

STATE OF MINNESOTA

Journal of the House

NINETY-SECOND SESSION — 2021

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 6, 2021

The House of Representatives convened at 12:00 noon and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by the Reverend Rory Philstrom, Christ the King Lutheran Church, Bloomington, 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	Hanson, J.	Liebling	Neu Brindley	Schultz
Agbaje	Demuth	Hassan	Lillie	Noor	Scott
Akland	Dettmer	Hausman	Lippert	Novotny	Stephenson
Albright	Drazkowski	Heinrich	Lislegard	O'Driscoll	Sundin
Anderson	Ecklund	Heintzeman	Long	Olson, B.	Swedzinski
Backer	Edelson	Her	Lucero	Olson, L.	Theis
Bahner	Elkins	Hertaus	Lueck	O'Neill	Thompson
Bahr	Erickson	Hollins	Mariani	Pelowski	Torkelson
Baker	Feist	Hornstein	Marquart	Petersburg	Urdahl
Becker-Finn	Fischer	Howard	Masin	Pfarr	Vang
Bennett	Franke	Huot	McDonald	Pierson	Wazlawik
Berg	Franson	Igo	Mekeland	Pinto	West
Bernardy	Frazier	Johnson	Miller	Poston	Winkler
Bierman	Frederick	Jordan	Moller	Pryor	Wolgamott
Bliss	Freiberg	Jurgens	Moran	Quam	Xiong, J.
Boe	Gomez	Keeler	Morrison	Raleigh	Xiong, T.
Boldon	Green	Kiel	Mortensen	Rasmusson	Youakim
Burkel	Greenman	Klevorn	Mueller	Reyer	Spk. Hortman
Carlson	Grossell	Koegel	Munson	Richardson	
Christensen	Gruenhagen	Kotzya-Witthuhn	Murphy	Robbins	
Daniels	Haley	Koznick	Nash	Sandell	
Daudt	Hamilton	Kresha	Nelson, M.	Sandstede	
Davids	Hansen, R.	Lee	Nelson, N.	Schomacker	

A quorum was present.

Garofalo was excused.

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

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PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 26, 2021

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. 1438, relating to health care; increasing medical assistance reimbursement rate for administration of COVID-19 vaccine.

H. F. No. 333, relating to commerce; requiring notices for reverse mortgage loans.

H. F. No. 652, relating to insurance; prohibiting life insurers from using a prescription for an opiate antagonist when making certain determinations.

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 2021 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 2021</i>	<i>Date Filed 2021</i>
	1438	8	1:37 p.m. March 26	March 26
	333	9	1:37 p.m. March 26	March 26
	652	10	1:37 p.m. March 26	March 26

Sincerely,

STEVE SIMON
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 41, A bill for an act relating to employment; providing emergency paid sick leave to certain employees excluded from the federal Families First Coronavirus Response Act.

Reported the same back with the following amendments:

Page 6, after line 18, insert:

"Subd. 6. **Nursing home reimbursement for emergency paid sick leave benefits.** Nursing homes reimbursed under Minnesota Statutes, chapter 256R, may apply for reimbursement for emergency paid sick leave costs described in this section from the commissioner of human services under Minnesota Statutes, section 12A.10, subdivision 1, for expenses incurred. The emergency paid sick leave expenses under this section are not allowable costs under Minnesota Statutes, chapter 256R."

Page 6, line 19, delete "6" and insert "7"

Page 7, line 1, delete "5" and insert "6"

Page 7, line 4, delete "6" and insert "7"

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

The report was adopted.

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

H. F. No. 707, A bill for an act relating to public safety; modifying and clarifying criminal sexual conduct provisions; creating a new crime of sexual extortion; amending Minnesota Statutes 2020, sections 609.2325; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2020, sections 609.293, subdivisions 1, 5; 609.34; 609.36.

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. 4, H. F. No. 707 was re-referred to the Committee on Rules and Legislative Administration.

Ecklund from the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy to which was referred:

H. F. No. 752, A bill for an act relating to the military; modifying provisions related to the appointment, rank, term, and vacancy of the adjutant general; amending Minnesota Statutes 2020, section 190.07.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
APPROPRIATIONS

Section 1. **STATE GOVERNMENT 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 "2022" and "2023" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is fiscal years 2022 and 2023.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2022</u>	<u>2023</u>

Sec. 2. **MILITARY AFFAIRS**

<u>Subdivision 1. Total Appropriation</u>	<u>\$24,393,000</u>	<u>\$24,589,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Maintenance of Training Facilities</u>	<u>9,772,000</u>	<u>9,842,000</u>
Subd. 3. <u>General Support</u>	<u>3,507,000</u>	<u>3,633,000</u>
Subd. 4. <u>Enlistment Incentives</u>	<u>11,114,000</u>	<u>11,114,000</u>

The appropriations in this subdivision are available until June 30, 2025, 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 2022 is insufficient, the amount for 2023 is available in fiscal year 2022. 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. <u>Total Appropriation</u>	<u>\$84,168,000</u>	<u>\$84,364,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Veterans Programs and Services</u>	<u>22,048,000</u>	<u>21,678,000</u>
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(a) **CORE Program.** \$750,000 each year is for the Counseling and Case Management Outreach Referral and Education (CORE) program.

(b) **Veterans Service Organizations.** \$500,000 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.** \$1,672,000 each year is 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) **Veteran Homelessness Initiative.** \$3,018,000 each year is for an initiative to prevent and end veteran homelessness. The commissioner of veterans affairs may provide housing vouchers and other services to alleviate homelessness among veterans and former service members in Minnesota. The commissioner may contract for program administration and may establish a vacancy reserve fund. The base for this appropriation is \$1,311,000 in fiscal year 2024 and \$1,311,000 in fiscal year 2025.

(j) **Independent Lifestyles.** \$75,000 each year is appropriated for an ongoing annual grant to Independent Lifestyles, Inc., for expenses related to retreats for military veterans at Camp Bliss in Walker, Minnesota, including therapy, transportation, and activities customized for military veterans.

(k) **Veterans On The Lake.** \$50,000 in fiscal year 2022 is appropriated for a grant to Veterans on the Lake for expenses related to retreats for veterans including therapy, transportation, and activities customized for veterans.

(l) **Disabled Veterans Rest Camp.** \$128,000 in fiscal year 2022 is appropriated for a grant to the Disabled Veterans Rest Camp on Big Marine Lake in Washington County for landscape improvements around the new cabins, including a retaining wall

around a water drainage holding pond and security fencing with vehicle control gates along the entrance road. This is a onetime appropriation and is available until the project is completed or abandoned, subject to Minnesota Statutes, section 16A.642.

Subd. 3. 9/11 Task Force

400,000

\$400,000 the first year is for the Advisory Task Force on 9/11 and Global War on Terrorism Remembrance. The task force must collect, memorialize, and publish stories of Minnesotans' service in the Global War on Terrorism and impacts on their dependents. The task force must host a remembrance program in September 2021. This is a onetime appropriation.

Subd. 4. Veterans Health Care

62,120,000

62,686,000

(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, 2022, the commissioner must submit a report to the legislative committees with jurisdiction over veterans affairs and state government finance 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 use 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 department 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 homes' general fund appropriation may be made.

Subd. 5. Veteran Suicide Prevention Initiative

\$1,000,000

\$650,000

\$1,000,000 the first year and \$650,000 the second year is to address the problem of death by suicide among veterans in Minnesota. The commissioner of veterans affairs may use funds for personnel, training, research, marketing, and professional or technical contracts. The base for this appropriation is \$550,000 in fiscal year 2024 and \$550,000 in fiscal year 2025.

Subd. 6. Veterans Resilience Project; Report50,00050,000

\$50,000 each year is appropriated for a grant to the veterans resilience project. Grant funds must be used to make eye movement desensitization and reprocessing therapy available to veterans and current military service members who are suffering from posttraumatic stress disorder and trauma.

The veterans resilience project must report to the commissioner of veterans affairs and the chairs and ranking minority members of the legislative committees with jurisdiction over veterans affairs policy and finance by January 15 of each year on the program. The report must include: an overview of the program's budget; a detailed explanation of program expenditures; the number of veterans and service members served by the program; and a list and explanation of the services provided to program participants.

ARTICLE 2
VETERANS POLICY

Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.

The first Saturday of every October is designated Veterans Suicide Prevention and Awareness Day. Each year, the governor shall issue a proclamation honoring this observance. Each year in conjunction with this observance, the commissioner of veterans affairs shall coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

Sec. 2. Minnesota Statutes 2020, 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. 3. Minnesota Statutes 2020, section 190.07, is amended to read:

190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.

Subdivision 1. Qualifications. There shall be an adjutant general of the state who shall be appointed by the governor within 120 days of a vacancy of the position. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the National Guard ~~of this state, with not less than ten years military service in the National Guard of this state or the armed forces of the United States, at least three of which shall have been commissioned~~ and who shall have reached, at a minimum, the grade of a field officer rank of colonel (O-6).

Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and shall hold at least the rank of major general and may be promoted to and including the highest rank authorized under federal law. However, the adjutant general may not be promoted to the rank of major general without having at least 20 years service in the Minnesota National Guard, at least one of which has been in the rank of brigadier general. If not already a major general, the adjutant general's promotion is effective beginning on the date the governor appoints the adjutant general. At the time of appointment and in accordance with the authorities governing federal recognition of officers, the adjutant general is authorized to wear the rank of major general.

Subd. 3. **Term.** The term of the adjutant general is for a single term of seven years from the date of appointment. Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies in the Office of Adjutant General. The adjutant general shall not be removed from office during a term except upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Subd. 4. **Vacancy; acting or temporary adjutant general.** In the event of a vacancy of the adjutant general, the governor may appoint a person qualified under subdivision 1 as an acting adjutant general. If the governor does not appoint an acting adjutant general, the deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary adjutant general without further official action. Upon taking office, the acting or temporary adjutant general shall have all the powers and emoluments and perform all the duties of the office of adjutant general until a permanent adjutant general is appointed.

Sec. 4. [196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.

(a) The commissioner may establish a veterans stable housing initiative. If the commissioner establishes a veterans stable housing initiative under this section, the commissioner must provide resources and support to assist veterans experiencing homelessness in obtaining or maintaining stable housing.

(b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry for purposes of the veterans stable housing initiative is private data on individuals as defined in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating homelessness prevention efforts with:

(1) members of the Minnesota Interagency Council on Homelessness; and

(2) Homeless Veteran Registry partners to address a veteran's episode of homelessness or maintain a veteran's housing plan through Department of Veterans Affairs funded programs.

(c) For purposes of this section, "homelessness" means that a veteran lacks a fixed, nighttime residence.

Sec. 5. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~ subdivision 5 and 5a if:

(1) the person is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(iv) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; and

(2) the person receiving the educational assistance is a Minnesota resident, as defined in section 136A.101, subdivision 8; and

(3) the person receiving the educational assistance:

(i) is an undergraduate or graduate student at an eligible institution;

(ii) is maintaining satisfactory academic progress as defined by the institution for students participating in federal Title IV programs;

(iii) is enrolled in an education program leading to a certificate, diploma, or degree at an eligible institution;

(iv) has applied for educational assistance under this section prior to the end of the academic term for which the assistance is being requested;

(v) is in compliance with child support payment requirements under section 136A.121, subdivision 2, clause (5); and

(vi) has completed the Free Application for Federal Student Aid (FAFSA).

(b) A person's eligibility terminates when the person becomes eligible for benefits under section 135A.52.

(c) To determine eligibility, the commissioner may require official documentation, including the person's federal form DD-214 or other official military discharge papers; correspondence from the United States Veterans Administration; birth certificate; marriage certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency; proof of identity; or any other official documentation the commissioner considers necessary to determine eligibility.

(d) The commissioner may deny eligibility or terminate benefits under this section to any person who has not provided sufficient documentation to determine eligibility for the program. An applicant may appeal the commissioner's eligibility determination or termination of benefits in writing to the commissioner at any time. The commissioner must rule on any application or appeal within 30 days of receipt of all documentation that the commissioner requires. The decision of the commissioner regarding an appeal is final. However, an applicant whose appeal of an eligibility determination has been rejected by the commissioner may submit an additional appeal of that determination in writing to the commissioner at any time that the applicant is able to provide substantively significant additional information regarding the applicant's eligibility for the program. An approval of an applicant's eligibility by the commissioner following an appeal by the applicant is not retroactively effective for more than one year or the semester of the person's original application, whichever is later.

(e) Upon receiving an application with insufficient documentation to determine eligibility, the commissioner must notify the applicant within 30 days of receipt of the application that the application is being suspended pending receipt by the commissioner of sufficient documentation from the applicant to determine eligibility.

Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of eligibility for the program, the applicant shall be awarded, on a funds-available basis, the educational assistance under the program for use at any time according to program rules at any eligible institution.

(b) The amount of educational assistance in any semester or term for an eligible person must be determined by subtracting from the eligible person's cost of attendance the amount the person received or was eligible to receive in that semester or term from:

(1) the federal Pell Grant;

(2) the state grant program under section 136A.121; and

(3) any federal military or veterans educational benefits including but not limited to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational rehabilitation benefits, and any other federal benefits associated with the person's status as a veteran, except veterans disability payments from the United States Department of Veterans Administration and payments made under the Veterans Retraining Assistance Program (VRAP) Affairs.

(c) The amount of educational assistance for any eligible person who is a full-time student must not exceed the following:

(1) \$3,000 per state fiscal year; and

(2) \$10,000 in a lifetime.

(d) For a part-time student, the amount of educational assistance must not exceed \$500 per semester or term of enrollment. For the purpose of this paragraph, a part-time undergraduate student is a student taking fewer than 12 credits or the equivalent for a semester or term of enrollment and a part-time graduate student is a student considered part time by the eligible institution the graduate student is attending. The minimum award for undergraduate and graduate students is \$50 per term.

Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in consultation with the commissioners of employment and economic development and labor and industry, shall develop and implement an apprenticeship and on-the-job training program to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible persons, as provided in this subdivision.

(b) An "eligible employer" means an employer operating a qualifying apprenticeship or on-the-job training program that has been approved by the commissioner.

~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this subdivision if the person meets the criteria established under subdivision 4, paragraph (a). The commissioner may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following:~~

(c) A person is eligible for apprenticeship and on-the-job training assistance under this subdivision if the person is:

(1) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(2) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(3) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(4) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35.

(d) The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following:

(1) \$3,000 per fiscal year for apprenticeship expenses;

(2) \$3,000 per fiscal year for on-the-job training;

(3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and completion of six consecutive months' employment of a person receiving assistance under this subdivision; and

(4) \$1,000 for a job placement credit payable to an eligible employer after a person receiving assistance under this subdivision has been employed by the eligible employer for at least 12 consecutive months as a full-time employee.

(e) No more than \$5,000 in aggregate benefits under this paragraph subdivision may be paid to or on behalf of an individual in one fiscal year, and not more than \$10,000 in aggregate benefits under this paragraph may be paid to or on behalf of an individual over any period of time.

(f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000 in the eligible person's lifetime.

~~(d)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for qualifying programs, which must, at a minimum, meet the following criteria:

(1) the training must be with an eligible employer;

(2) the training must be documented and reported;

(3) the training must reasonably be expected to lead to an entry-level position; and

(4) the position must require at least six months of training to become fully trained.

Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall develop and implement a program to administer a portion of the Minnesota GI Bill program to pay additional benefit amounts to eligible persons as provided under this subdivision.

~~(b) A person is eligible for additional benefits under this subdivision if the person meets the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following amounts:~~

(b) A person is eligible for additional benefits under this subdivision if the person is:

(1) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time;

(2) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(3) the surviving spouse or child of a person who has served in the military and who has died as a direct result of that military service, only if the surviving spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; or

(4) the spouse or child of a person who has served in the military at any time and who has a total and permanent service-connected disability as rated by the United States Veterans Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35.

(c) The amount of assistance paid to or on behalf of an eligible individual under this subdivision must not exceed the following amounts:

(1) \$3,000 per state fiscal year; and

(2) \$10,000 in a lifetime.

(d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000 in the eligible person's lifetime.

~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the following purposes:

(1) licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided that the tests and the licensing or credentialing organizations or entities that offer the tests are approved by the commissioner;

(2) tests for admission to institutions of higher learning or graduate schools;

(3) national tests providing an opportunity for course credit at institutions of higher learning;

(4) a preparatory course for a test that is required or used for admission to an institution of higher education or a graduate program; and

(5) any fee associated with the pursuit of a professional or educational objective specified in clauses (1) to (4).

~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the eligible person's lifetime.~~

~~(c) If an eligible person receives benefits under subdivision 5a, the eligible person's aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in the eligible person's lifetime.~~

Sec. 9. Minnesota Statutes 2020, section 198.006, is amended to read:

198.006 SUPPLEMENTAL PROGRAMS.

(a) The commissioner ~~shall~~ must work with federal, state, local, and private agencies to develop alternative institutional and noninstitutional care programs for veterans to supplement the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate level of care available.

(b) The commissioner may provide adult day care center programs that offer therapeutic and rehabilitation health care services to veterans and support services for caregivers of veterans. If the commissioner provides adult day care center programs, the commissioner may collect fees from program participants. The commissioner is authorized to apply for and accept federal funding for purposes of this paragraph.

(c) The commissioner may work with federal, state, local, and private entities to make available appropriate dental services for veterans homes residents. The commissioner may engage with the United States Department of Veterans Affairs to support the dental benefits program authorized under this paragraph.

Sec. 10. Minnesota Statutes 2020, section 198.03, subdivision 2, is amended to read:

Subd. 2. **Cost of care.** The commissioner shall set out in rules the method of calculating the average cost of care for the domiciliary and nursing care residents. The cost must be determined yearly based upon the average cost per resident taking into account, but not limited to, administrative cost of the homes, the cost of service available to the resident, and food and lodging costs. These average costs must be calculated separately for domiciliary and nursing care residents. The amount charged each resident for maintenance, if anything, must be based on the appropriate average cost of care calculation and the assets and income of the resident but must not exceed the appropriate average cost of care.

Beginning July 1, 2021, the Personal Needs Allowance (PNA) for domiciliary residents shall be based on the Minnesota Department of Human Services' (DHS) most recent General Assistance program PNA and will be in effect the same date as the DHS PNA is in effect. Thereafter, the PNA must be adjusted and put into effect each year or each time DHS adjusts the PNA.

Sec. 11. **[609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.**

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given:

(1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic stress disorder, substance abuse, or a mental health condition;

(2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;

(3) "pretrial diversion" means the decision of a prosecutor to refer a defendant to a diversion program on condition that the criminal charges against the defendant shall be dismissed after a specified period of time, or the case shall not be charged, if the defendant 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; and

(4) "veterans treatment court program" means a program that has the following essential characteristics:

(i) the integration of services in the processing of cases in the judicial system;

(ii) 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;

(iii) early identification and prompt placement of eligible participants in the program;

(iv) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;

(v) careful monitoring of treatment and services provided to program participants;

(vi) a coordinated strategy to govern program responses to participants' compliance;

(vii) ongoing judicial interaction with program participants;

(viii) monitoring and evaluation of program goals and effectiveness;

(ix) continuing interdisciplinary education to promote effective program planning, implementation, and operations;

(x) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs; and

(xi) 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. 2. **Deferred prosecution.** (a) The court shall defer prosecution for an eligible offense committed by a defendant who was, or currently is, a member of the United States military as provided in this subdivision. The court shall do this at the request of the defendant upon a finding of guilty after trial or upon a guilty plea.

(b) A defendant who requests to be sentenced under this subdivision shall release or authorize access to military service reports and records relating to the alleged applicable condition. The court must file the records as confidential and designate that they remain sealed, except as provided in this paragraph. In addition, the court may request, through existing resources, an assessment of the defendant. The defendant, through existing records or licensed professional evaluation, shall establish the diagnosis of the condition, that it was caused by military service, and that the offense was committed as a result of the condition. The court, on its own motion or 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.

(c) Based on the record, the court shall determine whether, by clear and convincing evidence: (1) the defendant suffered from an applicable condition at the time of the offense; (2) the applicable condition was caused by service in the United States military; and (3) the offense was committed as a result of the applicable condition. Within 15 days of the court's determination, either party may file a challenge to the determination and demand a hearing on the defendant's eligibility under this subdivision.

(d) If the court makes the determination described in paragraph (c), the court shall, without entering a judgment of guilty, 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 period provided by law. A court may extend a defendant's term

of probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions ordered by the court must include treatment, services, rehabilitation, and education sufficient so that if completed, the defendant would be eligible for discharge and dismissal under subdivision 3. In addition, the court shall order that the defendant undergo a chemical use assessment that includes a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

(e) If the court determines that the defendant is eligible for a deferred sentence but the defendant has previously received one for a felony offense under this subdivision, the court may, but is not required to, impose a deferred sentence. If the court does not impose a deferred sentence, the court may sentence the defendant as otherwise provided in law, including as provided in subdivision 4.

(f) Upon violation of a condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

(g) 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 the maximum period for which the defendant could have been incarcerated.

(h) The court, when issuing an order under this subdivision that a defendant attend an established treatment program, shall give preference to a treatment program that has a history of successfully treating veterans who suffer from applicable conditions caused by military service, including but not limited to programs operated by the United States Department of Defense or Veterans Affairs.

(i) The court and any assigned treatment program shall collaborate with, when available, the county veterans service officer and the United States Department of Veterans Affairs to maximize benefits and services provided to the defendant.

(j) If available in the county or judicial district having jurisdiction over the case, the defendant may be supervised by a veterans treatment court program under subdivision 5. If there is a veterans treatment court that meets the requirements of subdivision 5 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. Upon the defendant's successful or unsuccessful completion of the program, the veterans treatment court program shall communicate this information to the court of original jurisdiction for further action.

(k) Sentencing pursuant to this subdivision waives any right to administrative review pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53, subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52, and also waives any right to administrative review pursuant to section 171.177, subdivision 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation is the result of the same incident that is being sentenced.

Subd. 3. Discharge and dismissal. (a) Upon the expiration of the period of the defendant's probation the court shall hold a hearing to discharge the defendant from probation and determine whether to dismiss the proceedings against a defendant who received a deferred sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issue of dismissal. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The defendant must be present at the hearing unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1, clause (3).

(b) The court shall provide notice to any identifiable victim of the offense at least 15 days before the hearing is held. Notice to victims of the offense under this subdivision must specifically inform the victim of the right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim

as a result of the crime and the victim's recommendation on whether dismissal should be granted or denied. The judge shall consider the victim's statement when making a decision. If a victim notifies the prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall make the objections known to the court.

(c) The court shall dismiss proceedings against a defendant if the court finds by clear and convincing evidence that the defendant:

(1) is in substantial compliance with the conditions of probation;

(2) has successfully participated in court-ordered treatment and services to address the applicable condition caused by military service;

(3) does not represent a danger to the health or safety of victims or others; and

(4) has demonstrated significant benefit from court-ordered education, treatment, or rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the interests of justice.

(d) In determining the interests of justice, the court shall 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;

(6) the level of harm to the community from the offense; and

(7) the statement of the victim, if any.

(e) If the court finds that the defendant does not qualify for discharge and dismissal under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

(f) Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of the discharge and dismissal 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 the not public record under this paragraph. 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 the discharge and dismissal. The discharge and 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 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

Subd. 4. Sentencing departure; waiver of mandatory sentence. (a) This subdivision applies to defendants who plead or are found guilty of any criminal offense except one for which registration is required under section 243.166, subdivision 1b.

(b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the court that the defendant has, since the commission of the offense, engaged in rehabilitative efforts consistent with those described in this section. If the court determines that the defendant has engaged in substantial rehabilitative efforts and the defendant establishes by clear and convincing evidence that:

- (1) the defendant suffered from an applicable condition at the time of the offense;
- (2) the applicable condition was caused by service in the United States military; and
- (3) the offense was committed as a result of the applicable condition;

the court may determine that the defendant is particularly amenable to probation and order a mitigated durational or dispositional sentencing departure or a waiver of any statutory mandatory minimum sentence applicable to the defendant.

Subd. 5. Optional veterans treatment court program; procedures for eligible defendants. 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.

Subd. 6. 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 2 without penalty under section 477A.0175.

Subd. 7. Exception. This section does not apply to a person charged with an offense for which registration is required under section 243.166, subdivision 1b.

EFFECTIVE DATE. This section is effective August 1, 2021, and applies to crimes committed on or after that date.

Sec. 12. REVISOR INSTRUCTION.

The revisor of statutes must renumber the provisions of Minnesota Statutes listed in column A to the references listed in column B. The revisor must also make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the renumbering.

