competence with knowledge, collaborations, and relationships needed to serve students effectively who are from diverse racial and ethnic backgrounds; and

(7) hiring more cultural liaisons to strengthen relationships with students, families, and other members of the community.

~~(b)~~ (d) Among other requirements, an eligible district must implement effective, research-based interventions that include formative assessment practices to reduce the disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and as aligned with section 120B.11.

(e) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

Sec. 14. Minnesota Statutes 2018, section 214.01, subdivision 3, is amended to read:

Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board" means the Professional Educator Licensing and Standards Board established pursuant to section 122A.07, the Board of School Administrators established pursuant to section 122A.14, the Board of Barber Examiners established pursuant to section 154.001, the Board of Cosmetologist Examiners established pursuant to section 155A.20, the Board of Assessors established pursuant to section 270.41, the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design established pursuant to section 326.04, the Private Detective and Protective Agent Licensing Board established pursuant to section 326.33, the Board of Accountancy established pursuant to section 326A.02, and the Peace Officer Standards and Training Board established pursuant to section 626.841.

Sec. 15. Laws 2016, chapter 189, article 25, section 62, subdivision 4, is amended to read:

Subd. 4. **Northwest Regional Partnership concurrent enrollment program.** (a) For a grant to the Lakes Country Service Cooperative to operate a continuing education program:

\$ <del>3,000,000</del> <u>2,000,000</u>	.....	2017
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(b) This is a onetime appropriation. This appropriation is available until June 30, 2019.

(c) \$1,000,000 of the initial appropriation in fiscal year 2017 is canceled to the state general fund.

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

Sec. 16. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 37, is amended to read:

Subd. 37. **Statewide concurrent enrollment teacher training program.** (a) For the statewide concurrent enrollment teacher training program under Laws 2016, chapter 189, article 25, section 58, as amended:

\$ <del>375,000</del> <u>350,000</u>	.....	2018
\$ <del>375,000</del> <u>0</u>	.....	2019

(b) Any balance in ~~the first~~ fiscal year 2018 does not cancel but is available in ~~the second~~ fiscal year 2019. \$400,000 of the initial appropriations in fiscal years 2018 and 2019 is canceled to the state general fund on June 30, 2019.

(c) The base for this program is \$375,000 per year.

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

Sec. 17. **AGRICULTURAL EDUCATOR GRANTS.**

Subdivision 1. **Grant program established.** A grant program is established to support school districts in paying agricultural education teachers for work over the summer with high school students in extended programs.

Subd. 2. **Application.** The commissioner of education shall develop the form and method for applying for the grants. The commissioner shall develop criteria for determining the allocation of the grants, including appropriate goals for the use of the grants.

Subd. 3. **Grant awards.** Grant funding under this section must be matched by funding from the school district for the agricultural education teacher's summer employment. Grant funding for each teacher is limited to the one-half share of 40 working days.

Subd. 4. **Reports.** School districts that receive grant funds shall report to the commissioner of education no later than December 31 of each year regarding the number of teachers funded by the grant program and the outcomes compared to the goals established in the grant application. The commissioner of education shall develop the criteria necessary for the reports.

Sec. 18. **APPROPRIATIONS.**

Subdivision 1. **Professional Educator and Licensing Standards Board.** The sums indicated in this section are appropriated from the general fund to the Professional Educator and Licensing Standards Board for the fiscal years designated.

Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a) For transfer to the collaborative urban and greater Minnesota educators of color competitive account under Minnesota Statutes, section 122A.635, subdivision 4:

<u>\$3,000,000</u>	.....	<u>2020</u>
<u>\$3,000,000</u>	.....	<u>2021</u>

(b) The board may retain up to three percent of the appropriation amount to monitor and administer the grant program and a portion of these funds may be transferred to the Office of Higher Education as determined by the executive director of the board and commissioner to support the administration of the program.

(c) The base for fiscal years 2022 and 2023 is \$6,000,000.

Subd. 3. **Mentoring, induction, and retention incentive program grants for teachers of color.** (a) For transfer to the Professional Educator Licensing and Standards Board for the development and expansion of mentoring, induction, and retention programs for teachers of color or American Indian teachers under Minnesota Statutes, section 122A.70:

<u>\$1,500,000</u>	.....	<u>2020</u>
<u>\$1,500,000</u>	.....	<u>2021</u>

(b) The board may retain up to five percent of the appropriation amount for monitoring and administering the grant program and may have an interagency agreement with the Department of Education including transfer of funds to help administer the program.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2022 and later is \$2,000,000.

Sec. 19. **APPROPRIATIONS.**

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

Subd. 2. **Expanded concurrent enrollment grants.** (a) For grants to institutions offering "Introduction to Teaching" or "Introduction to Education" college in the schools courses under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

<u>\$375,000</u>	<u>.....</u>	<u>2020</u>
<u>\$375,000</u>	<u>.....</u>	<u>2021</u>

(b) The department may retain up to five percent of the appropriation amount to monitor and administer the grant program.

(c) Any balance in the first year does not cancel but is available in the second year.

Subd. 3. **Alternative teacher compensation aid.** (a) For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

<u>\$89,211,000</u>	<u>.....</u>	<u>2020</u>
<u>\$88,853,000</u>	<u>.....</u>	<u>2021</u>

(b) The 2020 appropriation includes \$8,974,000 for 2019 and \$80,237,000 for 2020.

(c) The 2021 appropriation includes \$8,915,000 for 2020 and \$79,938,000 for 2021.

Subd. 4. **Agricultural educator grants.** (a) For agricultural educator grants under Laws 2017, First Special Session chapter 5, article 2, section 51:

<u>\$250,000</u>	<u>.....</u>	<u>2020</u>
<u>\$250,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

Subd. 5. **Statewide concurrent enrollment teacher training program.** (a) For the statewide concurrent enrollment teacher training program under Laws 2016, chapter 189, article 25, section 58, as amended:

<u>\$375,000</u>	<u>.....</u>	<u>2020</u>
<u>\$375,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

Subd. 6. **Inclusive school enhancement grants.** (a) To support schools in their efforts to close opportunity and achievement gaps under Minnesota Statutes, section 120B.113:

<u>\$2,500,000</u>	<u>.....</u>	<u>2020</u>
<u>\$2,500,000</u>	<u>.....</u>	<u>2021</u>

(b) The department may use up to five percent of the appropriation amount to administer the grant program.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2022 and later is \$3,000,000.

**Subd. 7. Come Teach in Minnesota hiring bonuses.** (a) For the Come Teach in Minnesota hiring bonuses program under Minnesota Statutes, section 122A.59:

<u>\$1,050,000</u>	<u>.....</u>	<u>2020</u>
<u>\$1,050,000</u>	<u>.....</u>	<u>2021</u>

(b) The department may use up to five percent of the appropriation amount to administer the program under this subdivision.

(c) Any balance in the first year does not cancel but is available in the second year.

**Subd. 8. American Indian teacher preparation grants.** (a) For joint grants to assist American Indian people to become teachers under Minnesota Statutes, section 122A.63:

<u>\$1,060,000</u>	<u>.....</u>	<u>2020</u>
<u>\$1,060,000</u>	<u>.....</u>	<u>2021</u>

(b) The department may use up to five percent of the appropriation amount to administer the grant program.

(c) Any balance in the first year does not cancel but is available in the second year.

**Subd. 9. Grow Your Own pathways to teacher licensure grants.** (a) For grants to develop or expand Grow Your Own programs under Minnesota Statutes, section 122A.685:

<u>\$5,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$5,000,000</u>	<u>.....</u>	<u>2021</u>

(b) Of this amount in each fiscal year, \$2,000,000 is for nonconventional teacher residency programs under Minnesota Statutes, section 122A.685, subdivision 3.

(c) Of this amount in each fiscal year, \$3,000,000 is for expanded Grow Your Own programs under Minnesota Statutes, section 122A.685, subdivision 4.

(d) The department may retain up to three percent of the appropriation amount to monitor and administer the grant program.

(e) Any balance in the first year does not cancel but is available in the second year.

**Subd. 10. Reports on increasing percentage of teachers of color and American Indian teachers.** (a) For transfer to the Professional Educator Licensing and Standards Board for annual reports regarding efforts to increase the percentage of teachers of color and American Indian teachers in Minnesota schools pursuant to Minnesota Statutes, section 120B.117, subdivision 4:

<u>\$15,000</u>	<u>.....</u>	<u>2020</u>
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(b) The base for fiscal year 2022 and each even-numbered fiscal year thereafter is \$15,000.

Subd. 11. Minnesota Council on Economic Education. (a) For a grant to the Minnesota Council on Economic Education:

<u>\$500,000</u>	.....	<u>2020</u>
<u>\$500,000</u>	.....	<u>2021</u>

(b) The grant must be used to:

(1) provide professional development to Minnesota's kindergarten through grade 12 teachers implementing state graduation standards in learning areas related to economic education; and

(2) support the direct-to-student ancillary economic and personal finance programs that Minnesota teachers supervise and coach.

(c) By February 15 of each year following the receipt of a grant, the Minnesota Council on Economic Education must report to the commissioner of education on the number and type of in-person and online teacher professional development opportunities provided by the Minnesota Council on Economic Education or its affiliated state centers. The report must include a description of the content, length, and location of the programs; the number of preservice and licensed teachers receiving professional development through each of these opportunities; and summaries of evaluations of teacher professional opportunities.

(d) The Department of Education must pay the full amount of the grant to the Minnesota Council on Economic Education by August 15 of each year. The Minnesota Council on Economic Education must submit its fiscal reporting in the form and manner specified by the commissioner. The commissioner may request additional information as necessary.

(e) Any balance in the first year does not cancel but is available in the second year.

Subd. 12. Statewide concurrent enrollment training program. (a) For the Northwest Regional Partnership concurrent enrollment program and the statewide concurrent enrollment teacher training program under Laws 2016, chapter 189, article 25, section 58, as amended by Laws 2017, First Special Session chapter 5, article 2, section 48:

<u>\$1,400,000</u>	.....	<u>2020</u>
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(b) Any balance in 2020 does not cancel but is available until June 30, 2021.

#### ARTICLE 4 SPECIAL EDUCATION

Section 1. Minnesota Statutes 2018, section 124E.21, subdivision 1, is amended to read:

Subdivision 1. **Special education aid.** (a) Except as provided in section 124E.23, special education aid, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, must be paid to a charter school according to section 125A.76, as though it were a school district.

(b) For fiscal year ~~2015~~ 2020 and later, the special education aid paid to the charter school shall be adjusted as follows:

(1) if the charter school does not receive general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 125A.11; or

(2) if the charter school receives general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 127A.47, subdivision 7, paragraphs (b) to (e), and if the tuition adjustment is computed under section 127A.47, subdivision 7, paragraph (c), it shall also receive an adjustment equal to five percent for fiscal year 2020 or ten percent for fiscal year 2021 and later of the unreimbursed cost of providing special education and services for the student.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 2. Minnesota Statutes 2018, section 125A.11, subdivision 1, is amended to read:

Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2015 and later, when a school district provides special instruction and services for a pupil with a disability as defined in section 125A.02 outside the district of residence, excluding a pupil for whom an adjustment to special education aid is calculated according to section 127A.47, subdivision 7, paragraphs (b) to (d), special education aid paid to the resident district must be reduced by an amount equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for special transportation, plus (2) the amount of general education revenue, excluding local optional revenue, plus local optional aid and referendum equalization aid attributable to that pupil, calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue, minus (3) the amount of special education aid for children with a disability under section 125A.76 received on behalf of that child, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, minus (4) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum equalization aid, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue and the serving district's basic skills revenue, elementary sparsity revenue and secondary sparsity revenue per adjusted pupil unit. Notwithstanding clauses (1) and (4), for pupils served by a cooperative unit without a fiscal agent school district, the general education revenue and referendum equalization aid attributable to a pupil must be calculated using the resident district's average general education revenue and referendum equalization aid excluding compensatory revenue, elementary sparsity revenue, and secondary sparsity revenue. Special education aid paid to the district or cooperative providing special instruction and services for the pupil must be increased by the amount of the reduction in the aid paid to the resident district. If the resident district's special education aid is insufficient to make the full adjustment, the remaining adjustment shall be made to other state aid due to the district.

(b) Notwithstanding paragraph (a), when a charter school receiving special education aid under section 124E.21, subdivision 3, provides special instruction and services for a pupil with a disability as defined in section 125A.02, excluding a pupil for whom an adjustment to special education aid is calculated according to section 127A.47, subdivision 7, paragraphs (b) to (e), special education aid paid to the resident district must be reduced by an amount equal to that calculated under paragraph (a) as if the charter school received aid under section 124E.21, subdivision 1. Notwithstanding paragraph (a), special education aid paid to the charter school providing special instruction and services for the pupil must not be increased by the amount of the reduction in the aid paid to the resident district.

(c) Notwithstanding paragraph (a) and section 127A.47, subdivision 7, paragraphs (b) to (d):

(1) an intermediate district or a special education cooperative may recover unreimbursed costs of serving pupils with a disability, including building lease, debt service, and indirect costs necessary for the general operation of the organization, by billing membership fees and nonmember access fees to the resident district;

(2) a charter school where more than 30 percent of enrolled students receive special education and related services, a site approved under section 125A.515, an intermediate district, a site constructed according to Laws 1992, chapter 558, section 7, subdivision 7, to meet the educational needs of court-placed adolescents, or a special education cooperative may apply to the commissioner for authority to charge the resident district an additional amount to recover any remaining unreimbursed costs of serving pupils with a disability;

(3) the billing under clause (1) or application under clause (2) must include a description of the costs and the calculations used to determine the unreimbursed portion to be charged to the resident district. Amounts approved by the commissioner under clause (2) must be included in the aid adjustments under paragraph (a), or section 127A.47, subdivision 7, paragraphs (b) to (d), as applicable.

(d) For purposes of this subdivision and section 127A.47, subdivision 7, paragraph (b), "general education revenue and referendum equalization aid" means the sum of the general education revenue according to section 126C.10, subdivision 1, excluding the local optional levy according to section 126C.10, subdivision 2e, paragraph (c), plus the referendum equalization aid according to section 126C.17, subdivision 7.

### Sec. 3. [125A.755] PARAPROFESSIONAL TRAINING AID.

Beginning in fiscal year 2020, each school district, charter school, and cooperative organization serving pupils is eligible for paraprofessional training aid. Paraprofessional training aid equals \$200 times the number of paraprofessionals, Title I aides, and other instructional support staff employed by the school district, charter school, or cooperative organization during the previous school year. A school district must reserve paraprofessional training aid and spend it only on the training required in section 125A.08.

Sec. 4. Minnesota Statutes 2018, section 125A.76, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section and section 125A.79, the definitions in this subdivision apply.

(b) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2. For the purposes of computing basic revenue pursuant to this section, each child with a disability shall be counted as prescribed in section 126C.05, subdivision 1.

(c) "Essential personnel" means teachers, cultural liaisons, related services, and support services staff providing services to students. Essential personnel may also include special education paraprofessionals or clericals providing support to teachers and students by preparing paperwork and making arrangements related to special education compliance requirements, including parent meetings and individualized education programs. Essential personnel does not include administrators and supervisors.

(d) "Average daily membership" has the meaning given it in section 126C.05.

(e) "Program growth factor" means ~~1.046 for fiscal years 2012 through 2015, 1.0 for fiscal year 2016,~~ 1.046 for fiscal year 2017, and the product of 1.046 and the program growth factor for the previous year for fiscal year 2018 and later.

(f) "Nonfederal special education expenditure" means all direct expenditures that are necessary and essential to meet the district's obligation to provide special instruction and services to children with a disability according to sections 124D.454, 125A.03 to 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by the department under section 125A.75, subdivision 4, excluding expenditures:

(1) reimbursed with federal funds;

- (2) reimbursed with other state aids under this chapter;
- (3) for general education costs of serving students with a disability;
- (4) for facilities;
- (5) for pupil transportation; and
- (6) for postemployment benefits.

(g) "Old formula special education expenditures" means expenditures eligible for revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

(h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and fringe benefits of one-to-one instructional and behavior management aides and one-to-one licensed, certified professionals assigned to a child attending the academy, if the aides or professionals are required by the child's individualized education program.

~~(i) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100 for fiscal year 2017, and, for fiscal year 2018 and later, the sum of the special education aid increase limit for the previous fiscal year and \$40.~~

⊕ (i) "District" means a school district, a charter school, or a cooperative unit as defined in section 123A.24, subdivision 2. Notwithstanding section 123A.26, cooperative units as defined in section 123A.24, subdivision 2, are eligible to receive special education aid under this section and section 125A.79.

(j) "Initial special education cross subsidy" means the greater of zero or:

(1) the nonfederal special education expenditure under paragraph (f); plus

(2) the cost of providing transportation services for pupils with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4); minus

(3) the special education aid under subdivision 2c and sections 125A.11, subdivision 1, and 127A.47, subdivision 7; minus

(4) the amount of general education revenue, excluding local optional revenue, plus local optional aid and referendum equalization aid attributable to pupils receiving special instruction and services outside the regular classroom for more than 60 percent of the school day for the portion of time the pupils receive special instruction and services outside the regular classroom, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation.

(k) The "minimum aid adjustment multiplier" for fiscal year 2020 equals 1.046. For fiscal year 2021 and later, the minimum aid adjustment multiplier equals the greater of 1.02 or the minimum aid adjustment multiplier for the previous year minus 0.002.

(l) The "minimum aid adjustment factor" for fiscal year 2020 equals the program growth factor for fiscal year 2020. For fiscal year 2021 and later, the minimum aid adjustment factor equals the product of the minimum aid adjustment factor for the previous fiscal year and the minimum aid adjustment multiplier.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 5. Minnesota Statutes 2018, section 125A.76, subdivision 2a, is amended to read:

Subd. 2a. **Special education initial aid.** For fiscal year ~~2016~~ 2021 and later, a district's special education initial aid equals the sum of:

(1) the least of 62 percent of the district's old formula special education expenditures for the prior fiscal year, excluding pupil transportation expenditures, 50 percent of the district's nonfederal special education expenditures for the prior year, excluding pupil transportation expenditures, or 56 percent of the product of the sum of the following amounts, computed using prior fiscal year data, and the program growth factor:

(i) the product of the district's average daily membership served and the sum of:

(A) ~~\$450~~ \$460; plus

(B) ~~\$400~~ \$405 times the ratio of the sum of the number of pupils enrolled on October 1 who are eligible to receive free lunch plus one-half of the pupils enrolled on October 1 who are eligible to receive reduced-price lunch to the total October 1 enrollment; plus

(C) .008 times the district's average daily membership served; plus

(ii) ~~\$10,400~~ \$13,300 times the December 1 child count for the primary disability areas of autism spectrum disorders, developmental delay, and severely multiply impaired; plus

(iii) ~~\$18,000~~ \$19,200 times the December 1 child count for the primary disability areas of deaf and hard-of-hearing and emotional or behavioral disorders; plus

(iv) ~~\$27,000~~ \$25,200 times the December 1 child count for the primary disability areas of developmentally cognitive mild-moderate, developmentally cognitive severe-profound, physically impaired, visually impaired, and deafblind; plus

(2) the cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2021 and later.

Sec. 6. Minnesota Statutes 2018, section 125A.76, subdivision 2c, is amended to read:

Subd. 2c. **Special education aid.** (a) For fiscal year ~~2016~~ 2020 and later, a district's special education aid equals the sum of the district's special education initial aid under subdivision 2a, the district's cross subsidy reduction aid under subdivision 2e, and the district's excess cost aid under section 125A.79, subdivision 5.

~~(b) Notwithstanding paragraph (a), for fiscal year 2016, the special education aid for a school district must not exceed the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, and the product of the district's average daily membership served and the special education aid increase limit.~~

~~(c) Notwithstanding paragraph (a), for fiscal year 2017 and later, the special education aid for a school district must not exceed the sum of: (i) the product of the district's average daily membership served and the special education aid increase limit and (ii) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according~~

~~to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's average daily membership served for the current fiscal year to the district's average daily membership served for fiscal year 2016, and the program growth factor.~~

~~(d)~~ (b) Notwithstanding paragraph (a), for fiscal year ~~2016~~ 2020 and later the special education aid, excluding the cross subsidy reduction aid under subdivision 2e, for a school district, not including a charter school or cooperative unit as defined in section 123A.24, must not be less than the lesser of (1) the sum of 90 percent for fiscal year 2020, 85 percent for fiscal year 2021, 80 percent for fiscal year 2022, and 75 percent for fiscal year 2023 and later of the district's nonfederal special education expenditures plus 100 percent of the district's cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4), plus the adjustment under sections 125A.11 and 127A.47, subdivision 7, for that fiscal year or (2) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the current fiscal year to the district's average daily membership for fiscal year 2016, and the ~~program growth~~ minimum aid adjustment factor.

(e) Notwithstanding subdivision 2a and section 125A.79, a charter school in its first year of operation shall generate special education aid based on current year data. A newly formed cooperative unit as defined in section 123A.24 may apply to the commissioner for approval to generate special education aid for its first year of operation based on current year data, with an offsetting adjustment to the prior year data used to calculate aid for programs at participating school districts or previous cooperatives that were replaced by the new cooperative. The department shall establish procedures to adjust the prior year data and fiscal year 2016 old formula aid used in calculating special education aid to exclude costs that have been eliminated for districts where programs have closed or where a substantial portion of the program has been transferred to a cooperative unit.

(f) The department shall establish procedures through the uniform financial accounting and reporting system to identify and track all revenues generated from third-party billings as special education revenue at the school district level; include revenue generated from third-party billings as special education revenue in the annual cross-subsidy report; and exclude third-party revenue from calculation of excess cost aid to the districts.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 7. Minnesota Statutes 2018, section 125A.76, is amended by adding a subdivision to read:

Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy reduction aid equals the school district's initial special education cross subsidy for the previous fiscal year times the cross subsidy aid factor for that fiscal year.

(b) The cross subsidy aid factor equals 4.3 percent for fiscal year 2020 and 8.6 percent for fiscal year 2021 and later.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 8. Minnesota Statutes 2018, section 127A.47, subdivision 7, is amended to read:

Subd. 7. **Alternative attendance programs.** (a) The general education aid and special education aid for districts must be adjusted for each pupil attending a nonresident district under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments must be made according to this subdivision.

(b) For purposes of this subdivision, the "unreimbursed cost of providing special education and services" means the difference between: (1) the actual cost of providing special instruction and services, including special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special

education, for a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51, who is enrolled in a program listed in this subdivision, minus (2) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue, excluding local optional revenue, plus local optional aid and referendum equalization aid as defined in section 125A.11, subdivision 1, paragraph (d), attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, minus (3) special education aid under section 125A.76, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, attributable to that pupil, that is received by the district providing special instruction and services. For purposes of this paragraph, general education revenue and referendum equalization aid attributable to a pupil must be calculated using the serving district's average general education revenue and referendum equalization aid per adjusted pupil unit.