Column A

197.791, subdivision 5a
197.791, subdivision 5b
197.791, subdivision 6

Column B

197.791, subdivision 6
197.791, subdivision 7
197.791, subdivision 8

ARTICLE 3
DATA ACCESS

Section 1. Minnesota Statutes 2020, section 192.67, is amended to read:

192.67 OFFENDERS; TRANSFER TO CIVIL AUTHORITIES; SERVICE MEMBER DATA.

Subdivision 1. Transfer to civil authorities. When any felony criminal offense is committed by any officer or enlisted member of the military forces while on duty status other than active state federal duty, the officer or enlisted member shall be turned over by superior officers to the proper civil authorities of the county or municipality in

which the offense occurred for punishment for such crime, but such trial and punishment by the civil authorities shall not preclude trial and additional punishment or dismissal from the service by court-martial for any military offense resulting from the commission of said crime.

Subd. 2. **Service member data.** Notwithstanding any provision of chapter 13 or other state law, all investigative reports and law enforcement data, including but not limited to all data collected and defined under section 13.82 pertaining to any service member of the military forces must be made accessible to the adjutant general of the Minnesota National Guard upon request of the Office of the State Judge Advocate. All information, data, and records obtained under this subdivision may be accessed, copied, transmitted, or provided to the adjutant general without a court order or request from the subject of the data when the matter involves any officer or enlisted member of the military forces. The adjutant general may only use data made accessible under this subdivision in support of military justice and Minnesota National Guard administrative and disciplinary actions.

ARTICLE 4 BAR ADMISSION; JUDICIAL QUALIFICATIONS

Section 1. [192A.041] PRACTICE OF MILITARY LAW.

Any commissioned officer of a United States state or territory military force who meets the following qualifications may be accepted by the state judge advocate to conduct any and all administrative or Minnesota Code of Military Justice activities under this code and is exempt from section 481.02:

(1) has served as a member of the Judge Advocate Generals Corps for not less than two years;

(2) is currently certified as competent for such duty by the Judge Advocate General of the military force of which the individual is a member; and

(3) is a member of good standing of the bar of the highest court of any state.

Sec. 2. Minnesota Statutes 2020, section 192A.15, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** There is hereby established a military judge system for the ~~state~~ military forces. The military judge system shall be in the Military Department under the command of the adjutant general. It shall consist of at least two military judges, a number of legal clerks equal to the number of judges and such additional military staff as is necessary.

Sec. 3. Minnesota Statutes 2020, section 192A.15, subdivision 2, is amended to read:

Subd. 2. **Qualifications of military judge.** A military judge shall be a commissioned officer of the state military forces who has been a member of the bar of ~~this~~ any state for at least six years, who has served as a member of the Judge Advocate Generals Corps for not less than three years, ~~and~~ who is certified to be qualified for such duty by the ~~state~~ Judge Advocate General of the armed force of which the officer is a member, and who is accepted by the state judge advocate to conduct any and all administrative or Minnesota Code of Military Justice activities under this code.

Sec. 4. Minnesota Statutes 2020, section 192A.155, subdivision 2, is amended to read:

Subd. 2. **Qualifications of counsel.** Trial counsel or defense counsel detailed for a general, special, or summary court-martial:

(1) must be a person who is a member of the bar of the highest court of ~~the~~ any state, or a member of the bar of a federal court; and

(2) must be certified as competent to perform such duties by the ~~state~~ Judge Advocate General of the armed force of which the individual is a member.

ARTICLE 5 JURISDICTION CHANGES

Section 1. Minnesota Statutes 2020, section 192A.02, subdivision 2, is amended to read:

Subd. 2. **Military service in Minnesota.** This code also applies ~~to all persons in the military while they are serving within this state and while they are under the command of a commissioned officer of the state military forces.~~ to a member of the military when the member is in a status provided for by United States Code, title 32, a regulation adopted pursuant to United States Code, title 32, or in state active service. This military service includes:

(1) travel to and from the inactive-duty training site of the member, pursuant to orders or regulations;

(2) intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations; and

(3) intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.

Sec. 2. Minnesota Statutes 2020, section 192A.384, is amended to read:

192A.384 OFFENSES SUBJECT TO COURT-MARTIAL.

The jurisdiction of courts-martial ~~shall be under this code~~ is limited to violations of the punitive articles in this code prescribed by the manual for courts-martial of the United States, assimilated under any Minnesota state law as referenced under section 192A.605, or by the Minnesota Code of Military Justice. Any person subject to this code who is charged with the commission of an offense which is not an offense under this code or the manual for courts-martial of the United States may be surrendered to civil authorities for process in accordance with civil law.

ARTICLE 6 TRIAL PROCEDURE

Section 1. Minnesota Statutes 2020, section 192A.20, is amended to read:

192A.20 GOVERNOR MAY PRESCRIBE RULES.

The procedure, including modes of proof, in cases before military courts and other military tribunals organized under this code may be prescribed by the governor or the adjutant general by rules, which shall, so far as the governor or the adjutant general considers practicable, apply the principles of law and the rules of evidence generally recognized in the ~~trial of criminal cases in the courts of the state~~ manual for courts-martial of the United States, but which may not be contrary to or inconsistent with this code.

Sec. 2. Minnesota Statutes 2020, section 192A.235, subdivision 3, is amended to read:

Subd. 3. **Three-year limitation.** Except as otherwise provided in subdivision 1, and section 628.26, a person charged with any offense is not liable to be tried by court-martial or punished under section 192A.0851 if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction over the command or before the imposition of punishment under section 192A.0851. The limitation for violations of any offense prescribed under this section shall be the lesser of the limitation prescribed by the manual for courts-martial of the United States, Minnesota state law, or the Minnesota Code of Military Justice, but in no instance shall any limitation exceed that authorized by this code.

ARTICLE 7
SENTENCES

Section 1. Minnesota Statutes 2020, section 192A.343, subdivision 3, is amended to read:

Subd. 3. **Action on findings.** (a) The authority under this section to modify the findings and sentence of a court-martial is a matter of command prerogative involving the sole discretion of the convening authority. If it is impractical for the convening authority to act, the convening authority shall forward the case to a person exercising general court-martial jurisdiction who may take action under this section.

(b) Action on the sentence of a court-martial shall be taken by the convening authority. The action may be taken only after the consideration of any matters submitted by the accused under subdivision 2 or after the time for submitting the matter expires, whichever is earlier. The convening authority, in that person's sole discretion, may approve, disapprove, commute, or suspend the sentence in whole or in part.

(c) Action on the findings of a court-martial by the convening authority or other person acting on the sentence is not required. However, such person, in the person's sole discretion, may:

(1) dismiss any charge or specification by setting aside a finding of guilty; or

(2) change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification.

(d) The convening authority or other person acting under this section shall issue a final order at the conclusion of the court-martial proceeding, including any proceeding in revision, rehearing, and reconsideration under subdivision 5. The final order shall be promptly served on the accused.

Sec. 2. Minnesota Statutes 2020, section 192A.353, subdivision 2, is amended to read:

Subd. 2. **Appeal forwarded.** An appeal under this section shall ~~be forwarded to the court~~ proceed as prescribed in section 192A.371. In ruling on an appeal under this section, that court may act only with respect to matters of law.

Sec. 3. Minnesota Statutes 2020, section 192A.371, is amended to read:

192A.371 REVIEW BY STATE APPELLATE AUTHORITY.

Subdivision 1. **Certiorari.** Decisions of a special or general courts martial may be appealed to the Minnesota Court of Appeals according to the Minnesota Rules of Criminal and Appellate Procedure. (a) A review of any final order of a special or general court-martial proceeding may be had upon certiorari by the supreme court upon petition of any party to the proceeding. The review may be had on the ground that: (1) the court-martial was without jurisdiction; or (2) the findings of the court-martial and the final order of the convening authority: (i) were not justified by the evidence; (ii) were not in conformity with this code, military law or other law applicable to the proceedings, or the Classified Information Procedures Act; or (iii) were affected by any other error of law.

(b) A writ of certiorari for review under this section is a matter of right.

Subd. 2. **Service of writ.** (a) Within 60 days after notice of the final order of a court-martial proceeding, the petitioner for review shall obtain from the supreme court a writ of certiorari, shall serve the same upon all other parties appearing in the court-martial proceeding, and shall file the original writ of certiorari and proof of service with the court administrator of the court-martial. No fee or bond is required for either obtaining a writ of certiorari or the associated filings required under this paragraph.

(b) Return upon the writ shall be made to the supreme court and the matter shall be heard and determined by the court in accordance with the rules of civil appellate procedure applicable to decisions reviewable by certiorari directly in the supreme court.

Sec. 4. Minnesota Statutes 2020, section 606.06, is amended to read:

606.06 CERTIORARI; ~~ADMINISTRATIVE DECISIONS.~~

A writ of certiorari for review of an administrative decision pursuant to chapter 14 or of an order publishing the proceedings, findings, or sentence of a court-martial pursuant to this code is a matter of right.

ARTICLE 8
PUNITIVE ARTICLES UPDATES

Section 1. Minnesota Statutes 2020, section 192A.021, is amended to read:

192A.021 PURELY MILITARY OFFENSES.

(a) Purely military offenses include the offenses contained in the following sections: 192A.39 (Principles), 192A.395 (Accessory after the fact), 192A.405 (Attempts), 192A.41 (Conspiracy), 192A.415 (Solicitation), 192A.42 (Fraudulent enlistment, appointment, or separation), 192A.425 (Unlawful enlistment, appointment, or separation), 192A.43 (Desertion), 192A.435 (Absent without leave), 192A.44 (Missing movement), 192A.445 (Contempt towards officials), 192A.45 (Disrespect towards superior commissioned officer), 192A.455 (Assaulting or willfully disobeying superior commissioned officer), 192A.46 (Insubordinate conduct toward warrant officer or noncommissioned officer), 192A.465 (Failure to obey order or rule), 192A.47 (Cruelty and maltreatment), 192A.475 (Mutiny or sedition), 192A.48 (Resistance, breach of arrest, and escape), 192A.495 (Noncompliance with procedural rules), 192A.50 (Misbehavior before the enemy), 192A.51 (Improper use of countersign), 192A.515 (Forcing a safeguard), 192A.525 (Aiding the enemy), 192A.54 (Military property; loss, damage, destruction, or wrongful disposition), 192A.55 (Improper hazarding of vessel), 192A.56 (Drunk on duty; sleeping on post; leaving post before relief), 192A.566 (Illegal presence of controlled substance while in duty status), 192A.57 (Malingering), 192A.60 (Conduct unbecoming an officer), ~~and~~ 192A.605 (General article), 192A.70 (Prohibited activities with military recruit or trainee by person in a position of special trust), 192A.701 (Nonconsensual distribution of intimate images), 192A.703 (Unauthorized use of government computer), and 192A.704 (Retaliation).

(b) Upon request of the governor or the adjutant general, the superintendent of the Bureau of Criminal Apprehension shall investigate military offenses or any other act or omission under this code within the jurisdiction of the military courts and tribunals.

Sec. 2. Minnesota Statutes 2020, section 192A.111, is amended to read:

192A.111 MAXIMUM LIMITS.

Subdivision 1. **Punishment limits.** The punishment ~~that a court-martial may direct for an offense may not exceed limits prescribed by this code.~~ for a violation of this code is limited to the lesser of the sentence prescribed by the manual for courts-martial of the United States in effect at the time of the offense or the state manual for courts-martial, but in no instance shall any punishment exceed that authorized by this code. A court-martial sentence must not (1) exceed more than ten years for a military offense, or (2) adjudge a sentence of death.

Subd. 2. **Level of offense.** (a) ~~Subject to paragraphs (b) and (c),~~ A conviction by general court-martial of any military offense for which an accused may receive a sentence of confinement for more than one year is a felony offense. All other military offenses are misdemeanors, ~~and a sentence of confinement must not exceed 90 days.~~

(b) In cases where the civilian authorities decline to prosecute and court-martial jurisdiction is taken pursuant to sections 192A.02, subdivision 3, and 192A.605, the level of offense and punishment that a court-martial is authorized is defined by the level of offense and punishments authorized under the statute any Minnesota state law or the manual for courts-martial of the United States for the assimilated crime.

(c) For crimes under sections 192A.54, 192A.545, 192A.59, and 192A.595 with monetary loss of less than \$1,000 or more, confinement must not exceed ten years. A sentence of confinement for more than one year is a felony offense shall be limited to that prescribed by a special court-martial.

(d) Any conviction by a summary courts-martial is not a criminal conviction.

~~(e) The limits of punishment for violations of the purely military offenses prescribed under this section shall be the lesser of the sentences prescribed by the manual for courts martial of the United States, and the state manual for courts martial, but in no instance shall any punishment exceed that authorized by this code.~~

Sec. 3. Minnesota Statutes 2020, section 192A.56, is amended to read:

192A.56 UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE WHILE ON DUTY; SLEEPING ON POST; LEAVING POST BEFORE RELIEF.

Any person subject to this code who is found to be under the influence of alcohol or a controlled substance as defined in section 192A.566 without a valid medical prescription while on duty or sleeping upon an assigned post, or who leaves that post before being regularly relieved, shall be punished as a court-martial may direct.

Sec. 4. Minnesota Statutes 2020, section 192A.612, is amended to read:

192A.612 SEARCH WARRANTS.

~~During any period of active service under section 190.05, subdivision 5a or 5b, A military judge is authorized to issue search warrants, directed to a member of the military police of the state military forces or any peace officer defined under section 626.05, to search any person, place, or vehicle within the confines of the property or premises being used for such active service or any person or vehicle pursued therefrom item or property when there is probable cause that a member of the state military forces has committed an offense subject to either concurrent or exclusive military jurisdiction during a period of active service as defined in section 190.05, subdivisions 5a and 5b, and seize items in accordance with law.~~ No search warrant shall be issued except upon probable cause, supported by affidavit or sworn testimony naming and describing the person and particularly describing the property or thing to be seized and particularly describing the place to be searched.

Sec. 5. Minnesota Statutes 2020, section 192A.62, is amended to read:

192A.62 SECTIONS TO BE EXPLAINED.

Sections 192A.02, 192A.025, 192A.045, 192A.065, 192A.07, 192A.08, 192A.0851, 192A.155, 192A.205, ~~192A.385~~ 192A.39 to 192A.595, and 192A.62 to 192A.63 shall be carefully explained to every enlisted member at the time of the member's enlistment or transfer or induction into, or at the time of the member's order to duty in or with any of the state military forces or within 30 days thereafter. They shall also be explained annually to each unit of the state military forces. A complete text of this code and of the rules prescribed by the governor thereunder shall be made available to any member of the state military forces, upon the member's request, for personal examination. Failure to provide briefings to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial proceeding, except as mitigation in sentencing.

Sec. 6. **[192A.70] PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.**

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

(1) "Applicant for military service" means a person who, under regulations prescribed by the secretary concerned, the Minnesota National Guard authority, or designee concerned, is an applicant for original enlistment or appointment in the armed forces.

(2) "Military recruiter" means a person who, under regulations prescribed by the secretary concerned, has the primary duty to recruit persons for military service.

(3) "Prohibited sexual activity" means, as specified in regulations prescribed by the secretary concerned, the Minnesota National Guard authority, or designee concerned, inappropriate physical intimacy under circumstances described in such regulations.

(4) "Specially protected junior member of the armed forces" means:

(i) a member of the armed forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

(ii) a member of the armed forces who is a cadet, an officer candidate, or a student in any other officer qualification program; and

(iii) a member of the armed forces in any program that, by regulation prescribed by the secretary concerned or a Minnesota National Guard authority, or designee concerned, is identified as a training program for initial career qualification.

(5) "Training leadership position" means, with respect to a specially protected junior member of the armed forces, any of the following:

(i) any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the secretary concerned, is identified as a training program for initial career qualification; and

(ii) faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, and the Minnesota National Guard Regional Training Institute.

Subd. 2. Abuse of training leadership position. Any person subject to this code:

(1) who is an officer or a noncommissioned officer;

(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

(3) who engages in prohibited sexual activity with the specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

Subd. 3. **Abuse of position as military recruiter.** Any person subject to this code:

(1) who is a military recruiter and engages in prohibited sexual activity with an applicant for military service; or

(2) who is a military recruiter and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program;

shall be punished as a court-martial may direct.

Subd. 4. **Consent.** Consent is not a defense for any conduct at issue in a prosecution under this section.

Sec. 7. **[192A.701] NONCONSENSUAL DISTRIBUTION OF INTIMATE IMAGES.**

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

(1) "Broadcast" means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

(2) "Distribute" means to deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

(3) "Intimate visual image" means a visual image that depicts a private area of a person.

(4) "Private area" means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

(5) "Reasonable expectation of privacy" means circumstances in which a reasonable person would believe that a private area of the person, or sexually explicit conduct involving the person, would not be visible to the public.

(6) "Sexually explicit conduct" means actual or simulated genital-genital contact, oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

(7) "Visual image" means:

(i) any developed or undeveloped photograph, picture, film, or video;

(ii) any digital or computer image, picture, film, or video made by any means or transmitted by any means, including streaming media, even if not stored in a permanent format; or

(iii) any digital or electronic data capable of conversion into a visual image.

Subd. 2. **Crime defined.** Any person subject to this code:

(1) who knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who:

(i) is at least 18 years of age at the time the intimate visual image or visual image of sexually explicit conduct was created;

(ii) is identifiable from the intimate visual image or visual image of sexually explicit conduct itself, or from information displayed in connection with the intimate visual image or visual image of sexually explicit conduct; and

(iii) does not explicitly consent to the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(2) who knows that the intimate visual image or visual image of sexually explicit conduct was made under circumstances in which the person depicted in the intimate visual image or visual image of sexually explicit conduct retained a reasonable expectation of privacy regarding any broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(3) who possesses the intent to broadcast or distribute an intimate visual image or visual image of sexually explicit conduct;

(i) to cause harm, harassment, intimidation, emotional distress, or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

(ii) to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships; and

(4) whose conduct, under the circumstances, had a reasonably direct and palpable connection to a military mission or military environment;

is guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct and shall be punished as a court-martial may direct.

Sec. 8. [192A.702] FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subdivision 1. **Crime defined.** Any person subject to this code who knowingly, with intent to defraud, uses:

(1) a stolen credit card, debit card, or other access device;

(2) a revoked, canceled, or otherwise invalid credit card, debit card, or other access device; or

(3) a credit card, debit card, or other access device without the authorization of a person whose authorization was required for use, including a government purchase card or government travel card without conforming to the published federal or Minnesota National Guard procedures at the time of use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

Subd. 2. **Access device defined.** As used in this section, "access device" has the meaning given in United States Code, title 18, section 1029.

Sec. 9. [192A.703] UNAUTHORIZED USE OF GOVERNMENT COMPUTER.

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

(1) "Computer" has the meaning given in United States Code, title 18, section 1030.

(2) "Damage" has the meaning given in United States Code, title 18, section 1030.

(3) "Government computer" means a computer owned or operated by or on behalf of the United States government or the state of Minnesota.

Subd. 2. **Crime defined.** Any person subject to this code who:

(1) knowingly accesses a government computer with an unauthorized purpose and by doing so obtains classified information, with reason to believe the information could be used to the injury of the United States or the state of Minnesota or to the advantage of any foreign nation, and intentionally communicates, delivers, or transmits or causes to be communicated, delivered, or transmitted the information to any person not entitled to receive it;

(2) intentionally accesses a government computer with an unauthorized purpose and thereby obtains classified or other protected information from any government computer; or

(3) knowingly causes the transmission of a program, information, code, or command, and as a result intentionally causes damage without authorization to a government computer;

shall be punished as a court-martial may direct.

Sec. 10. **[192A.704] RETALIATION.**

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

(1) "Covered individual or organization" means any recipient of a communication specified in United States Code, title 10, section 1034(b)(1)(B), clauses (i) to (v).

(2) "Inspector general" has the meaning given in United States Code, title 10, section 1034(j).

(3) "Protected communication" means:

(i) a lawful communication to a member of Congress, a state legislator, or an inspector general; and

(ii) a communication to a covered individual or organization, to include the Office of the Governor, in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of any of the following:

(A) a violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination; or

(B) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Subd. 2. **Crimes defined.** Any person subject to this code who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication:

(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.

Sec. 11. **REVISOR INSTRUCTION.**

The revisor of statutes shall recodify the following sections in article 6: sections 6 to 10, recodify Minnesota Statutes, section 192A.70 as 192A.6011; section 192A.701 as 192A.6012; section 192A.702 as section 192A.6013; section 192A.703 as section 192A.6014; and section 192A.704 as section 192A.6015. The revisor shall correct any cross-references made necessary by this recodification.

Sec. 12. **REPEALER.**

Minnesota Statutes 2020, section 192A.385, is repealed."

Delete the title and insert:

"A bill for an act relating to state government; establishing a budget for military and veterans affairs; making policy and technical changes to various military and veterans affairs provisions including provisions related to the adjutant general, housing, veterans benefits, and veterans services; allowing deferred prosecutions for former and current military members in certain circumstances; classifying data; making changes to the military code; modifying certain requirements and qualifications; making jurisdictional and appellate changes; providing punishable offenses under the military code; providing penalties; appropriating money; amending Minnesota Statutes 2020, sections 10.578; 15.057; 190.07; 192.67; 192A.02, subdivision 2; 192A.021; 192A.111; 192A.15, subdivisions 1, 2; 192A.155, subdivision 2; 192A.20; 192A.235, subdivision 3; 192A.343, subdivision 3; 192A.353, subdivision 2; 192A.371; 192A.384; 192A.56; 192A.612; 192A.62; 197.791, subdivisions 4, 5, 5a, 5b; 198.006; 198.03, subdivision 2; 606.06; proposing coding for new law in Minnesota Statutes, chapters 192A; 196; 609; repealing Minnesota Statutes 2020, section 192A.385."

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. 4, H. F. No. 752 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1042, A bill for an act relating to code enforcement; establishing a waiver process to the State Building Code and State Fire Code for members of federally recognized tribes; proposing coding for new law in Minnesota Statutes, chapters 299F; 326B.

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1042 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1103, A bill for an act relating to public safety; imposing duties on peace officers and law enforcement agencies regarding video and audio recordings of use of deadly force; providing for a civil remedy; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Page 1, line 21, after "system" insert "or data and metadata related to the recording"

Page 2, line 18, delete "and copying"

Page 2, line 19, after the period, insert "All recordings of an incident where a peace officer used deadly force and an individual dies must be released to the individual's next of kin, legal representative of the next of kin, and other parent of the individual's children no later than 90 days after the incident."

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1103 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1104, A bill for an act relating to public safety; prohibiting immunity for peace officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, delete lines 18 and 19

Page 1, line 20, delete "(d)" and insert "(c)"

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1104 was re-referred to the Committee on Rules and Legislative Administration.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1159, A bill for an act relating to human services; extending temporary personal care assistance compensation for services provided by a parent or spouse; amending Laws 2020, Fifth Special Session chapter 3, article 10, section 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2020, Fifth Special Session chapter 3, article 10, section 3, is amended to read:

Sec. 3. TEMPORARY PERSONAL CARE ASSISTANCE COMPENSATION FOR SERVICES PROVIDED BY A PARENT OR SPOUSE.

(a) Notwithstanding Minnesota Statutes, section 256B.0659, subdivisions 3, paragraph (a), clause (1); 11, paragraph (c); and 19, paragraph (b), clause (3), during a peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19, a parent, stepparent, or legal guardian of a minor who is a personal care assistance recipient or a spouse of a personal care assistance recipient may provide and be paid for providing personal care assistance services.

(b) This section expires ~~February 7, 2021~~ upon the expiration of the COVID-19 public health emergency declared by the United States Secretary of Health and Human Services.

EFFECTIVE DATE; REVIVAL AND REENACTMENT. This section is effective the day following final enactment, or upon federal approval, whichever is later, and Laws 2020, Fifth Special Session chapter 3, article 10, section 3, is revived and reenacted as of that date.

Sec. 2. APPROPRIATION; PERSONAL CARE ASSISTANCE COMPENSATION FOR SERVICES PROVIDED BY A PARENT OR SPOUSE.

(a) \$305,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of human services for compensation for personal care assistance services provided by a parent or spouse under Laws 2020, Fifth Special Session chapter 3, article 10, section 3, as amended. This is a onetime appropriation.

(b) If the appropriation in this act is enacted more than once in the 2021 legislative session, the appropriation must be given effect only once."

Amend the title as follows:

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

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1159 was re-referred to the Committee on Rules and Legislative Administration.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1340, A bill for an act relating to children; modifying requirements for the responsible social services agency placing children in qualified residential treatment programs; amending Minnesota Statutes 2020, sections 245.4885, subdivision 1; 245A.02, by adding subdivisions; 245A.041, by adding a subdivision; 260C.007, subdivisions 26c, 31; 260C.157, subdivision 3; 260C.212, subdivisions 1a, 13; 260C.452; 260C.704; 260C.706; 260C.708; 260C.71; 260C.712; 260C.714; 260D.01; 260D.05; 260D.06, subdivision 2; 260D.07; 260D.08; 260D.14; 260E.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reported the same back with the following amendments:

Page 3, line 14, after "260C.708" insert "and chapter 260D"

Page 3, line 18, strike "chapter" and insert "chapters"

Page 3, line 19, before the period, insert "and 260D"

Page 3, after line 20, insert:

"Sec. Minnesota Statutes 2020, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to initiate tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. The commissioner may authorize projects to use alternative methods of (1) screening, investigating, and assessing reports of child maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial appeal of maltreatment determinations, provided the alternative methods used by the projects comply with the provisions of section 256.045 and chapter 260E that deal with the rights of individuals who are the subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner shall only authorize alternative methods that comply with the public policy under section 260E.01. The commissioner may seek any federal approval necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under 21 years old and who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

- (1) be one of the existing tribes with reservation land in Minnesota;
- (2) have a tribal court with jurisdiction over child custody proceedings;
- (3) have a substantial number of children for whom determinations of maltreatment have occurred;

(4)(i) have capacity to respond to reports of abuse and neglect under chapter 260E; or (ii) have codified the tribe's screening, investigation, and assessment of reports of child maltreatment procedures, if authorized to use an alternative method by the commissioner under paragraph (a);

(5) provide a wide range of services to families in need of child welfare services; ~~and~~

(6) have a tribal-state title IV-E agreement in effect; and

(7) enter into host tribal contracts pursuant to section 256.0112, subdivision 6.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

(1) assessment and prevention of child abuse and neglect;

(2) family preservation;

(3) facilitative, supportive, and reunification services;

(4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under chapter 260E for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

(h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects. Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

(i) In consultation with the White Earth Band, the commissioner shall develop and submit to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services a plan to transfer legal responsibility for providing child protective services to White Earth Band member children residing in Hennepin County to the White Earth Band. The plan shall include a financing proposal, definitions of key terms, statutory amendments required, and other provisions required to implement the plan. The commissioner shall submit the plan by January 15, 2012.

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

Sec. Minnesota Statutes 2020, section 256.0112, subdivision 6, is amended to read:

Subd. 6. **Contracting within and across county lines; lead county contracts; lead tribal contracts.** Paragraphs (a) to (e) govern contracting within and across county lines and lead county contracts. Paragraphs (a) to (e) govern contracting within and across reservation boundaries and lead tribal contracts for initiative tribes under section 256.01, subdivision 14b. For purposes of this subdivision, "local agency" includes a tribe or a county agency.

(a) Once a local agency and an approved vendor execute a contract that meets the requirements of this subdivision, the contract governs all other purchases of service from the vendor by all other local agencies for the term of the contract. The local agency that negotiated and entered into the contract becomes the lead tribe or county for the contract.

(b) When the local agency in the county or reservation where a vendor is located wants to purchase services from that vendor and the vendor has no contract with the local agency or any other tribe or county, the local agency must negotiate and execute a contract with the vendor.

(c) When a local agency ~~in one county~~ wants to purchase services from a vendor located in another county or reservation, it must notify the local agency in the county or reservation where the vendor is located. Within 30 days of being notified, the local agency in the vendor's county or reservation must:

(1) if it has a contract with the vendor, send a copy to the inquiring local agency;

(2) if there is a contract with the vendor for which another local agency is the lead tribe or county, identify the lead tribe or county to the inquiring agency; or

(3) if no local agency has a contract with the vendor, inform the inquiring agency whether it will negotiate a contract and become the lead tribe or county. If the agency where the vendor is located will not negotiate a contract with the vendor because of concerns related to clients' health and safety, the agency must share those concerns with the inquiring local agency.

(d) If the local agency in the county where the vendor is located declines to negotiate a contract with the vendor or fails to respond within 30 days of receiving the notification under paragraph (c), the inquiring agency is authorized to negotiate a contract and must notify the local agency that declined or failed to respond.

(e) When the inquiring ~~county~~ local agency under paragraph (d) becomes the lead tribe or county for a contract and the contract expires and needs to be renegotiated, that tribe or county must again follow the requirements under paragraph (c) and notify the local agency where the vendor is located. The local agency where the vendor is located has the option of becoming the lead tribe or county for the new contract. If the local agency does not exercise the option, paragraph (d) applies.

(f) This subdivision does not affect the requirement to seek county concurrence under section 256B.092, subdivision 8a, when the services are to be purchased for a person with a developmental disability or under section 245.4711, subdivision 3, when the services to be purchased are for an adult with serious and persistent mental illness.

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

Page 3, line 24, strike "not" and insert "qualified to conduct the assessment approved by the commissioner. The qualified individual must not be"

Page 6, line 10, after "with" insert "the child's parent or legal guardian."

Page 6, line 11, strike "the child's parents"

Page 8, after line 27, insert:

"Sec. Minnesota Statutes 2020, section 260C.4412, is amended to read:

260C.4412 PAYMENT FOR RESIDENTIAL PLACEMENTS.

(a) When a child is placed in a foster care group residential setting under Minnesota Rules, parts 2960.0020 to 2960.0710, a foster residence licensed under chapter 245A that meets the standards of Minnesota Rules, parts 2960.3200 to 2960.3230, or a children's residential facility licensed or approved by a tribe, foster care maintenance payments must be made on behalf of the child to cover the cost of providing food, clothing, shelter, daily supervision, school supplies, child's personal incidentals and supports, reasonable travel for visitation, or other transportation needs associated with the items listed. Daily supervision in the group residential setting includes routine day-to-day direction and arrangements to ensure the well-being and safety of the child. It may also include reasonable costs of administration and operation of the facility.

(b) The commissioner of human services shall specify the title IV-E administrative procedures under section 256.82 for each of the following residential program settings:

(1) residential programs licensed under chapter 245A or licensed by a tribe, including:

(i) qualified residential treatment programs as defined in section 260C.007, subdivision 26d;

(ii) program settings specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) program settings providing high-quality residential care and supportive services to children and youth who are, or are at risk of becoming, sex trafficking victims;

(2) licensed residential family-based substance use disorder treatment programs as defined in section 260C.007, subdivision 22a; and

(3) supervised settings in which a foster child age 18 or older may live independently, consistent with section 260C.451.

(c) A lead county contract under section 256.0112, subdivision 6, is not required to establish the foster care maintenance payment in paragraph (a) for foster residence settings licensed under chapter 245A that meet the standards of Minnesota Rules, parts 2960.3200 to 2960.3230. The foster care maintenance payment for these settings must be consistent with section 256N.26, subdivision 3, and subject to the annual revision as specified in section 256N.26, subdivision 9."

Page 15, line 5, reinstate "and request"

Page 15, line 6, reinstate "input from" and delete the new language

Page 15, line 7, delete the new language

Page 15, delete lines 8 to 12

Page 15, line 13, delete the new language

Page 19, line 3, after the second comma, insert "the child's parent or legal guardian."

Page 19, line 4, delete "a child's parent."

Page 19, line 20, after "inform" insert "the child's parent or legal guardian and" and delete "and the child's parent"

Page 19, line 22, after "inform" insert "the child's parent or legal guardian and" and delete "and the child's parent"

Page 23, line 18, before the period, insert ", except as modified under this chapter"

Page 24, line 21, delete "and"

Page 24, line 23, after "members" insert ". For purposes of voluntary placement of a child in foster care for treatment under chapter 260D, prior to forming the child's family and permanency team, the responsible social services agency must consult with the child's parent or legal guardian, the child if the child is 14 years of age or older, and, if applicable, the child's tribe to obtain recommendations regarding which individuals to include on the team and to ensure that the team is family-centered and will act in the child's best interests. If the child, child's parents, or legal guardians raise concerns about specific relatives or professionals, the team should not include those individuals unless the individual is a treating professional or an important connection to the youth as outlined in the case or crisis plan; and" and delete "and if"

Page 24, delete lines 24 to 27

Page 24, before line 28, insert:

"(5) For a voluntary placement under this chapter in a qualified residential treatment program, as defined in section 260C.007, subdivision 26d, for purposes of engaging in a relative search as provided in section 260C.221, the county agency must consult with the child's parent or legal guardian, the child if the child is 14 years of age or older, and, if applicable, the child's tribe to obtain recommendations regarding which adult relatives the county agency should notify. If the child, child's parents, or legal guardians raise concerns about specific relatives, the county agency should not notify those relatives."

Page 34, line 20, delete "or"

Page 34, line 22, delete the period and insert "; or"

Page 34, after line 22, insert:

"(4) a supervised independent living setting for youth who are 18 years of age or older."

Page 35, delete lines 4 to 7

Page 35, line 8, after "(a)" insert "By July 1, 2021,"

Page 35, line 9, delete "may issue" and insert "must offer"

Page 35, line 14, delete "and"

Page 35, line 16, delete the period and insert "; and"

Page 35, after line 16, insert:

"(4) supervised independent living settings for youth who are 18 years of age or older."

Page 36, line 17, after "treatment" insert "or service"

Page 38, line 15, delete "or available"

Page 38, line 16, delete "accessible" and insert "available"

Page 41, line 1, after the semicolon, insert "and"

Page 41, line 4, delete "youth's" and insert "child's"

Page 41, line 23, delete "youth's" and insert "child's"

Page 42, after line 17, insert:

"Subd. 7. **Supervised independent living settings for youth 18 years of age or older; certification requirements.** (a) To be certified as a supervised independent living setting for youth who are 18 years of age or older, a license holder must meet the requirements of this subdivision.

(b) A license holder must provide training, counseling, instruction, supervision, and assistance for independent living, according to the needs of the youth being served.

(c) A license holder may provide services to assist the youth with locating housing, money management, meal preparation, shopping, health care, transportation, and any other support services necessary to meet the youth's needs and improve the youth's ability to conduct such tasks independently.

(d) The service plan for the youth must contain an objective of independent living skills.

(e) The license holder must maintain a service delivery plan that describes how the program provides services according to paragraphs (b) to (d)."

Page 42, line 18, delete "7" and insert "8"

Page 43, line 17, delete "8" and insert "9"

Page 44, line 1, delete "9" and insert "10"

Page 44, after line 5, insert:

"Sec. **DIRECTION TO THE COMMISSIONER; QUALIFIED RESIDENTIAL TREATMENT TRANSITION SUPPORTS.**

The commissioner of human services shall consult with stakeholders to develop policies regarding aftercare supports for the transition of a child from a qualified residential treatment program, as defined in Minnesota Statutes, section 260C.007, subdivision 26d, to reunification with the child's parent or legal guardian, including potential placement in a less restrictive setting prior to reunification that aligns with the child's permanency plan and person-centered support plan, when applicable. The policies must be consistent with Minnesota Rules, part 2960.0190, and Minnesota Statutes, section 245A.25, subdivision 4, paragraph (i), and address the coordination of the qualified residential treatment program discharge planning and aftercare supports where needed, the county social services case plan, and services from community-based providers, to maintain the child's progress with behavioral health goals in the child's treatment plan. The commissioner must complete development of the policy guidance by December 31, 2022."

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1340 was re-referred to the Committee on Rules and Legislative Administration.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1532, A bill for an act relating to human services; modifying community supports provisions; amending Minnesota Statutes 2020, sections 245.4874, subdivision 1; 245.697, subdivision 1; 252.43; 252A.01, subdivision 1; 252A.02, subdivisions 2, 9, 11, 12, by adding subdivisions; 252A.03, subdivisions 3, 4; 252A.04, subdivisions 1, 2, 4; 252A.05; 252A.06, subdivisions 1, 2; 252A.07, subdivisions 1, 2, 3; 252A.081, subdivisions 2, 3, 5; 252A.09, subdivisions 1, 2; 252A.101, subdivisions 2, 3, 5, 6, 7, 8; 252A.111, subdivisions 2, 4, 6; 252A.12; 252A.16; 252A.17; 252A.19, subdivisions 2, 4, 5, 7, 8; 252A.20; 252A.21, subdivisions 2, 4; 254A.03, subdivision 3; 254A.171; 254A.19, subdivision 4; 254A.20; 254B.01, subdivisions 6, 8; 254B.02, subdivision 1; 254B.03, subdivisions 1, 2, 4; 254B.04, subdivision 1; 254B.05, subdivisions 1a, 1b, 4, 5; 254B.051; 254B.06, subdivisions 1, 3; 254B.12; 254B.13, subdivisions 1, 2a, 5, 6; 254B.14, subdivisions 1, 5; 256.042, subdivisions 2, 4; 256B.051, subdivisions 1, 3, 5, 6, 7, by adding a subdivision; 256B.0947, subdivision 6; 256B.4912, subdivision 13; 256B.69, subdivision 5a; 256B.85, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11b, 12, 12b, 13, 13a, 15, 17a, 18a, 20b, 23, 23a, by adding subdivisions; repealing Minnesota Statutes 2020, sections 252.28, subdivisions 1, 5; 252A.02, subdivisions 8, 10; 252A.21, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 245.4874, subdivision 1, is amended to read:

Subdivision 1. **Duties of county board.** (a) The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4889;

(2) consider the assessment of unmet needs in the county as reported by the local children's mental health advisory council under section 245.4875, subdivision 5, paragraph (b), clause (3). The county shall provide, upon request of the local children's mental health advisory council, readily available data to assist in the determination of unmet needs;

(3) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4889;

(4) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost-effectiveness of their delivery;

(5) assure that mental health services delivered according to sections 245.487 to 245.4889 are delivered expeditiously and are appropriate to the child's diagnostic assessment and individual treatment plan;

(6) provide for case management services to each child with severe emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

(7) provide for screening of each child under section 245.4885 upon admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

(8) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4889;

(9) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871;

(10) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age;

(11) assure that culturally competent mental health consultants are used as necessary to assist the county board in assessing and providing appropriate treatment for children of cultural or racial minority heritage; and

(12) consistent with section 245.486, arrange for or provide a children's mental health screening for:

(i) a child receiving child protective services;

(ii) a child in out-of-home placement;

(iii) a child for whom parental rights have been terminated;

(iv) a child found to be delinquent; or

(v) a child found to have committed a juvenile petty offense for the third or subsequent time.

A children's mental health screening is not required when a screening or diagnostic assessment has been performed within the previous 180 days, or the child is currently under the care of a mental health professional.

(b) When a child is receiving protective services or is in out-of-home placement, the court or county agency must notify a parent or guardian whose parental rights have not been terminated of the potential mental health screening and the option to prevent the screening by notifying the court or county agency in writing.

(c) When a child is found to be delinquent or a child is found to have committed a juvenile petty offense for the third or subsequent time, the court or county agency must obtain written informed consent from the parent or legal guardian before a screening is conducted unless the court, notwithstanding the parent's failure to consent, determines that the screening is in the child's best interest.

(d) The screening shall be conducted with a screening instrument approved by the commissioner of human services according to criteria that are updated and issued annually to ensure that approved screening instruments are valid and useful for child welfare and juvenile justice populations. Screenings shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer or local social services agency staff person who is trained in the use of the screening instrument. Training in the use of the instrument shall include:

- (1) training in the administration of the instrument;
- (2) the interpretation of its validity given the child's current circumstances;
- (3) the state and federal data practices laws and confidentiality standards;
- (4) the parental consent requirement; and
- (5) providing respect for families and cultural values.

If the screen indicates a need for assessment, the child's family, or if the family lacks mental health insurance, the local social services agency, in consultation with the child's family, shall have conducted a diagnostic assessment, including a functional assessment. The administration of the screening shall safeguard the privacy of children receiving the screening and their families and shall comply with the Minnesota Government Data Practices Act, chapter 13, and the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. ~~Screening results shall be considered private data and the commissioner shall not collect individual screening results.~~ are classified as private data on individuals, as defined by section 13.02, subdivision 12. The county board or tribal nation may provide the commissioner with access to the screening results for the purposes of program evaluation and improvement.

(e) When the county board refers clients to providers of children's therapeutic services and supports under section 256B.0943, the county board must clearly identify the desired services components not covered under section 256B.0943 and identify the reimbursement source for those requested services, the method of payment, and the payment rate to the provider.

Sec. 2. Minnesota Statutes 2020, section 245.697, subdivision 1, is amended to read:

Subdivision 1. **Creation.** (a) A State Advisory Council on Mental Health is created. The council must have members appointed by the governor in accordance with federal requirements. In making the appointments, the governor shall consider appropriate representation of communities of color. The council must be composed of:

(1) the assistant commissioner of ~~mental health~~ for the Department of Human Services who oversees behavioral health policy;

(2) a representative of the Department of Human Services responsible for the medical assistance program;

(3) a representative of the Department of Health;

~~(3)~~ (4) one member of each of the following professions:

(i) psychiatry;

(ii) psychology;

(iii) social work;

(iv) nursing;

(v) marriage and family therapy; and

(vi) professional clinical counseling;

~~(4)~~ (5) one representative from each of the following advocacy groups: Mental Health Association of Minnesota, NAMI-MN, Mental Health Consumer/Survivor Network of Minnesota, and Minnesota Disability Law Center, American Indian Mental Health Advisory Council, and a consumer-run mental health advocacy group;

~~(5)~~ (6) providers of mental health services;

~~(6)~~ (7) consumers of mental health services;

~~(7)~~ (8) family members of persons with mental illnesses;

~~(8)~~ (9) legislators;

~~(9)~~ (10) social service agency directors;

~~(10)~~ (11) county commissioners; and

~~(11)~~ (12) other members reflecting a broad range of community interests, including family physicians, or members as the United States Secretary of Health and Human Services may prescribe by regulation or as may be selected by the governor.

(b) The council shall select a chair. Terms, compensation, and removal of members and filling of vacancies are governed by section 15.059. Notwithstanding provisions of section 15.059, the council and its subcommittee on children's mental health do not expire. The commissioner of human services shall provide staff support and supplies to the council.

Sec. 3. Minnesota Statutes 2020, section 252.43, is amended to read:

252.43 COMMISSIONER'S DUTIES.

(a) The commissioner shall supervise lead agencies' provision of day services to adults with disabilities. The commissioner shall:

(1) determine the need for day ~~services~~ programs under ~~section~~ sections 256B.4914 and 252.41 to 252.46;

(2) establish payment rates as provided under section 256B.4914;

(3) adopt rules for the administration and provision of day services under sections 245A.01 to 245A.16; 252.28, subdivision 2; or 252.41 to 252.46; or Minnesota Rules, parts 9525.1200 to 9525.1330;

(4) enter into interagency agreements necessary to ensure effective coordination and provision of day services;

(5) monitor and evaluate the costs and effectiveness of day services; and

(6) provide information and technical help to lead agencies and vendors in their administration and provision of day services.

(b) A determination of need in paragraph (a), clause (1), shall not be required for a change in day service provider name or ownership.

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

Sec. 4. Minnesota Statutes 2020, section 252A.01, subdivision 1, is amended to read:

Subdivision 1. **Policy.** (a) It is the policy of the state of Minnesota to provide a coordinated approach to the supervision, protection, and habilitation of its adult citizens with a developmental disability. In furtherance of this policy, sections 252A.01 to 252A.21 are enacted to authorize the commissioner of human services to:

(1) supervise those adult citizens with a developmental disability who are unable to fully provide for their own needs and for whom no qualified person is willing and able to seek guardianship ~~or conservatorship~~ under sections 524.5-101 to 524.5-502; and

(2) protect adults with a developmental disability from violation of their human and civil rights by ~~assuring~~ ensuring that they receive the full range of needed social, financial, residential, and habilitative services to which they are lawfully entitled.

(b) Public guardianship ~~or conservatorship~~ is the most restrictive form of guardianship ~~or conservatorship~~ and should be imposed only when ~~no other acceptable alternative is available~~ less restrictive alternatives have been attempted and determined to be insufficient to meet the person's needs. Less restrictive alternatives include but are not limited to supported decision making, community or residential services, or appointment of a health care agent.

Sec. 5. Minnesota Statutes 2020, section 252A.02, subdivision 2, is amended to read:

Subd. 2. **Person with a developmental disability.** "Person with a developmental disability" refers to any person age 18 or older who:

~~(1) has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior such as to require supervision and protection for the person's welfare or the public welfare; a developmental disability;~~

(2) is impaired to the extent of lacking sufficient understanding or capacity to make personal decisions; and

(3) is unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision-making assistance.

Sec. 6. Minnesota Statutes 2020, section 252A.02, subdivision 9, is amended to read:

Subd. 9. **Ward Person subject to public guardianship.** "~~Ward~~" "Person subject to public guardianship" means a person with a developmental disability for whom the court has appointed a public guardian.

Sec. 7. Minnesota Statutes 2020, section 252A.02, subdivision 11, is amended to read:

Subd. 11. **Interested person.** "Interested person" means an interested responsible adult, ~~including, but not limited to, a public official, guardian, spouse, parent, adult sibling, legal counsel, adult child, or next of kin of a person alleged to have a developmental disability.~~ including but not limited to:

(1) the person subject to guardianship, the protected person, or the respondent;

(2) a nominated guardian or conservator;

(3) a legal representative;

(4) a spouse; a parent, including stepparent; adult children, including adult stepchildren of a living spouse; and siblings. If no such persons are living or can be located, the next of kin of the person subject to public guardianship or the respondent is an interested person;

(5) a representative of a state ombudsman's office or a federal protection and advocacy program that has notified the commissioner or lead agency that it has a matter regarding the protected person subject to guardianship, person subject to conservatorship, or respondent; and

(6) a health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, subdivision 5a; a living will under chapter 145B; or other similar documentation executed in another state and enforceable under the laws of this state.

Sec. 8. Minnesota Statutes 2020, section 252A.02, subdivision 12, is amended to read:

Subd. 12. **Comprehensive evaluation.** (a) "Comprehensive evaluation" shall consist consists of:

(1) a medical report on the health status and physical condition of the proposed ward, person subject to public guardianship prepared under the direction of a licensed physician or advanced practice registered nurse;

(2) a report on the proposed ward's intellectual capacity and functional abilities, ~~specifying~~ of the proposed person subject to public guardianship that specifies the tests and other data used in reaching its conclusions; and is prepared by a psychologist who is qualified in the diagnosis of developmental disability; and

(3) a report from the case manager that includes:

(i) the most current assessment of individual service needs as described in rules of the commissioner;

(ii) the most current ~~individual service~~ coordinated service and support plan under section 256B.092, subdivision 1b; and

(iii) a description of contacts with and responses of near relatives of the proposed ward person subject to public guardianship notifying ~~them~~ the near relatives that a nomination for public guardianship has been made and advising ~~them~~ the near relatives that they may seek private guardianship.

(b) Each report under paragraph (a), clause (3), shall contain recommendations as to the amount of assistance and supervision required by the proposed ward person subject to public guardianship to function as independently as possible in society. To be considered part of the comprehensive evaluation, the reports must be completed no more than one year before filing the petition under section 252A.05.

Sec. 9. Minnesota Statutes 2020, section 252A.02, is amended by adding a subdivision to read:

Subd. 16. **Protected person.** "Protected person" means a person for whom a guardian or conservator has been appointed or other protective order has been sought. A protected person may be a minor.

Sec. 10. Minnesota Statutes 2020, section 252A.02, is amended by adding a subdivision to read:

Subd. 17. **Respondent.** "Respondent" means an individual for whom the appointment of a guardian or conservator or other protective order is sought.

Sec. 11. Minnesota Statutes 2020, section 252A.02, is amended by adding a subdivision to read:

Subd. 18. **Supported decision making.** "Supported decision making" means assistance to an individual with understanding the nature and consequences of personal and financial decisions from one or more persons of the individual's choosing to enable the individual to make personal and financial decisions and, when consistent with the individual's wishes, to communicate the individual's decisions.

Sec. 12. Minnesota Statutes 2020, section 252A.03, subdivision 3, is amended to read:

Subd. 3. **Standard for acceptance.** The commissioner shall accept the nomination if: ~~the comprehensive evaluation concludes that:~~

~~(1) the person alleged to have developmental disability is, in fact, developmentally disabled; (1) the person's assessment confirms that they are a person with a developmental disability under section 252A.02, subdivision 2;~~

~~(2) the person is in need of the supervision and protection of a conservator or guardian; and~~

~~(3) no qualified person is willing to assume guardianship or conservatorship under sections 524.5-101 to 524.5-502; and~~

~~(4) the person subject to public guardianship was included in the process prior to the submission of the nomination.~~

Sec. 13. Minnesota Statutes 2020, section 252A.03, subdivision 4, is amended to read:

Subd. 4. **Alternatives.** (a) Public guardianship or conservatorship may be imposed only when:

(1) the person subject to guardianship is impaired to the extent of lacking sufficient understanding or capacity to make personal decisions;

(2) the person subject to guardianship is unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision-making assistance; and

(3) no acceptable, less restrictive form of guardianship or conservatorship is available.