(c) For fiscal year ~~2015 and later 2020~~, special education aid paid to a resident district must be reduced by an amount equal to ~~90~~ 80 percent of the unreimbursed cost of providing special education and services. For fiscal year 2021 and later, special education aid paid to a resident district must be reduced by an amount equal to 70 percent of the unreimbursed cost of providing special education and services.

(d) Notwithstanding paragraph (c), special education aid paid to a resident district must be reduced by an amount equal to 100 percent of the unreimbursed cost of special education and services provided to students at an intermediate district, cooperative, or charter school where the percent of students eligible for special education services is at least 70 percent of the charter school's total enrollment.

(e) Notwithstanding paragraph (c), special education aid paid to a resident district must be reduced under paragraph (d) for students at a charter school receiving special education aid under section 124E.21, subdivision 3, calculated as if the charter school received special education aid under section 124E.21, subdivision 1.

(f) Special education aid paid to the district or cooperative providing special instruction and services for the pupil, or to the fiscal agent district for a cooperative, must be increased by the amount of the reduction in the aid paid to the resident district under paragraphs (c) and (d). If the resident district's special education aid is insufficient to make the full adjustment under paragraphs (c), (d), and (e), the remaining adjustment shall be made to other state aids due to the district.

(g) Notwithstanding paragraph (a), general education aid paid to the resident district of a nonspecial education student for whom an eligible special education charter school receives general education aid under section 124E.20, subdivision 1, paragraph (c), must be reduced by an amount equal to the difference between the general education aid attributable to the student under section 124E.20, subdivision 1, paragraph (c), and the general education aid that the student would have generated for the charter school under section 124E.20, subdivision 1, paragraph (a). For purposes of this paragraph, "nonspecial education student" means a student who does not meet the definition of pupil with a disability as defined in section 125A.02 or the definition of a pupil in section 125A.51.

(h) An area learning center operated by a service cooperative, intermediate district, education district, or a joint powers cooperative may elect through the action of the constituent boards to charge the resident district tuition for pupils rather than to have the general education revenue paid to a fiscal agent school district. Except as provided in paragraph (f), the district of residence must pay tuition equal to at least 90 and no more than 100 percent of the district average general education revenue per pupil unit minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0466, calculated without compensatory revenue, local optional revenue, and transportation sparsity revenue, times the number of pupil units for pupils attending the area learning center.

Sec. 9. **SPECIAL EDUCATION FISCAL YEAR 2016 BASE ADJUSTMENT.**

The fiscal year 2016 special education base for Independent School District No. 709, Duluth, must be increased by \$500,000. The fiscal year 2016 base for Independent School District No. 882, Monticello, must be increased by \$250,000.

Sec. 10. **APPROPRIATIONS.**

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

Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

<u>\$1,632,280,000</u>	.....	<u>2020</u>
<u>\$1,787,067,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$184,363,000 for 2019 and \$1,447,917,000 for 2020.

The 2021 appropriation includes \$203,824,000 for 2020 and \$1,583,243,000 for 2021.

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

<u>\$1,382,000</u>	.....	<u>2020</u>
<u>\$1,564,000</u>	.....	<u>2021</u>

If the appropriation for either year is insufficient, the appropriation for the other year is available.

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

<u>\$422,000</u>	.....	<u>2020</u>
<u>\$442,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$40,000 for 2019 and \$382,000 for 2020.

The 2021 appropriation includes \$42,000 for 2020 and \$400,000 for 2021.

Subd. 5. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

<u>\$31,000</u>	.....	<u>2020</u>
<u>\$32,000</u>	.....	<u>2021</u>

Subd. 6. **Special education out-of-state tuition.** For special education out-of-state tuition under Minnesota Statutes, section 125A.79, subdivision 8:

<u>\$250,000</u>	.....	<u>2020</u>
<u>\$250,000</u>	.....	<u>2021</u>

Subd. 7. **Special education supplemental aid.** (a) For special education supplemental aid:

<u>\$1,200,000</u>	<u>.....</u>	<u>2020</u>
<u>\$1,200,000</u>	<u>.....</u>	<u>2021</u>

(b) Of the amounts in paragraph (a), \$1,000,000 is for Independent School District No. 709, Duluth, and \$200,000 is for Independent School District No. 882, Monticello.

Subd. 8. **Paraprofessional training.** For costs associated with paid orientation and professional development for paraprofessionals under Minnesota Statutes, section 125A.08:

<u>\$7,154,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,154,000</u>	<u>.....</u>	<u>2021</u>

## ARTICLE 5 HEALTH AND SAFETY

### Section 1. [121A.35] SCHOOL SAFETY ASSESSMENT.

**Subdivision 1. School safety assessment.** "School safety assessment" means a fact-based and evidence-based process using an integrated team approach that helps schools evaluate and assess potentially threatening situations or students whose behavior may pose a threat to the safety of the school, staff, or students.

**Subd. 2. Policy.** A school board must adopt a policy to establish safety assessment teams to conduct school safety assessments consistent with subdivision 1. A safety assessment policy must be consistent with district policies in sections 121A.035, 125A.027, 125A.08, and 125A.091, and Code of Federal Regulations, title 34, sections 300.300 to 300.304, and with any guidance provided by the Department of Public Safety's School Safety Center. A safety assessment policy must include procedures for referrals for special education or section 504 evaluations, and to mental health or health care providers for evaluation or treatment when appropriate. A safety assessment policy must require notice to the parent or guardian of a student whose behavior is assessed under this section unless notice to the parent or guardian is not in the minor's best interest, consistent with sections 13.02, subdivision 8, and 13.32, subdivision 2.

**Subd. 3. Oversight.** The superintendent of a school district must establish a committee or individual charged with oversight of the safety assessment teams operating within the district, which may be an existing committee established by the school board.

**Subd. 4. Safety assessment teams.** (a) The superintendent of a school district must establish for each school a safety assessment team that includes, to the extent practicable, school officials with expertise in counseling, school psychology, school administration, and students with disabilities; as well as cultural liaisons; certified, licensed, or otherwise qualified mental health and treatment professionals; and law enforcement. The team may include human resources personnel or legal counsel if the subject of the assessment is not a student. A safety assessment team may serve one or more schools, as determined by the superintendent.

(b) A safety assessment team must:

(1) provide guidance to school staff, parents, and students regarding recognition of threatening or concerning behavior that may represent a threat to the community, school, staff, or students, and the members of the school to whom threatening or concerning behavior should be reported;

(2) consider whether there is sufficient information to determine whether a student or other person poses a threat;

(3) implement a policy adopted by the school board under subdivision 2;

(4) report summary data on its activities according to guidance developed by the School Safety Center; and

(5) comply with applicable special education requirements, including sections 125A.027, 125A.08, and 125A.091, and Code of Federal Regulations, title 34, sections 300.300 to 300.304.

(c) Upon a preliminary determination that a student poses a threat of violence or physical harm to others, a safety assessment team must immediately report its determination to the district superintendent or the superintendent's designee, who must immediately attempt to notify the student's parent or legal guardian, and provide the parent or guardian written notice, unless notice to the parent or guardian is not in the student's best interest. The safety assessment team must consider services to address the student's underlying behavioral or mental health issues, which may include counseling, social work services, character education consistent with section 120B.232, social emotional learning, evidence-based academic and positive behavioral interventions and supports, mental health services, and referrals for special education or section 504 evaluations. Upon the request of a parent or guardian of a student who is the subject of a safety assessment, a safety assessment team must provide the parent or guardian with a copy of the data related to the safety assessment after the team determines that the threat has been addressed, consistent with subdivision 5.

(d) If the safety assessment team finds in the course of an evaluation that a student is also exhibiting suicidal ideation or self-harm, the safety assessment team must follow the district's suicide prevention policy or protocol or refer the student to an appropriate school-linked mental health professional or other support personnel. Access to information regarding a student exhibiting suicidal ideation or self-harm is subject to section 13.32, subdivision 2.

(e) Nothing in this section precludes a school district official or employee from acting immediately to address an imminent threat.

(f) Nothing in this section modifies or affects a school district's obligations under state and federal law relating to students with disabilities.

Subd. 5. **Redisclosure.** (a) A safety assessment team member must not redisclose educational records or use any record of an individual beyond the purpose for which the disclosure was made to the safety assessment team. A school district employee who has access to information related to a safety assessment is subject to this subdivision.

(b) Nothing in this section prohibits the disclosure of educational records in health, including mental health, and safety emergencies in accordance with state and federal law. Data related to a safety assessment must not be provided to law enforcement without a reasonable cause or need for law enforcement involvement or knowledge. A school district must notify a parent or guardian when data related to a safety assessment is provided to a law enforcement official who is not a member of the safety assessment team, unless notice to the parent or guardian is not in the student's best interest, consistent with sections 13.02, subdivision 8, and 13.32, subdivision 2.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 2. Minnesota Statutes 2018, section 123B.595, is amended to read:

**123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.**

Subdivision 1. **Long-term facilities maintenance revenue.** (a) For fiscal year 2017 only, long term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section

~~123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(b) For fiscal year 2018 only, long term facilities maintenance revenue equals the greater of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(c) For fiscal year 2019 and later, (a) Long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$380 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(d) (b) Notwithstanding paragraphs paragraph (a), (b), and (c), a school district that qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2017 and later.~~

~~Subd. 2. **Long-term facilities maintenance revenue for a charter school.** (a) For fiscal year 2017 only, long term facilities maintenance revenue for a charter school equals \$34 times the adjusted pupil units.~~

~~(b) For fiscal year 2018 only, long term facilities maintenance revenue for a charter school equals \$85 times the adjusted pupil units.~~

~~(c) For fiscal year 2019 and later, Long-term facilities maintenance revenue for a charter school equals \$132 times the adjusted pupil units.~~

Subd. 3. **Intermediate districts and other cooperative units.** (a) Upon approval through the adoption of a resolution by each member district school board of an intermediate district or other cooperative ~~units~~ unit under section 123A.24, subdivision 2, or a joint powers district under section 471.59, and the approval of the commissioner of education, a school district may include in its authority under this section a proportionate share of the long-term maintenance costs of the intermediate district ~~or,~~ cooperative unit, or joint powers district. The

cooperative unit or joint powers district may issue bonds to finance the project costs or levy for the costs, using long-term maintenance revenue transferred from member districts to make debt service payments or pay project costs or, for leased facilities, pay the portion of lease costs attributable to the amortized cost of long-term facilities maintenance projects completed by the landlord. Authority under this subdivision is in addition to the authority for individual district projects under subdivision 1.

(b) The resolution adopted under paragraph (a) may specify which member districts will share the project costs under this subdivision, except that debt service payments for bonds issued by a cooperative unit or joint powers district to finance long-term maintenance project costs must be the responsibility of all member districts.

**Subd. 4. Facilities plans.** (a) To qualify for revenue under this section, a school district or intermediate district, not including a charter school, must have a ten-year facility plan adopted by the school board and approved by the commissioner. The plan must include provisions for implementing a health and safety program that complies with health, safety, and environmental regulations and best practices, including indoor air quality management and remediation of lead hazards. The plan may include provisions for enhancing school safety through physical modifications to school facilities authorized under subdivision 4a.

(b) The district must annually update the plan, submit the plan to the commissioner for approval by July 31, and indicate whether the district will issue bonds to finance the plan or levy for the costs.

(c) For school districts issuing bonds to finance the plan, the plan must include a debt service schedule demonstrating that the debt service revenue required to pay the principal and interest on the bonds each year will not exceed the projected long-term facilities revenue for that year.

**Subd. 4a. School safety facility enhancements.** A school district may include in its facilities plan a school safety facilities plan. School safety projects may include remodeling or new construction for school security enhancements, public announcement systems, emergency communications devices, or equipment and facility modifications related to violence prevention and facility security.

**Subd. 5. Bond authorization.** (a) A school district may issue general obligation bonds under this section to finance facilities plans approved by its board and the commissioner. Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to issue bonds under this section is in addition to any bonding authority authorized by this chapter or other law. The amount of bonding authority authorized under this section must be disregarded in calculating the bonding or net debt limits of this chapter, or any other law other than section 475.53, subdivision 4.

(b) At least 20 days before the earliest of solicitation of bids, the issuance of bonds, or the final certification of levies under subdivision 6, the district must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.

(c) The portion of revenue under this section for bonded debt must be recognized in the debt service fund.

**Subd. 6. Levy authorization.** A district may levy for costs related to an approved plan under subdivision 4 as follows:

(1) if the district has indicated to the commissioner that bonds will be issued, the district may levy for the principal and interest payments on outstanding bonds issued under subdivision 5 after reduction for any aid receivable under subdivision 9;

(2) if the district has indicated to the commissioner that the plan will be funded through levy, the district may levy according to the schedule approved in the plan after reduction for any aid receivable under subdivision 9; or

(3) if the debt service revenue for a district required to pay the principal and interest on bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance revenue for the same fiscal year, the district's general fund levy must be reduced by the amount of the excess.

Subd. 7. **Long-term facilities maintenance equalization revenue.** ~~(a) For fiscal year 2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(b) For fiscal year 2018 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(c) For fiscal year 2019 and later, (a) A district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$380 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(d) (b) Notwithstanding paragraphs paragraph (a) to (c), a district's long-term facilities maintenance equalization revenue must not be less than the lesser of the district's long-term facilities maintenance revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6.~~

Subd. 8. **Long-term facilities maintenance equalized levy.** ~~(a) For fiscal year 2017 and later, A district's long-term facilities maintenance equalized levy equals the district's long-term facilities maintenance equalization revenue minus the greater of:~~

~~(1) the lesser of the district's long-term facilities maintenance equalization revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6; or~~

~~(2) the district's long-term facilities maintenance equalization revenue times the greater of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit in the year preceding the year the levy is certified to ~~423~~ 125 percent of the state average adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding the year the levy is certified.~~

~~(b) For purposes of this subdivision, "adjusted net tax capacity" means the value described in section 126C.01, subdivision 2, paragraph (b).~~

Subd. 8a. **Long-term facilities maintenance unequalized levy.** ~~For fiscal year 2017 and later, A district's long-term facilities maintenance unequalized levy equals the difference between the district's revenue under subdivision 1 and the district's equalization revenue under subdivision 7.~~

Subd. 9. **Long-term facilities maintenance equalized aid.** ~~For fiscal year 2017 and later, A district's long-term facilities maintenance equalized aid equals its long-term facilities maintenance equalization revenue minus its long-term facilities maintenance equalized levy times the ratio of the actual equalized amount levied to the permitted equalized levy.~~

Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district may use revenue under this section for any of the following:

- (1) deferred capital expenditures and maintenance projects necessary to prevent further erosion of facilities;
- (2) increasing accessibility of school facilities;
- (3) health and safety capital projects under section 123B.57;

(4) school safety facility enhancements authorized under subdivision 4a; or

~~(4)~~ (5) by board resolution, to transfer money from the general fund reserve for long-term facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when due, principal and interest on general obligation bonds issued under subdivision 5.

(b) A charter school may use revenue under this section for any purpose related to the school, including school safety facility enhancements.

Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding subdivision 10, for projects other than school safety facility enhancements, long-term facilities maintenance revenue may not be used:

(1) for the construction of new facilities, remodeling of existing facilities, or the purchase of portable classrooms;

(2) to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement;

(3) for energy-efficiency projects under section 123B.65, for a building or property or part of a building or property used for postsecondary instruction or administration, or for a purpose unrelated to elementary and secondary education; or

~~(4) for violence prevention and facility security, ergonomics, or emergency communication devices.~~

Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account within the general fund.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 3. Minnesota Statutes 2018, section 123B.61, is amended to read:

**123B.61 PURCHASE OF CERTAIN EQUIPMENT.**

~~(a)~~ (a) The board of a district may issue general obligation certificates of indebtedness or capital notes subject to the district debt limits to:

~~(a)~~ (1) purchase vehicles, computers, telephone systems, cable equipment, photocopy and office equipment, technological equipment for instruction, public announcement systems, emergency communications devices, other equipment related to violence prevention and facility security, and other capital equipment having an expected useful life at least as long as the terms of the certificates or notes;

~~(b)~~ (2) purchase computer hardware and software, without regard to its expected useful life, whether bundled with machinery or equipment or unbundled, together with application development services and training related to the use of the computer; and

~~(c)~~ (3) prepay special assessments.

(b) The certificates or notes must be payable in not more than ten years and must be issued on the terms and in the manner determined by the board, except that certificates or notes issued to prepay special assessments must be payable in not more than 20 years. The certificates or notes may be issued by resolution and without the requirement for an election. The certificates or notes are general obligation bonds for purposes of section 126C.55.

(c) A tax levy must be made for the payment of the principal and interest on the certificates or notes, in accordance with section 475.61, as in the case of bonds. The sum of the tax levies under this section and section 123B.62 for each year must not exceed the lesser of the sum of the amount of the district's total operating capital revenue and safe schools revenue or the sum of the district's levy in the general and community service funds excluding the adjustments under this section for the year preceding the year the initial debt service levies are certified.

(d) The district's general fund levy for each year must be reduced by the sum of:

(1) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on the certificates or notes issued under this section as required by section 475.61;

(2) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on bonds issued under section 123B.62; and

(3) any excess amount in the debt redemption fund used to retire bonds, certificates, or notes issued under this section or section 123B.62 after April 1, 1997, other than amounts used to pay capitalized interest.

(e) If the district's general fund levy is less than the amount of the reduction, the balance shall be deducted first from the district's community service fund levy, and next from the district's general fund or community service fund levies for the following year.

(f) A district using an excess amount in the debt redemption fund to retire the certificates or notes shall report the amount used for this purpose to the commissioner by July 15 of the following fiscal year. A district having an outstanding capital loan under section 126C.69 or an outstanding debt service loan under section 126C.68 must not use an excess amount in the debt redemption fund to retire the certificates or notes.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 126C.44, is amended to read:

**126C.44 SAFE SCHOOLS LEVY REVENUE.**

**Subdivision 1. School district safe schools revenue.** ~~(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$36 multiplied by the district's adjusted pupil units for the school year. For fiscal year 2020 only, the initial safe schools revenue for a school district equals the greater of \$45 times the district's adjusted pupil units for the school year, or \$18,750. For fiscal year 2021 and later, the initial safe schools revenue for a school district equals the greater of \$54 times the district's adjusted pupil units for the school year, or \$22,500.~~

**Subd. 2. Charter school revenue.** (a) For fiscal year 2020, safe schools revenue for a charter school equals \$9 times the adjusted pupil units for the school year. For fiscal year 2021 and later, safe schools revenue for a charter schools equals \$54 times the adjusted pupil units for the school year.

(b) The revenue must be reserved and used only for costs associated with safe schools activities authorized under subdivision 9, paragraph (a), clauses (1) to (10), or for building lease expenses not funded by charter school building lease aid that are attributable to facility security enhancements made by the landlord after March 1, 2019.

**Subd. 3. Intermediate school districts.** (a) For fiscal year 2020 only, the cooperative safe schools revenue for a school district that is a member of an intermediate school district equals \$18.75 times the district's adjusted pupil units for the school year.

(b) For fiscal year 2021 and later, the cooperative safe schools revenue for a school district that is a member of an intermediate school district equals \$22.50 times the district's adjusted pupil units for the school year.

**Subd. 4. Other cooperative units.** (a) For fiscal year 2020 only, the cooperative safe schools revenue for a school district that is a member of a cooperative unit other than an intermediate district that enrolls students equals \$3.75 times the district's adjusted pupil units for the school year.

(b) For fiscal year 2021 and later, the cooperative safe schools revenue for a school district that is a member of a cooperative unit other than an intermediate district that enrolls students equals \$7.50 times the district's adjusted pupil units for the school year.

**Subd. 5. Transfer to cooperative unit.** Revenue raised under subdivisions 3 and 4 must be transferred to the intermediate school district or other cooperative unit of which the district is a member and used only for costs associated with safe schools activities authorized under subdivision 9, paragraph (a), clauses (1) to (10). If the district is a member of more than one cooperative unit that enrolls students, the revenue must be allocated among the cooperative units.

**Subd. 6. Total safe schools revenue.** For fiscal year 2020 and later, the safe schools revenue for a school district equals the sum of the district's initial safe schools revenue and the district's cooperative safe schools revenue.

**Subd. 7. Safe schools levy.** (a) For fiscal year 2020 only, a district's safe schools levy equals \$36 times the district's adjusted pupil units for the school year.

(b) For fiscal year 2020 only, the safe schools levy for a school district that is a member of an intermediate school district is increased by an amount equal to \$15 times the district's adjusted pupil units for the school year.

(c) To obtain safe schools revenue for fiscal year 2021 and later, a district may levy an amount not more than the product of its safe schools revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the safe schools equalizing factor. The safe schools equalizing factor equals 151.3 percent of the state average adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding the year the levy is certified.

(d) For purposes of this subdivision, "adjusted net tax capacity" means the value described in section 126C.01, subdivision 2, paragraph (b).

**Subd. 8. Safe schools aid.** For fiscal year 2020, a district's safe schools aid equals its safe schools revenue minus its safe schools levy. For fiscal year 2021 and later, a district's safe schools aid equals its safe schools revenue minus its safe schools levy, times the ratio of the actual amount levied to the permitted levy.

**Subd. 9. Uses of safe schools revenue.** (a) The proceeds of the levy revenue must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:

(1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools;

(2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;

(3) to pay the costs for a gang resistance education training curriculum in the district's schools;

(4) to pay the costs for security in the district's schools and on school property;

(5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;

(6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;

(7) to pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;

(8) to pay for costs associated with improving the school climate including professional development such as restorative practices, social-emotional learning, and other evidence-based practices; ~~or~~

(9) to pay costs for collocating and collaborating with mental health professionals who are not district employees or contractors;

(10) by board resolution, to transfer money into the debt redemption fund to pay the amounts needed to meet, when due, principal and interest payments on obligations issued under sections 123B.61 and 123B.62 for purposes included in clause (7); or

(11) to pay for training for members of safety assessment teams and oversight committees under section 121A.35.

(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

(c) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed \$15 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district.

**Subd. 10. Reporting.** A school district or charter school receiving revenue under this section must annually report safe schools expenditures to the commissioner, in the form and manner specified by the commissioner. The report must include spending by functional area, any new staff positions hired, and revenue uses under subdivision 5.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 5. Laws 2016, chapter 189, article 25, section 56, subdivision 2, is amended to read:

Subd. 2. **Purpose.** The purpose of the support our students grant program is to:

- (1) address shortages of student support services personnel, including trauma coaches, within Minnesota schools;
- (2) decrease caseloads for existing student support services personnel to ensure effective services;
- (3) ensure that students receive effective academic guidance and integrated and comprehensive services to improve ~~kindergarten~~ prekindergarten through grade 12 school outcomes and career and college readiness;
- (4) ensure that student support services personnel serve within the scope and practice of their training and licensure;
- (5) fully integrate learning supports, instruction, and school management within a comprehensive approach that facilitates interdisciplinary collaboration; and
- (6) improve school safety and school climate to support academic success and career and college readiness.