(b) The commissioner shall seek parents, near relatives, and other interested persons to assume guardianship for persons with developmental disabilities who are currently under public guardianship. If a person seeks to become a guardian or conservator, costs to the person may be reimbursed under section 524.5-502. The commissioner must provide technical assistance to parents, near relatives, and interested persons seeking to become guardians or conservators.

Sec. 14. Minnesota Statutes 2020, section 252A.04, subdivision 1, is amended to read:

Subdivision 1. **Local agency.** Upon receipt of a written nomination, the commissioner shall promptly order the local agency of the county in which the proposed ~~ward person subject to public guardianship~~ resides to coordinate or arrange for a comprehensive evaluation of the proposed ~~ward person subject to public guardianship~~.

Sec. 15. Minnesota Statutes 2020, section 252A.04, subdivision 2, is amended to read:

Subd. 2. **Medication; treatment.** A proposed ~~ward person subject to public guardianship~~ who, at the time the comprehensive evaluation is to be performed, has been under medical care shall not be so under the influence or so suffer the effects of drugs, medication, or other treatment as to be hampered in the testing or evaluation process. When in the opinion of the licensed physician or advanced practice registered nurse attending the proposed ~~ward person subject to public guardianship~~, the discontinuance of medication or other treatment is not in the ~~proposed ward's~~ best interest of the proposed person subject to public guardianship, the physician or advanced practice registered nurse shall record a list of all drugs, medication, or other treatment ~~which~~ that the proposed ~~ward person subject to public guardianship~~ received 48 hours immediately prior to any examination, test, or interview conducted in preparation for the comprehensive evaluation.

Sec. 16. Minnesota Statutes 2020, section 252A.04, subdivision 4, is amended to read:

Subd. 4. **File.** The comprehensive evaluation shall be kept on file at the Department of Human Services and shall be open to the inspection of the proposed ~~ward person subject to public guardianship~~ and ~~such~~ other persons as ~~may be given permission~~ permitted by the commissioner.

Sec. 17. Minnesota Statutes 2020, section 252A.05, is amended to read:

252A.05 COMMISSIONER'S PETITION FOR APPOINTMENT AS PUBLIC GUARDIAN ~~OR PUBLIC CONSERVATOR.~~

In every case in which the commissioner agrees to accept a nomination, the local agency, within 20 working days of receipt of the commissioner's acceptance, shall petition on behalf of the commissioner in the county or court of the county of residence of the person with a developmental disability for appointment to act as ~~public conservator~~ ~~or~~ public guardian of the person with a developmental disability.

Sec. 18. Minnesota Statutes 2020, section 252A.06, subdivision 1, is amended to read:

Subdivision 1. **Who may file.** ~~The commissioner, the local agency, a person with a developmental disability or any parent, spouse or relative of a person with a developmental disability may file~~ A verified petition alleging that the appointment of a ~~public conservator or~~ public guardian is required may be filed by: the commissioner; the local agency; a person with a developmental disability; or a parent, stepparent, spouse, or relative of a person with a developmental disability.

Sec. 19. Minnesota Statutes 2020, section 252A.06, subdivision 2, is amended to read:

Subd. 2. **Contents.** The petition shall set forth:

(1) the name and address of the petitioner; and, in the case of a petition brought by a person other than the commissioner, whether the petitioner is a parent, spouse, or relative ~~of the proposed ward~~ of the proposed person subject to guardianship;

(2) whether the commissioner has accepted a nomination to act as ~~public conservator or~~ public guardian;

(3) the name, address, and date of birth of the proposed ward person subject to public guardianship;

(4) the names and addresses of the nearest relatives and spouse, if any, of the proposed ward person subject to public guardianship;

(5) the probable value and general character of the ~~proposed ward's~~ real and personal property of the proposed person subject to public guardianship and the probable amount of the ~~proposed ward's~~ debts of the proposed person subject to public guardianship; and

(6) the facts supporting the establishment of public ~~conservatorship or~~ guardianship, including that no family member or other qualified individual is willing to assume guardianship ~~or conservatorship~~ responsibilities under sections 524.5-101 to 524.5-502; ~~and~~.

~~(7) if conservatorship is requested, the powers the petitioner believes are necessary to protect and supervise the proposed conservatee.~~

Sec. 20. Minnesota Statutes 2020, section 252A.07, subdivision 1, is amended to read:

Subdivision 1. **With petition.** When a petition is brought by the commissioner or local agency, a copy of the comprehensive evaluation shall be filed with the petition. If a petition is brought by a person other than the commissioner or local agency and a comprehensive evaluation has been prepared within a year of the filing of the petition, the local agency shall ~~forward~~ send a copy of the comprehensive evaluation to the court upon notice of the filing of the petition. If a comprehensive evaluation has not been prepared within a year of the filing of the petition, the local agency, upon notice of the filing of the petition, shall arrange for a comprehensive evaluation to be prepared and ~~forwarded~~ provided to the court within 90 days.

Sec. 21. Minnesota Statutes 2020, section 252A.07, subdivision 2, is amended to read:

Subd. 2. **Copies.** A copy of the comprehensive evaluation shall be made available by the court to the proposed ward person subject to public guardianship, the ~~proposed ward's~~ counsel of the proposed person subject to public guardianship, the county attorney, the attorney general, and the petitioner.

Sec. 22. Minnesota Statutes 2020, section 252A.07, subdivision 3, is amended to read:

Subd. 3. **Evaluation required; exception.** (a) No action for the appointment of a public guardian may proceed to hearing unless a comprehensive evaluation has been first filed with the court; ~~provided, however, that an action may proceed and a guardian appointed.~~

(b) Paragraph (a) does not apply if the director of the local agency responsible for conducting the comprehensive evaluation has filed an affidavit that the proposed ward person subject to public guardianship refused to participate in the comprehensive evaluation and the court finds on the basis of clear and convincing evidence that the proposed ward person subject to public guardianship is developmentally disabled and in need of the supervision and protection of a guardian.

Sec. 23. Minnesota Statutes 2020, section 252A.081, subdivision 2, is amended to read:

Subd. 2. **Service of notice.** Service of notice on the ward person subject to public guardianship or proposed ward person subject to public guardianship must be made by a nonuniformed person or nonuniformed visitor. To the extent possible, the ~~process server or visitor~~ person or visitor serving the notice shall explain the document's meaning to the proposed ward person subject to public guardianship. In addition to the persons required to be served under sections 524.5-113, 524.5-205, and 524.5-304, the mailed notice of the hearing must be served on the commissioner, the local agency, and the county attorney.

Sec. 24. Minnesota Statutes 2020, section 252A.081, subdivision 3, is amended to read:

Subd. 3. **Attorney.** In place of the notice of attorney provisions in sections 524.5-205 and 524.5-304, the notice must state that the court will appoint an attorney for the proposed ~~ward or conservatee~~ person subject to public guardianship unless an attorney is provided by other persons.

Sec. 25. Minnesota Statutes 2020, section 252A.081, subdivision 5, is amended to read:

Subd. 5. **Defective notice of service.** A defect in the service of notice or process, other than personal service upon the proposed ~~ward or conservatee~~ person subject to public guardianship or service upon the commissioner and local agency within the time allowed and the form prescribed in this section and sections 524.5-113, 524.5-205, and 524.5-304, does not invalidate any public guardianship ~~or conservatorship~~ proceedings.

Sec. 26. Minnesota Statutes 2020, section 252A.09, subdivision 1, is amended to read:

Subdivision 1. **Attorney appointment.** Upon the filing of the petition, the court shall appoint an attorney for the proposed ~~ward~~ person subject to public guardianship, unless such counsel is provided by others.

Sec. 27. Minnesota Statutes 2020, section 252A.09, subdivision 2, is amended to read:

Subd. 2. **Representation.** Counsel shall visit with and, to the extent possible, consult with the proposed ~~ward~~ person subject to public guardianship prior to the hearing and shall be given adequate time to prepare ~~therefor~~ for the hearing. Counsel shall be given the full right of subpoena and shall be supplied with a copy of all documents filed with or issued by the court.

Sec. 28. Minnesota Statutes 2020, section 252A.101, subdivision 2, is amended to read:

Subd. 2. **Waiver of presence.** The proposed ~~ward~~ person subject to public guardianship may waive the right to be present at the hearing only if the proposed ~~ward~~ person subject to public guardianship has met with counsel and specifically waived the right to appear.

Sec. 29. Minnesota Statutes 2020, section 252A.101, subdivision 3, is amended to read:

Subd. 3. **Medical care.** If, at the time of the hearing, the proposed ~~ward~~ person subject to public guardianship has been under medical care, the ~~ward~~ person subject to public guardianship has the same rights regarding limitation on the use of drugs, medication, or other treatment before the hearing that are available under section 252A.04, subdivision 2.

Sec. 30. Minnesota Statutes 2020, section 252A.101, subdivision 5, is amended to read:

Subd. 5. **Findings.** (a) In all cases the court shall make specific written findings of fact, conclusions of law, and direct entry of an appropriate judgment or order. The court shall order the appointment of the commissioner as guardian ~~or conservator~~ if it finds that:

(1) the proposed ~~ward or conservatee~~ person subject to public guardianship is a person with a developmental disability as defined in section 252A.02, subdivision 2;

(2) the proposed ~~ward or conservatee~~ person subject to public guardianship is incapable of exercising specific legal rights, which must be enumerated in ~~its~~ the court's findings;

(3) the proposed ~~ward or conservatee~~ person subject to public guardianship is in need of the supervision and protection of a public guardian ~~or conservator~~; and

(4) no appropriate alternatives to public guardianship ~~or public conservatorship~~ exist that are less restrictive of the person's civil rights and liberties, such as appointing a private guardian, or conservator supported decision maker, or health care agent; or arranging residential or community services under sections 524.5-101 to 524.5-502.

(b) The court shall grant the specific powers that are necessary for the commissioner to act as public guardian ~~or conservator~~ on behalf of the ~~ward or conservatee~~ person subject to public guardianship.

Sec. 31. Minnesota Statutes 2020, section 252A.101, subdivision 6, is amended to read:

Subd. 6. **Notice of order; appeal.** A copy of the order shall be served by mail upon the ~~ward or conservatee~~ person subject to public guardianship and the ~~ward's~~ counsel of the person subject to public guardianship. The order must be accompanied by a notice that advises the ~~ward or conservatee~~ person subject to public guardianship of the right to appeal the guardianship ~~or conservatorship~~ appointment within 30 days.

Sec. 32. Minnesota Statutes 2020, section 252A.101, subdivision 7, is amended to read:

Subd. 7. **Letters of guardianship.** (a) Letters of guardianship ~~or conservatorship~~ must be issued by the court and contain:

- (1) the name, address, and telephone number of the ~~ward or conservatee~~ person subject to public guardianship; and
- (2) the powers to be exercised on behalf of the ~~ward or conservatee~~ person subject to public guardianship.

(b) The letters under paragraph (a) must be served by mail upon the ~~ward or conservatee~~ person subject to public guardianship, the ~~ward's~~ counsel of the person subject to public guardianship, the commissioner, and the local agency.

Sec. 33. Minnesota Statutes 2020, section 252A.101, subdivision 8, is amended to read:

Subd. 8. **Dismissal.** If upon the completion of the hearing and consideration of the record, the court finds that the proposed ~~ward~~ person subject to public guardianship is not developmentally disabled or is developmentally disabled but not in need of the supervision and protection of a ~~conservator or public guardian~~, ~~it~~ the court shall dismiss the application and shall notify the proposed ~~ward~~ person subject to public guardianship, the ~~ward's~~ counsel of the person subject to public guardianship, and the petitioner of the court's findings.

Sec. 34. Minnesota Statutes 2020, section 252A.111, subdivision 2, is amended to read:

Subd. 2. **Additional powers.** In addition to the powers contained in sections 524.5-207 and 524.5-313, the powers of a public guardian that the court may grant include:

- (1) the power to permit or withhold permission for the ~~ward~~ person subject to public guardianship to marry;
- (2) the power to begin legal action or defend against legal action in the name of the ~~ward~~ person subject to public guardianship; and
- (3) the power to consent to the adoption of the ~~ward~~ person subject to public guardianship as provided in section 259.24.

Sec. 35. Minnesota Statutes 2020, section 252A.111, subdivision 4, is amended to read:

Subd. 4. **Appointment of conservator.** If the ~~ward~~ person subject to public guardianship has a personal estate beyond that which is necessary for the ~~ward's~~ personal and immediate needs of the person subject to public guardianship, the commissioner shall determine whether a conservator should be appointed. The commissioner

shall consult with the parents, spouse, or nearest relative of the ward person subject to public guardianship. The commissioner may petition the court for the appointment of a private conservator of the ward person subject to public guardianship. The commissioner cannot act as conservator for public ~~wards~~ persons subject to public guardianship or public protected persons.

Sec. 36. Minnesota Statutes 2020, section 252A.111, subdivision 6, is amended to read:

Subd. 6. **Special duties.** In exercising powers and duties under this chapter, the commissioner shall:

(1) maintain close contact with the ward person subject to public guardianship, visiting at least twice a year;

(2) protect and exercise the legal rights of the ward person subject to public guardianship;

(3) take actions and make decisions on behalf of the ward person subject to public guardianship that encourage and allow the maximum level of independent functioning in a manner least restrictive of the ~~ward's~~ personal freedom of the person subject to public guardianship consistent with the need for supervision and protection; and

(4) permit and encourage maximum self-reliance on the part of the ward person subject to public guardianship and permit and encourage input by the nearest relative of the ward person subject to public guardianship in planning and decision making on behalf of the ward person subject to public guardianship.

Sec. 37. Minnesota Statutes 2020, section 252A.12, is amended to read:

252A.12 APPOINTMENT OF ~~CONSERVATOR~~ PUBLIC GUARDIAN NOT A FINDING OF INCOMPETENCY.

An appointment of the commissioner as ~~conservator~~ public guardian shall not constitute a judicial finding that the person with a developmental disability is legally incompetent except for the restrictions ~~which that~~ the conservatorship public guardianship places on the ~~conservatee~~ person subject to public guardianship. The appointment of a ~~conservator~~ public guardian shall not deprive the ~~conservatee~~ person subject to public guardianship of the right to vote.

Sec. 38. Minnesota Statutes 2020, section 252A.16, is amended to read:

252A.16 ANNUAL REVIEW.

Subdivision 1. **Review required.** The commissioner shall require an annual review of the physical, mental, and social adjustment and progress of every ~~ward and conservatee~~ person subject to public guardianship. A copy of this review shall be kept on file at the Department of Human Services and may be inspected by the ~~ward or conservatee~~ person subject to public guardianship, the ~~ward's or conservatee's~~ parents, spouse, or relatives of the person subject to public guardianship, and other persons who receive the permission of the commissioner. The review shall contain information required under Minnesota Rules, part 9525.3065, subpart 1.

Subd. 2. **Assessment of need for continued guardianship.** The commissioner shall annually review the legal status of each ward person subject to public guardianship in light of the progress indicated in the annual review. If the commissioner determines the ward person subject to public guardianship is no longer in need of public guardianship ~~or conservatorship~~ or is capable of functioning under a less restrictive ~~conservatorship~~ guardianship, the commissioner or local agency shall petition the court pursuant to section 252A.19 to restore the ward person subject to public guardianship to capacity or for a modification of the court's previous order.

Sec. 39. Minnesota Statutes 2020, section 252A.17, is amended to read:

252A.17 EFFECT OF SUCCESSION IN OFFICE.

The appointment by the court of the commissioner ~~of human services~~ as public ~~conservator~~ or guardian shall be by the title of the commissioner's office. The authority of the commissioner as public ~~conservator~~ or guardian shall cease upon the termination of the commissioner's term of office and shall vest in a successor or successors in office without further court proceedings.

Sec. 40. Minnesota Statutes 2020, section 252A.19, subdivision 2, is amended to read:

Subd. 2. **Petition.** The commissioner, ~~ward person subject to public guardianship~~, or any interested person may petition the appointing court or the court to which venue has been transferred ~~for an order to:~~

(1) ~~for an order to~~ remove the guardianship ~~or to;~~

(2) ~~for an order to~~ limit or expand the powers of the guardianship ~~or to;~~

(3) ~~for an order to~~ appoint a guardian ~~or conservator~~ under sections 524.5-101 to 524.5-502 ~~or to;~~

(4) ~~for an order to~~ restore the ~~ward person subject to public guardianship~~ or protected person to full legal capacity ~~or to;~~

(5) ~~to review de novo any decision made by the public guardian or public conservator for or on behalf of a ward person subject to public guardianship or protected person;~~ or

(6) ~~for any other order as the court may deem just and equitable.~~

Sec. 41. Minnesota Statutes 2020, section 252A.19, subdivision 4, is amended to read:

Subd. 4. **Comprehensive evaluation.** The commissioner shall, at the court's request, arrange for the preparation of a comprehensive evaluation of the ~~ward person subject to public guardianship~~ or protected person.

Sec. 42. Minnesota Statutes 2020, section 252A.19, subdivision 5, is amended to read:

Subd. 5. **Court order.** Upon proof of the allegations of the petition the court shall enter an order removing the guardianship or limiting or expanding the powers of the guardianship or restoring the ~~ward person subject to public guardianship~~ or protected person to full legal capacity or may enter such other order as the court may deem just and equitable.

Sec. 43. Minnesota Statutes 2020, section 252A.19, subdivision 7, is amended to read:

Subd. 7. **Attorney general's role; commissioner's role.** The attorney general may appear and represent the commissioner in such proceedings. The commissioner shall support or oppose the petition if the commissioner deems such action necessary for the protection and supervision of the ~~ward person subject to public guardianship~~ or protected person.

Sec. 44. Minnesota Statutes 2020, section 252A.19, subdivision 8, is amended to read:

Subd. 8. ~~Court-appointed~~ **Court-appointed counsel.** In all such proceedings, the protected person or ~~ward person subject to public guardianship~~ shall be afforded an opportunity to be represented by counsel, and if neither the protected person or ~~ward person subject to public guardianship~~ nor others provide counsel the court shall appoint counsel to represent the protected person or ~~ward person subject to public guardianship~~.

Sec. 45. Minnesota Statutes 2020, section 252A.20, is amended to read:

252A.20 COSTS OF HEARINGS.

Subdivision 1. **Witness and attorney fees.** In each proceeding under sections 252A.01 to 252A.21, the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law; to each physician, advanced practice registered nurse, psychologist, or social worker who assists in the preparation of the comprehensive evaluation and who is not ~~in the employ of~~ employed by the local agency or the state Department of Human Services, a reasonable sum for services and for travel; and to the ~~ward's~~ ward's counsel of the person subject to public guardianship, when appointed by the court, a reasonable sum for travel and for each day or portion of a day actually employed in court or actually consumed in preparing for the hearing. Upon order the county auditor shall issue a warrant on the county treasurer for payment of the amount allowed.

Subd. 2. **Expenses.** When the settlement of the ~~ward~~ ward person subject to public guardianship is found to be in another county, the court shall transmit to the county auditor a statement of the expenses incurred pursuant to subdivision 1. The auditor shall transmit the statement to the auditor of the county of the ~~ward's~~ ward's settlement of the person subject to public guardianship and this claim shall be paid as other claims against that county. If the auditor to whom this claim is transmitted denies the claim, the auditor shall transmit it, together with the objections thereto, to the commissioner, who shall determine the question of settlement and certify findings to each auditor. If the claim is not paid within 30 days after such certification, an action may be maintained thereon in the district court of the claimant county.

Subd. 3. **Change of venue; cost of proceedings.** Whenever venue of a proceeding has been transferred under sections 252A.01 to 252A.21, the costs of such proceedings shall be reimbursed to the county of the ~~ward's~~ ward's settlement of the person subject to public guardianship by the state.

Sec. 46. Minnesota Statutes 2020, section 252A.21, subdivision 2, is amended to read:

Subd. 2. **Rules.** The commissioner shall adopt rules to implement this chapter. The rules must include standards for performance of guardianship ~~or conservatorship~~ duties including, but not limited to: twice a year visits with the ~~ward~~ ward person subject to public guardianship; a requirement that the duties of guardianship ~~or conservatorship~~ and case management not be performed by the same person; specific standards for action on "do not resuscitate" orders as recommended by a physician, an advanced practice registered nurse, or a physician assistant; sterilization requests; and the use of psychotropic medication and aversive procedures.

Sec. 47. Minnesota Statutes 2020, section 252A.21, subdivision 4, is amended to read:

Subd. 4. **Private guardianships ~~and conservatorships~~.** Nothing in sections 252A.01 to 252A.21 shall impair the right of individuals to establish private guardianships ~~or conservatorships~~ in accordance with applicable law.

Sec. 48. Minnesota Statutes 2020, section 254B.03, subdivision 2, is amended to read:

Subd. 2. **Chemical dependency fund payment.** (a) Payment from the chemical dependency fund is limited to payments for services other than detoxification licensed under Minnesota Rules, parts 9530.6510 to 9530.6590, ~~that, if located outside of federally recognized tribal lands, would be required to be licensed by the commissioner as a chemical dependency treatment or rehabilitation program under sections 245A.01 to 245A.16, services identified in section 254B.05,~~ and services other than detoxification provided in another state that would be required to be licensed as a chemical dependency program if the program were in the state. Out of state vendors must also provide the commissioner with assurances that the program complies substantially with state licensing requirements and possesses all licenses and certifications required by the host state to provide chemical dependency treatment. Vendors receiving payments from the chemical dependency fund must not require co-payment from a recipient of

benefits for services provided under this subdivision. The vendor is prohibited from using the client's public benefits to offset the cost of services paid under this section. The vendor shall not require the client to use public benefits for room or board costs. This includes but is not limited to cash assistance benefits under chapters 119B, 256D, and 256J, or SNAP benefits. Retention of SNAP benefits is a right of a client receiving services through the consolidated chemical dependency treatment fund or through state contracted managed care entities. Payment from the chemical dependency fund shall be made for necessary room and board costs provided by vendors meeting the criteria under section 254B.05, subdivision 1a, or in a community hospital licensed by the commissioner of health according to sections 144.50 to 144.56 to a client who is:

(1) determined to meet the criteria for placement in a residential chemical dependency treatment program according to rules adopted under section 254A.03, subdivision 3; and

(2) concurrently receiving a chemical dependency treatment service in a program licensed by the commissioner and reimbursed by the chemical dependency fund.

(b) A county may, from its own resources, provide chemical dependency services for which state payments are not made. A county may elect to use the same invoice procedures and obtain the same state payment services as are used for chemical dependency services for which state payments are made under this section if county payments are made to the state in advance of state payments to vendors. When a county uses the state system for payment, the commissioner shall make monthly billings to the county using the most recent available information to determine the anticipated services for which payments will be made in the coming month. Adjustment of any overestimate or underestimate based on actual expenditures shall be made by the state agency by adjusting the estimate for any succeeding month.

(c) The commissioner shall coordinate chemical dependency services and determine whether there is a need for any proposed expansion of chemical dependency treatment services. The commissioner shall deny vendor certification to any provider that has not received prior approval from the commissioner for the creation of new programs or the expansion of existing program capacity. The commissioner shall consider the provider's capacity to obtain clients from outside the state based on plans, agreements, and previous utilization history, when determining the need for new treatment services.

Sec. 49. Minnesota Statutes 2020, section 256.042, subdivision 2, is amended to read:

Subd. 2. **Membership.** (a) The council shall consist of the following 19 voting members, appointed by the commissioner of human services except as otherwise specified, and three nonvoting members:

(1) two members of the house of representatives, appointed in the following sequence: the first from the majority party appointed by the speaker of the house and the second from the minority party appointed by the minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area, and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that this requirement for geographic diversity in appointments is met;

(2) two members of the senate, appointed in the following sequence: the first from the majority party appointed by the senate majority leader and the second from the minority party appointed by the senate minority leader. Of these two members, one member must represent a district outside of the seven-county metropolitan area and one member must represent a district that includes the seven-county metropolitan area. The appointment by the minority leader must ensure that this requirement for geographic diversity in appointments is met;

(3) one member appointed by the Board of Pharmacy;

(4) one member who is a physician appointed by the Minnesota Medical Association;

(5) one member representing opioid treatment programs, sober living programs, or substance use disorder programs licensed under chapter 245G;

(6) one member appointed by the Minnesota Society of Addiction Medicine who is an addiction psychiatrist;

(7) one member representing professionals providing alternative pain management therapies, including, but not limited to, acupuncture, chiropractic, or massage therapy;

(8) one member representing nonprofit organizations conducting initiatives to address the opioid epidemic, with the commissioner's initial appointment being a member representing the Steve Rummeler Hope Network, and subsequent appointments representing this or other organizations;

(9) one member appointed by the Minnesota Ambulance Association who is serving with an ambulance service as an emergency medical technician, advanced emergency medical technician, or paramedic;

(10) one member representing the Minnesota courts who is a judge or law enforcement officer;

(11) one public member who is a Minnesota resident and who is in opioid addiction recovery;

(12) two members representing Indian tribes, one representing the Ojibwe tribes and one representing the Dakota tribes;

(13) one public member who is a Minnesota resident and who is suffering from chronic pain, intractable pain, or a rare disease or condition;

(14) one mental health advocate representing persons with mental illness;

(15) one member appointed by the Minnesota Hospital Association;

(16) one member representing a local health department; and

(17) the commissioners of human services, health, and corrections, or their designees, who shall be ex officio nonvoting members of the council.

(b) The commissioner of human services shall coordinate the commissioner's appointments to provide geographic, racial, and gender diversity, and shall ensure that at least one-half of council members appointed by the commissioner reside outside of the seven-county metropolitan area. Of the members appointed by the commissioner, to the extent practicable, at least one member must represent a community of color disproportionately affected by the opioid epidemic.

(c) The council is governed by section 15.059, except that members of the council shall serve three-year terms and shall receive no compensation other than reimbursement for expenses. Notwithstanding section 15.059, subdivision 6, the council shall not expire. The three-year term for members in paragraph (a), clauses (1), (3), (5), (7), (9), (11), (13), (15), and (17), ends on September 30, 2022. The three-year term for members in paragraph (a), clauses (2), (4), (6), (8), (10), (12), (14), and (16), ends on September 30, 2023.

(d) The chair shall convene the council at least quarterly, and may convene other meetings as necessary. The chair shall convene meetings at different locations in the state to provide geographic access, and shall ensure that at least one-half of the meetings are held at locations outside of the seven-county metropolitan area.

(e) The commissioner of human services shall provide staff and administrative services for the advisory council.

(f) The council is subject to chapter 13D.

Sec. 50. Minnesota Statutes 2020, section 256.042, subdivision 4, is amended to read:

Subd. 4. **Grants.** (a) The commissioner of human services shall submit a report of the grants proposed by the advisory council to be awarded ~~for the upcoming fiscal year~~ to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance, by ~~March~~ December 1 of each year, beginning ~~March 1, 2020~~ December 1, 2021, or as soon as the information becomes available thereafter.

(b) The commissioner of human services shall award grants from the opiate epidemic response fund under section 256.043. The grants shall be awarded to proposals selected by the advisory council that address the priorities in subdivision 1, paragraph (a), clauses (1) to (4), unless otherwise appropriated by the legislature. The council shall determine grant awards and funding amounts. The commissioner of human services shall administer grants from the opiate epidemic response fund in compliance with section 16B.97. No more than ~~three~~ ten percent of the grant amount may be used by a grantee for administration.

Sec. 51. Minnesota Statutes 2020, section 256B.051, subdivision 1, is amended to read:

Subdivision 1. **Purpose.** Housing ~~support~~ stabilization services are established to provide housing ~~support~~ stabilization services to an individual with a disability that limits the individual's ability to obtain or maintain stable housing. The services support an individual's transition to housing in the community and increase long-term stability in housing, to avoid future periods of being at risk of homelessness or institutionalization.

Sec. 52. Minnesota Statutes 2020, section 256B.051, subdivision 3, is amended to read:

Subd. 3. **Eligibility.** An individual with a disability is eligible for housing ~~support~~ stabilization services if the individual:

- (1) is 18 years of age or older;
- (2) is enrolled in medical assistance;
- (3) has an assessment of functional need that determines a need for services due to limitations caused by the individual's disability;
- (4) resides in or plans to transition to a community-based setting as defined in Code of Federal Regulations, title 42, section 441.301 (c); and
- (5) has housing instability evidenced by:
 - (i) being homeless or at-risk of homelessness;
 - (ii) being in the process of transitioning from, or having transitioned in the past six months from, an institution or licensed or registered setting;
 - (iii) being eligible for waiver services under chapter 256S or section 256B.092 or 256B.49; or
 - (iv) having been identified by a long-term care consultation under section 256B.0911 as at risk of institutionalization.

Sec. 53. Minnesota Statutes 2020, section 256B.051, subdivision 5, is amended to read:

Subd. 5. **Housing support stabilization services.** (a) Housing ~~support~~ stabilization services include housing transition services and housing and tenancy sustaining services.

(b) Housing transition services are defined as:

- (1) tenant screening and housing assessment;
- (2) assistance with the housing search and application process;
- (3) identifying resources to cover onetime moving expenses;
- (4) ensuring a new living arrangement is safe and ready for move-in;
- (5) assisting in arranging for and supporting details of a move; and
- (6) developing a housing support crisis plan.

(c) Housing and tenancy sustaining services include:

- (1) prevention and early identification of behaviors that may jeopardize continued stable housing;
- (2) education and training on roles, rights, and responsibilities of the tenant and the property manager;
- (3) coaching to develop and maintain key relationships with property managers and neighbors;
- (4) advocacy and referral to community resources to prevent eviction when housing is at risk;
- (5) assistance with housing recertification process;
- (6) coordination with the tenant to regularly review, update, and modify the housing support and crisis plan; and
- (7) continuing training on being a good tenant, lease compliance, and household management.

(d) A housing ~~support~~ stabilization service may include person-centered planning for people who are not eligible to receive person-centered planning through any other service, if the person-centered planning is provided by a consultation service provider that is under contract with the department and enrolled as a Minnesota health care program.

Sec. 54. Minnesota Statutes 2020, section 256B.051, subdivision 6, is amended to read:

Subd. 6. **Provider qualifications and duties.** A provider eligible for reimbursement under this section shall:

- (1) enroll as a medical assistance Minnesota health care program provider and meet all applicable provider standards and requirements;
- (2) demonstrate compliance with federal and state laws and policies for housing ~~support~~ stabilization services as determined by the commissioner;
- (3) comply with background study requirements under chapter 245C and maintain documentation of background study requests and results; ~~and~~

(4) directly provide housing ~~support~~ stabilization services and not use a subcontractor or reporting agent; and

(5) complete annual vulnerable adult training.

Sec. 55. Minnesota Statutes 2020, section 256B.051, subdivision 7, is amended to read:

Subd. 7. **Housing support supplemental service rates.** Supplemental service rates for individuals in settings according to sections 144D.025, 256I.04, subdivision 3, paragraph (a), clause (3), and 256I.05, subdivision 1g, shall be reduced by one-half over a two-year period. This reduction only applies to supplemental service rates for individuals eligible for housing ~~support~~ stabilization services under this section.

Sec. 56. Minnesota Statutes 2020, section 256B.051, is amended by adding a subdivision to read:

Subd. 8. **Home and community-based service documentation requirements.** (a) Documentation may be collected and maintained electronically or in paper form by providers and must be produced upon request by the commissioner.

(b) Documentation of a delivered service must be in English and must be legible according to the standard of a reasonable person.

(c) If the service is reimbursed at an hourly or specified minute-based rate, each documentation of the provision of a service, unless otherwise specified, must include:

(1) the date the documentation occurred;

(2) the day, month, and year the service was provided;

(3) the start and stop times with a.m. and p.m. designations, except for person-centered planning services described under subdivision 5, paragraph (d);

(4) the service name or description of the service provided; and

(5) the name, signature, and title, if any, of the provider of service. If the service is provided by multiple staff members, the provider may designate a staff member responsible for verifying services and completing the documentation required by this paragraph.

Sec. 57. Minnesota Statutes 2020, section 256B.0947, subdivision 6, is amended to read:

Subd. 6. **Service standards.** The standards in this subdivision apply to intensive nonresidential rehabilitative mental health services.

(a) The treatment team must use team treatment, not an individual treatment model.

(b) Services must be available at times that meet client needs.

(c) Services must be age-appropriate and meet the specific needs of the client.

(d) The initial functional assessment must be completed within ten days of intake and updated at least every six months or prior to discharge from the service, whichever comes first.

(e) The treatment team must complete an individual treatment plan for each client and the individual treatment plan must:

- (1) be based on the information in the client's diagnostic assessment and baselines;
 - (2) identify goals and objectives of treatment, a treatment strategy, a schedule for accomplishing treatment goals and objectives, and the individuals responsible for providing treatment services and supports;
 - (3) be developed after completion of the client's diagnostic assessment by a mental health professional or clinical trainee and before the provision of children's therapeutic services and supports;
 - (4) be developed through a child-centered, family-driven, culturally appropriate planning process, including allowing parents and guardians to observe or participate in individual and family treatment services, assessments, and treatment planning;
 - (5) be reviewed at least once every six months and revised to document treatment progress on each treatment objective and next goals or, if progress is not documented, to document changes in treatment;
 - (6) be signed by the clinical supervisor and by the client or by the client's parent or other person authorized by statute to consent to mental health services for the client. A client's parent may approve the client's individual treatment plan by secure electronic signature or by documented oral approval that is later verified by written signature;
 - (7) be completed in consultation with the client's current therapist and key providers and provide for ongoing consultation with the client's current therapist to ensure therapeutic continuity and to facilitate the client's return to the community. For clients under the age of 18, the treatment team must consult with parents and guardians in developing the treatment plan;
 - (8) if a need for substance use disorder treatment is indicated by validated assessment:
 - (i) identify goals, objectives, and strategies of substance use disorder treatment; develop a schedule for accomplishing treatment goals and objectives; and identify the individuals responsible for providing treatment services and supports;
 - (ii) be reviewed at least once every 90 days and revised, if necessary;
 - (9) be signed by the clinical supervisor and by the client and, if the client is a minor, by the client's parent or other person authorized by statute to consent to mental health treatment and substance use disorder treatment for the client; and
 - (10) provide for the client's transition out of intensive nonresidential rehabilitative mental health services by defining the team's actions to assist the client and subsequent providers in the transition to less intensive or "stepped down" services.
- (f) The treatment team shall actively and assertively engage the client's family members and significant others by establishing communication and collaboration with the family and significant others and educating the family and significant others about the client's mental illness, symptom management, and the family's role in treatment, unless the team knows or has reason to suspect that the client has suffered or faces a threat of suffering any physical or mental injury, abuse, or neglect from a family member or significant other.

(g) For a client age 18 or older, the treatment team may disclose to a family member, other relative, or a close personal friend of the client, or other person identified by the client, the protected health information directly relevant to such person's involvement with the client's care, as provided in Code of Federal Regulations, title 45, part 164.502(b). If the client is present, the treatment team shall obtain the client's agreement, provide the client with an opportunity to object, or reasonably infer from the circumstances, based on the exercise of professional judgment, that the client does not object. If the client is not present or is unable, by incapacity or emergency circumstances, to agree or object, the treatment team may, in the exercise of professional judgment, determine whether the disclosure is in the best interests of the client and, if so, disclose only the protected health information that is directly relevant to the family member's, relative's, friend's, or client-identified person's involvement with the client's health care. The client may orally agree or object to the disclosure and may prohibit or restrict disclosure to specific individuals.

(h) The treatment team shall provide interventions to promote positive interpersonal relationships.

Sec. 58. Minnesota Statutes 2020, section 256B.4912, subdivision 13, is amended to read:

Subd. 13. **Waiver transportation documentation and billing requirements.** (a) A waiver transportation service must be a waiver transportation service that: (1) is not covered by medical transportation under the Medicaid state plan; and (2) is not included as a component of another waiver service.

(b) In addition to the documentation requirements in subdivision 12, a waiver transportation service provider must maintain:

(1) odometer and other records pursuant to section 256B.0625, subdivision 17b, paragraph (b), clause (3), sufficient to distinguish an individual trip with a specific vehicle and driver for a waiver transportation service that is billed directly by the mile. A common carrier as defined by Minnesota Rules, part 9505.0315, subpart 1, item B, or a publicly operated transit system provider are exempt from this clause; and

(2) documentation demonstrating that a vehicle and a driver meet the standards determined by the Department of Human Services on vehicle and driver qualifications in section 256B.0625, subdivision 17, paragraph (e) transportation waiver service provider standards and qualifications according to the federally approved waiver plan.

Sec. 59. Minnesota Statutes 2020, section 256B.69, subdivision 5a, is amended to read:

Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and section 256L.12 shall be entered into or renewed on a calendar year basis. The commissioner may issue separate contracts with requirements specific to services to medical assistance recipients age 65 and older.

(b) A prepaid health plan providing covered health services for eligible persons pursuant to chapters 256B and 256L is responsible for complying with the terms of its contract with the commissioner. Requirements applicable to managed care programs under chapters 256B and 256L established after the effective date of a contract with the commissioner take effect when the contract is next issued or renewed.

(c) The commissioner shall withhold five percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. Clinical or utilization performance targets and their related criteria must consider evidence-based research and reasonable interventions when available or applicable to the populations served, and must be developed with input from external clinical experts and stakeholders, including managed care plans, county-based purchasing plans, and providers. The managed care or county-based purchasing plan must demonstrate, to the commissioner's satisfaction,

that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, including characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July of the following year if performance targets in the contract are achieved. The commissioner may exclude special demonstration projects under subdivision 23.

(d) The commissioner shall require that managed care plans use the assessment and authorization processes, forms, timelines, standards, documentation, and data reporting requirements, protocols, billing processes, and policies consistent with medical assistance fee-for-service or the Department of Human Services contract requirements for all personal care assistance services under section 256B.0659 and community first services and supports under section 256B.85.

(e) Effective for services rendered on or after January 1, 2012, the commissioner shall include as part of the performance targets described in paragraph (c) a reduction in the health plan's emergency department utilization rate for medical assistance and MinnesotaCare enrollees, as determined by the commissioner. For 2012, the reduction shall be based on the health plan's utilization in 2009. To earn the return of the withhold each subsequent year, the managed care plan or county-based purchasing plan must achieve a qualifying reduction of no less than ten percent of the plan's emergency department utilization rate for medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and 28, compared to the previous measurement year until the final performance target is reached. When measuring performance, the commissioner must consider the difference in health risk in a managed care or county-based purchasing plan's membership in the baseline year compared to the measurement year, and work with the managed care or county-based purchasing plan to account for differences that they agree are significant.

The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if the managed care plan or county-based purchasing plan demonstrates to the satisfaction of the commissioner that a reduction in the utilization rate was achieved. The commissioner shall structure the withhold so that the commissioner returns a portion of the withheld funds in amounts commensurate with achieved reductions in utilization less than the targeted amount.

The withhold described in this paragraph shall continue for each consecutive contract period until the plan's emergency room utilization rate for state health care program enrollees is reduced by 25 percent of the plan's emergency room utilization rate for medical assistance and MinnesotaCare enrollees for calendar year 2009. Hospitals shall cooperate with the health plans in meeting this performance target and shall accept payment withholds that may be returned to the hospitals if the performance target is achieved.

(f) Effective for services rendered on or after January 1, 2012, the commissioner shall include as part of the performance targets described in paragraph (c) a reduction in the plan's hospitalization admission rate for medical assistance and MinnesotaCare enrollees, as determined by the commissioner. To earn the return of the withhold each year, the managed care plan or county-based purchasing plan must achieve a qualifying reduction of no less than five percent of the plan's hospital admission rate for medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and 28, compared to the previous calendar year until the final performance target is reached. When measuring performance, the commissioner must consider the difference in health risk in a managed care or county-based purchasing plan's membership in the baseline year compared to the measurement year, and work with the managed care or county-based purchasing plan to account for differences that they agree are significant.

The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if the managed care plan or county-based purchasing plan demonstrates to the satisfaction of the commissioner that this reduction in the hospitalization rate was achieved. The commissioner shall structure the withhold so that the commissioner returns a portion of the withheld funds in amounts commensurate with achieved reductions in utilization less than the targeted amount.

The withhold described in this paragraph shall continue until there is a 25 percent reduction in the hospital admission rate compared to the hospital admission rates in calendar year 2011, as determined by the commissioner. The hospital admissions in this performance target do not include the admissions applicable to the subsequent hospital admission performance target under paragraph (g). Hospitals shall cooperate with the plans in meeting this performance target and shall accept payment withholds that may be returned to the hospitals if the performance target is achieved.

(g) Effective for services rendered on or after January 1, 2012, the commissioner shall include as part of the performance targets described in paragraph (c) a reduction in the plan's hospitalization admission rates for subsequent hospitalizations within 30 days of a previous hospitalization of a patient regardless of the reason, for medical assistance and MinnesotaCare enrollees, as determined by the commissioner. To earn the return of the withhold each year, the managed care plan or county-based purchasing plan must achieve a qualifying reduction of the subsequent hospitalization rate for medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and 28, of no less than five percent compared to the previous calendar year until the final performance target is reached.

The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if the managed care plan or county-based purchasing plan demonstrates to the satisfaction of the commissioner that a qualifying reduction in the subsequent hospitalization rate was achieved. The commissioner shall structure the withhold so that the commissioner returns a portion of the withheld funds in amounts commensurate with achieved reductions in utilization less than the targeted amount.

The withhold described in this paragraph must continue for each consecutive contract period until the plan's subsequent hospitalization rate for medical assistance and MinnesotaCare enrollees, excluding enrollees in programs described in subdivisions 23 and 28, is reduced by 25 percent of the plan's subsequent hospitalization rate for calendar year 2011. Hospitals shall cooperate with the plans in meeting this performance target and shall accept payment withholds that must be returned to the hospitals if the performance target is achieved.

(h) Effective for services rendered on or after January 1, 2013, through December 31, 2013, the commissioner shall withhold 4.5 percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(i) Effective for services rendered on or after January 1, 2014, the commissioner shall withhold three percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(j) A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this section that is reasonably expected to be returned.

(k) Contracts between the commissioner and a prepaid health plan are exempt from the set-aside and preference provisions of section 16C.16, subdivisions 6, paragraph (a), and 7.

(l) The return of the withhold under paragraphs (h) and (i) is not subject to the requirements of paragraph (c).

(m) Managed care plans and county-based purchasing plans shall maintain current and fully executed agreements for all subcontractors, including bargaining groups, for administrative services that are expensed to the state's public health care programs. Subcontractor agreements determined to be material, as defined by the commissioner after taking into account state contracting and relevant statutory requirements, must be in the form of a written instrument or electronic document containing the elements of offer, acceptance, consideration, payment terms, scope, duration of the contract, and how the subcontractor services relate to state public health care programs. Upon request, the commissioner shall have access to all subcontractor documentation under this paragraph. Nothing in this paragraph shall allow release of information that is nonpublic data pursuant to section 13.02.

Sec. 60. Minnesota Statutes 2020, section 256B.85, subdivision 1, is amended to read:

Subdivision 1. **Basis and scope.** (a) Upon federal approval, the commissioner shall establish a state plan option for the provision of home and community-based personal assistance service and supports called "community first services and supports (CFSS)."

(b) CFSS is a participant-controlled method of selecting and providing services and supports that allows the participant maximum control of the services and supports. Participants may choose the degree to which they direct and manage their supports by choosing to have a significant and meaningful role in the management of services and supports including by directly employing support workers with the necessary supports to perform that function.

(c) CFSS is available statewide to eligible people to assist with accomplishing activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health-related procedures and tasks through hands-on assistance to accomplish the task or constant supervision and cueing to accomplish the task; and to assist with acquiring, maintaining, and enhancing the skills necessary to accomplish ADLs, IADLs, and health-related procedures and tasks. CFSS allows payment for the participant for certain supports and goods such as environmental modifications and technology that are intended to replace or decrease the need for human assistance.

(d) Upon federal approval, CFSS will replace the personal care assistance program under sections 256.476, 256B.0625, subdivisions 19a and 19c, and 256B.0659.

(e) For the purposes of this section, notwithstanding the provisions of section 144A.43, subdivision 3, supports purchased under CFSS are not considered home care services.

Sec. 61. Minnesota Statutes 2020, section 256B.85, subdivision 2, is amended to read:

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

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

(1) dressing, including assistance with choosing, applying, and changing clothing and applying special appliances, wraps, or clothing;

(2) grooming, including assistance with basic hair care, oral care, shaving, applying cosmetics and deodorant, and care of eyeglasses and hearing aids. Grooming includes nail care, except for recipients who are diabetic or have poor circulation;

(3) bathing, including assistance with basic personal hygiene and skin care;

(4) eating, including assistance with hand washing and applying orthotics required for eating, transfers, or feeding;

(5) transfers, including assistance with transferring the participant from one seating or reclining area to another;

(6) mobility, including assistance with ambulation and use of a wheelchair. Mobility does not include providing transportation for a participant;

(7) positioning, including assistance with positioning or turning a participant for necessary care and comfort; and

(8) toileting, including assistance with bowel or bladder elimination and care, transfers, mobility, positioning, feminine hygiene, use of toileting equipment or supplies, cleansing the perineal area, inspection of the skin, and adjusting clothing.

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

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

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

(f) "Complex health-related needs" means an intervention listed in clauses (1) to (8) that has been ordered by a physician, advanced practice registered nurse, or physician's assistant and is specified in a community support plan, including:

(1) tube feedings requiring:

(i) a gastrojejunostomy tube; or

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

(2) wounds described as:

(i) stage III or stage IV;

(ii) multiple wounds;

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

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

(3) parenteral therapy described as:

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

(ii) total parenteral nutrition (TPN) daily;

(4) respiratory interventions, including:

(i) oxygen required more than eight hours per day;

(ii) respiratory vest more than one time per day;

(iii) bronchial drainage treatments more than two times per day;

(iv) sterile or clean suctioning more than six times per day;

(v) dependence on another to apply respiratory ventilation augmentation devices such as BiPAP and CPAP; and

(vi) ventilator dependence under section 256B.0651;

(5) insertion and maintenance of catheter, including:

(i) sterile catheter changes more than one time per month;

(ii) clean intermittent catheterization, and including self-catheterization more than six times per day; or

(iii) bladder irrigations;

(6) bowel program more than two times per week requiring more than 30 minutes to perform each time;

(7) neurological intervention, including:

(i) seizures more than two times per week and requiring significant physical assistance to maintain safety; or

(ii) swallowing disorders diagnosed by a physician, advanced practice registered nurse, or physician's assistant and requiring specialized assistance from another on a daily basis; and

(8) other congenital or acquired diseases creating a need for significantly increased direct hands-on assistance and interventions in six to eight activities of daily living.

(g) "Community first services and supports" or "CFSS" means the assistance and supports program under this section needed for accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance to accomplish the task or constant supervision and cueing to accomplish the task, or the purchase of goods as defined in subdivision 7, clause (3), that replace the need for human assistance.

(h) "Community first services and supports service delivery plan" or "CFSS service delivery plan" means a written document detailing the services and supports chosen by the participant to meet assessed needs that are within the approved CFSS service authorization, as determined in subdivision 8. Services and supports are based on the coordinated service and support plan identified in ~~section~~ sections 256B.092, subdivision 1b, and 256S.10.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(x) "Shared services" means the provision of CFSS services by the same CFSS support worker to two or three participants who voluntarily enter into ~~an~~ a written agreement to receive services at the same time ~~and~~, in the same setting ~~by, and through~~ the same ~~employer~~ agency-provider or FMS provider.

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

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

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

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

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

Sec. 62. Minnesota Statutes 2020, section 256B.85, subdivision 3, is amended to read:

Subd. 3. **Eligibility.** (a) CFSS is available to a person who ~~meets one of the following:~~

~~(1) is an enrollee of medical assistance as determined under section 256B.055, 256B.056, or 256B.057, subdivisions 5 and 9;~~

(1) is determined eligible for medical assistance under this chapter, excluding those under section 256B.057, subdivisions 3, 3a, 3b, and 4;

(2) is a participant in the alternative care program under section 256B.0913;

(3) is a waiver participant as defined under chapter 256S or section 256B.092, 256B.093, or 256B.49; or

(4) has medical services identified in a person's individualized education program and is eligible for services as determined in section 256B.0625, subdivision 26.

(b) In addition to meeting the eligibility criteria in paragraph (a), a person must also meet all of the following:

(1) require assistance and be determined dependent in one activity of daily living or Level I behavior based on assessment under section 256B.0911; and

(2) is not a participant under a family support grant under section 252.32.

(c) A pregnant woman eligible for medical assistance under section 256B.055, subdivision 6, is eligible for CFSS without federal financial participation if the woman: (1) is eligible for CFSS under paragraphs (a) and (b); and (2) does not meet institutional level of care, as determined under section 256B.0911.

Sec. 63. Minnesota Statutes 2020, section 256B.85, subdivision 4, is amended to read:

Subd. 4. **Eligibility for other services.** Selection of CFSS by a participant must not restrict access to other medically necessary care and services furnished under the state plan benefit or other services available through the alternative care program.