Sec. 6. Laws 2016, chapter 189, article 25, section 56, subdivision 3, is amended to read:

Subd. 3. **Grant eligibility and application.** (a) A school district, charter school, intermediate school district, or other cooperative unit is eligible to apply for a six-year matching grant under this section. Beginning July 1, 2019, once a six-year grant is awarded, the commissioner shall ensure funds are available for all six years of the grant.

(b) The commissioner of education shall specify the form and manner of the grant application. In awarding grants, the commissioner must give priority to schools in which student support services personnel positions do not currently exist. To the extent practicable, the commissioner must award grants equally between applicants in metro counties and nonmetro counties. Additional criteria must include at least the following:

- (1) existing student support services personnel caseloads;
- (2) school demographics;
- (3) Title I revenue;
- (4) Minnesota student survey data;
- (5) graduation rates; and
- (6) postsecondary completion rates.

Sec. 7. **APPROPRIATIONS.**

Subdivision 1. Department of Education. The sums indicated in this section are appropriated from the general fund to the Department of Education for the specified purposes.

Subd. 2. Safe schools aid. (a) For safe schools aid under Minnesota Statutes, section 126C.44:

<u>\$5,769,000</u>	.....	<u>2020</u>
<u>\$18,601,000</u>	.....	<u>2021</u>

(b) For fiscal year 2020 only, each district's safe schools state aid equals its safe schools revenue for fiscal year 2020 minus the safe schools levy certified by the school district for taxes payable in 2019.

Subd. 3. **Support our students grant program.** (a) For grants to eligible schools under the support our students grant program:

<u>\$5,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$5,000,000</u>	<u>.....</u>	<u>2021</u>

(b) To the extent practicable, the commissioner shall ensure funds are available in each year of the six-year grant period to each qualifying entity. Up to \$100,000 in each fiscal year may be retained by the commissioner for administration of the grant program.

(c) Any balance in the first year does not cancel but is available in the second year. This is a onetime appropriation.

Subd. 4. **Title IX training and compliance.** For costs related to sexual harassment and sex discrimination training and compliance under Minnesota Statutes, section 121A.032:

<u>\$145,000</u>	<u>.....</u>	<u>2020</u>
<u>\$147,000</u>	<u>.....</u>	<u>2021</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 5. **Innovative mental health grants; level 4 programs.** (a) For transfer to the commissioner of human services for additional school-linked mental health grants:

<u>\$2,700,000</u>	<u>.....</u>	<u>2020</u>
<u>\$2,700,000</u>	<u>.....</u>	<u>2021</u>

(b) Of the appropriations in paragraph (a), the commissioner of human services must first award grants to eligible providers for programs established under Laws 2017, First Special Session chapter 5, article 2, section 56. The commissioner may award any remaining funds to eligible providers serving students in other federal instructional level 4 programs.

(c) The commissioner of human services may designate a portion of the awards granted under this subdivision for school staff development activities for licensed and unlicensed staff supporting families in meeting their children's needs, including assistance navigating the health care, social service, and juvenile justice systems.

(d) Any balance in the first year does not cancel but is available in the second year.

Subd. 6. **Trauma-informed school incentive aid.** (a) For grants to fund trauma-informed and systematic professional development for all staff who work with students, including all administration, to support students with adverse childhood experiences, and to promote restorative practices and nonexclusionary discipline in school districts and charter schools:

<u>\$3,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$3,000,000</u>	<u>.....</u>	<u>2021</u>

(b) Of the appropriations in paragraph (a), \$150,000 per year is for each of 20 selected school sites.

(c) The commissioner must select schools to receive grant funds. Preference must be given to schools identified for comprehensive support under the Every Student Succeeds Act, schools within districts with large discipline disparities identified by the Minnesota Department of Human Rights, or schools without a quality compensation plan or other plan under Minnesota Statutes, section 122A.40, subdivision 8, or 122A.41, subdivision 5. The commissioner must provide grant recipients with a list of all grant recipients and facilitate communication among recipients to encourage recipients to share best practices.

(d) Trauma-informed support program plans and allocation of grant funds must be negotiated by the school district and the exclusive representative of the teachers. Plans to implement trauma-informed support programs may include:

(1) hiring social workers, counselors, school psychologists, nurses, paraprofessionals, or trauma coaches;

(2) mentoring programs;

(3) extra professional development days;

(4) family home visiting programs; or

(5) other outreach to students or families who have experienced trauma or adverse childhood experiences.

(e) A school district that receives a grant under this subdivision and the exclusive representative of teachers in the district must:

(1) assess the outcomes of the grant. The assessment must include data on suspensions and expulsions, attendance, and academic achievement and growth; and

(2) report to the commissioner on efforts to share best practices with other grant recipients.

(f) Any balance in the first year does not cancel but is available in the second year.

Sec. 8. **REVISOR INSTRUCTION.**

The revisor of statutes shall codify Laws 2016, chapter 189, article 25, section 56, as amended, as Minnesota Statutes, section 121A.395, in the next publication of Minnesota Statutes.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

ARTICLE 6  
FACILITIES, FUND TRANSFERS, AND ACCOUNTING

Section 1. Minnesota Statutes 2018, section 126C.40, subdivision 1, is amended to read:

Subdivision 1. **To lease building or land.** (a) When an independent or a special school district or a group of independent or special school districts finds it economically advantageous to rent or lease a building or land for any instructional purposes or for school storage or furniture repair, and it determines that the operating capital revenue authorized under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this subdivision must contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use.

(b) The criteria for approval of applications to levy under this subdivision must include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building or land, conformity of the lease to the laws and rules of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner must not authorize a levy under this subdivision in an amount greater than the cost to the district of renting or leasing a building or land for approved purposes. The proceeds of this levy must not be used for custodial or other maintenance services. A district may not levy under this subdivision for the purpose of leasing or renting a district-owned building or site to itself.

(c) For agreements finalized after July 1, 1997, a district may not levy under this subdivision for the purpose of leasing: (1) a newly constructed building used primarily for regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed building addition or additions used primarily for regular kindergarten, elementary, or secondary instruction that contains more than 20 percent of the square footage of the previously existing building.

(d) Notwithstanding paragraph (b), a district may levy under this subdivision for the purpose of leasing or renting a district-owned building or site to itself only if the amount is needed by the district to make payments required by a lease purchase agreement, installment purchase agreement, or other deferred payments agreement authorized by law, and the levy meets the requirements of paragraph (c). A levy authorized for a district by the commissioner under this paragraph may be in the amount needed by the district to make payments required by a lease purchase agreement, installment purchase agreement, or other deferred payments agreement authorized by law, provided that any agreement include a provision giving the school districts the right to terminate the agreement annually without penalty.

(e) Except as provided in paragraph (j), the total levy under this subdivision for a district for any year must not exceed \$212 times the adjusted pupil units for the fiscal year to which the levy is attributable.

(f) For agreements for which a review and comment have been submitted to the Department of Education after April 1, 1998, the term "instructional purpose" as used in this subdivision excludes expenditures on stadiums.

(g) The commissioner of education may authorize a school district to exceed the limit in paragraph (e) if the school district petitions the commissioner for approval. The commissioner shall grant approval to a school district to exceed the limit in paragraph (e) for not more than five years if the district meets the following criteria:

(1) the school district has been experiencing pupil enrollment growth in the preceding five years;

(2) the purpose of the increased levy is in the long-term public interest;

(3) the purpose of the increased levy promotes colocation of government services; and

(4) the purpose of the increased levy is in the long-term interest of the district by avoiding over construction of school facilities.

(h) A school district that is a member of an intermediate school district or other cooperative unit under section 123A.24, subdivision 2, or a joint powers district under section 471.59 may include in its authority under this section the costs associated with leases of administrative and classroom space for ~~intermediate school district~~ programs of the intermediate school district or other cooperative unit under section 123A.24, subdivision 2, or joint powers district under section 471.59. This authority must not exceed \$65 times the adjusted pupil units of the member districts. This authority is in addition to any other authority authorized under this section. The intermediate school district, other cooperative unit, or joint powers district may specify which member districts will levy for lease costs under this paragraph.

~~(i) In addition to the allowable capital levies in paragraph (a), for taxes payable in 2012 to 2023, a district that is a member of the "Technology and Information Education Systems" data processing joint board, that finds it economically advantageous to enter into a lease agreement to finance improvements to a building and land for a group of school districts or special school districts for staff development purposes, may levy for its portion of lease costs attributed to the district within the total levy limit in paragraph (e). The total levy authority under this paragraph shall not exceed \$632,000.~~

⊕ (i) Notwithstanding paragraph (a), a district may levy under this subdivision for the purpose of leasing administrative space if the district can demonstrate to the satisfaction of the commissioner that the lease cost for the administrative space is no greater than the lease cost for instructional space that the district would otherwise lease. The commissioner must deny this levy authority unless the district passes a resolution stating its intent to lease instructional space under this section if the commissioner does not grant authority under this paragraph. The resolution must also certify that the lease cost for administrative space under this paragraph is no greater than the lease cost for the district's proposed instructional lease.

(j) For taxes payable in 2024 and later, a school district that qualifies for secondary sparsity revenue under section 126C.10, subdivision 7, and operates more than two high schools, annually may levy not more than \$500 times the adjusted pupil units for the fiscal year to which the levy is attributable for the purposes of this subdivision.

(k) Notwithstanding paragraph (a), for taxes payable in 2020 and later, a district may levy under this subdivision for the district's proportionate share of deferred maintenance expenditures for a district-owned building or site leased to a cooperative unit under section 123A.24, subdivision 2, or a joint powers district under section 471.59 for any instructional purposes or for school storage.

**EFFECTIVE DATE.** This section is effective for taxes payable in 2020 and later.

## Sec. 2. **FUND TRANSFERS.**

Subdivision 1. **Truman.** (a) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.135, on June 30, 2019, Independent School District No. 458, Truman, may permanently transfer up to \$65,000 from the early childhood and family education reserve account in the community service fund to the undesignated general fund.

(b) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.16, on June 30, 2019, Independent School District No. 458, Truman, may permanently transfer up to \$45,000 from the school readiness reserve account in the community service fund to the undesignated general fund.

Subd. 2. **Minnetonka.** Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2019, Independent School District No. 276, Minnetonka, may permanently transfer up to \$3,300,000 from its community education reserve fund balance to its reserved for operating capital account in the general fund. The transferred funds must be used only to design, construct, furnish, and equip an early childhood classroom addition.

Subd. 3. **Hopkins.** (a) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2019, Independent School District No. 270, Hopkins, may permanently transfer up to \$500,000 from its community education reserve fund balance to its reserved for operating capital account in the general fund.

(b) The transfer funds must be used only to design, construct, furnish, and equip an early childhood classroom addition.

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

Sec. 3. **SCHOOL PROGRAM COMBINATION; HOPKINS SCHOOL DISTRICT AND CHARTER SCHOOL.**

**Subdivision 1. Combination authorized.** Notwithstanding any law to the contrary, the boards of Independent School District No. 270, Hopkins, and the charter school, may convert a charter school's program to a school district program by mutually adopting a written resolution authorizing the combination. The written resolution must be submitted to the charter school's authorizer and the commissioner of education at least eight months prior to the combination. The effective date of the combination must be no earlier than July 1, 2020, or later than July 1, 2024.

**Subd. 2. Closing books.** A charter school located within the geographic boundaries of Independent School District No. 270, Hopkins, that chooses to combine with the school district, must prepare and submit separate year-end reports for its last school year of operation prior to combination. In addition, Independent School District No. 270, Hopkins, and the charter school must provide any other information necessary for the combination to the commissioner of education in the form and manner specified by the commissioner.

**Subd. 3. Calculation of aids.** For any site-level school aids based on prior year data, the Department of Education may use the data for the charter school's last year of operations for the program's new site as a part of Independent School District No. 270, Hopkins.

**Subd. 4. Funds transferred.** The charter school must transfer its fund balances, assets, and liabilities to Independent School District No. 270, Hopkins, on the day of the combination. Independent School District No. 270, Hopkins, must commit these funds and spend them only for the benefit of the program operated by the district.

**Subd. 5. Affiliated building corporation.** The affiliated building corporation of the charter school may transfer any of its remaining funds, including those from the sale of its property, to Independent School District No. 270, Hopkins, and the school district must commit any amounts transferred for the benefit of the program operated by the district.

**Subd. 6. Levy.** In addition to its other school property tax levies, Independent School District No. 270, Hopkins, may levy on net tax capacity an amount not to exceed \$50,000 per year for taxes payable in 2020 through taxes payable in 2024.

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

Sec. 4. **APPROPRIATIONS.**

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

**Subd. 2. Debt service equalization aid.** For debt service equalization aid under Minnesota Statutes, section 123B.53, subdivision 6:

<u>\$20,684,000</u>	<u>.....</u>	<u>2020</u>
<u>\$20,363,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$2,292,000 for 2019 and \$18,392,000 for 2020.

The 2021 appropriation includes \$2,043,000 for 2020 and \$18,320,000 for 2021.

**Subd. 3. Long-term facilities maintenance equalized aid.** For long-term facilities maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

<u>\$105,315,000</u>	.....	<u>2020</u>
<u>\$108,231,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$10,464,000 for 2019 and \$94,851,000 for 2020.

The 2021 appropriation includes \$10,539,000 for 2020 and \$97,692,000 for 2021.

**Subd. 4. Equity in telecommunications access.** (a) For equity in telecommunications access:

<u>\$3,750,000</u>	.....	<u>2020</u>
<u>\$3,750,000</u>	.....	<u>2021</u>

(b) If the appropriation amount is insufficient, the commissioner shall reduce the reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the revenue for fiscal years 2020 and 2021 shall be prorated.

(c) Any balance in the first year does not cancel but is available in the second year.

**Subd. 5. Early repayment aid incentive.** (a) For incentive grants for a district that repaid the full outstanding original principal on its capital loan by November 30, 2016, under Laws 2011, First Special Session chapter 11, article 4, section 8, as amended by Laws 2016, chapter 189, article 30, section 22:

<u>\$2,350,000</u>	.....	<u>2020</u>
<u>\$2,350,000</u>	.....	<u>2021</u>

(b) Of this amount, \$150,000 is for a grant to Independent School District No. 36, Kelliher; \$180,000 is for a grant to Independent School District No. 95, Cromwell; \$495,000 is for a grant to Independent School District No. 299, Caledonia; \$220,000 is for a grant to Independent School District No. 306, Laporte; \$150,000 is for a grant to Independent School District No. 362, Littlefork; \$650,000 is for a grant to Independent School District No. 682, Roseau; and \$505,000 is for a grant to Independent School District No. 2580, East Central.

(c) The grant may be used for any school-related purpose.

(d) The base for fiscal year 2022 is \$0.

**Subd. 6. Maximum effort loan aid.** For aid payments to schools under Minnesota Statutes, section 477A.09.

<u>\$3,291,000</u>	.....	<u>2020</u>
<u>\$3,291,000</u>	.....	<u>2021</u>

The base for fiscal year 2022 is \$3,291,000 and the base for fiscal year 2023 is \$0.

## ARTICLE 7 NUTRITION AND LIBRARIES

Section 1. Minnesota Statutes 2018, section 124D.1158, is amended to read:

### **124D.1158 SCHOOL BREAKFAST PROGRAM.**

Subdivision 1. **Purpose.** The purpose of the school breakfast program is to provide affordable morning nutrition to children so that they can effectively learn. Public and nonpublic schools that participate in the federal school breakfast program may receive state breakfast aid. Schools shall encourage all children to eat a nutritious breakfast, either at home or at school, and shall work to eliminate barriers to breakfast participation at school such as inadequate facilities and transportation.

Subd. 1a. **Definitions.** (a) "Breakfast in the classroom" means a meal delivered to each classroom near the beginning of the student's school day.

(b) "Federal reimbursement rate for free breakfast" means the federal reimbursement rate for free breakfast for a Minnesota school not in severe need.

(c) "Full federal reimbursement of meals served" means that the reimbursement under the Community Eligibility Provision program under section 11(a)(1) of the Richard B. Russell National School Lunch Act, United States Code, title 42, section 1759a(a)(1), covers the full stated meal price for each meal served.

(d) "Grab and go" means a breakfast model where foods are available for students to take at the start of the school day or between morning classes to eat in the classroom or as otherwise designated by the school.

(e) "Participating student" means a student at the school site enrolled in:

(1) an approved voluntary prekindergarten program under section 124D.151;

(2) kindergarten; or

(3) grades 1 to 12.

(f) "Second chance breakfast" means food served for breakfast available later in the morning, including during recess or nutrition breaks.

Subd. 1b. **Breakfast after the bell program.** In order to increase participation in school breakfast programs, a school may establish a voluntary "breakfast after the bell" program. A breakfast after the bell program may include grab and go breakfasts, second chance breakfasts, or breakfasts in the classroom according to a plan developed by the participating school site.

Subd. 2. **Program; eligibility.** Each school year, public and nonpublic schools that participate in the federal school breakfast program are eligible for the state breakfast program.

Subd. 3. **Program reimbursement; regular school breakfast.** Each school year, the state must reimburse each participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid breakfast served to students in grades 1 to 12, and ~~\$1.30~~ \$1.35 for each fully paid breakfast served to a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151 or a kindergarten student.

Subd. 3a. **Program reimbursement; voluntary breakfast after the bell.** (a) A school district where more than 40 percent of the students enrolled in the previous school year were eligible for free or reduced-price meals and that is required to offer a school breakfast program under section 124D.117, at its discretion, may elect, on a site by site basis, to receive funding for its breakfast programs under this subdivision or under subdivision 3, but not both. In order to receive aid under this subdivision, a school district with an eligible school site must apply to the commissioner in the form and manner specified by the commissioner and demonstrate to the commissioner's satisfaction that the school site is not eligible for full federal reimbursement of its meals served. A school district's application must include:

(1) documentation of engagement between the applicant school's administration and staff indicating support to implement a breakfast after the bell program; and

(2) a description of the breakfast after the bell program model that will be used at the school.

(b) Each school year, the state must reimburse each participating breakfast after the bell school an amount equal to the greater of zero, or the difference between:

(1) the product of the number of breakfasts served to participating students and the federal reimbursement rate for free breakfast; and

(2) the federal school breakfast program nonsevere reimbursements for the school.

Subd. 4. **No fees.** (a) A school that receives school breakfast aid under ~~this section~~ subdivision 3 must make breakfast available without charge to all participating students at that school site in grades 1 to 12 who qualify for free or reduced-price meals and to all prekindergarten students enrolled in an approved voluntary prekindergarten program under section 124D.151 and all kindergarten students.

(b) A school that receives breakfast aid under subdivision 3a must make breakfast available without charge to all participating students.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 2. Minnesota Statutes 2018, section 134.355, subdivision 5, is amended to read:

Subd. 5. **Base aid distribution.** ~~Five~~ Fifteen percent of the available aid funds shall be paid to each system as base aid for basic system services.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2020 and later.

Sec. 3. Minnesota Statutes 2018, section 134.355, subdivision 6, is amended to read:

Subd. 6. **Adjusted net tax capacity per capita distribution.** ~~Twenty-five~~ Fifteen percent of the available aid funds shall be distributed to regional public library systems based upon the adjusted net tax capacity per capita for each member county or participating portion of a county as calculated for the ~~second~~ third year preceding the fiscal year for which aid is provided. Each system's entitlement shall be calculated as follows:

~~(a)~~ (1) multiply the adjusted net tax capacity per capita for each county or participating portion of a county by .0082;

~~(b)~~ (2) add sufficient aid funds that are available under this subdivision to raise the amount of the county or participating portion of a county with the lowest value calculated according to ~~paragraph (a) clause (1)~~ paragraph (a) clause (1) to the amount of the county or participating portion of a county with the next highest value calculated according to ~~paragraph (a) clause (1)~~ paragraph (a) clause (1). Multiply the amount of the additional aid funds by the population of the county or participating portion of a county;

~~(c)~~ (3) continue the process described in ~~paragraph (b) clause (2)~~ paragraph (b) clause (2) by adding sufficient aid funds that are available under this subdivision to the amount of a county or participating portion of a county with the next highest value calculated in ~~paragraph (a) clause (1)~~ paragraph (a) clause (1) to raise it and the amount of counties and participating portions of counties with lower values calculated in ~~paragraph (a) clause (1)~~ paragraph (a) clause (1) up to the amount of the county or participating portion of a county with the next highest value, until reaching an amount where funds available under this subdivision are no longer sufficient to raise the amount of a county or participating portion of a county and the amount of counties and participating portions of counties with lower values up to the amount of the next highest county or participating portion of a county; and

~~(d)~~ (4) if the point is reached using the process in ~~paragraphs (b) and (c) clauses (2) and (3)~~ paragraphs (b) and (c) clauses (2) and (3) at which the remaining aid funds under this subdivision are not adequate for raising the amount of a county or participating portion of a county and all counties and participating portions of counties with amounts of lower value to the amount

of the county or participating portion of a county with the next highest value, those funds are to be divided on a per capita basis for all counties or participating portions of counties that received aid funds under the calculation in ~~paragraphs (b) and (c)~~ clauses (2) and (3).

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2020 and later.

Sec. 4. Minnesota Statutes 2018, section 134.355, subdivision 7, is amended to read:

Subd. 7. **Population determination.** A regional public library system's population shall be determined according to must be calculated using the most recent estimate available under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which must be by April 1 in the year the calculation is made.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2020 and later.

Sec. 5. Minnesota Statutes 2018, section 134.355, subdivision 8, is amended to read:

Subd. 8. **Eligibility.** (a) A regional public library system may apply for regional library telecommunications aid on behalf of itself and member public libraries.

(b) The aid must be used for connections and other eligible non-voice-related e-rate program category one services. Aid may be used for e-rate program category two services as identified in the Federal Communication Commission's eligible services list for the current and preceding four funding years, if sufficient funds remain once category one needs are met in each funding year. If sufficient funds remain after meeting category one and category two needs in each funding year, aid may be used for other regional public library technology, network infrastructure, security, and telecommunications services including nonphone telecommunication services for remote self-service pickup locations for library materials on nonlibrary property.

(c) To be eligible, a regional public library system must be officially designated by the commissioner of education as a regional public library system as defined in section 134.34, subdivision 3, and each of its participating cities and counties must meet local support levels defined in section 134.34, subdivision 1. A public library building that receives aid under this section must be open a minimum of 20 hours per week. Exceptions to the minimum open hours requirement may be granted by the Department of Education on request of the regional public library system for the following circumstances: short-term closing for emergency maintenance and repairs following a natural disaster; in response to exceptional economic circumstances; building repair or maintenance that requires public services areas to be closed; or to adjust hours of public service to respond to documented seasonal use patterns.

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

Sec. 6. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated. Any balance in the first year does not cancel but is available in the second year.

Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

<u>\$16,359,000</u>	<u>.....</u>	<u>2020</u>
<u>\$16,629,000</u>	<u>.....</u>	<u>2021</u>

Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

<u>\$11,273,000</u>	<u>.....</u>	<u>2020</u>
<u>\$11,733,000</u>	<u>.....</u>	<u>2021</u>

Subd. 4. **Breakfast after the bell.** (a) For school breakfast aid under Minnesota Statutes, section 124D.1158:

<u>\$2,000,000</u>	<u>.....</u>	<u>2020</u>
<u>\$2,300,000</u>	<u>.....</u>	<u>2021</u>

(b) The base for fiscal year 2022 is \$2,600,000, and the base for fiscal year 2023 is \$3,200,000.