Sec. 64. Minnesota Statutes 2020, section 256B.85, subdivision 5, is amended to read:

Subd. 5. **Assessment requirements.** (a) The assessment of functional need must:

(1) be conducted by a certified assessor according to the criteria established in section 256B.0911, subdivision 3a;

(2) be conducted face-to-face, initially and at least annually thereafter, or when there is a significant change in the participant's condition or a change in the need for services and supports, or at the request of the participant when the participant experiences a change in condition or needs a change in the services or supports; and

(3) be completed using the format established by the commissioner.

(b) The results of the assessment and any recommendations and authorizations for CFSS must be determined and communicated in writing by the lead agency's ~~certified~~ assessor as defined in section 256B.0911 to the participant ~~and the agency provider or FMS provider chosen by the participant~~ or the participant's representative and chosen CFSS providers within ~~40 calendar~~ ten business days and must include the participant's right to appeal the assessment under section 256.045, subdivision 3.

(c) The lead agency assessor may authorize a temporary authorization for CFSS services to be provided under the agency-provider model. The lead agency assessor may authorize a temporary authorization for CFSS services to be provided under the agency-provider model without using the assessment process described in this subdivision. Authorization for a temporary level of CFSS services under the agency-provider model is limited to the time specified by the commissioner, but shall not exceed 45 days. The level of services authorized under this paragraph shall have no bearing on a future authorization. ~~Participants approved for a temporary authorization shall access the~~

~~consultation service~~ For CFSS services needed beyond the 45-day temporary authorization, the lead agency must conduct an assessment as described in this subdivision and participants must use consultation services to complete their orientation and selection of a service model.

Sec. 65. Minnesota Statutes 2020, section 256B.85, subdivision 6, is amended to read:

Subd. 6. **Community first services and supports service delivery plan.** (a) The CFSS service delivery plan must be developed and evaluated through a person-centered planning process by the participant, or the participant's representative or legal representative who may be assisted by a consultation services provider. The CFSS service delivery plan must reflect the services and supports that are important to the participant and for the participant to meet the needs assessed by the certified assessor and identified in the coordinated service and support plan identified in ~~section~~ sections 256B.092, subdivision 1b, and 256S.10. The CFSS service delivery plan must be reviewed by the participant, the consultation services provider, and the agency-provider or FMS provider prior to starting services and at least annually upon reassessment, or when there is a significant change in the participant's condition, or a change in the need for services and supports.

(b) The commissioner shall establish the format and criteria for the CFSS service delivery plan.

(c) The CFSS service delivery plan must be person-centered and:

- (1) specify the consultation services provider, agency-provider, or FMS provider selected by the participant;
- (2) reflect the setting in which the participant resides that is chosen by the participant;
- (3) reflect the participant's strengths and preferences;
- (4) include the methods and supports used to address the needs as identified through an assessment of functional needs;
- (5) include the participant's identified goals and desired outcomes;
- (6) reflect the services and supports, paid and unpaid, that will assist the participant to achieve identified goals, including the costs of the services and supports, and the providers of those services and supports, including natural supports;
- (7) identify the amount and frequency of face-to-face supports and amount and frequency of remote supports and technology that will be used;
- (8) identify risk factors and measures in place to minimize them, including individualized backup plans;
- (9) be understandable to the participant and the individuals providing support;
- (10) identify the individual or entity responsible for monitoring the plan;
- (11) be finalized and agreed to in writing by the participant and signed by ~~all~~ individuals and providers responsible for its implementation;
- (12) be distributed to the participant and other people involved in the plan;
- (13) prevent the provision of unnecessary or inappropriate care;

(14) include a detailed budget for expenditures for budget model participants or participants under the agency-provider model if purchasing goods; and

(15) include a plan for worker training and development provided according to subdivision 18a detailing what service components will be used, when the service components will be used, how they will be provided, and how these service components relate to the participant's individual needs and CFSS support worker services.

(d) The CFSS service delivery plan must describe the units or dollar amount available to the participant. The total units of agency-provider services or the service budget amount for the budget model include both annual totals and a monthly average amount that cover the number of months of the service agreement. The amount used each month may vary, but additional funds must not be provided above the annual service authorization amount, determined according to subdivision 8, unless a change in condition is assessed and authorized by the certified assessor and documented in the coordinated service and support plan and CFSS service delivery plan.

(e) In assisting with the development or modification of the CFSS service delivery plan during the authorization time period, the consultation services provider shall:

(1) consult with the FMS provider on the spending budget when applicable; and

(2) consult with the participant or participant's representative, agency-provider, and case manager⁴ or care coordinator.

(f) The CFSS service delivery plan must be approved by the consultation services provider for participants without a case manager or care coordinator who is responsible for authorizing services. A case manager or care coordinator must approve the plan for a waiver or alternative care program participant.

Sec. 66. Minnesota Statutes 2020, section 256B.85, subdivision 7, is amended to read:

Subd. 7. **Community first services and supports; covered services.** Services and supports covered under CFSS include:

(1) assistance to accomplish activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health-related procedures and tasks through hands-on assistance to accomplish the task or constant supervision and cueing to accomplish the task;

(2) assistance to acquire, maintain, or enhance the skills necessary for the participant to accomplish activities of daily living, instrumental activities of daily living, or health-related tasks;

(3) expenditures for items, services, supports, environmental modifications, or goods, including assistive technology. These expenditures must:

(i) relate to a need identified in a participant's CFSS service delivery plan; and

(ii) increase independence or substitute for human assistance₂ to the extent that expenditures would otherwise be made for human assistance for the participant's assessed needs;

(4) observation and redirection for behavior or symptoms where there is a need for assistance;

(5) back-up systems or mechanisms, such as the use of pagers or other electronic devices, to ensure continuity of the participant's services and supports;

(6) services provided by a consultation services provider as defined under subdivision 17, that is under contract with the department and enrolled as a Minnesota health care program provider;

(7) services provided by an FMS provider as defined under subdivision 13a, that is an enrolled provider with the department;

(8) CFSS services provided by a support worker who is a parent, stepparent, or legal guardian of a participant under age 18, or who is the participant's spouse. These support workers shall not:

(i) provide any medical assistance home and community-based services in excess of 40 hours per seven-day period regardless of the number of parents providing services, combination of parents and spouses providing services, or number of children who receive medical assistance services; and

(ii) have a wage that exceeds the current rate for a CFSS support worker including the wage, benefits, and payroll taxes; and

(9) worker training and development services as described in subdivision 18a.

Sec. 67. Minnesota Statutes 2020, section 256B.85, subdivision 8, is amended to read:

Subd. 8. **Determination of CFSS service authorization amount.** (a) All community first services and supports must be authorized by the commissioner or the commissioner's designee before services begin. The authorization for CFSS must be completed as soon as possible following an assessment but no later than 40 calendar days from the date of the assessment.

(b) The amount of CFSS authorized must be based on the participant's home care rating described in paragraphs (d) and (e) and any additional service units for which the participant qualifies as described in paragraph (f).

(c) The home care rating shall be determined by the commissioner or the commissioner's designee based on information submitted to the commissioner identifying the following for a participant:

(1) the total number of dependencies of activities of daily living;

(2) the presence of complex health-related needs; and

(3) the presence of Level I behavior.

(d) The methodology to determine the total service units for CFSS for each home care rating is based on the median paid units per day for each home care rating from fiscal year 2007 data for the PCA program.

(e) Each home care rating is designated by the letters P through Z and EN and has the following base number of service units assigned:

(1) P home care rating requires Level I behavior or one to three dependencies in ADLs and qualifies the person for five service units;

(2) Q home care rating requires Level I behavior and one to three dependencies in ADLs and qualifies the person for six service units;

(3) R home care rating requires a complex health-related need and one to three dependencies in ADLs and qualifies the person for seven service units;

- (4) S home care rating requires four to six dependencies in ADLs and qualifies the person for ten service units;
- (5) T home care rating requires four to six dependencies in ADLs and Level I behavior and qualifies the person for 11 service units;
- (6) U home care rating requires four to six dependencies in ADLs and a complex health-related need and qualifies the person for 14 service units;
- (7) V home care rating requires seven to eight dependencies in ADLs and qualifies the person for 17 service units;
- (8) W home care rating requires seven to eight dependencies in ADLs and Level I behavior and qualifies the person for 20 service units;
- (9) Z home care rating requires seven to eight dependencies in ADLs and a complex health-related need and qualifies the person for 30 service units; and
- (10) EN home care rating includes ventilator dependency as defined in section 256B.0651, subdivision 1, paragraph (g). A person who meets the definition of ventilator-dependent and the EN home care rating and utilize a combination of CFSS and home care nursing services is limited to a total of 96 service units per day for those services in combination. Additional units may be authorized when a person's assessment indicates a need for two staff to perform activities. Additional time is limited to 16 service units per day.

(f) Additional service units are provided through the assessment and identification of the following:

- (1) 30 additional minutes per day for a dependency in each critical activity of daily living;
- (2) 30 additional minutes per day for each complex health-related need; and
- (3) 30 additional minutes per day ~~when the~~ for each behavior under this clause that requires assistance at least four times per week ~~for one or more of the following behaviors:~~
- (i) level I behavior that requires the immediate response of another person;
- (ii) increased vulnerability due to cognitive deficits or socially inappropriate behavior; or
- (iii) increased need for assistance for participants who are verbally aggressive or resistive to care so that the time needed to perform activities of daily living is increased.

(g) The service budget for budget model participants shall be based on:

- (1) assessed units as determined by the home care rating; and
- (2) an adjustment needed for administrative expenses.

Sec. 68. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision to read:

Subd. 8a. **Authorization; exceptions.** All CFSS services must be authorized by the commissioner or the commissioner's designee as described in subdivision 8 except when:

(1) the lead agency temporarily authorizes services in the agency-provider model as described in subdivision 5, paragraph (c);

(2) CFSS services in the agency-provider model were required to treat an emergency medical condition that if not immediately treated could cause a participant serious physical or mental disability, continuation of severe pain, or death. The CFSS agency provider must request retroactive authorization from the lead agency no later than five working days after providing the initial emergency service. The CFSS agency provider must be able to substantiate the emergency through documentation such as reports, notes, and admission or discharge histories. A lead agency must follow the authorization process in subdivision 5 after the lead agency receives the request for authorization from the agency provider;

(3) the lead agency authorizes a temporary increase to the amount of services authorized in the agency or budget model to accommodate the participant's temporary higher need for services. Authorization for a temporary level of CFSS services is limited to the time specified by the commissioner, but shall not exceed 45 days. The level of services authorized under this clause shall have no bearing on a future authorization;

(4) a participant's medical assistance eligibility has lapsed, is then retroactively reinstated, and an authorization for CFSS services is completed based on the date of a current assessment, eligibility, and request for authorization;

(5) a third-party payer for CFSS services has denied or adjusted a payment. Authorization requests must be submitted by the provider within 20 working days of the notice of denial or adjustment. A copy of the notice must be included with the request;

(6) the commissioner has determined that a lead agency or state human services agency has made an error; or

(7) a participant enrolled in managed care experiences a temporary disenrollment from a health plan, in which case the commissioner shall accept the current health plan authorization for CFSS services for up to 60 days. The request must be received within the first 30 days of the disenrollment. If the recipient's reenrollment in managed care is after the 60 days and before 90 days, the provider shall request an additional 30-day extension of the current health plan authorization, for a total limit of 90 days from the time of disenrollment.

Sec. 69. Minnesota Statutes 2020, section 256B.85, subdivision 9, is amended to read:

Subd. 9. **Noncovered services.** (a) Services or supports that are not eligible for payment under this section include those that:

(1) are not authorized by the certified assessor or included in the CFSS service delivery plan;

(2) are provided prior to the authorization of services and the approval of the CFSS service delivery plan;

(3) are duplicative of other paid services in the CFSS service delivery plan;

(4) supplant natural unpaid supports that appropriately meet a need in the CFSS service delivery plan, are provided voluntarily to the participant, and are selected by the participant in lieu of other services and supports;

(5) are not effective means to meet the participant's needs; and

(6) are available through other funding sources, including, but not limited to, funding through title IV-E of the Social Security Act.

(b) Additional services, goods, or supports that are not covered include:

(1) those that are not for the direct benefit of the participant, except that services for caregivers such as training to improve the ability to provide CFSS are considered to directly benefit the participant if chosen by the participant and approved in the support plan;

(2) any fees incurred by the participant, such as Minnesota health care programs fees and co-pays, legal fees, or costs related to advocate agencies;

(3) insurance, except for insurance costs related to employee coverage;

(4) room and board costs for the participant;

(5) services, supports, or goods that are not related to the assessed needs;

(6) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

(7) assistive technology devices and assistive technology services other than those for back-up systems or mechanisms to ensure continuity of service and supports listed in subdivision 7;

(8) medical supplies and equipment covered under medical assistance;

(9) environmental modifications, except as specified in subdivision 7;

(10) expenses for travel, lodging, or meals related to training the participant or the participant's representative or legal representative;

(11) experimental treatments;

(12) any service or good covered by other state plan services, including prescription and over-the-counter medications, compounds, and solutions and related fees, including premiums and co-payments;

(13) membership dues or costs, except when the service is necessary and appropriate to treat a health condition or to improve or maintain the adult participant's health condition. The condition must be identified in the participant's CFSS service delivery plan and monitored by a Minnesota health care program enrolled physician, advanced practice registered nurse, or physician's assistant;

(14) vacation expenses other than the cost of direct services;

(15) vehicle maintenance or modifications not related to the disability, health condition, or physical need;

(16) tickets and related costs to attend sporting or other recreational or entertainment events;

(17) services provided and billed by a provider who is not an enrolled CFSS provider;

(18) CFSS provided by a participant's representative or paid legal guardian;

(19) services that are used solely as a child care or babysitting service;

(20) services that are the responsibility or in the daily rate of a residential or program license holder under the terms of a service agreement and administrative rules;

(21) sterile procedures;

(22) giving of injections into veins, muscles, or skin;

(23) homemaker services that are not an integral part of the assessed CFSS service;

- (24) home maintenance or chore services;
- (25) home care services, including hospice services if elected by the participant, covered by Medicare or any other insurance held by the participant;
- (26) services to other members of the participant's household;
- (27) services not specified as covered under medical assistance as CFSS;
- (28) application of restraints or implementation of deprivation procedures;
- (29) assessments by CFSS provider organizations or by independently enrolled registered nurses;
- (30) services provided in lieu of legally required staffing in a residential or child care setting; ~~and~~
- (31) services provided by the residential or program a foster care license holder in a residence for more than four participants, except when the home of the person receiving services is the licensed foster care provider's primary residence;
- (32) services that are the responsibility of the foster care provider under the terms of the foster care placement agreement, assessment under sections 256N.24 and 260C.4411, and administrative rules under sections 256N.24 and 260C.4411;
- (33) services in a setting that has a licensed capacity greater than six, unless all conditions for a variance under section 245A.04, subdivision 9a, are satisfied for a sibling, as defined in section 260C.007, subdivision 32;
- (34) services from a provider who owns or otherwise controls the living arrangement, except when the provider of services is related by blood, marriage, or adoption or when the provider is a licensed foster care provider who is not prohibited from providing services under clauses (31) to (33);
- (35) instrumental activities of daily living for children younger than 18 years of age, except when immediate attention is needed for health or hygiene reasons integral to an assessed need for assistance with activities of daily living, health-related procedures, and tasks or behaviors; or
- (36) services provided to a resident of a nursing facility, hospital, intermediate care facility, or health care facility licensed by the commissioner of health.

Sec. 70. Minnesota Statutes 2020, section 256B.85, subdivision 10, is amended to read:

Subd. 10. **Agency-provider and FMS provider qualifications and duties.** (a) Agency-providers identified in subdivision 11 and FMS providers identified in subdivision 13a shall:

- (1) enroll as a medical assistance Minnesota health care programs provider and meet all applicable provider standards and requirements including completion of required provider training as determined by the commissioner;
- (2) demonstrate compliance with federal and state laws and policies for CFSS as determined by the commissioner;
- (3) comply with background study requirements under chapter 245C and maintain documentation of background study requests and results;

(4) verify and maintain records of all services and expenditures by the participant, including hours worked by support workers;

(5) not engage in any agency-initiated direct contact or marketing in person, by telephone, or other electronic means to potential participants, guardians, family members, or participants' representatives;

(6) directly provide services and not use a subcontractor or reporting agent;

(7) meet the financial requirements established by the commissioner for financial solvency;

(8) have never had a lead agency contract or provider agreement discontinued due to fraud, or have never had an owner, board member, or manager fail a state or FBI-based criminal background check while enrolled or seeking enrollment as a Minnesota health care programs provider; and

(9) have an office located in Minnesota.

(b) In conducting general duties, agency-providers and FMS providers shall:

(1) pay support workers based upon actual hours of services provided;

(2) pay for worker training and development services based upon actual hours of services provided or the unit cost of the training session purchased;

(3) withhold and pay all applicable federal and state payroll taxes;

(4) make arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(5) enter into a written agreement with the participant, participant's representative, or legal representative that assigns roles and responsibilities to be performed before services, supports, or goods are provided and that meets the requirements of subdivisions 20a, 20b, and 20c for agency-providers;

(6) report maltreatment as required under section 626.557 and chapter 260E;

(7) comply with the labor market reporting requirements described in section 256B.4912, subdivision 1a;

(8) comply with any data requests from the department consistent with the Minnesota Government Data Practices Act under chapter 13; ~~and~~

(9) maintain documentation for the requirements under subdivision 16, paragraph (e), clause (2), to qualify for an enhanced rate under this section; and

(10) request reassessments 60 days before the end of the current authorization for CFSS on forms provided by the commissioner.

Sec. 71. Minnesota Statutes 2020, section 256B.85, subdivision 11, is amended to read:

Subd. 11. **Agency-provider model.** (a) The agency-provider model includes services provided by support workers and staff providing worker training and development services who are employed by an agency-provider that meets the criteria established by the commissioner, including required training.

(b) The agency-provider shall allow the participant to have a significant role in the selection and dismissal of the support workers for the delivery of the services and supports specified in the participant's CFSS service delivery plan. The agency must make a reasonable effort to fulfill the participant's request for the participant's preferred worker.

(c) A participant may use authorized units of CFSS services as needed within a service agreement that is not greater than 12 months. Using authorized units in a flexible manner in either the agency-provider model or the budget model does not increase the total amount of services and supports authorized for a participant or included in the participant's CFSS service delivery plan.

(d) A participant may share CFSS services. Two or three CFSS participants may share services at the same time provided by the same support worker.

(e) The agency-provider must use a minimum of 72.5 percent of the revenue generated by the medical assistance payment for CFSS for support worker wages and benefits, except all of the revenue generated by a medical assistance rate increase due to a collective bargaining agreement under section 179A.54 must be used for support worker wages and benefits. The agency-provider must document how this requirement is being met. The revenue generated by the worker training and development services and the reasonable costs associated with the worker training and development services must not be used in making this calculation.

(f) The agency-provider model must be used by ~~individuals~~ participants who are restricted by the Minnesota restricted recipient program under Minnesota Rules, parts 9505.2160 to 9505.2245.

(g) Participants purchasing goods under this model, along with support worker services, must:

(1) specify the goods in the CFSS service delivery plan and detailed budget for expenditures that must be approved by the consultation services provider, case manager, or care coordinator; and

(2) use the FMS provider for the billing and payment of such goods.

Sec. 72. Minnesota Statutes 2020, section 256B.85, subdivision 11b, is amended to read:

Subd. 11b. **Agency-provider model; support worker competency.** (a) The agency-provider must ensure that support workers are competent to meet the participant's assessed needs, goals, and additional requirements as written in the CFSS service delivery plan. ~~Within 30 days of any support worker beginning to provide services for a participant,~~ The agency-provider must evaluate the competency of the worker through direct observation of the support worker's performance of the job functions in a setting where the participant is using CFSS: within 30 days of:

(1) any support worker beginning to provide services for a participant; or

(2) any support worker beginning to provide shared services.

(b) The agency-provider must verify and maintain evidence of support worker competency, including documentation of the support worker's:

(1) education and experience relevant to the job responsibilities assigned to the support worker and the needs of the participant;

(2) relevant training received from sources other than the agency-provider;

(3) orientation and instruction to implement services and supports to participant needs and preferences as identified in the CFSS service delivery plan; ~~and~~

(4) orientation and instruction delivered by an individual competent to perform, teach, or assign the health-related tasks for tracheostomy suctioning and services to participants on ventilator support, including equipment operation and maintenance; and

(4) (5) periodic performance reviews completed by the agency-provider at least annually, including any evaluations required under subdivision 11a, paragraph (a). If a support worker is a minor, all evaluations of worker competency must be completed in person and in a setting where the participant is using CFSS.

(c) The agency-provider must develop a worker training and development plan with the participant to ensure support worker competency. The worker training and development plan must be updated when:

(1) the support worker begins providing services;

(2) the support worker begins providing shared services;

~~(2)~~ (3) there is any change in condition or a modification to the CFSS service delivery plan; or

~~(3)~~ (4) a performance review indicates that additional training is needed.

Sec. 73. Minnesota Statutes 2020, section 256B.85, subdivision 12, is amended to read:

Subd. 12. **Requirements for enrollment of CFSS agency-providers.** (a) All CFSS agency-providers must provide, at the time of enrollment, reenrollment, and revalidation as a CFSS agency-provider in a format determined by the commissioner, information and documentation that includes, but is not limited to, the following:

(1) the CFSS agency-provider's current contact information including address, telephone number, and e-mail address;

(2) proof of surety bond coverage. Upon new enrollment, or if the agency-provider's Medicaid revenue in the previous calendar year is less than or equal to \$300,000, the agency-provider must purchase a surety bond of \$50,000. If the agency-provider's Medicaid revenue in the previous calendar year is greater than \$300,000, the agency-provider must purchase a surety bond of \$100,000. The surety bond must be in a form approved by the commissioner, must be renewed annually, and must allow for recovery of costs and fees in pursuing a claim on the bond;

(3) proof of fidelity bond coverage in the amount of \$20,000 per provider location;

(4) proof of workers' compensation insurance coverage;

(5) proof of liability insurance;

(6) a ~~description~~ copy of the CFSS agency-provider's ~~organization~~ organizational chart identifying the names and roles of all owners, managing employees, staff, board of directors, and ~~the~~ additional documentation reporting any affiliations of the directors and owners to other service providers;

(7) ~~a copy of proof that~~ the CFSS ~~agency provider's~~ agency-provider has written policies and procedures including: hiring of employees; training requirements; service delivery; and employee and consumer safety, including the process for notification and resolution of participant grievances, incident response, identification and prevention of communicable diseases, and employee misconduct;

~~(8) copies of all other forms proof that the CFSS agency-provider uses in the course of daily business including, but not limited to~~ has all of the following forms and documents:

(i) a copy of the CFSS agency-provider's time sheet; and

(ii) a copy of the participant's individual CFSS service delivery plan;

(9) a list of all training and classes that the CFSS agency-provider requires of its staff providing CFSS services;

(10) documentation that the CFSS agency-provider and staff have successfully completed all the training required by this section;

(11) documentation of the agency-provider's marketing practices;

(12) disclosure of ownership, leasing, or management of all residential properties that are used or could be used for providing home care services;

(13) documentation that the agency-provider will use at least the following percentages of revenue generated from the medical assistance rate paid for CFSS services for CFSS support worker wages and benefits: 72.5 percent of revenue from CFSS providers, except 100 percent of the revenue generated by a medical assistance rate increase due to a collective bargaining agreement under section 179A.54 must be used for support worker wages and benefits. The revenue generated by the worker training and development services and the reasonable costs associated with the worker training and development services shall not be used in making this calculation; and

(14) documentation that the agency-provider does not burden participants' free exercise of their right to choose service providers by requiring CFSS support workers to sign an agreement not to work with any particular CFSS participant or for another CFSS agency-provider after leaving the agency and that the agency is not taking action on any such agreements or requirements regardless of the date signed.

(b) CFSS agency-providers shall provide to the commissioner the information specified in paragraph (a).

(c) All CFSS agency-providers shall require all employees in management and supervisory positions and owners of the agency who are active in the day-to-day management and operations of the agency to complete mandatory training as determined by the commissioner. Employees in management and supervisory positions and owners who are active in the day-to-day operations of an agency who have completed the required training as an employee with a CFSS agency-provider do not need to repeat the required training if they are hired by another agency, if and they have completed the training within the past three years. CFSS agency-provider billing staff shall complete training about CFSS program financial management. Any new owners or employees in management and supervisory positions involved in the day-to-day operations are required to complete mandatory training as a requisite of working for the agency.