(c) The commissioner of education must report to the education committees of the legislature by February 15, 2021, on the outcomes and barriers of breakfast after the bell programs. The report must list the number of schools and the number of participating students by each type of breakfast after the bell program. The report must also identify the barriers to participation in the breakfast after the bell program, including for those school sites that are eligible for free breakfast but don't participate and school sites that are eligible for the Community Eligibility Provision program but do not participate. The report must recommend legislative actions that would simplify and eliminate barriers to participation in the breakfast after the bell program and the Community Eligibility Provision program.

Subd. 5. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes, section 124D.118:

<u>\$691,000</u>	<u>.....</u>	<u>2020</u>
<u>\$691,000</u>	<u>.....</u>	<u>2021</u>

Subd. 6. **Summer school food service replacement aid.** For summer school food service replacement aid under Minnesota Statutes, section 124D.119:

<u>\$150,000</u>	<u>.....</u>	<u>2020</u>
<u>\$150,000</u>	<u>.....</u>	<u>2021</u>

Subd. 7. **Regional library basic system support.** For regional library basic system support aid under Minnesota Statutes, section 134.355:

<u>\$17,170,000</u>	<u>.....</u>	<u>2020</u>
<u>\$17,570,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$1,357,000 for 2019 and \$15,813,000 for 2020. The 2021 appropriation includes \$1,757,000 for 2020 and \$15,813,000 for 2021.

Subd. 8. **Multicounty, multitype library systems.** For aid under Minnesota Statutes, sections 134.353 and 134.354, to multicounty, multitype library systems:

<u>\$1,300,000</u>	<u>.....</u>	<u>2020</u>
<u>\$1,300,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$130,000 for 2019 and \$1,170,000 for 2020.

The 2021 appropriation includes \$130,000 for 2020 and \$1,170,000 for 2021.

Subd. 9. **Electronic library for Minnesota.** For statewide licenses to online databases selected in cooperation with the Minnesota Office of Higher Education for school media centers, public libraries, state government agency libraries, and public or private college or university libraries:

<u>\$900,000</u>	<u>.....</u>	<u>2020</u>
<u>\$900,000</u>	<u>.....</u>	<u>2021</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 10. **Regional library telecommunications aid.** For regional library telecommunications aid under Minnesota Statutes, section 134.355:

<u>\$2,300,000</u>	<u>.....</u>	<u>2020</u>
<u>\$2,300,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$230,000 for 2019 and \$2,070,000 for 2020.

The 2021 appropriation includes \$230,000 for 2020 and \$2,070,000 for 2021.

## ARTICLE 8 EARLY CHILDHOOD

Section 1. Minnesota Statutes 2018, section 124D.151, subdivision 2, is amended to read:

Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider must:

(1) provide instruction through play-based learning to foster children's social and emotional development, cognitive development, physical and motor development, and language and literacy skills, including the native language and literacy skills of English learners, to the extent practicable;

(2) measure each child's cognitive and social skills using a formative measure aligned to the state's early learning standards when the child enters and again before the child leaves the program, screening and progress monitoring measures, and ~~others~~ other age-appropriate versions from the state-approved menu of kindergarten entry profile measures;

(3) provide comprehensive program content including the implementation of curriculum, assessment, and instructional strategies aligned with the state early learning standards, and kindergarten through grade 3 academic standards;

(4) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year for a prekindergarten student;

(5) provide voluntary prekindergarten instructional staff salaries comparable to the salaries of local kindergarten through grade 12 instructional staff;

(6) coordinate appropriate kindergarten transition with families, community-based prekindergarten programs, and school district kindergarten programs;

(7) involve parents in program planning and transition planning by implementing parent engagement strategies that include culturally and linguistically responsive activities in prekindergarten through third grade that are aligned with early childhood family education under section 124D.13;

(8) coordinate with relevant community-based services, including health and social service agencies, to ensure children have access to comprehensive services;

(9) coordinate with all relevant school district programs and services including early childhood special education, homeless students, and English learners;

(10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children;

(11) provide high-quality coordinated professional development, training, and coaching for both school district and community-based early learning providers that is informed by a measure of adult-child interactions and enables teachers to be highly knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

(12) implement strategies that support the alignment of professional development, instruction, assessments, and prekindergarten through grade 3 curricula.

(b) A voluntary prekindergarten program must have teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction.

(c) Districts and charter schools must include their strategy for implementing and measuring the impact of their voluntary prekindergarten program under section 120B.11 and provide results in their world's best workforce annual summary to the commissioner of education.

Sec. 2. Minnesota Statutes 2018, section 124D.151, subdivision 4, is amended to read:

Subd. 4. **Eligibility.** A child who is four years of age as of September 1 in the calendar year in which the school year commences is eligible to participate in a voluntary prekindergarten program free of charge. An eligible four-year-old child served in a mixed-delivery system by a child care center, family child care program licensed under section 245A.03, or community-based organization may be charged a fee as long as the mixed-delivery partner was not awarded a seat for that child. Each eligible child must complete a health and developmental screening within 90 days of program enrollment under sections 121A.16 to 121A.19, and provide documentation of required immunizations under section 121A.15.

Sec. 3. Minnesota Statutes 2018, section 124D.151, subdivision 5, is amended to read:

Subd. 5. **Application process; priority for high poverty schools.** ~~(a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented.~~ The application must include:

(1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

(2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

(3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications submitted ~~for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later~~ by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into ~~four~~ five groups as follows: the Minneapolis ~~and school district; the~~ St. Paul school ~~districts~~ district; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a ~~mixed-delivery~~ mixed-delivery system.

(d) If the participation limit under subdivision 6 is higher than the participation limit for the previous year, the limit on participation for the programs as specified in subdivision 6 must initially be allocated among the ~~four~~ five groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. If the participation limit is the same as the participation limit for the previous year, the participation limit must initially be allocated among the five groups based on each group's participation limit for the previous school year. Within each group, the participation limit ~~for fiscal years 2018 and 2019~~ must first be allocated to school sites approved for aid in the previous year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. ~~For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (e).~~

(e) Once a school site or a ~~mixed-delivery~~ mixed-delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

**EFFECTIVE DATE.** This section is effective for applications for fiscal year 2020 and later.

Sec. 4. Minnesota Statutes 2018, section 124D.151, subdivision 6, is amended to read:

Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1, paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school district or charter school must not exceed 60 percent of the kindergarten pupil units for that school district or charter school under section 126C.05, subdivision 1, paragraph (e).

(b) In reviewing applications under subdivision 5, ~~the commissioner must limit the estimated state aid entitlement approved under this section to \$27,092,000 for fiscal year 2017. If the actual state aid entitlement based on final data exceeds the limit in any year, the aid of the participating districts must be prorated so as not to exceed the limit.~~

~~(c) The commissioner must limit the total number of funded participants in the voluntary prekindergarten program under this section to not more than 3,160.~~

~~(d) Notwithstanding paragraph (e), the commissioner must limit the total number of participants in the voluntary prekindergarten and school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9 to not more than 6,160 participants for fiscal year 2018 and 7,160 participants for per fiscal year 2019.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later.

Sec. 5. Minnesota Statutes 2018, section 124D.165, subdivision 2, is amended to read:

Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship, parents or guardians must meet the following eligibility requirements:

(1) have an eligible child; and

(2) have income equal to or less than 185 percent of federal poverty level income in the current calendar year, or be able to document their child's current participation in the free and reduced-price lunch program or Child and Adult Care Food Program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; the supplemental nutrition assistance program; or placement in foster care under section 260C.212. Parents or guardians are not required to provide income verification under this clause if the child is an eligible child under paragraph (b), clause (4) or (5).

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

(1) ~~at least from birth to age three but not yet five years of age~~ on September 1 of the current school year;

(2) a sibling from birth to age ~~five~~ four of a child who has been awarded a scholarship under this section provided the sibling attends the same program as long as funds are available;

(3) the child of a parent under age 21 who is pursuing a high school degree or a course of study for a high school equivalency test; ~~or~~

~~(4) homeless, in foster care, or in need of child protective services.~~

(4) a child in need of protective services or in foster care;

(5) designated as homeless under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a; or

(6) a child not yet five years of age on September 1 of the current school year participating in a program with a designated number of scholarship slots under subdivision 3, paragraph (c).

(c) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available. This paragraph applies notwithstanding the age requirements under paragraph (b).

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(e) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

Sec. 6. 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 over age three who receives a scholarship ~~who~~ and 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. A child who receives a scholarship before age three must complete the developmental screening no later than 90 days after the child's third birthday.

(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.

Sec. 7. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an early learning scholarship, a program must:

- (1) participate in the quality rating and improvement system under section 124D.142; and
- (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and improvement system.

(b) Any program accepting scholarships must use the revenue to supplement and not supplant federal funding.

~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship program pilot sites are eligible to accept an early learning scholarship under this section.~~

Sec. 8. Minnesota Statutes 2018, section 124D.165, is amended by adding a subdivision to read:

Subd. 6. **Early learning scholarship account.** (a) An account is established in the special revenue fund known as the "early learning scholarship account."

(b) Funds appropriated for early learning scholarships under this section must be transferred to the early learning scholarship account in the special revenue fund.

(c) Money in the account is annually appropriated to the commissioner for early learning scholarships under this section. Money in the account is available until spent. Any returned funds are available to be regranted.

(d) Up to \$950,000 annually is available to the commissioner for costs associated with administering and monitoring early learning scholarships.

Sec. 9. Minnesota Statutes 2018, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individualized education program is counted as the ratio of the number of hours of assessment and education service to 825 times 1.0 with a minimum average daily membership of 0.28, but not more than 1.0 pupil unit.

(b) A prekindergarten pupil who is assessed but determined not to be disabled is counted as the ratio of the number of hours of assessment service to 825 times 1.0.

~~(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individualized education program to 875, but not more than one.~~

~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled in an approved voluntary prekindergarten program under section 124D.151 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units.

~~(e)~~ (d) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil unit if the pupil is enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school that meets the minimum hours requirement in section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school.

~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as 1.2 pupil units.

~~(i) For fiscal years 2018 and 2019 only,~~ (h) A prekindergarten pupil who:

(1) is not included in paragraph (a), (b), or ~~(d)~~ (c);

(2) is enrolled in a school readiness plus program under Laws 2017, First Special Session chapter 5, article 8, section 9; and

(3) has one or more of the risk factors specified by the eligibility requirements for a school readiness plus program,

is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same manner as a voluntary prekindergarten student for all general education and other school funding formulas.

Sec. 10. Laws 2017, First Special Session chapter 5, article 8, section 8, the effective date, is amended to read:

**EFFECTIVE DATE.** Paragraph (i) of this section ~~expires at the end of fiscal year 2019~~ does not expire.

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

Sec. 11. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 4, is amended to read:

Subd. 4. **Early learning scholarships.** (a) For the early learning scholarship program under Minnesota Statutes, section 124D.165:

	\$70,209,000	.....	2018
	<del>\$ 70,209,000</del> <u>60,709,000</u>	.....	2019

(b) Up to \$950,000 each year is for administration of this program.

(c) \$9,500,000 of the initial appropriation in fiscal year 2019 is canceled to the state general fund.

(~~e~~) (d) Any balance in the first year does not cancel but is available in the second year.

(~~d~~) The base for fiscal year 2020 is \$70,709,000.

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

Sec. 12. **LEGISLATIVE REPORT ON EARLY CARE AND EDUCATION COORDINATION.**

(a) By February 15, 2020, the commissioners of education, health, and human services must jointly submit a report in accordance with Minnesota Statutes, section 3.195 to the members and staff of the legislative committees with jurisdiction over early childhood, human services, and education on the outcome of the federal Preschool Development planning grant. The report must include how the state agencies plan to enhance coordination of state programs including:

(1) child care assistance programs under Minnesota Statutes, chapter 119B;

(2) early childhood developmental screening under Minnesota Statutes, section 121A.17;

(3) early childhood family education programs under Minnesota Statutes, section 124D.13;

(4) early learning scholarships under section Minnesota Statutes, 124D.165;

(5) family home visiting programs under Minnesota Statutes, section 145A.17;

(6) Head Start and Early Head Start programs under Minnesota Statutes, sections 119A.50 to 119A.545;

(7) kindergarten readiness assessment under Minnesota Statutes, section 124D.162;

(8) school readiness programs under Minnesota Statutes, sections 124D.15 and 124D.16;

(9) voluntary prekindergarten programs under Minnesota Statutes, section 124D.151; and

(10) school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9.

(b) At a minimum, the report must:

(1) review and evaluate changes to child care assistance and early learning scholarship program quality and administration, including eligibility, billing, payment, and child and family identification;

(2) identify challenges and concerns among providers and among recipients of child care assistance and early learning scholarships;

(3) consider the goals outlined in the Children's Cabinet's early childhood systems reform effort and how the strategic plan intends to meet these goals;

(4) analyze layering and duplication of funds;

(5) develop recommendations for a consolidated universal application process; and

(6) develop recommendations for the design and implementation of a universal identification system that applies to a child participating in one or more programs listed in paragraph (a).

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

Sec. 13. **APPROPRIATIONS.**

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

Subd. 2. **School readiness.** (a) For revenue for school readiness programs under Minnesota Statutes, sections 124D.15 and 124D.16:

<u>\$33,683,000</u>	<u>.....</u>	<u>2020</u>
<u>\$33,683,000</u>	<u>.....</u>	<u>2021</u>

(b) The 2020 appropriation includes \$3,368,000 for 2019 and \$30,315,000 for 2020.

(c) The 2021 appropriation includes \$3,368,000 for 2020 and \$30,315,000 for 2021.

Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program under Minnesota Statutes, section 124D.165:

<u>\$83,544,000</u>	<u>.....</u>	<u>2020</u>
<u>\$83,544,000</u>	<u>.....</u>	<u>2021</u>

(b) Of these amounts, \$300,000 in fiscal year 2020 and \$300,000 in fiscal year 2021 are for a transfer to the Office of MN.IT Services for a project manager to provide services for the coordination of early childhood programs.

(c) This appropriation is subject to the requirements under Minnesota Statutes, section 124D.165, subdivision 6.

(d) The base for fiscal year 2022 is \$75,534,000.

Subd. 4. **Head Start program.** For Head Start programs under Minnesota Statutes, section 119A.52:

<u>\$25,100,000</u>	.....	<u>2020</u>
<u>\$25,100,000</u>	.....	<u>2021</u>

Subd. 5. **Early childhood family education aid.** (a) For early childhood family education aid under Minnesota Statutes, section 124D.135:

<u>\$32,653,000</u>	.....	<u>2020</u>
<u>\$34,072,000</u>	.....	<u>2021</u>

(b) The 2020 appropriation includes \$3,098,000 for 2019 and \$29,555,000 for 2020.

(c) The 2021 appropriation includes \$3,283,000 for 2020 and \$30,789,000 for 2021.

Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

<u>\$3,639,000</u>	.....	<u>2020</u>
<u>\$3,625,000</u>	.....	<u>2021</u>

(b) The 2020 appropriation includes \$363,000 for 2019 and \$3,276,000 for 2020.

(c) The 2021 appropriation includes \$364,000 for 2020 and \$3,261,000 for 2021.

Subd. 7. **Parent-child home program.** For a grant to the parent-child home program:

<u>\$900,000</u>	.....	<u>2020</u>
<u>\$900,000</u>	.....	<u>2021</u>

The grant must be used for an evidence-based and research-validated early childhood literacy and school readiness program for children ages 16 months to four years at its existing suburban program location. The program must include urban and rural program locations for fiscal years 2020 and 2021.

Subd. 8. **Kindergarten entrance assessment initiative and intervention program.** For the kindergarten entrance assessment initiative and intervention program under Minnesota Statutes, section 124D.162:

<u>\$281,000</u>	.....	<u>2020</u>
<u>\$281,000</u>	.....	<u>2021</u>

Subd. 9. **Quality rating and improvement system.** (a) For transfer to the commissioner of human services for the purposes of expanding the quality rating and improvement system under Minnesota Statutes, section 124D.142, in greater Minnesota and increasing supports for providers participating in the quality rating and improvement system:

<u>\$1,750,000</u>	.....	<u>2020</u>
<u>\$1,750,000</u>	.....	<u>2021</u>

(b) The amounts in paragraph (a) must be in addition to any federal funding under the child care and development block grant authorized under Public Law 101-508 in that year for the system under Minnesota Statutes, section 124D.142.

(c) Any balance in the first year does not cancel but is available in the second year.

Subd. 10. **Early childhood programs at tribal contract schools.** For early childhood family education programs at tribal contract schools under Minnesota Statutes, section 124D.83, subdivision 4:

<u>\$68,000</u>	<u>.....</u>	<u>2020</u>
<u>\$68,000</u>	<u>.....</u>	<u>2021</u>

Subd. 11. **Metro Deaf School.** (a) For a grant to Metro Deaf School to provide services to young children who have a primary disability of deaf or hard-of-hearing and who are not eligible for funding under Minnesota Statutes, section 124E.11, paragraph (h):

<u>\$100,000</u>	<u>.....</u>	<u>2020</u>
<u>\$100,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

Subd. 12. **Reach Out and Read Minnesota.** (a) For a grant to support Reach Out and Read Minnesota to expand a program that encourages early childhood development through a network of health care clinics, and for the purchase of culturally and developmentally appropriate books to sustain and expand the program in partnership with health clinics statewide:

<u>\$105,000</u>	<u>.....</u>	<u>2020</u>
<u>\$100,000</u>	<u>.....</u>	<u>2021</u>

(b) The grant recipient must implement a program that includes:

(1) integrating children's books and parent education into well-child visits;

(2) creating literacy-rich environments at clinics, including books for visits outside of Reach Out and Read Minnesota parameters or for waiting room use or volunteer readers to model read-aloud techniques for parents where possible;

(3) working with public health clinics, federally qualified health centers, tribal sites, community health centers, and clinics that belong to health care systems, as well as independent clinics in underserved areas; and

(4) training medical professionals on speaking with parents of infants, toddlers, and preschoolers on the importance of early literacy and numeracy.

(c) This is a onetime appropriation.

Subd. 13. **College savings account pilot program.** (a) For a matching grant to the city of St. Paul to establish a pilot program that (1) creates a college savings account for every child born to a resident of the city of St. Paul during the time period for which funds are available, and (2) performs analysis of potential establishment of a statewide program or program duplication by other cities.

<u>\$250,000</u>	<u>.....</u>	<u>2020</u>
<u>\$250,000</u>	<u>.....</u>	<u>2021</u>

(b) The city must administer the pilot program and partner with a qualified financial institution to support current and potential pilot program participants and their families. The city is the owner of an account established under this pilot program, but the beneficiary must be the individual child.

(c) The city must use the grant money to establish and fund the accounts, to provide incentives to current and potential pilot program participants and their families, and to provide outreach and education to current and potential pilot program participants and their families. The city may not use grant funds for the administrative costs of managing and operating the pilot program.

(d) By February 15, 2021, the city must submit a report on the pilot program to the commissioner of education and to the chairs, ranking minority members, and staff of the legislative committees with primary jurisdiction over early childhood and education policy and finance. At a minimum, the report must:

(1) provide a detailed review of pilot program design and features, including program requirements, funding, and outreach and education activities;

(2) identify the number of accounts created in the pilot program, including basic demographic information about account beneficiaries;

(3) provide analysis of savings program development throughout the state, which at a minimum must examine:

(i) methods for program replication in other cities; and

(ii) options, models, or frameworks for implementation on a statewide basis, including review of alternative policy approaches; and

(4) make recommendations regarding program expansion, if any, based on the analysis under clause (3).

(e) The commissioner of education must provide reasonable technical assistance as requested by the city for the analysis and recommendations under paragraph (d), clauses (3) and (4).

(f) This is a onetime appropriation. Grant money provided under this subdivision must be matched with money from nonstate sources. This appropriation is available until December 30, 2022.

(g) Any balance in the first year does not cancel but is available in the second year.

Subd. 14. **Educate parents partnership.** For the educate parents partnership under Minnesota Statutes, section 124D.129:

<u>\$49,000</u>	<u>.....</u>	<u>2020</u>
<u>\$49,000</u>	<u>.....</u>	<u>2021</u>

Subd. 15. **Home visiting aid.** (a) For home visiting aid under Minnesota Statutes, section 124D.135:

<u>\$521,000</u>	<u>.....</u>	<u>2020</u>
<u>\$503,000</u>	<u>.....</u>	<u>2021</u>

(b) The 2020 appropriation includes \$54,000 for 2019 and \$467,000 for 2020.

(c) The 2021 appropriation includes \$51,000 for 2020 and \$452,000 for 2021.

ARTICLE 9  
COMMUNITY EDUCATION AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2018, section 124D.531, subdivision 1, is amended to read:

Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic education aid for fiscal year ~~2011~~ 2020 equals ~~\$44,419,000~~ \$51,000,000, plus any amount that is not paid during the previous fiscal year as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for later fiscal years equals:

(1) the state total adult basic education aid for the preceding fiscal year plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3; times

(2) the lesser of 1.03, or the greater of:

(i) ~~1.03~~ one plus the percent change in the formula allowance under section 126C.10, subdivision 2, from the previous fiscal year to the current fiscal year; or

(ii) ~~the average growth in ratio of the state total contact hours over the prior ten program years~~ for the previous year to the state total contact hours for the second previous year.

Three percent of the state total adult basic education aid must be set aside for adult basic education supplemental service grants under section 124D.522.

(b) The state total adult basic education aid, excluding basic population aid, equals the difference between the amount computed in paragraph (a), and the state total basic population aid under subdivision 2.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2020 and later.

Sec. 2. Minnesota Statutes 2018, section 124D.55, is amended to read:

**124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST FEES.**

~~The commissioner shall pay 60 percent of the fee that is charged to an eligible individual for the full battery of the commissioner selected high school equivalency tests, but not more than \$40 for an eligible individual.~~

~~For fiscal year 2017 only,~~ The commissioner shall pay 100 percent of the fee charged to an eligible individual for the full battery of ~~general education development (GED)~~ the commissioner-selected high school equivalency tests, but not more than the cost of one full battery of tests per year for any individual.

Sec. 3. Minnesota Statutes 2018, section 124D.99, subdivision 3, is amended to read:

Subd. 3. **Administration; design.** (a) The commissioner shall establish program requirements, an application process and timeline for each tier of grants specified in subdivision 4, criteria for evaluation of applications, and a grant awards process. The commissioner's process must minimize administrative costs, minimize burdens for applicants and grant recipients, and provide a framework that permits flexibility in program design and implementation among grant recipients.

(b) To the extent practicable, the commissioner shall design the program to align with programs implemented or proposed by organizations in Minnesota that:

(1) identify and increase the capacity of organizations that are focused on achieving data-driven, locally controlled positive outcomes for children and youth throughout an entire neighborhood or geographic area through programs such as Strive Together, Promise Neighborhood, and the Education Partnerships Coalition members;

(2) build a continuum of educational family and community supports with academically rigorous schools at the center;

(3) maximize program efficiencies by integrating programmatic activities and eliminating administrative barriers;

(4) develop local infrastructure needed to sustain and scale up proven and effective solutions beyond the initial neighborhood or geographic area; ~~and~~

(5) utilize appropriate outcome measures based on unique community needs and interests and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and allow for continuous improvements to systems;

(6) collect and utilize data to improve student outcomes;

(7) share disaggregated performance data with the community to set community-level outcomes;

(8) employ continuous improvement processes;

(9) have a tribal entity, community foundation, higher education institution, or community-based organization as an anchor entity managing the partnership;

(10) convene a cross-sector leadership group and have a documented accountability structure; and

(11) demonstrate use of nonstate funds, from multiple sources, including in-kind contributions.

(c) A grant recipient's supportive services programming must address:

(1) kindergarten readiness and youth development;

(2) grade 3 reading proficiency;

(3) middle school mathematics;

(4) high school graduation;

~~(4)~~ (5) postsecondary educational attainment enrollment;

(6) postsecondary education completion or attainment;

~~(5)~~ (7) physical and mental health;

~~(6)~~ (8) development of career skills and readiness;

~~(7)~~ (9) parental engagement and development;

~~(8)~~ (10) community engagement and programmatic alignment; and

~~(9)~~ (11) reduction of remedial education.

(d) The commissioner, in consultation with grant recipients, must:

(1) develop and revise core indicators of progress toward outcomes specifying impacts for each tier identified under subdivision 4;

(2) establish a reporting system for grant recipients to measure program outcomes using data sources and program goals; and

(3) evaluate effectiveness based on the core indicators established by each partnership for each tier.

Sec. 4. **APPROPRIATIONS.**

**Subdivision 1. Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated. Any balances in the first year do not cancel but are available in the second year.

**Subd. 2. Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

<u>\$330,000</u>	.....	<u>2020</u>
<u>\$257,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$40,000 for 2019 and \$290,000 for 2020.

The 2021 appropriation includes \$32,000 for 2020 and \$225,000 for 2021.

**Subd. 3. Adults with disabilities program aid.** For adults with disabilities programs under Minnesota Statutes, section 124D.56:

<u>\$710,000</u>	.....	<u>2020</u>
<u>\$710,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$71,000 for 2019 and \$639,000 for 2020.

The 2021 appropriation includes \$71,000 for 2020 and \$639,000 for 2021.

**Subd. 4. Hearing-impaired adults.** For programs for hearing-impaired adults under Minnesota Statutes, section 124D.57:

<u>\$70,000</u>	.....	<u>2020</u>
<u>\$70,000</u>	.....	<u>2021</u>

**Subd. 5. School-age care aid.** For school-age care aid under Minnesota Statutes, section 124D.22:

<u>\$1,000</u>	.....	<u>2020</u>
<u>\$1,000</u>	.....	<u>2021</u>

The 2020 appropriation includes \$0 for 2019 and \$1,000 for 2020.

The 2021 appropriation includes \$0 for 2020 and \$1,000 for 2021.

Subd. 6. **Tier 1 grants.** (a) For education partnership program Tier 1 sustaining grants under Minnesota Statutes, section 124D.99:

<u>\$2,970,000</u>	<u>.....</u>	<u>2020</u>
<u>\$2,970,000</u>	<u>.....</u>	<u>2021</u>

(b) Of the amounts in paragraph (a), \$1,485,000 each year is for the Northside Achievement Zone and \$1,485,000 each year is for the St. Paul Promise Neighborhood.

(c) The base for fiscal year 2022 is \$2,970,000.

(d) Any balance in the first year does not cancel but is available in the second year.

Subd. 7. **Tier 2 implementing grants.** (a) For Tier 2 implementing grants under Minnesota Statutes, section 124D.99:

<u>\$1,100,000</u>	<u>.....</u>	<u>2020</u>
<u>\$1,100,000</u>	<u>.....</u>	<u>2021</u>

(b) Of the amounts in paragraph (a), \$185,000 each year is for the Northfield Healthy Community Initiative in Northfield; \$185,000 is for the Jones Family Foundation for the Every Hand Joined program in Red Wing; \$185,000 is for the United Way of Central Minnesota for the Partners for Student Success program; \$185,000 is for Austin Aspires; \$185,000 is for the Rochester Area Foundation for the Cradle to Career program; and \$185,000 is for Generation Next.

(c) The base for fiscal year 2022 is \$1,100,000. The base includes \$185,000 each year for each of the following programs: the Northfield Healthy Community Initiative, the Every Hand Joined program, the Partners for Student Success program, Austin Aspires, the Cradle to Career program, and Generation Next.

(d) Any balance in the first year does not cancel but is available in the second year.

Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

<u>\$51,906,000</u>	<u>.....</u>	<u>2020</u>
<u>\$53,620,000</u>	<u>.....</u>	<u>2021</u>

The 2020 appropriation includes \$4,868,000 for 2019 and \$47,038,000 for 2020.

The 2021 appropriation includes \$5,226,000 for 2020 and \$48,394,000 for 2021.

Subd. 9. **High school equivalency tests.** (a) For payment of the costs of the commissioner-selected high school equivalency tests under Minnesota Statutes, section 124D.55:

<u>\$245,000</u>	<u>.....</u>	<u>2020</u>
<u>\$245,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

ARTICLE 10  
STATE AGENCIES

Section 1. Minnesota Statutes 2018, section 120B.122, subdivision 1, is amended to read:

Subdivision 1. **Purpose Duties.** (a) The department must employ a dyslexia specialist to provide technical assistance for dyslexia and related disorders and to serve as the primary source of information and support for schools in addressing the needs of students with dyslexia and related disorders.

(b) The dyslexia specialist ~~shall also act to~~ must increase professional awareness and instructional competencies to meet the educational needs of students with dyslexia or identified with risk characteristics associated with dyslexia and ~~shall~~ must develop implementation guidance and make recommendations to the commissioner consistent with section 122A.06, subdivision 4, to be used to assist general education teachers and special education teachers to recognize educational needs and to improve literacy outcomes for students with dyslexia or identified with risk characteristics associated with dyslexia, including recommendations related to increasing the availability of online and asynchronous professional development programs and materials.

(c) The dyslexia specialist must provide guidance to school districts and charter schools on how to:

(1) access tools to screen and identify students showing characteristics associated with dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a);

(2) implement screening for characteristics associated with dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a), and in coordination with other early childhood screenings; and

(3) participate in professional development opportunities pertaining to intervention strategies and accommodations for students with dyslexia or characteristics associated with dyslexia.

(d) The dyslexia specialist must provide guidance to the Professional Educator Licensing and Standards Board on developing licensing renewal requirements under section 122A.187, subdivision 5, on understanding dyslexia, recognizing dyslexia characteristics in students, and using evidence-based best practices.

(e) Nothing in this subdivision limits the ability of the dyslexia specialist to do other dyslexia related work as directed by the commissioner.

Sec. 2. Minnesota Statutes 2018, section 122A.14, subdivision 9, is amended to read:

Subd. 9. **Fee.** Each person licensed by the Board of School Administrators shall pay the board a fee of ~~\$75~~ \$100, collected each fiscal year. When transmitting notice of the license fee, the board also must notify the licensee of the penalty for failing to pay the fee within the time specified by the board. The board may provide a lower fee for persons on retired or inactive status. After receiving notice from the board, any licensed school administrator who does not pay the fee in the given fiscal year shall have all administrative licenses held by the person automatically suspended, without the right to a hearing, until the fee has been paid to the board. If the board suspends a licensed school administrator for failing to pay the fee, it must immediately notify the district currently employing the school administrator of the school administrator's suspension. The executive ~~secretary~~ director shall deposit the fees in the ~~educator~~ administrator licensure account in the special revenue fund in the state treasury.

**EFFECTIVE DATE.** This section is effective for licenses issued or renewed on or after July 1, 2019.

Sec. 3. **[122A.145] SPECIAL REVENUE FUND ACCOUNTS; ADMINISTRATOR LICENSURE.**

An administrator licensure account is created in the special revenue fund. Fees received by the Board of School Administrators under section 122A.14, subdivision 9, and Minnesota Rules, chapter 3512, must be deposited in the administrator licensure account.

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 4. Minnesota Statutes 2018, section 122A.175, subdivision 1, is amended to read:

Subdivision 1. **Educator licensure account.** An educator licensure account is created in the special revenue fund. Applicant licensure fees received by the Department of Education, or the Professional Educator Licensing and Standards Board, ~~or the Board of School Administrators~~ must be deposited in the educator licensure account. ~~Any funds appropriated from this account that remain unexpended at the end of the biennium cancel to the educator licensure account in the special revenue fund.~~

**EFFECTIVE DATE.** This section is effective July 1, 2019.

Sec. 5. Laws 2017, First Special Session chapter 5, article 11, section 9, subdivision 2, is amended to read:

Subd. 2. **Department.** (a) For the Department of Education:

\$27,158,000	.....	2018
\$ <del>24,874,000</del> <u>22,874,000</u>	.....	2019

Of these amounts:

(1) \$231,000 each year is for the Board of School Administrators, and beginning in fiscal year 2020, the amount indicated is from the educator licensure account in the special revenue fund;

(2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes, section 120B.115;

(3) \$500,000 each year is for the school safety technical assistance center under Minnesota Statutes, section 127A.052;

(4) \$250,000 each year is for the School Finance Division to enhance financial data analysis;

(5) \$720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(6) \$2,750,000 in fiscal year 2018 and \$500,000 in fiscal year 2019 are for the Department of Education's mainframe update;

(7) \$123,000 each year is for a dyslexia specialist; and

(8) \$2,000,000 ~~each year~~ in fiscal year 2018 is for legal fees and costs associated with litigation.

(b) Any balance in the first year does not cancel but is available in the second year.

(c) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C. office.

(d) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and shall be spent as indicated.

(e) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanism specified in that agreement.

~~(f) The agency's base is \$22,054,000 for fiscal year 2020 and \$21,965,000 for 2021.~~

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

Sec. 6. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

Subdivision 1. Department of Education. Unless otherwise indicated, the sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated. Any balance in the first year does not cancel but is available in the second year.

Subd. 2. Department. (a) For the Department of Education:

<u>\$31,778,000</u>	.....	<u>2020</u>
<u>\$28,382,000</u>	.....	<u>2021</u>

Of these amounts:

(1) \$2,000,000 in fiscal year 2020 and \$3,000,000 in fiscal year 2021 and later are for regional centers of excellence under Minnesota Statutes, section 120B.115;

(2) \$250,000 each year is for the School Finance Division to enhance financial data analysis;

(3) \$720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(4) \$123,000 each year is for a dyslexia specialist;

(5) \$4,700,000 in fiscal year 2020 is for legal fees and costs associated with litigation;

(6) \$400,000 in fiscal year 2020 and \$480,000 in fiscal year 2021 and later are for the Department of Education's mainframe update;

(7) \$171,000 in fiscal year 2020 and \$174,000 in fiscal year 2021 and later are to fund a Second Chance Agency director;

(8) \$406,000 in fiscal year 2020 and \$288,000 in fiscal year 2021 and later are for a maltreatment investigations program;

(9) \$822,000 each year is for the IT program and data integration;

(10) \$140,000 each year is for the turnaround arts program;

(11) \$222,000 in fiscal year 2020 and \$226,000 in fiscal year 2021 and later are for data analytics; and

(12) \$140,000 each year is to conduct stakeholder engagement and draft a plan to increase the number of national board certified teachers in Minnesota.

(b) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C. office.

(c) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and shall be spent as indicated.

(d) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanism specified in that agreement.

(e) Any balance in the first year does not cancel but is available in the second year.

(f) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2022 is \$28,402,000. The base for fiscal year 2023 is \$28,422,000.

**Sec. 7. APPROPRIATIONS; MINNESOTA STATE ACADEMIES.**

(a) The sums indicated in this section are appropriated from the general fund to the Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

<u>\$14,966,000</u>	<u>.....</u>	<u>2020</u>
<u>\$14,872,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

(c) Of the amounts in paragraph (a), \$650,000 in fiscal year 2020 and \$505,000 in fiscal year 2021 are for information technology improvements.

(d) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (b), the base for fiscal year 2022 is \$14,879,000. The base for fiscal year 2023 is \$14,886,000.

**Sec. 8. APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

(a) The sums in this section are appropriated from the general fund to the Perpich Center for Arts Education for the fiscal years designated:

<u>\$8,172,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,663,000</u>	<u>.....</u>	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year.

(c) Of the amounts in paragraph (a), \$960,000 in fiscal year 2020 and \$380,000 in fiscal year 2021 are for information technology improvements. \$340,000 is included in the base for fiscal year 2022, and \$285,000 is included in the base for fiscal year 2023 for this purpose.

(d) To account for onetime technology initiatives and for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (c), the base for fiscal year 2022 is \$7,628,000. The base for fiscal year 2023 is \$7,579,000.

**Sec. 9. APPROPRIATIONS; BOARD OF SCHOOL ADMINISTRATORS.**

(a) The sums indicated in this section are appropriated from the administrator licensure account in the special revenue fund to the Board of School Administrators:

<u>\$347,000</u>	.....	<u>2020</u>
<u>\$347,000</u>	.....	<u>2021</u>

(b) For fiscal year 2020 only, if the amount in the administrator licensure account is insufficient, the remainder of the appropriation must be made from the general fund.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2022 is \$347,000.

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

**Sec. 10. APPROPRIATIONS; PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD.**

Subdivision 1. **Professional Educator Licensing and Standards Board.** (a) The sums indicated in this section are appropriated from the educator licensure account in the special revenue fund to the Professional Educator Licensing and Standards Board for the fiscal years designated:

<u>\$2,744,000</u>	.....	<u>2020</u>
<u>\$2,719,000</u>	.....	<u>2021</u>

(b) This appropriation includes funds for information technology project services and support subject to Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into an interagency agreement and will be paid to the Office of MN.IT Services by the Professional Educator Licensing and Standards Board under the mechanism specified in that agreement.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) If the amount in the educator licensure account is insufficient, the remainder of the appropriation must be made from the general fund.

(e) The base for fiscal year 2022 and later is \$2,719,000.

Subd. 2. **Licensure by portfolio.** For licensure by portfolio:

<u>\$34,000</u>	.....	<u>2020</u>
<u>\$34,000</u>	.....	<u>2021</u>

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

ARTICLE 11  
FORECAST ADJUSTMENTS

A. GENERAL EDUCATION

Section 1. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 2, is amended to read:

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$7,032,051,000	.....	2018
\$ <del>7,227,809,000</del> <u>7,253,606,000</u>	.....	2019

The 2018 appropriation includes \$686,828,000 for 2017 and \$6,345,223,000 for 2018.

The 2019 appropriation includes \$705,024,000 for 2018 and ~~\$6,522,785,000~~ \$6,548,582,000 for 2019.

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

Sec. 2. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 3, is amended to read:

Subd. 3. **Enrollment options transportation.** For transportation of pupils attending postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

\$29,000	.....	2018
\$ <del>31,000</del> <u>22,000</u>	.....	2019

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

Sec. 3. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 4, is amended to read:

Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

\$2,374,000	.....	2018
\$ <del>2,163,000</del> <u>2,939,000</u>	.....	2019

The 2018 appropriation includes \$262,000 for 2017 and \$2,112,000 for 2018.

The 2019 appropriation includes ~~\$234,000~~ \$468,000 for 2018 and ~~\$1,929,000~~ \$2,471,000 for 2019.

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

Sec. 4. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 5, is amended to read:

Subd. 5. **Consolidation transition aid.** For districts consolidating under Minnesota Statutes, section 123A.485:

\$185,000	.....	2018
\$ <del>382,000</del> <u>20,000</u>	.....	2019

The 2018 appropriation includes \$0 for 2017 and \$185,000 for 2018.

The 2019 appropriation includes \$20,000 for 2018 and ~~\$362,000~~ \$0 for 2019.

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

Sec. 5. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 6, is amended to read:

Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

\$18,197,000	.....	2018
\$ <del>19,225,000</del> <u>18,093,000</u>	.....	2019

The 2018 appropriation includes \$1,687,000 for 2017 and \$16,510,000 for 2018.

The 2019 appropriation includes \$1,834,000 for 2018 and ~~\$17,391,000~~ \$16,259,000 for 2019.

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

Sec. 6. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 7, is amended to read:

Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 9:

\$18,372,000	.....	2018
\$ <del>18,541,000</del> <u>19,492,000</u>	.....	2019

The 2018 appropriation includes \$1,835,000 for 2017 and \$16,537,000 for 2018.

The 2019 appropriation includes \$1,837,000 for 2018 and ~~\$16,704,000~~ \$17,655,000 for 2019.

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

Sec. 7. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 9, is amended to read:

Subd. 9. **Career and technical aid.** For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

\$4,561,000	.....	2018
\$ <del>4,125,000</del> <u>4,260,000</u>	.....	2019

The 2018 appropriation includes \$476,000 for 2017 and \$4,085,000 for 2018.

The 2019 appropriation includes \$453,000 for 2018 and ~~\$3,672,000~~ \$3,807,000 for 2019.

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

## B. EDUCATION EXCELLENCE

Sec. 8. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 2, is amended to read:

Subd. 2. **Achievement and integration aid.** For achievement and integration aid under Minnesota Statutes, section 124D.862:

\$71,249,000	.....	2018
\$ <del>73,267,000</del> <u>70,980,000</u>	.....	2019

The 2018 appropriation includes \$6,725,000 for 2017 and \$64,524,000 for 2018.

The 2019 appropriation includes \$7,169,000 for 2018 and ~~\$66,098,000~~ \$63,811,000 for 2019.

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

Sec. 9. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 3, is amended to read:

Subd. 3. **Literacy incentive aid.** For literacy incentive aid under Minnesota Statutes, section 124D.98:

\$47,264,000	.....	2018
\$ <del>47,763,000</del> <u>45,987,000</u>	.....	2019

The 2018 appropriation includes \$4,597,000 for 2017 and \$42,667,000 for 2018.

The 2019 appropriation includes \$4,740,000 for 2018 and ~~\$43,023,000~~ \$41,247,000 for 2019.

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

Sec. 10. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 4, is amended to read:

Subd. 4. **Interdistrict desegregation or integration transportation grants.** For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

\$13,337,000	.....	2018
\$ <del>14,075,000</del> <u>13,193,000</u>	.....	2019

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

Sec. 11. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 5, is amended to read:

Subd. 5. **Tribal contract schools.** For tribal contract school aid under Minnesota Statutes, section 124D.83:

\$3,623,000	.....	2018
\$ <del>4,018,000</del> <u>3,059,000</u>	.....	2019

The 2018 appropriation includes \$323,000 for 2017 and \$3,300,000 for 2018.

The 2019 appropriation includes \$366,000 for 2018 and ~~\$3,652,000~~ \$2,693,000 for 2019.

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

Sec. 12. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 6, is amended to read:

Subd. 6. **American Indian education aid.** For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

\$9,244,000	.....	2018
\$ <del>9,464,000</del> <u>9,573,000</u>	.....	2019

The 2018 appropriation includes \$886,000 for 2017 and \$8,358,000 for 2018.

The 2019 appropriation includes \$928,000 for 2018 and ~~\$8,536,000~~ \$8,645,000 for 2019.

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

Sec. 13. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 21, is amended to read:

Subd. 21. **Charter school building lease aid.** For building lease aid under Minnesota Statutes, section 124E.22:

\$73,341,000	.....	2018
\$ <del>78,802,000</del> <u>79,646,000</u>	.....	2019

The 2018 appropriation includes \$6,850,000 for 2017 and \$66,491,000 for 2018.

The 2019 appropriation includes ~~\$7,387,000~~ \$7,448,000 for 2018 and ~~\$71,415,000~~ \$72,198,000 for 2019.

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

Sec. 14. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 26, is amended to read:

Subd. 26. **Alternative teacher compensation aid.** For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

\$89,863,000	.....	2018
\$ <del>89,623,000</del> <u>89,783,000</u>	.....	2019

The 2018 appropriation includes \$8,917,000 for 2017 and \$80,946,000 for 2018.

The 2019 appropriation includes ~~\$8,994,000~~ \$9,015,000 for 2018 and ~~\$80,629,000~~ \$80,768,000 for 2019.

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

### C. SPECIAL EDUCATION

Sec. 15. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 2, as amended by Laws 2017, First Special Session chapter 7, section 12, is amended to read:

Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

\$1,341,161,000	.....	2018
\$ <del>1,426,827,000</del> <u>1,513,013,000</u>	.....	2019

The 2018 appropriation includes \$156,403,000 for 2017 and \$1,184,758,000 for 2018.

The 2019 appropriation includes ~~\$166,667,000~~ \$204,145,000 for 2018 and ~~\$1,260,160,000~~ \$1,308,868,000 for 2019.

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

Sec. 16. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 3, is amended to read:

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

\$1,597,000	.....	2018
\$ <del>1,830,000</del> <u>1,217,000</u>	.....	2019

If the appropriation for either year is insufficient, the appropriation for the other year is available.

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

Sec. 17. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 4, is amended to read:

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

\$508,000	.....	2018
\$ <del>532,000</del> <u>417,000</u>	.....	2019

The 2018 appropriation includes \$48,000 for 2017 and \$460,000 for 2018.

The 2019 appropriation includes \$51,000 for 2018 and ~~\$481,000~~ \$366,000 for 2019.

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

Sec. 18. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 5, is amended to read:

Subd. 5. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

\$46,000	.....	2018
\$ <del>47,000</del> <u>30,000</u>	.....	2019

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

#### D. FACILITIES AND TECHNOLOGY

Sec. 19. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 2, is amended to read:

Subd. 2. **Debt service equalization aid.** For debt service equalization aid under Minnesota Statutes, section 123B.53, subdivision 6:

\$24,908,000	.....	2018
\$ <del>22,360,000</del> <u>23,137,000</u>	.....	2019

The 2018 appropriation includes \$2,324,000 for 2017 and \$22,584,000 for 2018.

The 2019 appropriation includes \$2,509,000 for 2018 and ~~\$19,851,000~~ \$20,628,000 for 2019.

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

Sec. 20. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 3, is amended to read:

Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

	\$80,179,000	.....	2018
\$ <del>103,460,000</del>	<u>102,823,000</u>	.....	2019

The 2018 appropriation includes \$5,815,000 for 2017 and \$74,364,000 for 2018.

The 2019 appropriation includes ~~\$8,262,000~~ \$8,645,000 for 2018 and ~~\$95,198,000~~ \$94,178,000 for 2019.