~~(d) The commissioner shall send annual review notifications to agency providers 30 days prior to renewal. The notification must:~~

~~(1) list the materials and information the agency provider is required to submit;~~

~~(2) provide instructions on submitting information to the commissioner; and~~

~~(3) provide a due date by which the commissioner must receive the requested information.~~

~~Agency providers shall submit all required documentation for annual review within 30 days of notification from the commissioner. If an agency provider fails to submit all the required documentation, the commissioner may take action under subdivision 23a.~~

(d) Agency-providers shall submit all required documentation in this section within 30 days of notification from the commissioner. If an agency-provider fails to submit all the required documentation, the commissioner may take action under subdivision 23a.

Sec. 74. Minnesota Statutes 2020, section 256B.85, subdivision 12b, is amended to read:

Subd. 12b. **CFSS agency-provider requirements; notice regarding termination of services.** (a) An agency-provider must provide written notice when it intends to terminate services with a participant at least ~~ten~~ 30 calendar days before the proposed service termination is to become effective, except in cases where:

(1) the participant engages in conduct that significantly alters the terms of the CFSS service delivery plan with the agency-provider;

(2) the participant or other persons at the setting where services are being provided engage in conduct that creates an imminent risk of harm to the support worker or other agency-provider staff; or

(3) an emergency or a significant change in the participant's condition occurs within a 24-hour period that results in the participant's service needs exceeding the participant's identified needs in the current CFSS service delivery plan so that the agency-provider cannot safely meet the participant's needs.

(b) When a participant initiates a request to terminate CFSS services with the agency-provider, the agency-provider must give the participant a written ~~acknowledgement~~ acknowledgment of the participant's service termination request that includes the date the request was received by the agency-provider and the requested date of termination.

(c) The agency-provider must participate in a coordinated transfer of the participant to a new agency-provider to ensure continuity of care.

Sec. 75. Minnesota Statutes 2020, section 256B.85, subdivision 13, is amended to read:

Subd. 13. **Budget model.** (a) Under the budget model participants exercise responsibility and control over the services and supports described and budgeted within the CFSS service delivery plan. Participants must use services specified in subdivision 13a provided by an FMS provider. Under this model, participants may use their approved service budget allocation to:

(1) directly employ support workers, and pay wages, federal and state payroll taxes, and premiums for workers' compensation, liability, and health insurance coverage; and

(2) obtain supports and goods as defined in subdivision 7.

(b) Participants who are unable to fulfill any of the functions listed in paragraph (a) may authorize a legal representative or participant's representative to do so on their behalf.

(c) If two or more participants using the budget model live in the same household and have the same worker, the participants must use the same FMS provider.

(d) If the FMS provider advises that there is a joint employer in the budget model, all participants associated with that joint employer must use the same FMS provider.

~~(e)~~ (e) The commissioner shall disenroll or exclude participants from the budget model and transfer them to the agency-provider model under, but not limited to, the following circumstances:

(1) when a participant has been restricted by the Minnesota restricted recipient program, in which case the participant may be excluded for a specified time period under Minnesota Rules, parts 9505.2160 to 9505.2245;

(2) when a participant exits the budget model during the participant's service plan year. Upon transfer, the participant shall not access the budget model for the remainder of that service plan year; or

(3) when the department determines that the participant or participant's representative or legal representative is unable to fulfill the responsibilities under the budget model, as specified in subdivision 14.

~~(d)~~ (f) A participant may appeal in writing to the department under section 256.045, subdivision 3, to contest the department's decision under paragraph ~~(e)~~ (e), clause (3), to disenroll or exclude the participant from the budget model.

Sec. 76. Minnesota Statutes 2020, section 256B.85, subdivision 13a, is amended to read:

Subd. 13a. **Financial management services.** (a) Services provided by an FMS provider include but are not limited to: filing and payment of federal and state payroll taxes on behalf of the participant; initiating and complying with background study requirements under chapter 245C and maintaining documentation of background study requests and results; billing for approved CFSS services with authorized funds; monitoring expenditures; accounting for and disbursing CFSS funds; providing assistance in obtaining and filing for liability, workers' compensation, and unemployment coverage; and providing participant instruction and technical assistance to the participant in fulfilling employer-related requirements in accordance with section 3504 of the Internal Revenue Code and related regulations and interpretations, including Code of Federal Regulations, title 26, section 31.3504-1.

(b) Agency-provider services shall not be provided by the FMS provider.

(c) The FMS provider shall provide service functions as determined by the commissioner for budget model participants that include but are not limited to:

(1) assistance with the development of the detailed budget for expenditures portion of the CFSS service delivery plan as requested by the consultation services provider or participant;

(2) data recording and reporting of participant spending;

(3) other duties established by the department, including with respect to providing assistance to the participant, participant's representative, or legal representative in performing employer responsibilities regarding support workers. The support worker shall not be considered the employee of the FMS provider; and

(4) billing, payment, and accounting of approved expenditures for goods.

(d) The FMS provider shall obtain an assurance statement from the participant employer agreeing to follow state and federal regulations and CFSS policies regarding employment of support workers.

(e) The FMS provider shall:

(1) not limit or restrict the participant's choice of service or support providers or service delivery models consistent with any applicable state and federal requirements;

(2) provide the participant, consultation services provider, and case manager or care coordinator, if applicable, with a monthly written summary of the spending for services and supports that were billed against the spending budget;

(3) be knowledgeable of state and federal employment regulations, including those under the Fair Labor Standards Act of 1938, and comply with the requirements under section 3504 of the Internal Revenue Code and related regulations and interpretations, including Code of Federal Regulations, title 26, section 31.3504-1, regarding agency employer tax liability for vendor fiscal/employer agent, and any requirements necessary to process employer and employee deductions, provide appropriate and timely submission of employer tax liabilities, and maintain documentation to support medical assistance claims;

(4) have current and adequate liability insurance and bonding and sufficient cash flow as determined by the commissioner and have on staff or under contract a certified public accountant or an individual with a baccalaureate degree in accounting;

(5) assume fiscal accountability for state funds designated for the program and be held liable for any overpayments or violations of applicable statutes or rules, including but not limited to the Minnesota False Claims Act, chapter 15C; ~~and~~

(6) maintain documentation of receipts, invoices, and bills to track all services and supports expenditures for any goods purchased and maintain time records of support workers. The documentation and time records must be maintained for a minimum of five years from the claim date and be available for audit or review upon request by the commissioner. Claims submitted by the FMS provider to the commissioner for payment must correspond with services, amounts, and time periods as authorized in the participant's service budget and service plan and must contain specific identifying information as determined by the commissioner; and

(7) provide written notice to the participant or the participant's representative at least 30 calendar days before a proposed service termination becomes effective.

(f) The commissioner ~~of human services~~ shall:

(1) establish rates and payment methodology for the FMS provider;

(2) identify a process to ensure quality and performance standards for the FMS provider and ensure statewide access to FMS providers; and

(3) establish a uniform protocol for delivering and administering CFSS services to be used by eligible FMS providers.

Sec. 77. Minnesota Statutes 2020, section 256B.85, is amended by adding a subdivision to read:

Subd. 14a. **Participant's representative responsibilities.** (a) If a participant is unable to direct the participant's own care, the participant must use a participant's representative to receive CFSS services. A participant's representative is required if:

(1) the person is under 18 years of age;

(2) the person has a court-appointed guardian; or

(3) an assessment according to section 256B.0659, subdivision 3a, determines that the participant is in need of a participant's representative.

(b) A participant's representative must:

(1) be at least 18 years of age;

(2) actively participate in planning and directing CFSS services;

(3) have sufficient knowledge of the participant's circumstances to use CFSS services consistent with the participant's health and safety needs identified in the participant's service delivery plan;

(4) not have a financial interest in the provision of any services included in the participant's CFSS service delivery plan; and

(5) be capable of providing the support necessary to assist the participant in the use of CFSS services.

(c) A participant's representative must not be the:

(1) support worker;

(2) worker training and development service provider;

(3) agency-provider staff, unless related to the participant by blood, marriage, or adoption;

(4) consultation service provider, unless related to the participant by blood, marriage, or adoption;

(5) FMS staff, unless related to the participant by blood, marriage, or adoption;

(6) FMS owner or manager; or

(7) lead agency staff acting as part of employment.

(d) A licensed family foster parent who lives with the participant may be the participant's representative if the family foster parent meets the other participant's representative requirements.

(e) There may be two persons designated as the participant's representative, including instances of divided households and court-ordered custodies. Each person named as the participant's representative must meet the program criteria and responsibilities.

(f) The participant or the participant's legal representative shall appoint a participant's representative. The participant's representative must be identified at the time of assessment and listed on the participant's service agreement and CFSS service delivery plan.

(g) A participant's representative must enter into a written agreement with an agency-provider or FMS on a form determined by the commissioner and maintained in the participant's file, to:

(1) be available while care is provided using a method agreed upon by the participant or the participant's legal representative and documented in the participant's service delivery plan;

(2) monitor CFSS services to ensure the participant's service delivery plan is followed;

(3) review and sign support worker time sheets after services are provided to verify the provision of services;

(4) review and sign vendor paperwork to verify receipt of goods; and

(5) in the budget model, review and sign documentation to verify worker training and development expenditures.

(h) A participant's representative may delegate responsibility to another adult who is not the support worker during a temporary absence of at least 24 hours but not more than six months. To delegate responsibility, the participant's representative must:

(1) ensure that the delegate serving as the participant's representative satisfies the requirements of the participant's representative;

(2) ensure that the delegate performs the functions of the participant's representative;

(3) communicate to the CFSS agency-provider or FMS provider about the need for a delegate by updating the written agreement to include the name of the delegate and the delegate's contact information; and

(4) ensure that the delegate protects the participant's privacy according to federal and state data privacy laws.

(i) The designation of a participant's representative remains in place until:

(1) the participant revokes the designation;

(2) the participant's representative withdraws the designation or becomes unable to fulfill the duties;

(3) the legal authority to act as a participant's representative changes; or

(4) the participant's representative is disqualified.

(j) A lead agency may disqualify a participant's representative who engages in conduct that creates an imminent risk of harm to the participant, the support workers, or other staff. A participant's representative who fails to provide support required by the participant must be referred to the common entry point.

Sec. 78. Minnesota Statutes 2020, section 256B.85, subdivision 15, is amended to read:

Subd. 15. **Documentation of support services provided; time sheets.** (a) CFSS services provided to a participant by a support worker employed by either an agency-provider or the participant employer must be documented daily by each support worker, on a time sheet. Time sheets may be created, submitted, and maintained electronically. Time sheets must be submitted by the support worker at least once per month to the:

(1) agency-provider when the participant is using the agency-provider model. The agency-provider must maintain a record of the time sheet and provide a copy of the time sheet to the participant; or

(2) participant and the participant's FMS provider when the participant is using the budget model. The participant and the FMS provider must maintain a record of the time sheet.

(b) The documentation on the time sheet must correspond to the participant's assessed needs within the scope of CFSS covered services. The accuracy of the time sheets must be verified by the:

(1) agency-provider when the participant is using the agency-provider model; or

(2) participant employer and the participant's FMS provider when the participant is using the budget model.

(c) The time sheet must document the time the support worker provides services to the participant. The following elements must be included in the time sheet:

(1) the support worker's full name and individual provider number;

- (2) the agency-provider's name and telephone numbers, when responsible for the CFSS service delivery plan;
- (3) the participant's full name;
- (4) the dates within the pay period established by the agency-provider or FMS provider, including month, day, and year, and arrival and departure times with a.m. or p.m. notations for days worked within the established pay period;
- (5) the covered services provided to the participant on each date of service;
- (6) ~~a~~ the signature ~~line for~~ of the participant or the participant's representative and a statement that the participant's or participant's representative's signature is verification of the time sheet's accuracy;
- (7) the ~~personal~~ signature of the support worker;
- (8) any shared care provided, if applicable;
- (9) a statement that it is a federal crime to provide false information on CFSS billings for medical assistance payments; and
- (10) dates and location of participant stays in a hospital, care facility, or incarceration occurring within the established pay period.

Sec. 79. Minnesota Statutes 2020, section 256B.85, subdivision 17a, is amended to read:

Subd. 17a. **Consultation services provider qualifications and requirements.** Consultation services providers must meet the following qualifications and requirements:

- (1) meet the requirements under subdivision 10, paragraph (a), excluding clauses (4) and (5);
- (2) are under contract with the department;
- (3) are not the FMS provider, the lead agency, or the CFSS or home and community-based services waiver vendor or agency-provider to the participant;
- (4) meet the service standards as established by the commissioner;
- (5) have proof of surety bond coverage. Upon new enrollment, or if the consultation service provider's Medicaid revenue in the previous calendar year is less than or equal to \$300,000, the consultation service provider must purchase a surety bond of \$50,000. If the agency-provider's Medicaid revenue in the previous calendar year is greater than \$300,000, the consultation service provider must purchase a surety bond of \$100,000. The surety bond must be in a form approved by the commissioner, must be renewed annually, and must allow for recovery of costs and fees in pursuing a claim on the bond;
- ~~(5)~~ (6) employ lead professional staff with a minimum of ~~three~~ two years of experience in providing services such as support planning, support broker, case management or care coordination, or consultation services and consumer education to participants using a self-directed program using FMS under medical assistance;
- (7) report maltreatment as required under chapter 260E and section 626.557;
- ~~(6)~~ (8) comply with medical assistance provider requirements;

~~(7)~~ (9) understand the CFSS program and its policies;

~~(8)~~ (10) are knowledgeable about self-directed principles and the application of the person-centered planning process;

~~(9)~~ (11) have general knowledge of the FMS provider duties and the vendor fiscal/employer agent model, including all applicable federal, state, and local laws and regulations regarding tax, labor, employment, and liability and workers' compensation coverage for household workers; and

~~(10)~~ (12) have all employees, including lead professional staff, staff in management and supervisory positions, and owners of the agency who are active in the day-to-day management and operations of the agency, complete training as specified in the contract with the department.

Sec. 80. Minnesota Statutes 2020, section 256B.85, subdivision 18a, is amended to read:

Subd. 18a. **Worker training and development services.** (a) The commissioner shall develop the scope of tasks and functions, service standards, and service limits for worker training and development services.

(b) Worker training and development costs are in addition to the participant's assessed service units or service budget. Services provided according to this subdivision must:

(1) help support workers obtain and expand the skills and knowledge necessary to ensure competency in providing quality services as needed and defined in the participant's CFSS service delivery plan and as required under subdivisions 11b and 14;

(2) be provided or arranged for by the agency-provider under subdivision 11, or purchased by the participant employer under the budget model as identified in subdivision 13; ~~and~~

(3) be delivered by an individual competent to perform, teach, or assign the tasks, including health-related tasks, identified in the plan through education, training, and work experience relevant to the person's assessed needs; and

~~(3)~~ (4) be described in the participant's CFSS service delivery plan and documented in the participant's file.

(c) Services covered under worker training and development shall include:

(1) support worker training on the participant's individual assessed needs and condition, provided individually or in a group setting by a skilled and knowledgeable trainer beyond any training the participant or participant's representative provides;

(2) tuition for professional classes and workshops for the participant's support workers that relate to the participant's assessed needs and condition;

(3) direct observation, monitoring, coaching, and documentation of support worker job skills and tasks, beyond any training the participant or participant's representative provides, including supervision of health-related tasks or behavioral supports that is conducted by an appropriate professional based on the participant's assessed needs. These services must be provided at the start of services or the start of a new support worker except as provided in paragraph (d) and must be specified in the participant's CFSS service delivery plan; and

(4) the activities to evaluate CFSS services and ensure support worker competency described in subdivisions 11a and 11b.

(d) The services in paragraph (c), clause (3), are not required to be provided for a new support worker providing services for a participant due to staffing failures, unless the support worker is expected to provide ongoing backup staffing coverage.

(e) Worker training and development services shall not include:

(1) general agency training, worker orientation, or training on CFSS self-directed models;

(2) payment for preparation or development time for the trainer or presenter;

(3) payment of the support worker's salary or compensation during the training;

(4) training or supervision provided by the participant, the participant's support worker, or the participant's informal supports, including the participant's representative; or

(5) services in excess of ~~96 units~~ the rate set by the commissioner per annual service agreement, unless approved by the department.

Sec. 81. Minnesota Statutes 2020, section 256B.85, subdivision 20b, is amended to read:

Subd. 20b. **Service-related rights under an agency-provider.** A participant receiving CFSS from an agency-provider has service-related rights to:

(1) participate in and approve the initial development and ongoing modification and evaluation of CFSS services provided to the participant;

(2) refuse or terminate services and be informed of the consequences of refusing or terminating services;

(3) before services are initiated, be told the limits to the services available from the agency-provider, including the agency-provider's knowledge, skill, and ability to meet the participant's needs identified in the CFSS service delivery plan;

(4) a coordinated transfer of services when there will be a change in the agency-provider;

(5) before services are initiated, be told what the agency-provider charges for the services;

(6) before services are initiated, be told to what extent payment may be expected from health insurance, public programs, or other sources, if known; and what charges the participant may be responsible for paying;

(7) receive services from an individual who is competent and trained, who has professional certification or licensure, as required, and who meets additional qualifications identified in the participant's CFSS service delivery plan;

(8) have the participant's preferences for support workers identified and documented, and have those preferences met when possible; and

(9) before services are initiated, be told the choices that are available from the agency-provider for meeting the participant's assessed needs identified in the CFSS service delivery plan, including but not limited to which support worker staff will be providing services ~~and~~, the proposed frequency and schedule of visits, and any agreements for shared services.

Sec. 82. Minnesota Statutes 2020, section 256B.85, subdivision 23, is amended to read:

Subd. 23. **Commissioner's access.** (a) When the commissioner is investigating a possible overpayment of Medicaid funds, the commissioner must be given immediate access without prior notice to the agency-provider, consultation services provider, or FMS provider's office during regular business hours and to documentation and records related to services provided and submission of claims for services provided. ~~Denying the commissioner access to records is cause for immediate suspension of payment and terminating~~ If the agency provider's enrollment or agency-provider, FMS provider's enrollment provider, or consultation services provider denies the commissioner access to records, the provider's payment may be immediately suspended or the provider's enrollment may be terminated according to section 256B.064 ~~or terminating the consultation services provider contract.~~

(b) The commissioner has the authority to request proof of compliance with laws, rules, and policies from agency-providers, consultation services providers, FMS providers, and participants.

(c) When relevant to an investigation conducted by the commissioner, the commissioner must be given access to the business office, documents, and records of the agency-provider, consultation services provider, or FMS provider, including records maintained in electronic format; participants served by the program; and staff during regular business hours. The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is investigating an alleged violation of applicable laws or rules. The commissioner may request and shall receive assistance from lead agencies and other state, county, and municipal agencies and departments. The commissioner's access includes being allowed to photocopy, photograph, and make audio and video recordings at the commissioner's expense.

Sec. 83. Minnesota Statutes 2020, section 256B.85, subdivision 23a, is amended to read:

Subd. 23a. **Sanctions; information for participants upon termination of services.** (a) The commissioner may withhold payment from the provider or suspend or terminate the provider enrollment number if the provider fails to comply fully with applicable laws or rules. The provider has the right to appeal the decision of the commissioner under section 256B.064.

(b) Notwithstanding subdivision 13, paragraph (c), if a participant employer fails to comply fully with applicable laws or rules, the commissioner may disenroll the participant from the budget model. A participant may appeal in writing to the department under section 256.045, subdivision 3, to contest the department's decision to disenroll the participant from the budget model.

(c) Agency-providers of CFSS services or FMS providers must provide each participant with a copy of participant protections in subdivision 20c at least 30 days prior to terminating services to a participant, if the termination results from sanctions under this subdivision or section 256B.064, such as a payment withhold or a suspension or termination of the provider enrollment number. If a CFSS agency-provider or FMS provider, or consultation services provider determines it is unable to continue providing services to a participant because of an action under this subdivision or section 256B.064, the agency-provider or FMS provider, or consultation services provider must notify the participant, the participant's representative, and the commissioner 30 days prior to terminating services to the participant, and must assist the commissioner and lead agency in supporting the participant in transitioning to another CFSS agency-provider or FMS provider, or consultation services provider of the participant's choice.

(d) In the event the commissioner withholds payment from a CFSS agency-provider or FMS provider, or consultation services provider, or suspends or terminates a provider enrollment number of a CFSS agency-provider or FMS provider, or consultation services provider under this subdivision or section 256B.064, the commissioner may inform the Office of Ombudsman for Long-Term Care and the lead agencies for all participants with active service agreements with the agency-provider or FMS provider, or consultation services provider. At the

commissioner's request, the lead agencies must contact participants to ensure that the participants are continuing to receive needed care, and that the participants have been given free choice of agency-provider ~~or~~, FMS provider, or consultation services provider if they transfer to another CFSS agency-provider ~~or~~, FMS provider, or consultation services provider. In addition, the commissioner or the commissioner's delegate may directly notify participants who receive care from the agency-provider ~~or~~, FMS provider, or consultation services provider that payments have been or will be withheld or that the provider's participation in medical assistance has been or will be suspended or terminated, if the commissioner determines that the notification is necessary to protect the welfare of the participants.

Sec. 84. Minnesota Statutes 2020, section 256L.03, subdivision 1, is amended to read:

Subdivision 1. **Covered health services.** (a) "Covered health services" means the health services reimbursed under chapter 256B, with the exception of special education services, home care nursing services, adult dental care services other than services covered under section 256B.0625, subdivision 9, orthodontic services, nonemergency medical transportation services, personal care assistance and case management services, behavioral health home services under section 256B.0757, housing stabilization services under section 256B.051, and nursing home or intermediate care facilities services.

(b) No public funds shall be used for coverage of abortion under MinnesotaCare except where the life of the female would be endangered or substantial and irreversible impairment of a major bodily function would result if the fetus were carried to term; or where the pregnancy is the result of rape or incest.

(c) Covered health services shall be expanded as provided in this section.

(d) For the purposes of covered health services under this section, "child" means an individual younger than 19 years of age.

Sec. 85. **REVISOR INSTRUCTION.**

(a) In Minnesota Statutes, sections 245A.191, paragraph (a); 245G.02, subdivision 3; 246.18, subdivision 2; 246.23, subdivision 2; 246.64, subdivision 3; 254A.03, subdivision 3; 254A.19, subdivision 4; 254B.03, subdivision 2; 254B.04, subdivision 1; 254B.05, subdivisions 1a and 4; 254B.051; 254B.06, subdivision 1; 254B.12, subdivisions 1 and 2; 254B.13, subdivisions 2a and 5; 254B.14, subdivision 5; 256L.03, subdivision 2; and 295.53, subdivision 1, the revisor of statutes must change the term "consolidated chemical dependency treatment fund" or similar terms to "behavioral health fund." The revisor may make grammatical changes related to the term change.

(b) In Minnesota Statutes, sections 245C.03, subdivision 13, and 256B.051, the revisor of statutes must change the term "housing support services" or similar terms to "housing stabilization services." The revisor may make grammatical changes related to the term change.

(c) In Minnesota Statutes, section 245C.03, subdivision 10, the revisor of statutes must change the term "group residential housing" to "housing support." The revisor may make grammatical changes related to the term change.

Sec. 86. **REPEALER.**

(a) Minnesota Statutes 2020, section 252.28, subdivisions 1 and 5, are repealed.

(b) Minnesota Statutes 2020, sections 252A.02, subdivisions 8 and 10; and 252A.21, subdivision 3, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment. Paragraph (b) is effective August 1, 2021.

Delete the title and insert:

"A bill for an act relating to human services; modifying community supports provisions; amending Minnesota Statutes 2020, sections 245.4874, subdivision 1; 245.697, subdivision 1; 252.43; 252A.01, subdivision 1; 252A.02, subdivisions 2, 9, 11, 12, by adding subdivisions; 252A.03, subdivisions 3, 4; 252A.04, subdivisions 1, 2, 4; 252A.05; 252A.06, subdivisions 1, 2; 252A.07, subdivisions 1, 2, 3; 252A.081, subdivisions 2, 3, 5; 252A.09, subdivisions 1, 2; 252A.101, subdivisions 2, 3, 5, 6, 7, 8; 252A.111, subdivisions 2, 4, 6; 252A.12; 252A.16; 252A.17; 252A.19, subdivisions 2, 4, 5, 7, 8; 252A.20; 252A.21, subdivisions 2, 4; 254B.03, subdivision 2; 256.042, subdivisions 2, 4; 256B.051, subdivisions 1, 3, 5, 6, 7, by adding a subdivision; 256B.0947, subdivision 6; 256B.4912, subdivision 13; 256B.69, subdivision 5a; 256B.85, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 11b, 12, 12b, 13, 13a, 15, 17a, 18a, 20b, 23, 23a, by adding subdivisions; 256L.03, subdivision 1; repealing Minnesota Statutes 2020, sections 252.28, subdivisions 1, 5; 252A.02, subdivisions 8, 10; 252A.21, subdivision 3."

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1532 was re-referred to the Committee on Rules and Legislative Administration.