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

#### E. NUTRITION

Sec. 21. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 2, is amended to read:

Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

	\$16,721,000	.....	2018
\$ <del>17,223,000</del>	<u>15,990,000</u>	.....	2019

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

Sec. 22. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 3, is amended to read:

Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

	\$10,601,000	.....	2018
\$ <del>11,359,000</del>	<u>10,660,000</u>	.....	2019

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

Sec. 23. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 4, is amended to read:

Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes, section 124D.118:

	\$758,000	.....	2018
\$ <del>758,000</del>	<u>691,000</u>	.....	2019

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

#### F. EARLY CHILDHOOD AND FAMILY SUPPORT

Sec. 24. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 3, is amended to read:

Subd. 3. **Mixed delivery prekindergarten programs.** (a) For mixed delivery prekindergarten programs and school readiness plus programs:

\$21,429,000	.....	2018
\$ <del>28,571,000</del> <u>2,381,000</u>	.....	2019

(b) The fiscal year 2018 appropriation includes \$0 for 2017 and \$21,429,000 for 2018.

(c) The fiscal year 2019 appropriation includes \$2,381,000 for 2018 and ~~\$26,190,000~~ \$0 for 2019.

(d) The commissioner must proportionately allocate the amounts appropriated in this subdivision among each education funding program affected by the enrollment of mixed delivery system prekindergarten pupils.

(e) The appropriation under this subdivision is reduced by any other amounts specifically appropriated for those purposes.

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

Sec. 25. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 5a, is amended to read:

Subd. 5a. **Early childhood family education aid.** For early childhood family education aid under Minnesota Statutes, section 124D.135:

\$30,405,000	.....	2018
\$ <del>31,977,000</del> <u>30,942,000</u>	.....	2019

The 2018 appropriation includes \$2,904,000 for 2017 and \$27,501,000 for 2018.

The 2019 appropriation includes \$3,055,000 for 2018 and ~~\$28,922,000~~ \$27,887,000 for 2019.

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

Sec. 26. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 6, is amended to read:

Subd. 6. **Developmental screening aid.** For developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

\$3,606,000	.....	2018
\$ <del>3,629,000</del> <u>3,632,000</u>	.....	2019

The 2018 appropriation includes \$358,000 for 2017 and \$3,248,000 for 2018.

The 2019 appropriation includes \$360,000 for 2018 and ~~\$3,269,000~~ \$3,272,000 for 2019.

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

Sec. 27. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 12, is amended to read:

Subd. 12. **Home visiting aid.** For home visiting aid under Minnesota Statutes, section 124D.135:

\$527,000	.....	2018
\$ <del>571,000</del> <u>553,000</u>	.....	2019

The 2018 appropriation includes \$0 for 2017 and \$527,000 for 2018.

The 2019 appropriation includes \$58,000 for 2018 and ~~\$513,000~~ \$495,000 for 2019.

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

## G. COMMUNITY EDUCATION AND PREVENTION

Sec. 28. Laws 2017, First Special Session chapter 5, article 9, section 2, subdivision 2, is amended to read:

Subd. 2. **Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

\$483,000	.....	2018
\$ <del>393,000</del> <u>410,000</u>	.....	2019

The 2018 appropriation includes \$53,000 for 2017 and \$430,000 for 2018.

The 2019 appropriation includes \$47,000 for 2018 and ~~\$346,000~~ \$363,000 for 2019.

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

## H. SELF-SUFFICIENCY AND LIFELONG LEARNING

Sec. 29. Laws 2017, First Special Session chapter 5, article 10, section 6, subdivision 2, is amended to read:

Subd. 2. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

\$50,010,000	.....	2018
\$ <del>51,497,000</del> <u>48,831,000</u>	.....	2019

The 2018 appropriation includes \$4,881,000 for 2017 and \$45,129,000 for 2018.

The 2019 appropriation includes \$5,014,000 for 2018 and ~~\$46,483,000~~ \$43,817,000 for 2019.

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

Sec. 30. Laws 2018, chapter 211, article 21, section 4, is amended to read:

Sec. 4. **EDUCATION APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated are appropriated from the general fund to the Department of Education for the fiscal years designated. These sums are in addition to appropriations made for the same purpose in any other law.

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$ <del>10,863,000</del> <u>0</u>	.....	2019
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The 2019 appropriation includes \$0 for 2018 and ~~\$10,863,000~~ \$0 for 2019."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment and the roll was called.

Winkler moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

#### CALL OF THE HOUSE LIFTED

Winkler moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 195, lines 20 and 21, delete "2,700,000" and insert "5,050,000"

Page 244, line 26, delete "31,778,000" and insert "27,078,000"

Page 245, delete line 6

Renumber the clauses in sequence

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment and the roll was called. There were 53 yeas and 73 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 205, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Dettmer moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 204, delete section 9 and insert:

"Sec. 9. **COMMUNITY SERVICE FUND; FUND TRANSFERS.**

(a) On June 30, 2019, and June 30, 2020, upon approval of the commissioner of education and notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, a school district may permanently transfer any amount approved by the commissioner from its community education reserve fund balance to its undesignated general fund.

(b) To the extent practicable, when making the fund transfer under this section, each school district must abide by its board's fund balance policy unless the funds are transferred for an eligible use under Minnesota Statutes, section 124D.18.

(c) A school district requesting a fund transfer under this section must apply for the transfer in the form and manner specified by the commissioner.

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 205, line 6, before the period, insert "after the referendum required in subdivision 2"

Page 205, after line 9, insert:

"Subd. 2. **Elections required.** (a) Before a combination may be approved under subdivision 1, the school board of Independent School District No. 270, Hopkins, must conduct an election approving the combination. The question voted on must read:

"Shall the Hopkins school district combine in its program the current program of .... charter school?"

Yes .....  
No ....."

(b) The charter school must poll its students' parents on the program combination, and upon approval of at least 50 percent of the parents of students currently enrolled in school, may enter into a combination under subdivision 1."

Renumber the subdivisions in sequence

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 15, lines 20 to 22, reinstate the stricken language

Page 15, line 23, reinstate the stricken language and before the period, insert ", or for costs of additional school support personnel"

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

Quam moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 13, line 26, before "The" insert "(a)"

Page 13, after line 30, insert:

"(b) Each year, the commissioner must adjust the allowance in paragraph (a) to equal the fiscal year 2019 allowance plus one-half of increase for the stated allowance for the current year over the allowance for fiscal year 2019.

(c) Annually, the commissioner must determine the difference between the statutory allowance and the calculated allowance, and calculate an allowance by dividing the statewide amount by the statewide number of adjusted average daily membership for that year.

(d) Each district's basic revenue must be increased by an amount equal to the allowance calculated in paragraph (c) multiplied by the district's adjusted average daily membership for that year."

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 151, after line 7, insert:

"Subd. 13. **Alternative teacher preparation grant program.** (a) For transfer to the commissioner of the Office of Higher Education for alternative teacher preparation program grants under Minnesota Statutes, section 136A.1276:

<u>\$1,000,000</u>	.....	<u>2020</u>
<u>\$1,000,000</u>	.....	<u>2021</u>

(b) Any balance in the first year does not cancel but is available in the second year."

Page 244, line 26, delete "31,778,000" and insert "30,778,000"

Page 244, line 27, delete "28,382,000" and insert "27,382,000"

Page 244, line 29, delete "\$2,000,000" and insert "\$1,000,000"

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment and the roll was called. There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Albright	Daniels	Fabian	Hamilton	Kresha	Nash
Anderson	Daudt	Franson	Heinrich	Layman	Nelson, N.
Backer	Davids	Green	Heintzeman	Lucero	Neu
Bahr	Demuth	Grossell	Hertaus	Lueck	Nornes
Baker	Dettmer	Gruenhagen	Johnson	Mekeland	O'Driscoll
Bennett	Drazkowski	Gunther	Jurgens	Miller	O'Neill
Boe	Erickson	Haley	Koznick	Munson	Petersburg

Pierson	Runbeck	Swedzinski	Urdahl	Zerwas
Quam	Schomacker	Theis	Vogel	
Robbins	Scott	Torkelson	West	

Those who voted in the negative were:

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

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

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 93, delete subdivision 26

Renumber the subdivisions in sequence

Page 195, after line 30, insert:

"Subd. 6. **School-linked mental grants.** (a) For transfer to the commissioner of human services for school-linked mental health grants:

<u>\$7,500,000</u>	<u>.....</u>	<u>2020</u>
<u>\$7,500,000</u>	<u>.....</u>	<u>2021</u>

(b) This appropriation is in addition to any other appropriation for this purpose.

(c) Any balance in the first year does not cancel but is available in the second year."

Renumber the subdivisions in sequence

A roll call was requested and properly seconded.

The question was taken on the Jurgens amendment and the roll was called. There were 49 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Albright	Baker	Daniels	Demuth	Erickson	Green
Anderson	Bennett	Daudt	Dettmer	Fabian	Grossell
Backer	Boe	Davids	Drazkowski	Franson	Gruenhagen

Gunther	Koznick	Nash	Pierson	Swedzinski	Zerwas
Haley	Kresha	Nelson, N.	Quam	Theis	
Hamilton	Layman	Neu	Robbins	Torkelson	
Hertaus	Lueck	Nornes	Runbeck	Urdahl	
Johnson	Miller	O'Neill	Schomacker	Vogel	
Jurgens	Munson	Petersburg	Scott	West	

Those who voted in the negative were:

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

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

This moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 95, after line 23, insert:

"Subd. 32. **Sanneh Foundation.** (a) For a grant to the Sanneh Foundation:

<u>\$1,000,000</u>	.....	<u>2020</u>
<u>\$1,000,000</u>	.....	<u>2021</u>

(b) The grant must be used for programs for low-performing and chronically absent students with a focus on low-income students and students of color. The goals of the grants include decreasing absenteeism, encouraging school engagement, improving grades, and improving graduation rates. The grants may be used to:

(1) provide all-day, in-school academic and behavioral interventions and social and emotional learning throughout the school year;

(2) provide year-round, out-of-school behavioral, social, and emotional learning interventions and enrichment activities;

(3) enhance career exploration opportunities, including exposure to businesses and business activities; and

(4) develop pathways in cooperation with business higher education partners for participants to pursue careers in education and youth development."

Page 244, line 26, delete "31,778,000" and insert "30,778,000"

Page 244, line 27, delete "28,382,000" and insert "27,382,000"

Amend the title accordingly

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

Theis moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 95, after line 23, insert:

"Subd. 32. **Singing-based program.** (a) For a singing-based program to improve student reading:

<u>\$250,000</u>	<u>.....</u>	<u>2020</u>
<u>\$250,000</u>	<u>.....</u>	<u>2021</u>

(b) The commissioner of education shall award a grant to the Rock 'n' Read Project to implement a research-supported, computer-based educational program that uses singing to improve the reading ability of students in grades 2 through 5. The grantee shall be responsible for selecting participating school sites; providing any required hardware and software, including software licenses, for the duration of the grant period; providing technical support, training, and staff to install required project hardware and software; providing on-site professional development and instructional monitoring and support for school staff and students; administering preintervention and postintervention reading assessments; evaluating the impact of the intervention; and other project management services as required. To the extent practicable, the grantee must select participating schools in urban, suburban, and greater Minnesota, and give priority to schools in which a high proportion of students do not read proficiently at grade level and are eligible for free or reduced-price lunch.

(c) By February 15, 2021, the grantee must submit a report detailing expenditures and outcomes of the grant to the commissioner of education and the chairs and ranking minority members of the legislative committees with primary jurisdiction over kindergarten through grade 12 education policy and finance."

Page 244, line 26, delete "31,778,000" and insert "31,528,000"

Page 244, line 27, delete "28,382,000" and insert "28,132,000"

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

Fabian moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 15, after line 24, insert:

"Sec. 20. Minnesota Statutes 2018, section 126C.10, subdivision 6, is amended to read:

Subd. 6. **Definitions.** The definitions in this subdivision apply only to subdivisions 7 and 8.

(a) "High school" means a public secondary school, except a charter school under chapter 124E, that has pupils enrolled in at least the 10th, 11th, and 12th grades. If there is no high school in the district and the school is at least 19 miles from the next nearest school, the commissioner must designate one school in the district as a high school for the purposes of this section.

(b) "Secondary average daily membership" means, for a district that has only one high school, the average daily membership of pupils served in grades 7 through 12. For a district that has more than one high school, "secondary average daily membership" for each high school means the product of the average daily membership of pupils served in grades 7 through 12 in the high school, times the ratio of six to the number of grades in the high school.

(c) "Attendance area" means the total surface area of the district, in square miles, divided by the number of high schools in the district. For a district that does not operate a high school and is less than 19 miles from the nearest operating high school, the attendance area equals zero.

(d) "Isolation index" for a high school means the square root of 55 percent of the attendance area plus the distance in miles, according to the usually traveled routes, between the high school and the nearest high school. For a district in which there is located land defined in section 84A.01, 84A.20, or 84A.31, the distance in miles is the sum of:

- (1) the square root of one-half of the attendance area; and
- (2) the distance from the border of the district to the nearest high school.

(e) "Qualifying high school" means a high school that has an isolation index greater than 23 and that has secondary average daily membership of less than 400.

(f) "Qualifying elementary school" means a public elementary school, except a charter school under chapter 124E, that is located ~~49~~ 18 miles or more from the nearest elementary school or from the nearest elementary school within the district and, in either case, has an elementary average daily membership of an average of 20 or fewer per grade.

(g) "Elementary average daily membership" means, for a district that has only one elementary school, the average daily membership of pupils served in kindergarten through grade 6. For a district that has more than one elementary school, "average daily membership" for each school means the average daily membership of pupils served in kindergarten through grade 6 multiplied by the ratio of seven to the number of grades in the elementary school.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later."

Page 245, line 16, delete "and"

Page 245, line 18, delete the period and insert ": and"

Page 245, after line 18, insert:

"(13) the amounts necessary to pay for sparsity revenue adjustments required under article 1, section 20, are transferred to the general fund to pay for additional general education aid."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Fabian amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 15, after line 2, insert:

"(d) Local optional revenue must be renewed by the school board at least once every five years and is subject to a reverse referendum under section 126C.17, subdivision 9a."

Page 24, line 7, after the second comma, insert "and local optional revenue under section 126C.10, subdivision 2e,"

Page 24, line 15, delete "and"

Page 24, line 17, delete the period and insert "; and"

Page 24, after line 17, insert:

"(5) for local optional revenue, the board has adopted a written resolution authorizing the renewal after holding a meting and allowing public testimony on the proposed renewal."

Page 25, line 6, delete "25" and insert "15"

Jurgens moved to amend the Jurgens amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, after line 4, insert:

"(e) For fiscal year 2021 and later, a district's local optional revenue per pupil unit must be included in the total per pupil unit amount requested under section 126C.17, subdivision 9."

Page 1, before line 5, insert:

"Page 22, line 10, before the period, insert ", including the per pupil amount of the district's local optional revenue under section 126C.10, subdivision 2e"

Page 22, line 31, after "unit" insert "less the local optional revenue per pupil unit"

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

The question recurred on the Jurgens amendment to H. F. No. 2400, the first engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 24, line 15, delete "and"

Page 24, line 17, delete the period and insert "; and"

Page 24, after line 17, insert:

"(5) the referendum has not been previously renewed by board action under this subdivision."

Jurgens moved to amend the Jurgens amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 3, delete "and"

Page 1, before line 5, insert:

"(5) the ballot states the amount of the district's local optional revenue per pupil unit; and"

Page 1, line 5, delete "(5)" and insert "(6)"

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

The question recurred on the Jurgens amendment to H. F. No. 2400, the first engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 23, line 2, after the first "referendum" insert "or the day of the meeting required under subdivision 9b, paragraph (a), clause (4)."

Page 23, line 18, after the second comma, insert "whether by board action or by an election."

A roll call was requested and properly seconded.

The question was taken on the Jurgens amendment and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 24, line 16, after "(4)" insert "At least two-thirds of" and delete "has adopted" and insert "members have voted in the affirmative to adopt"

A roll call was requested and properly seconded.

The question was taken on the Jurgens amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Miller moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 30, after line 23, insert:

"Sec. 38. **BLOCK GRANT FUNDING FOR SCHOOLS.**

(a) By July 15, 2020, the commissioner of education must prepare and submit to the commissioner of management and budget a report that summarizes how Minnesota's school funding formulas can be turned into a block grant program with three programs: general per pupil funding; special education funding; and a block grant of all remaining funds.

(b) The governor's education budget submitted to the legislature for the 2022/2023 budget cycle must reflect this new formula."

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 93, delete subdivision 26

Renumber the subdivisions in sequence

Page 230, lines 29 and 30, delete "83,544,000" and insert "91,044,000"

Page 231, line 6, delete "\$75,534,000" and insert "\$88,034,000"

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment and the roll was called. There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Albright	Davids	Grossell	Koznick	O'Driscoll	Scott
Anderson	Demuth	Gruenhagen	Kresha	O'Neill	Swedzinski
Backer	Dettmer	Gunther	Layman	Petersburg	Theis
Baker	Erickson	Haley	Lueck	Pierson	Torkelson
Bennett	Fabian	Hamilton	Nash	Quam	Urdahl
Boe	Franson	Heintzeman	Nelson, N.	Robbins	Vogel
Daniels	Garofalo	Johnson	Neu	Runbeck	West
Daudt	Green	Jurgens	Nornes	Schomacker	Zerwas

Those who voted in the negative were:

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

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 231, line 6, delete "\$75,534,000" and insert "\$85,534,000"

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

Demuth moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 223, line 1, strike "three" and reinstate the stricken "five"

Page 223, line 3, delete "four" and reinstate the stricken "five"

Page 224, line 8, before "The" insert "The commissioner must then prioritize applications on behalf of children who are ages three or four."

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 48 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Albright	Davids	Gruenhagen	Koznick	O'Driscoll	Scott
Anderson	Demuth	Gunther	Kresha	O'Neill	Swedzinski
Backer	Dettmer	Haley	Layman	Petersburg	Theis
Baker	Erickson	Hamilton	Lueck	Pierson	Torkelson
Bennett	Fabian	Heinrich	Nash	Quam	Urdahl
Boe	Franson	Heintzeman	Nelson, N.	Robbins	Vogel
Daniels	Garofalo	Johnson	Neu	Runbeck	West
Daudt	Green	Jurgens	Nornes	Schomacker	Zerwas

Those who voted in the negative were:

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

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

Urdahl moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 223, line 1, strike "three" and after the stricken "age" insert "six"

Page 223, line 3, delete "four" and insert "six"

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

Franson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 224, line 11, strike "establish a target for the average" and insert "annually set a"

Page 224, line 12, strike "based on the results of the" and insert "equal to the greater of: (1) the 25th percentile of the most recent child care provider" and before the period, insert ", subdivision 7; or (2) the statewide average general education revenue per average daily membership"

A roll call was requested and properly seconded.

The question was taken on the Franson amendment and the roll was called. There were 52 yeas and 78 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Demuth moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 231, delete lines 1 to 3

Page 231, line 4, delete "(c)" and insert "(b)"

Page 231, line 6, delete "(d)" and insert "(c)"

Page 245, line 16, delete "and"

Page 245, line 18, delete the period and insert "; and"

Page 245, after line 18, insert:

"(13) \$300,000 in each fiscal year are for transfer to the Office of MN.IT Services for a project manager to provide services for the coordination of early childhood programs."

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 50 yeas and 81 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker called Halverson to the Chair.

Franson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 225, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an early learning scholarship, a program must:

(1) participate in the quality rating and improvement system under section 124D.142<sup>1/2</sup>; and

~~(2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and improvement system; or~~

(2) be eligible for a provider rate differential under section 119B.13, subdivision 3a.

(b) Any program accepting scholarships must use the revenue to supplement and not supplant federal funding.

~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship program pilot sites are eligible to accept an early learning scholarship under this section."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Franson amendment and the roll was called. There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Demuth moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 228, after line 25, insert:

"Sec. 15. Laws 2017, First Special Session chapter 5, article 8, section 9, subdivision 6, is amended to read:

Subd. 6. **No supplanting.** For a site first qualifying in fiscal year 2018 or ~~2019~~ later, mixed delivery revenue, including voluntary prekindergarten and school readiness plus program revenue, must be used to supplement not supplant existing state, federal, and local revenue for prekindergarten activities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bahr	Drazkowski	Miller	Munson
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The motion prevailed and the amendment was adopted.

Heintzeman moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 222, after line 16, insert:

"Sec. 7. Minnesota Statutes 2018, section 124D.151, is amended by adding a subdivision to read:

**Subd. 7. Portability of voluntary prekindergarten funds.** (a) An eligible child enrolled in a voluntary prekindergarten program operated by a school district or a charter school may transfer at any time to a program that is eligible to receive funds from early learning scholarships under section 124D.165, subdivision 4.

(b) The eligible child's family must inform the school district or charter school of the transfer and identify the program provider. Within two weeks of verification of the transfer in enrollment, the school district or charter school must pay an amount equal to 88 percent of the remaining voluntary prekindergarten program funding attributed to the child. The payment must be made to the fiscal agent of the program to which the child transfers.

(c) The school district or charter school must continue to count the eligible child in its enrollment for the rest of the school year.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2020 and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heintzeman amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Carlson, L.	Elkins	Her	Lee	Long
Bahner	Christensen	Fischer	Hornstein	Lesch	Mahoney
Becker-Finn	Clafin	Freiberg	Howard	Liebling	Mann
Bernardy	Considine	Gomez	Huot	Lien	Mariani
Bierman	Davnie	Halverson	Klevorn	Lillie	Marquart
Brand	Dehn	Hansen	Koegel	Lippert	Masin
Cantrell	Ecklund	Hassan	Kotzya-Witthuhn	Lislegard	Moller
Carlson, A.	Edelson	Hausman	Kunesh-Podein	Loeffler	Moran

Morrison	Pelowski	Richardson	Stephenson	Wazlawik	Youakim
Murphy	Persell	Sandell	Sundin	Winkler	Spk. Hortman
Nelson, M.	Pinto	Sandstede	Tabke	Wolgamott	
Noor	Poppe	Sauke	Vang	Xiong, J.	
Olson	Pryor	Schultz	Wagenius	Xiong, T.	

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 222, after line 16, insert:

"Sec. 7. Minnesota Statutes 2018, section 124D.151, is amended by adding a subdivision to read:

Subd. 7. **Voluntary prekindergarten funding.** (a) For fiscal year 2020 and later, a school district's funding for voluntary prekindergarten and school readiness programs equals its total funding for those programs for fiscal year 2019.

(b) The commissioner of education must calculate this amount by June 30, 2019, and pay this amount to school districts in each subsequent fiscal year.

(c) The amounts necessary to pay this aid are annually appropriated from the general fund to the commissioner of education for this purpose.

(d) The commissioner of education must certify this amount to the commissioner of management and budget and reduce all other appropriations accordingly."

Page 226, line 19, delete "(c)" and strike "A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled"

Page 226, strike lines 20 to 22

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

Franson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 217, after line 29, insert:

"Sec. 3. Minnesota Statutes 2018, section 124D.142, is amended to read:

**124D.142 QUALITY RATING AND IMPROVEMENT SYSTEM.**

(a) There is established a quality rating and improvement system (QRIS) framework to ensure that Minnesota's children have access to high-quality early learning and care programs in a range of settings so that they are fully ready for kindergarten by 2020. Creation of a standards-based voluntary quality rating and improvement system includes:

(1) quality opportunities in order to improve the educational outcomes of children so that they are ready for school. The framework shall be based on the Minnesota quality rating system rating tool and a common set of child outcome and program standards and informed by evaluation results;

(2) a tool to increase the number of publicly funded and regulated early learning and care services in both public and private market programs that are high quality. If a program or provider chooses to participate, the program or provider will be rated and may receive public funding associated with the rating. The state shall develop a plan to link future early learning and care state funding to the framework in a manner that complies with federal requirements; and

(3) tracking progress toward statewide access to high-quality early learning and care programs, progress toward the number of low-income children whose parents can access quality programs, and progress toward increasing the number of children who are fully prepared to enter kindergarten.

~~(b) In planning a statewide quality rating and improvement system framework in paragraph (a), the state shall use evaluation results of the Minnesota quality rating system rating tool in use in fiscal year 2008 to recommend:~~

~~(1) a framework of a common set of child outcome and program standards for a voluntary statewide quality rating and improvement system;~~

~~(2) a plan to link future funding to the framework described in paragraph (a), clause (2); and~~

~~(3) a plan for how the state will realign existing state and federal administrative resources to implement the voluntary quality rating and improvement system framework. The state shall provide the recommendation in this paragraph to the early childhood education finance committees of the legislature by March 15, 2011.~~

~~(c) Prior to the creation of a statewide quality rating and improvement system in paragraph (a), the state shall employ the Minnesota quality rating system rating tool in use in fiscal year 2008 in the original Minnesota Early Learning Foundation pilot areas and additional pilot areas supported by private or public funds with its modification as a result of the evaluation results of the pilot project.~~

(b) The commissioner must apply a uniform rating process for all early learning and care programs under the quality rating and improvement system, and is prohibited from providing an automatic rating for a program including but not limited to a voluntary prekindergarten program under section 124D.151.

**EFFECTIVE DATE.** This section is effective July 1, 2019."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Demuth moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 233, line 14, delete "For a matching grant to the city"

Page 233, delete line 15 and insert "For the commissioner to establish a competitive grant program that allows cities to apply for funds to (1) create a college savings account for every"

Page 233, line 17, delete "performs" and insert "perform"

Page 233, line 16, delete "of St. Paul"

Page 233, line 21, delete the first "The" and insert "A"

Page 233, line 22, delete "The" and insert "A"

Page 233, line 25, delete the first "The" and insert "A"

Page 233, line 28, delete the first "The" and insert "A"

Page 233, line 30, delete "the" and insert "each" and after "city" insert "receiving a grant"

Page 234, after line 18, insert:

"(h) To qualify for a grant under this subdivision, a city must apply to the commissioner in a form and manner specified by the commissioner. The commissioner must award grants under this subdivision to cities that:

(1) have the lowest expected administrative costs for the pilot program; and

(2) demonstrate the highest expected rate of return on amounts saved in the accounts."

A roll call was requested and properly seconded.

Kresha moved to amend the Demuth amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 4, before "cities" insert "the" and after "cities" insert "of Austin, Bemidji, Cloquet, Dilworth, Glyndon, Hermantown, Hibbing, International Falls, Moorhead, Virginia, and Winona"

A roll call was requested and properly seconded.

The question was taken on the Kresha amendment to the Demuth amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the Demuth amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 37, line 28, after "curriculum" insert "aligned to state standards"

Page 38, line 28, after "curriculum" insert "is aligned to state standards, and the curriculum"

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 132, line 21, delete "may" and insert "that receive a grant must"

The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 121, after line 7, insert:

"Sec. 42. Minnesota Statutes 2018, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) A school board must not enter into an agreement for a plan providing for unrequested leave of absence based, in whole or in part, on order of seniority if the percentage of students of color or American Indian students in the district exceeds the percentage of teachers of color or American Indian students.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter."

Page 123, after line 27, insert:

"Sec. 43. Minnesota Statutes 2018, section 122A.41, subdivision 14a, is amended to read:

Subd. 14a. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) A school board must not enter into an agreement for a plan providing for unrequested leave of absence based, in whole or in part, on order of seniority if the percentage of students of color or American Indian students in the district exceeds the percentage of teachers of color or American Indian students.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 136, after line 25, insert:

**"EFFECTIVE DATE.** This section is effective upon the adoption of rules in accordance with Minnesota Statutes, section 124D.896."

Erickson moved to amend the Erickson amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, after line 1, insert:

"Page 136, after line 17, insert:

"(d) An eligible district must adopt an unrequested leave of absence policy under section 122A.40, subdivision 10, or 122A.41, subdivision 14a, that is not based on order of seniority. An eligible district must be construed to be in compliance with this paragraph if the adopted unrequested leave of absence policy precludes at least ten percent of new or probationary teachers receiving satisfactory performance evaluations from being placed on unrequested leave of absence."

Page 136, line 18, delete "(d)" and insert "(e)"

Page 136, line 23, delete "(e)" and insert "(f)""

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

The question recurred on the Erickson amendment to H. F. No. 2400, the first engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 111, delete section 32

Page 112, delete section 33

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Urdahl moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 131, line 29, strike "are encouraged to" and insert "must"

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

Baker moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 165, after line 2, insert:

"Sec. 15. **SPECIAL EDUCATION PAPERWORK REDUCTION.**

By January 1, 2020, the commissioner of education must review and modify state special education reporting requirements. The commissioner must reduce or eliminate any reporting requirement that is not required by a specific federal or state statute, rule, or regulation. The commissioner must consult with school districts, teachers, and other stakeholders to identify special education reporting requirements not required by federal or state law. The commissioner must submit a report to the legislative committees having jurisdiction over education by February 15, 2020, in accordance with Minnesota Statutes, section 3.195. The report must identify each reporting requirement eliminated in accordance with this section and identify the federal or state statute, rule, or regulation that requires each reporting requirement not eliminated under this section.

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

Renumber the sections in sequence and correct the internal references

A roll call was requested and properly seconded.

The question was taken on the Baker amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Bennett moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 51, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to read:

**Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.**  
"Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school. Nothing in this subdivision diminishes a teacher's authority to remove a student from class consistent with sections 121A.61, subdivision 2, and 122A.42.

**EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later."

A roll call was requested and properly seconded.

Bennett moved to amend the Bennett amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, line 9, delete "sections 121A.61, subdivision 2, and" and insert "section"

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

The question recurred on the Bennett amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Clafin	Hansen	Kunesh-Podein	Mahoney	Noor
Bahner	Davnie	Hassan	Lee	Mann	Olson
Becker-Finn	Dehn	Hausman	Lesch	Mariani	Pelowski
Bernardy	Ecklund	Her	Liebling	Marquart	Persell
Bierman	Edelson	Hornstein	Lien	Masin	Pinto
Brand	Elkins	Howard	Lillie	Moller	Poppe
Cantrell	Fischer	Huot	Lippert	Moran	Pryor
Carlson, A.	Freiberg	Klevorn	Lislegard	Morrison	Richardson
Carlson, L.	Gomez	Koegel	Loeffler	Murphy	Sandell
Christensen	Halverson	Kotyza-Witthuhn	Long	Nelson, M.	Sandstede

Sauke  
Schultz  
Stephenson

Sundin  
Tabke  
Vang

Wagenius  
Wazlawik  
Winkler

Wolgamott  
Xiong, J.  
Xiong, T.

Youakim  
Spk. Hortman

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

Quam moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 55, after line 21, insert:

"Sec. 22. Minnesota Statutes 2018, section 121A.61, subdivision 3, is amended to read:

Subd. 3. **Policy components.** The policy must include at least the following components:

- (a) rules governing student conduct and procedures for informing students of the rules;
- (b) the grounds for removal of a student from a class;
- (c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
- (d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
- (f) provisions relating to the responsibility for and custody of a student removed from a class;
- (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
- (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
- (m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
- (n) the minimum consequences for violations of the code of conduct;

(o) procedures for immediate and appropriate interventions tied to violations of the code;

(p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

(q) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and

(r) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The A student assault on a teacher must be referred to law enforcement. A student who assaults a teacher must be removed for at least one week. A student who assaults a teacher a second time during the school year must be removed for at least two weeks. A student who assaults a teacher a third time during the school year must be removed for the remainder of the school year. A removal for an assault on another person shall be for a period of time deemed appropriate by the principal, in consultation with the teacher.

**EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Quam amendment and the roll was called. There were 53 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Christensen	Freiberg	Huot	Lien	Marquart
Bahner	Clafin	Gomez	Klevorn	Lillie	Masin
Becker-Finn	Considine	Halverson	Koegel	Lippert	Moller
Bernardy	Davnie	Hansen	Kotyza-Witthuhn	Lislegard	Moran
Bierman	Dehn	Hassan	Koznick	Loeffler	Morrison
Brand	Ecklund	Hausman	Kunesh-Podein	Long	Murphy
Cantrell	Edelson	Her	Lee	Mahoney	Nelson, M.
Carlson, A.	Elkins	Hornstein	Lesch	Mann	Noor
Carlson, L.	Fischer	Howard	Liebling	Mariani	Olson

O'Neill	Poppe	Sandstede	Sundin	Wazlawik	Xiong, T.
Pelowski	Pryor	Sauke	Tabke	Winkler	Youakim
Persell	Richardson	Schultz	Vang	Wolgamott	Spk. Hortman
Pinto	Sandell	Stephenson	Wagenius	Xiong, J.	

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

The Speaker resumed the Chair.

Jurgens moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 46, after line 32, insert:

"Sec. 11. Minnesota Statutes 2018, section 120B.31, subdivision 4, is amended to read:

Subd. 4. **Student performance data.** In developing policies and assessment processes to hold schools and districts accountable for high levels of academic standards under section 120B.021, the commissioner shall aggregate and disaggregate student data over time to report summary student performance and growth levels and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data measured at the school, school district, and statewide level. The commissioner shall use the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and student categories of:

(1) homelessness;

~~(2) ethnicity under section 120B.35, subdivision 3, paragraph (a), clause (2);~~

~~(3) race under section 120B.35, subdivision 3, paragraph (a), clause (2);~~

(4) (2) home language;

~~(5)~~ (3) English learners under section 124D.59;

~~(6)~~ (4) free or reduced-price lunch; and

~~(7)~~ (5) other categories designated by federal law to organize and report the data so that state and local policy makers can understand the educational implications of changes in districts' demographic profiles over time as data are available.

Any report the commissioner disseminates containing summary data on student performance must integrate student performance and the demographic factors that strongly correlate with that performance."

Page 47, line 9, strike everything after "reauthorized"

Page 47, strike lines 10 to 13

Page 47, line 14, strike "most recent American Community Survey;" and insert ". Categories include"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Jurgens amendment and the roll was called. There were 52 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Nornes moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 5, after line 26, insert:

"Sec. 7. Minnesota Statutes 2018, section 120A.41, is amended to read:

**120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

(a) A school board's annual school calendar must include at least 425 hours of instruction for a kindergarten student without a disability, 935 hours of instruction for a student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not including summer school. The school calendar for all-day kindergarten must include at least 850 hours of instruction for the school year. The school calendar for a prekindergarten student under section 124D.151, if offered by the district, must include at least 350 hours of instruction for the school year. A school board's board must establish the minimum number of days of instruction for its annual calendar must include at least 165 days of instruction for a student in grades 1 through 11 unless a four day week schedule has been approved by the commissioner under section 124D.126 by adopting a resolution and must report the calendar to the commissioner of education in the form and manner specified by the commissioner.

(b) A school board's annual school calendar may include plans for up to five days of instruction provided through online instruction due to inclement weather. The inclement weather plans must be developed according to section 120A.414."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Nornes amendment and the roll was called. There were 44 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Albright	Demuth	Gunther	Kresha	Pierson	Torkelson
Anderson	Erickson	Haley	Layman	Quam	Urdahl
Backer	Fabian	Hamilton	Lueck	Robbins	Vogel
Baker	Franson	Heinrich	Nelson, N.	Runbeck	Zerwas
Bennett	Garofalo	Heintzeman	Nornes	Schomacker	
Boe	Green	Johnson	O'Driscoll	Scott	
Daniels	Grossell	Kiel	O'Neill	Swedzinski	
Davids	Gruenhagen	Koznick	Petersburg	Theis	

Those who voted in the negative were:

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

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

Haley moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 5, after line 26, insert:

"Sec. 7. Minnesota Statutes 2018, section 120A.41, is amended to read:

**120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

(a) A school board's annual school calendar must include at least 425 hours of instruction for a kindergarten student without a disability, 935 hours of instruction for a student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not including summer school. The school calendar for all-day

kindergarten must include at least 850 hours of instruction for the school year. The school calendar for a prekindergarten student under section 124D.151, if offered by the district, must include at least 350 hours of instruction for the school year. A school board's annual calendar must include at least 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule has been approved by the commissioner under section 124D.126.

(b) A school board's annual school calendar may include plans for up to ~~five~~ ten days of instruction provided through online instruction due to inclement weather. The inclement weather plans must be developed according to section 120A.414.

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

Sec. 8. Minnesota Statutes 2018, section 120A.414, subdivision 1, is amended to read:

Subdivision 1. **Days.** "E-learning day" means a school day where a school offers full access to online instruction provided by students' individual teachers due to inclement weather. A school district or charter school that chooses to have e-learning days may have up to ~~five~~ ten e-learning days in one school year. An e-learning day is counted as a day of instruction and included in the hours of instruction under section 120A.41.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Daniels moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 246, after line 20, insert:

"(d) Up to \$100,000 of the appropriation in paragraph (a) may be used for a study of the uses of the Perpich Center property. The commissioner of education must convene and chair a task force to consider uses of the Perpich Center property. The task force must include designees from the Department of Education, the Perpich Center, the city of Golden Valley, the Minnesota State Academies, and other interested parties appointed by the commissioner of education. The task force must examine, among other uses, the use of the property for a metro area satellite campus for the Minnesota State Academies. The task force must report its recommendations to the education committees of the legislature by February 1, 2020."

Page 246, line 21, delete "(d)" and insert "(e)"

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

Bennett moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 241, delete section 5

Page 248, delete section 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Bennett amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 98, line 25, after the period, insert "A permission does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18."

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 99, delete sections 8 and 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 62, line 17, after the second "director" insert "licensed by the Board of School Administrators, who is"

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 62, line 27, delete "servicing" and insert "licensed as a school social worker or counselor or with a license in a related service licensure field, who serves"

Page 62, line 28, strike "who" and insert "and"

Page 62, line 30, after the period, insert "A site coordinator must be hired by a school board through an application process open to applicants not already employed by the district."

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

Quam moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 6, after line 9, insert:

"Sec. 8. Minnesota Statutes 2018, section 123B.02, subdivision 14, is amended to read:

Subd. 14. **Employees; contracts for services.** (a) The board may employ and discharge necessary employees and may contract for other services.

(b) The board must, before making an offer of employment to a person, request a copy of the person's personnel file from the previous employing district or charter school."

Page 13, after line 4, insert:

"Sec. 15. Minnesota Statutes 2018, section 124E.12, is amended by adding a subdivision to read:

Subd. 7. **Prospective employees.** A charter school must, before making an offer of employment to a person, request a copy of the person's personnel file from the previous employing district or charter school."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erickson offered an amendment to H. F. No. 2400, the first engrossment, as amended.

#### POINT OF ORDER

Lee raised a point of order pursuant to rule 3.21(a) that the Erickson amendment was not in order. The Speaker ruled the point of order well taken and the Erickson amendment out of order.

Kresha appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 75 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

O'Neill	Quam	Schomacker	Theis	Vogel
Petersburg	Robbins	Scott	Torkelson	West
Pierson	Runbeck	Swedzinski	Urdahl	Zerwas

So it was the judgment of the House that the decision of the Speaker should stand.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 121, after line 7, insert:

"Sec. 42. Minnesota Statutes 2018, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) If a plan providing for unrequested leave of absence under this section is based, in whole or in part, on order of seniority, the school board must maintain separate seniority lists for teachers who provide instruction in kindergarten through grade 12, Early Childhood and Family Education teachers, and Adult Basic Education teachers. A teacher's seniority rights apply only within one list.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter."

Page 123, after line 27, insert:

"Sec. 44. Minnesota Statutes 2018, section 122A.41, subdivision 14a, is amended to read:

Subd. 14a. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers must negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts.

(b) If a plan providing for unrequested leave of absence under this section is based, in whole or in part, on order of seniority, the school board must maintain separate seniority lists for teachers who provide instruction in kindergarten through grade 12, Early Childhood and Family Education teachers, and Adult Basic Education teachers. A teacher's seniority rights apply only within one list.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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

Franson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 217, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Franson amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 129, line 11, delete "Nonconventional"

Page 129, line 14, after "program" insert "or alternative teacher preparation program"

Page 129, line 17, after "program" insert "or alternative teacher preparation program"

Page 130, line 14, delete "or" and insert a comma and after "nonconventional" insert ", or alternative"

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

Quam moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 108, after line 4, insert:

"(c) A school district or charter school that employs a teacher who holds a Tier 1 license, must notify the teacher of the teacher's rights under the First Amendment, as interpreted by the United States Supreme Court in Janus v. American Federation of State, County, and Municipal Employees, Council 31, 138 S. Ct.2448 (2018)."

Quam moved to amend the Quam amendment to H. F. No. 2400, the first engrossment, as amended, as follows:

Page 1, after line 6, insert:

"Page 108, after line 27, insert:

"(d) A school district or charter school that employs a teacher who holds a Tier 2 license, must notify the teacher of the teacher's rights under the First Amendment, as interpreted by the United States Supreme Court in Janus v. American Federation of State, County, and Municipal Employees, Council 31, 138 S. Ct.2448 (2018)."

Page 109, after line 13, insert:

"Sec. 27. Minnesota Statutes 2018, section 122A.183, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to a candidate who provides information sufficient to demonstrate all of the following:

- (1) the candidate meets the educational or professional requirements in paragraphs (b) and (c);
- (2) the candidate has obtained a passing score on the required licensure exams under section 122A.185; and
- (3) the candidate has completed the coursework required under subdivision 2.

(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.

(c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

- (1) an associate's degree;
- (2) a professional certification; or
- (3) five years of relevant work experience.

In consultation with the governor's Workforce Development Board established under section 116L.665, the board must establish a list of qualifying certifications, and may add additional professional certifications in consultation with school administrators, teachers, and other stakeholders.

(d) A school district or charter school that employs a teacher who holds a Tier 3 license, must notify the teacher of the teacher's rights under the First Amendment, as interpreted by the United States Supreme Court in Janus v. American Federation of State, County, and Municipal Employees, Council 31, 138 S. Ct.2448 (2018)"

Page 110, line 7, before "The" insert "(a)"

Page 110, after line 18, insert:

"(b) A school district or charter school that employs a teacher who holds a Tier 4 license, must notify the teacher of the teacher's rights under the First Amendment, as interpreted by the United States Supreme Court in Janus v. American Federation of State, County, and Municipal Employees, Council 31, 138 S. Ct.2448 (2018)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

A roll call was requested and properly seconded.

The question was taken on the Quam amendment to the Quam amendment and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the Quam amendment to H. F. No. 2400, the first engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Lislegard was excused between the hours of 7:50 p.m. and 8:20 p.m.

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 106, delete section 21

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 57 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 107, line 21, delete the new language

Page 107, line 22, strike "must" and insert "may" and strike "beginning" and insert "before"

Page 107, lines 25 to 27, delete the new language

Page 109, line 7, delete the new language

Page 109, line 8, strike "must" and insert "may" and strike "beginning" and insert "before"

Page 109, lines 11 to 13, delete the new language

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 107, delete section 23

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Brand	Claffin	Ecklund	Gomez	Her
Bahner	Cantrell	Considine	Edelson	Halverson	Hornstein
Becker-Finn	Carlson, A.	Dauids	Elkins	Hansen	Howard
Bernardy	Carlson, L.	Davnie	Fischer	Hassan	Huot
Bierman	Christensen	Dehn	Freiberg	Hausman	Klevorn

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 108, line 12, reinstate the stricken language

Page 108, line 13, reinstate the stricken language and delete "(i)"

Page 108, line 15, strike "or"

Page 108, line 16, reinstate the stricken language and insert "; or" and delete "(ii)" and insert "(iv)"

Page 151, line 10, delete "122A.182, subdivision"

Page 151, line 11, delete "2;"

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Cantrell	Dauids	Fischer	Hausman	Koegel
Bahner	Carlson, A.	Davnie	Freiberg	Her	Kotyza-Witthuhn
Becker-Finn	Carlson, L.	Dehn	Gomez	Hornstein	Kunesh-Podein
Bernardy	Christensen	Ecklund	Halverson	Howard	Lee
Bierman	Clafin	Edelson	Hansen	Huot	Lesch
Brand	Considine	Elkins	Hassan	Klevorn	Liebling

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 109, delete section 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 56 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 110, delete section 29

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 111, lines 1 to 3, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 55 yeas and 75 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 124, line 4, after "Tier" insert "1, 2, or" and after "section" insert "122A.181, 122A.182, or"

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 107, line 16, after the period, insert "Good cause, as used in this paragraph, includes satisfactory job performance."

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

Kresha moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 245, line 6, after "litigation" insert ", provided that the commissioner must not enter into a settlement agreement or stipulation of dismissal of a lawsuit that names other defendants without first consulting with and entering into an agreement with the other named defendants regarding the settlement or stipulation"

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

Demuth moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 228, after line 20, insert:

"Sec. 14. Minnesota Statutes 2018, section 290.06, is amended by adding a subdivision to read:

Subd. 39. **College savings contribution credit.** (a) A taxpayer that makes a contribution to a college savings account program established by a Minnesota city is eligible for a nonrefundable credit against the tax imposed by this chapter. The credit equals 70 percent of the amount of the contribution, subject to the rules under paragraph (b).

(b) A taxpayer may only claim the credit under this subdivision if the taxpayer's credit was approved by the commissioner. To claim the credit, a taxpayer must apply to the commissioner, in a form and manner specified by the commissioner, within 30 days of the contribution. The commissioner must award a credit to any taxpayer who made a contribution that meets the requirements under paragraph (a), but must not award more than \$250,000 of credits per taxable year. The commissioner must award credits on a first-come, first-served basis.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2018."

Page 233, delete subdivision 13

Renumber the subdivisions in sequence

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

O'Neill	Quam	Schomacker	Theis	Vogel
Petersburg	Robbins	Scott	Torkelson	West
Pierson	Runbeck	Swedzinski	Urdahl	Zerwas

Those who voted in the negative were:

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

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

Ecklund, Sandstede, Sundin, Murphy, Considine, Brand and Lislegard moved to amend H. F. No. 2400, the first engrossment, as amended, as follows:

Page 28, delete section 36

Renumber the sections in sequence and correct internal references

A roll call was requested and properly seconded.

The question was taken on the Ecklund et al amendment and the roll was called. There were 93 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Albright	Davnie	Gunther	Layman	Nelson, N.	Sauke
Anderson	Dehn	Haley	Lesch	Neu	Schultz
Backer	Demuth	Halverson	Lien	Noor	Scott
Bahner	Dettmer	Hamilton	Lillie	Nornes	Sundin
Bahr	Ecklund	Hausman	Lislegard	Olson	Tabke
Baker	Edelson	Heinrich	Lucero	O'Neill	Theis
Becker-Finn	Elkins	Heintzeman	Lueck	Pelowski	Torkelson
Bennett	Erickson	Hornstein	Mahoney	Persell	Urdahl
Bierman	Fabian	Howard	Marquart	Petersburg	Vogel
Boe	Fischer	Huot	Masin	Pierson	West
Brand	Franson	Johnson	Mekeland	Poppe	Winkler
Carlson, A.	Garofalo	Jurgens	Miller	Quam	Zerwas
Considine	Gomez	Kiel	Munson	Robbins	Spk. Hortman
Daniels	Green	Koegel	Murphy	Runbeck	
Daudt	Grossell	Koznick	Nash	Sandell	
Davids	Gruenhagen	Kresha	Nelson, M.	Sandstede	

Those who voted in the negative were:

Acomb	Freiberg	Kunesh-Podein	Mariani	Richardson	Wolgamott
Bernardy	Hansen	Lee	Moller	Schomacker	Xiong, T.
Cantrell	Hassan	Liebling	Moran	Stephenson	Youakim
Carlson, L.	Her	Lippert	Morrison	Swedzinski	
Christensen	Hertaus	Loeffler	O'Driscoll	Vang	
Clafin	Klevorn	Long	Pinto	Wagenius	
Drazkowski	Kotyza-Witthuhn	Mann	Pryor	Wazlawik	

The motion prevailed and the amendment was adopted.

H. F. No. 2400, A bill for an act relating to education finance; modifying provisions for prekindergarten through grade 12 including general education, education excellence, teachers, special education, health and safety, facilities, fund transfers, accounting, nutrition, libraries, early childhood, community education, lifelong learning, and state agencies; making technical changes; making forecast adjustments; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 5A.03, subdivision 2; 16A.152, subdivisions 1b, 2; 120A.20, subdivision 2; 120A.22, subdivisions 5, 6, 11; 120A.24, subdivision 1; 120A.35; 120A.40; 120B.11, subdivisions 2, 3; 120B.12, subdivision 2; 120B.122, subdivision 1; 120B.21; 120B.30, subdivisions 1, 1a; 120B.35, subdivision 3; 120B.36, subdivision 1; 121A.22, subdivision 1, by adding a subdivision; 121A.335, subdivisions 3, 5; 121A.41, by adding subdivisions; 121A.45, subdivisions 1, 2; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 122A.06, subdivisions 2, 5, 7, 8; 122A.07, subdivisions 1, 2, 4a, by adding a subdivision; 122A.09, subdivision 9; 122A.091, subdivision 1; 122A.092, subdivisions 5, 6; 122A.14, subdivision 9; 122A.17; 122A.175, subdivisions 1, 2; 122A.18, subdivisions 7c, 8, 10; 122A.181, subdivisions 3, 4, 5; 122A.182, subdivisions 1, 3, 4; 122A.183, subdivisions 2, 4; 122A.184, subdivisions 1, 3; 122A.185, subdivision 1; 122A.187, subdivision 3, by adding subdivisions; 122A.19, subdivision 4; 122A.20, subdivisions 1, 2; 122A.21; 122A.22; 122A.26, subdivision 2, by adding a subdivision; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.63, subdivisions 1, 4, 5, 6, by adding a subdivision; 122A.70; 123A.64; 123B.02, subdivision 14; 123B.143, subdivision 1; 123B.41, subdivisions 2, 5; 123B.42, subdivision 3; 123B.49, subdivision 4; 123B.52, subdivision 6; 123B.571; 123B.595; 123B.61; 123B.92, subdivision 1; 124D.02, subdivision 1; 124D.09, subdivisions 3, 7, 9, 10; 124D.091; 124D.111; 124D.1158; 124D.151, subdivisions 2, 4, 5, 6; 124D.165, subdivisions 2, 3, 4, by adding a subdivision; 124D.2211; 124D.231; 124D.34, subdivisions 2, 3, 4, 5, 8, 12; 124D.4531; 124D.531, subdivision 1; 124D.55; 124D.59, subdivision 2a; 124D.65, subdivision 5; 124D.68, subdivision 2; 124D.78, subdivision 2; 124D.83, subdivision 2; 124D.861, subdivision 2; 124D.862, subdivisions 1, 4, 5, by adding a subdivision; 124D.957, subdivision 1, by adding a subdivision; 124D.98, by adding a subdivision; 124D.99, subdivision 3; 124E.03, subdivision 2; 124E.11; 124E.12, by adding a subdivision; 124E.13, subdivision 3; 124E.20, subdivision 1; 124E.21, subdivision 1; 125A.08; 125A.091, subdivisions 3a, 7; 125A.11, subdivision 1; 125A.50, subdivision 1; 125A.76, subdivisions 1, 2a, 2c, by adding a subdivision; 126C.05, subdivision 1; 126C.10, subdivisions 2, 2d, 2e, 3, 13a, 18a, 24; 126C.126; 126C.17, subdivisions 1, 2, 5, 6, 7, 7a, 9, by adding subdivisions; 126C.40, subdivision 1; 126C.44; 127A.052; 127A.45, subdivision 13; 127A.47, subdivision 7; 127A.49, subdivision 2; 134.355, subdivisions 5, 6, 7, 8; 136D.01; 136D.49; 214.01, subdivision 3; 245C.12; 257.0725; 471.59, subdivision 1; 626.556, subdivisions 2, 3b, 10, 11; 631.40, subdivision 4; Laws 2016, chapter 189, article 25, sections 56, subdivisions 2, 3; 61; 62, subdivisions 4, 15; Laws 2017, First Special Session chapter 5, article 1, section 19, subdivisions 2, 3, 4, 5, 6, 7, 9; article 2, section 57, subdivisions 2, 3, 4, 5, 6, 21, 26, 37; article 4, section 12, subdivisions 2, as amended, 3, 4, 5; article 5, section 14, subdivisions 2, 3; article 6, section 3, subdivisions 2, 3, 4; article 8, sections 8; 9, subdivision 6; 10, subdivisions 3, 4, 5a, 6, 12; article 9, section 2, subdivision 2; article 10, section 6, subdivision 2; article 11, section 9, subdivision 2; Laws 2018, chapter 211, article 21, section 4; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 125A; 127A; 245C; repealing Minnesota Statutes 2018, sections 120B.299; 122A.09, subdivision 1; 122A.182, subdivision 2; 122A.63, subdivisions 7, 8; 126C.17, subdivision 9a; 127A.051, subdivision 7; 127A.14; 136D.93; Laws 2017, First Special Session chapter 5, article 11, section 6; Minnesota Rules, part 8710.2100, subparts 1, 2.

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

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 55 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 2226.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2226, A bill for an act relating to agriculture; establishing a budget for the Department of Agriculture, the Board of Animal Health, the Agricultural Utilization Research Institute, and the Minnesota Housing Finance Agency; modifying programs; amending Minnesota Statutes 2018, sections 17.041, subdivision 1; 18B.34, subdivision 5; 18C.425, subdivision 6; 18C.70, subdivision 5; 18C.71, subdivision 4; 18C.80, subdivision 2; 18K.02, subdivision 3; 18K.06; 28A.16; 41A.15, subdivision 10, by adding a subdivision; 41A.16, subdivisions 1, 2, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 2, 3; 41B.055, subdivision 4; 116.06, by adding a subdivision; 116.07, subdivisions 7, 7d; 223.16, subdivisions 2a, 4; 223.17, subdivisions 3, 4, 5, 6, by adding subdivisions; 223.177, subdivisions 2, 3, 8; 232.21, by adding subdivisions; 232.22, subdivisions 3, 4; 232.23, subdivision 3; 232.24, subdivisions 1, 2; 299D.085, by adding a subdivision; 326B.815, subdivision 1; 327.31, by adding a subdivision; 327B.041; 327C.095, subdivisions 4, 6, 12, 13, by adding a subdivision; 428A.11, subdivisions 4, 6; 462A.2035, subdivisions 1a, 1b; 462A.209, subdivision 8; 462A.22, subdivision 9; 462A.24; 462A.33, subdivisions 1, 2, 3; 462A.37, subdivision 2; 462A.38, subdivision 1; 474A.02, by adding subdivisions; 474A.03, subdivision 1; 474A.061, subdivisions 1, 2a, by adding a subdivision; 474A.091, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 41B; 327.

The bill was read for the first time.

Poppe moved that S. F. No. 2226 and H. F. No. 2200, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### CALENDAR FOR THE DAY

H. F. No. 2208 was reported to the House.

Albright moved that H. F. No. 2208 be re-referred to the Committee on Government Operations.

A roll call was requested and properly seconded.

The question was taken on the Albright motion and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

Mahoney moved to amend H. F. No. 2208, the second engrossment, as follows:

Page 210, after line 11, insert:

"(7) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank."

Page 210, line 12, delete "(7)" and insert "(8)"

Page 210, line 13, delete "(8)" and insert "(9)"

Page 210, line 21, delete "(9)" and insert "(10)"

Page 210, line 23, delete "(10)" and insert "(11)"

Page 210, line 25, delete "(11)" and insert "(12)"

Page 210, line 27, delete "(12)" and insert "(13)"

Page 211, line 10, delete "(13)" and insert "(14)"

Page 211, line 21, delete "(14)" and insert "(15)"

Page 211, line 23, delete "(15)" and insert "(16)"

Page 211, line 28, delete "(16)" and insert "(17)"

Page 212, line 3, delete "(17)" and insert "(18)"

Page 212, line 8, delete "(18)" and insert "(19)"

Page 212, line 17, delete "(19)" and insert "(20)"

Page 212, line 20, delete "(20)" and insert "(21)"

Page 212, line 22, delete "(21)" and insert "(22)"

Page 212, line 25, delete "(22)" and insert "(23)"

Page 212, line 30, delete "(23)" and insert "(24)"

Page 213, line 6, delete "(24)" and insert "(25)"

Page 213, line 8, delete "(25)" and insert "(26)"

Page 213, line 11, delete "(26)" and insert "(27)"

Page 214, line 13, delete "(27)" and insert "(28)"

Page 214, line 16, delete "(28)" and insert "(29)"

Page 214, line 19, delete "(29)" and insert "(30)"

Page 214, after line 28, insert:

"(31) "Sign" means with present intent to authenticate or adopt a record: (i) to execute or adopt a tangible symbol; or (ii) to attach to or logically associate with the record an electronic symbol, sound, or process."

Page 214, line 29, delete "(30)" and insert "(32)"

Page 215, line 1, delete "(31)" and insert "(33)"

Page 215, after line 9, insert:

"(34) "Teller's check" means a draft drawn by a bank on another bank, or payable at or through another bank."

Page 215, line 10, delete "(32)" and insert "(35)"

Page 215, line 16, delete "(33)" and insert "(36)"

Page 215, line 22, delete "(34)" and insert "(37)"

Page 216, line 19, delete "at or about the time of the renewal"

Page 216, after line 19, insert:

"(7) any instrument on which a financial organization or business association is directly liable, three years after issuance;"

Page 216, line 20, delete "(7)" and insert "(8)"

Page 216, line 22, delete "(8)" and insert "(9)"

Page 217, line 3, delete "(9)" and insert "(10)"

Page 217, line 9, delete "(10)" and insert "(11)"

Page 217, line 11, delete "(11)" and insert "(12)"

Page 217, line 13, delete "(12)" and insert "(13)"

Page 217, line 17, delete "(13)" and insert "(14)"

Page 217, line 20, delete "(14)" and insert "(15)"

Page 217, line 22, delete "(15)" and insert "(16)"

Page 217, line 25, delete "section" and insert "chapter"

Page 217, line 26, delete everything after the period

Page 217, delete lines 27 to 31

Page 219, line 17, delete "(a)"

Page 219, delete lines 27 to 31

Page 220, delete lines 1 and 2

Page 222, delete section 7

Page 223, line 1, delete "345A.209" and insert "345A.207"

Page 223, line 5, delete "345A.210" and insert "345A.208"

Page 223, line 27, delete "and"

Page 223, after line 27, insert:

"(6) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and is not returned; and"

Page 223, line 28, delete "(6)" and insert "(7)"

Page 224, line 20, delete "and" and insert "or"

Page 224, line 21, after "address" insert ", Social Security number, employer identification number, or individual taxpayer identification number."

Page 224, line 23, delete "345A.211" and insert "345A.209"

Page 227, line 21, delete "345A.211" and insert "345A.210"

Page 230, line 24, delete everything after the first "administrator"

Page 231, line 10, after "property" insert "including whether the property is interest bearing and, if so, the rate of interest"

Page 233, delete section 5

Page 235, delete section 1

Page 236, delete section 2

Page 237, delete sections 3 and 4

Page 238, line 1, delete "345A.605" and insert "345A.601"

Page 238, line 11, delete "345A.606" and insert "345A.602"

Page 239, line 1, delete "345A.607" and insert "345A.603"

Page 239, delete section 8

Page 240, line 23, delete "345A.704" and insert "345A.703"

Page 241, line 24, strike "HEARINGS, PROCEDURE, AND JUDICIAL REVIEW" and insert "FINDERS; RECORD RETENTION"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Mahoney moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 12, line 31, after "year" insert "and \$91,000 the second year" and delete "is" and insert "are"

Page 33, delete section 8

Page 56, line 3, before "The" insert "(a)"

Page 56, after line 29, insert:

"(b) Notwithstanding paragraph (a), a private plan may provide shorter durations of leave and benefit eligibility if the total dollar value of wage replacement benefits under the private plan for an employee for any particular qualifying event meets or exceeds what the total dollar value would be under the public family and medical benefit program."

Page 56, line 30, before "The" insert "(a)"

Page 57, after line 25, insert:

"(b) Notwithstanding paragraph (a), a private plan may provide shorter durations of leave and benefit eligibility if the total dollar value of wage replacement benefits under the private plan for an employee for any particular qualifying event meets or exceeds what the total dollar value would be under the public family and medical benefit program."

Page 158, delete section 24

Page 161, delete sections 27 and 28

Page 162, delete sections 29 and 30

Page 163, delete section 31

Page 166, delete section 36

Reorder the sections in sequence and correct the internal references

Adjust the totals accordingly

Amend the title accordingly

Haley moved to amend the Mahoney amendment to H. F. No. 2208, the second engrossment, as amended, as follows:

Page 1, after line 16, insert:

"Page 60, after line 13, insert:

"Subd. 16. **Required private plan approval by commissioner.** Notwithstanding anything to the contrary, the commissioner must approve, and not revoke, any application for a private plan for the medical benefit program if the employer applying provides any paid leave to all its employees that may be used for leave associated with an employee's serious health condition or pregnancy. Notwithstanding anything to the contrary, the commissioner must approve, and not revoke, any application for a private plan for the family benefit program if the employer applying provides any paid leave to all its employees that may be used for leave associated with care of a family member with a serious health condition, bonding, safety leave, or a qualifying exigency."

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

The question recurred on the Mahoney amendment to H. F. No. 2208, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Koznick moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 13, line 25, delete "and"

Page 13, line 31, delete the period and insert "; and"

Page 13, after line 31, insert:

"(11) a grant to the Minnesota Alliance With Youth to supplement funding for the AmeriCorps Promise Fellows program."

The motion prevailed and the amendment was adopted.

Theis moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 19, line 12, delete the second "and"

Page 19, line 17, delete the period and insert "; and"

Page 19, after line 17, insert:

"(10) a grant to Advocating Change Together to address barriers to employment for people with disabilities and provide skills training."

The motion prevailed and the amendment was adopted.

Theis moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 21, line 33, delete "and"

Page 22, line 3, delete the period and insert "½"

Page 22, after line 3, insert:

"(7) a grant to Heartland Girls' Ranch for the Hearts for Freedom program; and"

The motion prevailed and the amendment was adopted.

Swedzinski moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 21, line 33, delete "and"

Page 22, line 3, delete the period and insert "½"

Page 22, after line 3, insert:

"(8) a grant to FIRST in Upper Midwest to support competitive robotics teams."

The motion prevailed and the amendment was adopted.

Gunther moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 111, after line 12, insert:

"Sec. 21. BIENNIAL REPORTS ON GRANTS.

(a) By January 15, 2021, and by January 15 of each odd-numbered year thereafter, the commissioner of employment and economic development must submit a report to the chairs of the legislative committees with jurisdiction over jobs and economic development that provides information on all state-funded grants administered by the commissioner in the prior biennium.

(b) For each grantee, the report must include, at a minimum, the following information:

(1) details of how grant funds were used;

(2) details of program costs, including the percentage spent on administration;

(3) details of any nonstate funds used for the program;

(4) the number of program participants;

(5) the per participant cost of the program;

(6) a history of any past state funding the program has received;

(7) a short description of what the program does; and

(8) to the extent practical, quantifiable measures of program success."

Amend the title accordingly

Mahoney moved to amend the Gunther amendment to H. F. No. 2208, the second engrossment, as amended, as follows:

Page 1, line 4, delete "January 15, 2021" and insert "December 15, 2020" and delete "January" and insert "December" and delete "odd-numbered" and insert "even-numbered"

Page 1, line 16, delete "and"

Page 1, line 17, delete the period and insert "; and"

Page 1, after line 17, insert:

"(9) information on the geographic locations of the clients served by the program."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Gunther amendment, as amended, to H. F. No. 2208, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Haley moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 3, line 33, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of Hennepin County and Ramsey County."

Page 6, line 22, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of Hennepin County and Ramsey County."

Page 14, line 7, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of Hennepin County and Ramsey County."

Page 19, line 26, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of Hennepin County and Ramsey County."

Page 22, line 12, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of Hennepin County and Ramsey County."

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

Haley moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 3, line 33, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of the 11-county metropolitan area, as defined under Minnesota Statutes, section 200.02, subdivision 24."

Page 6, line 22, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of the 11-county metropolitan area, as defined under Minnesota Statutes, section 200.02, subdivision 24."

Page 14, line 7, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of the 11-county metropolitan area, as defined under Minnesota Statutes, section 200.02, subdivision 24."

Page 19, line 26, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of the 11-county metropolitan area, as defined under Minnesota Statutes, section 200.02, subdivision 24."

Page 22, line 12, after the period, insert "At least 50 percent of all funds awarded must be awarded to programs or grantees to provide services outside of the 11-county metropolitan area, as defined under Minnesota Statutes, section 200.02, subdivision 24."

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

Daudt moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 9, after line 29, insert:

"(x) For appropriations under paragraphs (a) and (l), where the commissioner has discretion to allocate funds between listed programs and grantees, by January 15 in 2021 and 2023, the commissioner must report to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over economic development. This report must include:

(1) the process by which funds were allocated, including any criteria considered;

(2) the programs and grantees which were funded and the amounts of funding; and

(3) any available information on program or grant outcomes achieved by the funding."

Page 22, after line 14, insert:

"(dd) For appropriations under paragraphs (l), (w), and (cc), where the commissioner has discretion to allocate funds between listed programs and grantees, by January 15 in 2021 and 2023, the commissioner must report to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over workforce development. This report must include:

(1) the process by which funds were allocated, including any criteria considered;

(2) the programs and grantees which were funded and the amounts of funding; and

(3) any available information on program or grant outcomes achieved by the funding."

Daudt moved to amend the Daudt amendment to H. F. No. 2208, the second engrossment, as amended, as follows:

Page 1, line 16, delete "any available"

Page 2, line 7, delete "any available"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Daudt amendment, as amended, to H. F. No. 2208, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Franson moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 6, line 17, before the period, insert ", though this allocation must fund both family child care providers and center-based providers"

Mahoney moved to amend the Franson amendment to H. F. No. 2208, the second engrossment, as amended, as follows:

Page 1, line 2, delete "fund" and insert "support"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Franson amendment, as amended, to H. F. No. 2208, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Lesch moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 132, line 17, delete "an independent contractor." and insert a colon

Page 132, after line 17, insert:

"(1) an independent contractor; or

(2) an individual employed by an air carrier as a flight deck or cabin crew member who is subject to United States Code, title 45, sections 181 to 188, and who is provided with paid leave equal to or exceeding the amounts in subdivision 2."

A roll call was requested and properly seconded.

Haley moved to amend the Lesch amendment to H. F. No. 2208, the second engrossment, as amended, as follows:

Page 1, line 4, delete "or"

Page 1, line 7, delete the period and insert "; or"

Page 1, after line 7, insert:

"(3) any individual employed by an employer that employs 25 or fewer individuals."

Renumber the clauses in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Haley amendment to the Lesch amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the Lesch amendment and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Christensen	Fischer	Heintzeman	Lee	Mekeland
Albright	Clafin	Franson	Her	Lesch	Miller
Anderson	Considine	Freiberg	Hertaus	Liebling	Moller
Backer	Daniels	Garofalo	Hornstein	Lien	Moran
Bahner	Daudt	Gomez	Howard	Lippert	Morrison
Bahr	Davids	Green	Huot	Lislegard	Munson
Baker	Davnie	Grossell	Johnson	Loeffler	Murphy
Becker-Finn	Dehn	Gruenhagen	Jurgens	Long	Nash
Bennett	Demuth	Gunther	Kiel	Lucero	Nelson, M.
Bernardy	Dettmer	Haley	Klevorn	Lueck	Nelson, N.
Bierman	Drazkowski	Halverson	Koegel	Mahoney	Neu
Boe	Ecklund	Hamilton	Kotyza-Witthuhn	Mann	Noor
Brand	Edelson	Hansen	Koznick	Mariani	Nornes
Cantrell	Elkins	Hassan	Kresha	Marquart	O'Driscoll
Carlson, A.	Erickson	Hausman	Kunesh-Podein	Masin	Olson
Carlson, L.	Fabian	Heinrich	Layman	McDonald	O'Neill

Pelowski	Pryor	Sandstede	Sundin	Vang	Xiong, J.
Persell	Quam	Sauke	Swedzinski	Vogel	Xiong, T.
Petersburg	Richardson	Schomacker	Tabke	Wagenius	Youakim
Pierson	Robbins	Schultz	Theis	Wazlawik	Spk. Hortman
Pinto	Runbeck	Scott	Torkelson	Winkler	
Poppe	Sandell	Stephenson	Urdahl	Wolgamott	

The motion prevailed and the amendment was adopted.

Drazkowski moved to amend H. F. No. 2208, the second engrossment, as amended, as follows:

Page 7, delete lines 1 to 18

Reletter the paragraphs in sequence

Page 31, delete lines 9 and 10

Reletter the paragraphs in sequence

Page 242, delete article 26

Renumber the articles in sequence

Adjust amounts accordingly

Amend the title accordingly

#### LAY ON THE TABLE

Winkler moved that H. F. No. 2208, the second engrossment, as amended, be laid on the table. The motion prevailed.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, April 24, 2019. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Wednesday, April 24, 2019.

PATRICK D. MURPHY, Chief Clerk, House of Representatives