Noor from the Committee on Workforce and Business Development Finance and Policy to which was referred:

H. F. No. 1630, A bill for an act relating to economic development; modifying use of Minnesota investment fund; requiring a report.

Reported the same back with the following amendments:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2020, section 116J.8748, subdivision 3, is amended to read:

Subd. 3. **Minnesota job creation fund business designation; requirements.** (a) To receive designation as a Minnesota job creation fund business, a business must satisfy all of the following conditions:

(1) the business is or will be engaged in, within Minnesota, one of the following as its primary business activity:

(i) manufacturing;

(ii) warehousing;

(iii) distribution;

(iv) information technology;

(v) finance;

(vi) insurance; or

(vii) professional or technical services;

(2) the business must not be primarily engaged in lobbying; gambling; entertainment; professional sports; political consulting; leisure; hospitality; or professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants, or primarily engaged in making retail sales to purchasers who are physically present at the business's location;

(3) the business must enter into a binding construction and job creation business subsidy agreement with the commissioner to expend directly, or ensure expenditure by or in partnership with a third party constructing or managing the project, at least \$500,000 in capital investment in a capital investment project that includes a new, expanded, or remodeled facility within one year following designation as a Minnesota job creation fund business or \$250,000 if the project is located outside the metropolitan area as defined in section 200.02, subdivision 24, or if 51 percent of the business is cumulatively owned by minorities, veterans, women, or persons with a disability; and:

(i) create at least ten new full-time employee positions within two years of the benefit date following the designation as a Minnesota job creation fund business or five new full-time employee positions within two years of the benefit date if the project is located outside the metropolitan area as defined in section 200.02, subdivision 24, or if 51 percent of the business is cumulatively owned by minorities, veterans, women, or persons with a disability; or

(ii) expend at least \$25,000,000, which may include the installation and purchase of machinery and equipment, in capital investment and retain at least 200 employees for projects located in the metropolitan area as defined in section 200.02, subdivision 24, and 75 employees for projects located outside the metropolitan area;

(4) positions or employees moved or relocated from another Minnesota location of the Minnesota job creation fund business must not be included in any calculation or determination of job creation or new positions under this paragraph; and

(5) a Minnesota job creation fund business must not terminate, lay off, or reduce the working hours of an employee for the purpose of hiring an individual to satisfy job creation goals under this subdivision.

With the commissioner's authorization, the one-year period requirement to meet minimum capital investment requirements under clause (3) and the minimum job creation requirements in clause (3), item (i), may be extended for up to 12 months for projects that must meet these requirements within 12 months of the governor's declaration of a peacetime emergency.

(b) Prior to approving the proposed designation of a business under this subdivision, the commissioner shall consider the following:

(1) the economic outlook of the industry in which the business engages;

(2) the projected sales of the business that will be generated from outside the state of Minnesota;

(3) how the business will build on existing regional, national, and international strengths to diversify the state's economy;

(4) whether the business activity would occur without financial assistance;

(5) whether the business is unable to expand at an existing Minnesota operation due to facility or land limitations;

(6) whether the business has viable location options outside Minnesota;

(7) the effect of financial assistance on industry competitors in Minnesota;

(8) financial contributions to the project made by local governments; and

(9) any other criteria the commissioner deems necessary.

(c) Upon receiving notification of local approval under subdivision 2, the commissioner shall review the determination by the local government and consider the conditions listed in paragraphs (a) and (b) to determine whether it is in the best interests of the state and local area to designate a business as a Minnesota job creation fund business.

(d) If the commissioner designates a business as a Minnesota job creation fund business, the business subsidy agreement shall include the performance outcome commitments and the expected financial value of any Minnesota job creation fund benefits.

(e) The commissioner may amend an agreement once, upon request of a local government on behalf of a business, only if the performance is expected to exceed thresholds stated in the original agreement.

(f) A business may apply to be designated as a Minnesota job creation fund business at the same location more than once only if all goals under a previous Minnesota job creation fund agreement have been met and the agreement is completed.

Sec. 2. Minnesota Statutes 2020, section 116J.994, subdivision 6, is amended to read:

Subd. 6. **Failure to meet goals.** (a) The subsidy agreement must specify the recipient's obligation if the recipient does not fulfill the agreement. At a minimum, the agreement must require a recipient failing to meet subsidy agreement goals to pay back the assistance plus interest to the grantor or, at the grantor's option, to the account created under section 116J.551 provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at no less than the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year. The grantor, after a public hearing, may extend for up to one year the period for meeting the wage and job goals under subdivision 4 provided in a subsidy agreement or up to two years if the governor has declared a peacetime emergency during the initial two-year compliance period. A grantor may extend the period for meeting other goals under subdivision 3, paragraph (a), clause (3), by documenting in writing the reason for the extension and attaching a copy of the document to its next annual report to the department.

(b) A recipient that fails to meet the terms of a subsidy agreement may not receive a business subsidy from any grantor for a period of five years from the date of failure or until a recipient satisfies its repayment obligation under this subdivision, whichever occurs first.

(c) Before a grantor signs a business subsidy agreement, the grantor must check with the compilation and summary report required by this section to determine if the recipient is eligible to receive a business subsidy.

Sec. 3. **GRANT EXCEPTIONS.**

Notwithstanding Minnesota Statutes, sections 116J.8731, subdivision 5, and 116J.8748, subdivision 4, the commissioner may approve a Minnesota investment fund grant or job creation fund grant of up to \$2,000,000 for qualified applicants. This section expires July 1, 2021.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "modifying business subsidy requirements; making exceptions to job creation fund requirements;"

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.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1691, A bill for an act relating to public safety; expanding the reporting of crimes motivated by bias; amending the crimes of assault, property damage, and harassment motivated by bias; requiring the Board of Peace Officer Standards and Training to update training in recognizing, responding to, and reporting crimes of bias; appropriating money; amending Minnesota Statutes 2020, sections 363A.06, subdivision 1; 609.2231, subdivision 4; 609.2233; 609.595, subdivisions 1a, 2; 609.749, subdivision 3; 626.5531, subdivision 1; 626.8451, subdivision 1; 626.8469, subdivision 1.

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

The report was adopted.

Marquart from the Committee on Taxes to which was referred:

H. F. No. 1733, A bill for an act relating to local governments; allowing counties to collect soil and water conservation district fee on deed transfers and mortgage registration; establishing grant eligibility for counties from clean water fund; amending Minnesota Statutes 2020, section 114D.50, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103C.

Reported the same back with the following amendments:

Page 1, line 9, before "A" insert "(a)"

Page 1, line 10, delete "may" and insert "must"

Page 1, line 11, delete "287.05" and insert "287.035"

Page 1, after line 12, insert:

"(b) A county that does not contain at least one soil and water conservation district but carries out the duties of a soil and water conservation district must impose the fee described in paragraph (a)."

Page 1, line 15, before "The" insert "(a)"

Page 1, after line 19, insert:

"(b) A county imposing a fee under subdivision 1, paragraph (b), must use money in the special soil and water conservation district account on soil and water conservation duties within the county."

Page 2, delete section 2

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "requiring counties to collect soil and water conservation district fee on deed transfers and mortgage registration"

Correct the title numbers accordingly

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

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1761, A bill for an act relating to courts; prohibiting revocation of probation for certain violations unless the person poses a risk to public safety; amending Minnesota Statutes 2020, sections 244.195, subdivision 2; 401.025, subdivision 1; 609.14, subdivision 1, by adding a subdivision.

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1761 was re-referred to the Committee on Rules and Legislative Administration.

Hausman from the Committee on Housing Finance and Policy to which was referred:

H. F. No. 1971, A bill for an act relating to taxation; establishing a Minnesota housing tax credit contribution fund; providing a credit against the individual income tax, corporate franchise tax, and insurance premiums for certain contributions; requiring a report; appropriating money; amending Minnesota Statutes 2020, section 297I.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 290; 462A.

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 1971 was re-referred to the Committee on Rules and Legislative Administration.

Hausman from the Committee on Housing Finance and Policy to which was referred:

H. F. No. 2229, A bill for an act relating to taxation; individual income; disallowing the itemized deduction for mortgage interest on a second home; appropriating money for the home ownership assistance program; amending Minnesota Statutes 2020, section 290.0122, subdivision 5.

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

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with House Concurrent Resolution No. 4, H. F. No. 2229 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2284, A bill for an act relating to building codes; modifying carbon monoxide alarm requirements for hotels and lodging houses; amending Minnesota Statutes 2020, sections 299F.50, by adding subdivisions; 299F.51, subdivisions 1, 2, 5.

Reported the same back with the following amendments:

Page 2, line 15, delete "of the dwelling unit"

Page 2, line 17, delete "dwelling unit" and insert "hotel guest room or lodging house"

Page 2, line 19, reinstate the stricken language

Page 2, lines 20 and 21, reinstate the stricken language and delete the new language

Page 2, line 21, strike "alarms" and insert "detectors"

Page 2, lines 22 and 23, delete the new language

Page 2, line 27, reinstate the stricken language

Page 2, lines 28 and 29, delete the new language

Page 2, after line 31, insert:

"Sec. 6. Minnesota Statutes 2020, section 299F.51, is amended by adding a subdivision to read:

Subd. 6. **Safety warning.** A first violation of this section shall not result in a penalty, but is punishable by a safety warning. A second or subsequent violation is a petty misdemeanor."

Correct the title numbers accordingly

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2284 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Davids introduced:

H. F. No. 2436, A bill for an act relating to taxation; modifying income taxes, sales taxes, and property taxes; adopting federal rules for Paycheck Protection Program loans; increasing property tax refunds; creating a sales tax exemption for food service equipment purchases by certain food service establishments; providing a sales tax exemption for certain COVID-19-related expenses; establishing the school homestead credit; appropriating money; amending Minnesota Statutes 2020, sections 273.1392; 273.1393; 275.065, subdivision 3; 276.04, subdivision 2; 297A.68, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Davids introduced:

H. F. No. 2437, A bill for an act relating to taxation; income; conforming to CARES Act special rules for certain retirement funds.

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

Lee introduced:

H. F. No. 2438, A bill for an act relating to arts and cultural heritage; appropriating money for operating support grants through the State Arts Board.

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

Poston introduced:

H. F. No. 2439, A bill for an act relating to agriculture; appropriating money for a mobile livestock processing facility for the Minnesota State Colleges and Universities.

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

Poston introduced:

H. F. No. 2440, A bill for an act relating to arts and cultural heritage; appropriating money for Region 5 Children's Museum.

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

Franson introduced:

H. F. No. 2441, A bill for an act relating to health; requiring an audit of COVID-19 deaths; requiring a report.

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

Franson introduced:

H. F. No. 2442, A bill for an act relating to health; requiring the legislative auditor to examine patient discharges from hospitals to nursing homes during the COVID-19 pandemic; requiring a report; appropriating money.

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

Quam introduced:

H. F. No. 2443, A bill for an act relating to legacy; appropriating money to stabilize seminary ruins in the Wasioja Historic District.

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

Quam introduced:

H. F. No. 2444, A bill for an act relating to legacy; appropriating money to preserve and enhance Wasioja Historic District.

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

Sundin introduced:

H. F. No. 2445, A bill for an act relating to civil actions; modifying time limit for bringing health care provider actions; amending Minnesota Statutes 2020, section 541.076.

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

Sundin introduced:

H. F. No. 2446, A bill for an act relating to health care; permitting a patient who reaches the age of majority to request that their records be deleted if at least seven years has passed since the last entry; amending Minnesota Statutes 2020, section 145.32, subdivision 1.

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

Mekeland introduced:

H. F. No. 2447, A bill for an act relating to creditor remedies; updating types of property exempt from attachment; amending Minnesota Statutes 2020, section 550.37, subdivision 4, by adding subdivisions.

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

Baker introduced:

H. F. No. 2448, A bill for an act relating to public safety; establishing a temporary subcommittee of the Minnesota Recovers Task Force; appropriating money for the subcommittee and grants to improve local disaster mitigation, response, and recovery; requiring reports.

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

Nash introduced:

H. F. No. 2449, A bill for an act relating to education; establishing a grant for a student mentoring program through Students Together Respecting the Importance and Purpose of Education in Schools (STRIPES); requiring a report; appropriating money.

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

Nash introduced:

H. F. No. 2450, A bill for an act relating to state government; limiting growth of state employment.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Nash introduced:

H. F. No. 2451, A bill for an act relating to state government; constraining the amount that state employers can contract to pay employees based on the biennial appropriation to the agency; amending Minnesota Statutes 2020, section 179A.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Richardson introduced:

H. F. No. 2452, A bill for an act relating to transportation; capital investment; appropriating money for the Rondo Land Bridge project; authorizing the sale and issuance of state bonds.

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

Stephenson introduced:

H. F. No. 2453, A bill for an act relating to civil actions; expanding recovery of costs and attorney fees by prevailing parties in civil actions and contested case proceedings involving the state; amending Minnesota Statutes 2020, section 15.471, subdivision 6.

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

Nelson, N., introduced:

H. F. No. 2454, A bill for an act relating to local government; permitting the city of Mora to increase the membership of its Public Utilities Commission.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Lislegard introduced:

H. F. No. 2455, A bill for an act relating to labor and industry; requiring a written warning upon the first finding of a nonserious violation; amending Minnesota Statutes 2020, section 182.666, subdivision 3.

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

Wolgamott introduced:

H. F. No. 2456, A bill for an act relating to transportation; requiring an access and safety study of marked U.S. Highway 10 in St. Cloud; appropriating money.

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

Freiberg introduced:

H. F. No. 2457, A House resolution urging Congress to pass federal legislation granting statehood to the people of Washington, D.C.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Gomez and Keeler introduced:

H. F. No. 2458, A bill for an act relating to family law; providing rights for blind parents; amending Minnesota Statutes 2020, sections 259.53, by adding a subdivision; 260C.201, by adding a subdivision; 518.1751, by adding a subdivision.

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

Freiberg introduced:

H. F. No. 2459, A bill for an act relating to taxation; individual income; allowing a temporary alternative calculation for the working family credit.

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

Wolgamott introduced:

H. F. No. 2460, A bill for an act relating to highways; amending requirements and appropriating money for the local bridge replacement program; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2020, section 174.50, subdivision 7.

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

Bierman introduced:

H. F. No. 2461, A bill for an act relating to health; allowing the commissioner of human services to enter into value-based purchasing arrangements with drug manufacturers; amending Minnesota Statutes 2020, section 256B.0625, by adding a subdivision.

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

Agbaje introduced:

H. F. No. 2462, A bill for an act relating to capital investment; appropriating money for a youth mental health and wellness community center in Minneapolis.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Reyer, Frazier, Agbaje and Feist introduced:

H. F. No. 2463, A bill for an act relating to housing; requiring landlords to test for radon and provide disclosures; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Huot introduced:

H. F. No. 2464, A bill for an act relating to capital investment; appropriating money for improvements at state historic sites; authorizing the sale and issuance of state bonds.

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

Lee introduced:

H. F. No. 2465, A bill for an act relating to arts; modifying membership of Minnesota State Arts Board; appropriating money for American descendants of slavery; amending Minnesota Statutes 2020, section 129D.02, subdivision 1.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Mariani introduced:

H. F. No. 2466, A bill for an act relating to capital investment; modifying an appropriation for the Southeast Asian Language Job Training Facility; amending Laws 2018, chapter 214, article 1, section 21, subdivision 28, as amended.

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

Mariani introduced:

H. F. No. 2467, A bill for an act relating to capital investment; appropriating money for a public realm land bridge over Shepard Road in St. Paul; authorizing the sale and issuance of state bonds.

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

Hansen, R., introduced:

H. F. No. 2468, A bill for an act relating to environment; providing for climate resiliency; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103F.

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

Hausman introduced:

H. F. No. 2469, A bill for an act relating to capital investment; amending an appropriation for a grant to Hennepin County for Phase 1 of the Avivo regional career and employment center project in Minneapolis; amending Laws 2020, Fifth Special Session chapter 3, article 1, section 21, subdivision 23.

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

Koznick introduced:

H. F. No. 2470, A bill for an act relating to public finance; requiring contingent termination of Nothstar Commuter Rail and reallocation of certain funds; providing for certain redevelopment; appropriating money.

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

MOTIONS AND RESOLUTIONS

Olson, L., moved that the names of Freiberg and Lippert be added as authors on H. F. No. 7. The motion prevailed.

Morrison moved that the name of Bierman be added as an author on H. F. No. 19. The motion prevailed.

Frazier moved that his name be stricken as an author on H. F. No. 61. The motion prevailed.

Freiberg moved that the name of Boe be added as an author on H. F. No. 72. The motion prevailed.

Wazlawik moved that the names of Xiong, J., and Pryor be added as authors on H. F. No. 79. The motion prevailed.

Hertaus moved that the name of Morrison be added as an author on H. F. No. 121. The motion prevailed.

Stephenson moved that the names of Her and Freiberg be added as authors on H. F. No. 164. The motion prevailed.

Grossell moved that the names of Backer, Poston, Dettmer, Gruenhagen and Theis be added as authors on H. F. No. 229. The motion prevailed.

Morrison moved that the name of Xiong, J., be added as an author on H. F. No. 259. The motion prevailed.

Edelson moved that the name of Fischer be added as an author on H. F. No. 286. The motion prevailed.

Edelson moved that the name of Dettmer be added as an author on H. F. No. 288. The motion prevailed.

Howard moved that the name of Feist be added as an author on H. F. No. 315. The motion prevailed.

Edelson moved that the name of Bierman be added as an author on H. F. No. 332. The motion prevailed.

Becker-Finn moved that the name of Youakim be added as an author on H. F. No. 336. The motion prevailed.

Lee moved that the names of Freiberg and Berg be added as authors on H. F. No. 337. The motion prevailed.

Scott moved that the name of Robbins be added as an author on H. F. No. 346. The motion prevailed.

Koegel moved that the name of Keeler be added as an author on H. F. No. 357. The motion prevailed.

Jordan moved that the names of Bernardy and Hornstein be added as authors on H. F. No. 358. The motion prevailed.

Vang moved that the names of Sandell, Kotyza-Witthuhn and Ecklund be added as authors on H. F. No. 387. The motion prevailed.

Her moved that the name of Bernardy be added as an author on H. F. No. 406. The motion prevailed.

Feist moved that the name of Fischer be added as an author on H. F. No. 486. The motion prevailed.

Morrison moved that the names of Hassan, Keeler and Bahner be added as authors on H. F. No. 521. The motion prevailed.

Koegel moved that the name of Boe be added as an author on H. F. No. 553. The motion prevailed.

Urdahl moved that the name of Heinrich be added as an author on H. F. No. 562. The motion prevailed.

Frazier moved that the name of Hornstein be added as an author on H. F. No. 593. The motion prevailed.

Freiberg moved that the name of Frazier be added as an author on H. F. No. 597. The motion prevailed.

Her moved that the name of Feist be added as an author on H. F. No. 601. The motion prevailed.

Pinto moved that the name of Wolgamott be added as an author on H. F. No. 613. The motion prevailed.

Youakim moved that the name of Daniels be added as an author on H. F. No. 724. The motion prevailed.

Ecklund moved that the name of Xiong, T., be added as an author on H. F. No. 752. The motion prevailed.

Mekeland moved that the name of Bahner be added as an author on H. F. No. 762. The motion prevailed.

Hansen, R., moved that the names of Becker-Finn; Jordan; Huot; Vang; Christensen; Xiong, T., and Davnie be added as authors on H. F. No. 766. The motion prevailed.

Morrison moved that the name of Masin be added as an author on H. F. No. 802. The motion prevailed.

Koegel moved that the name of Bernardy be added as an author on H. F. No. 820. The motion prevailed.

Her moved that the names of Xiong, J., and Moller be added as authors on H. F. No. 833. The motion prevailed.

Demuth moved that the name of Fischer be added as an author on H. F. No. 850. The motion prevailed.

Hollins moved that the name of Becker-Finn be added as an author on H. F. No. 868. The motion prevailed.

Hassan moved that the name of Lee be added as an author on H. F. No. 874. The motion prevailed.

Frazier moved that the name of Hornstein be added as an author on H. F. No. 876. The motion prevailed.

Becker-Finn moved that the name of Keeler be added as an author on H. F. No. 903. The motion prevailed.

Kotyza-Witthuhn moved that the name of Moller be added as an author on H. F. No. 910. The motion prevailed.

Koegel moved that the name of Lippert be added as an author on H. F. No. 925. The motion prevailed.

Lee moved that the name of Fischer be added as an author on H. F. No. 938. The motion prevailed.

Thisis moved that the name of Novotny be added as an author on H. F. No. 973. The motion prevailed.

Stephenson moved that the name of Lee be added as an author on H. F. No. 1031. The motion prevailed.

Hansen, R., moved that the name of Lee be added as an author on H. F. No. 1076. The motion prevailed.

Hanson, J., moved that the name of Rasmusson be added as an author on H. F. No. 1102. The motion prevailed.

Feist moved that the name of Berg be added as an author on H. F. No. 1144. The motion prevailed.

Bahner moved that the name of Keeler be added as an author on H. F. No. 1197. The motion prevailed.

Lucero moved that the name of Mekeland be added as an author on H. F. No. 1243. The motion prevailed.

Lucero moved that the names of Boe and Mekeland be added as authors on H. F. No. 1244. The motion prevailed.

Lucero moved that the name of Mekeland be added as an author on H. F. No. 1245. The motion prevailed.

Hausman moved that the names of Hornstein and Lippert be added as authors on H. F. No. 1251. The motion prevailed.

Acomb moved that the name of Her be added as an author on H. F. No. 1256. The motion prevailed.

Edelson moved that the names of Her and Long be added as authors on H. F. No. 1307. The motion prevailed.

Keeler moved that the name of Boe be added as an author on H. F. No. 1331. The motion prevailed.

Her moved that the names of Freiberg and Sandell be added as authors on H. F. No. 1332. The motion prevailed.

Gomez moved that the name of Long be added as an author on H. F. No. 1354. The motion prevailed.

Freiberg moved that the name of Elkins be added as an author on H. F. No. 1358. The motion prevailed.

Morrison moved that the names of Her and Hornstein be added as authors on H. F. No. 1412. The motion prevailed.

Sandstede moved that the name of Lueck be added as an author on H. F. No. 1505. The motion prevailed.

Sandstede moved that the name of Lueck be added as an author on H. F. No. 1506. The motion prevailed.

Edelson moved that the names of Hamilton, Rasmusson, Freiberg and Bahner be added as authors on H. F. No. 1512. The motion prevailed.

Berg moved that the name of Vang be added as an author on H. F. No. 1523. The motion prevailed.

Erickson moved that the name of Drazkowski be added as an author on H. F. No. 1528. The motion prevailed.

Scott moved that the name of Dettmer be added as an author on H. F. No. 1582. The motion prevailed.

Scott moved that the name of Robbins be added as an author on H. F. No. 1583. The motion prevailed.

Hausman moved that the name of Pelowski be added as an author on H. F. No. 1637. The motion prevailed.

Hausman moved that the name of Pelowski be added as an author on H. F. No. 1638. The motion prevailed.

Hausman moved that the names of Lippert and Pelowski be added as authors on H. F. No. 1639. The motion prevailed.

Edelson moved that the name of Morrison be added as an author on H. F. No. 1644. The motion prevailed.

Hanson, J., moved that the names of Freiberg and Lippert be added as authors on H. F. No. 1686. The motion prevailed.

Hornstein moved that the names of Moller and Bierman be added as authors on H. F. No. 1691. The motion prevailed.

Heinrich moved that the name of Backer be added as an author on H. F. No. 1720. The motion prevailed.

Xiong, J., moved that the name of Pinto be added as an author on H. F. No. 1722. The motion prevailed.

Huot moved that the name of Petersburg be added as an author on H. F. No. 1753. The motion prevailed.

Hollins moved that the name of Long be added as an author on H. F. No. 1761. The motion prevailed.

Hollins moved that the name of Freiberg be added as an author on H. F. No. 1762. The motion prevailed.

Dauids moved that the name of Dettmer be added as an author on H. F. No. 1909. The motion prevailed.

Gomez moved that the name of Lee be added as an author on H. F. No. 1919. The motion prevailed.

Mariani moved that the name of Sandell be added as an author on H. F. No. 1939. The motion prevailed.

Murphy moved that the name of Rasmusson be added as an author on H. F. No. 1945. The motion prevailed.

Lislegard moved that the name of Morrison be added as an author on H. F. No. 1975. The motion prevailed.

Jordan moved that the name of Youakim be added as an author on H. F. No. 1985. The motion prevailed.

Feist moved that the name of Pierson be added as an author on H. F. No. 1994. The motion prevailed.

Richardson moved that the name of Bierman be added as an author on H. F. No. 2022. The motion prevailed.

Koegel moved that the name of Lueck be added as an author on H. F. No. 2064. The motion prevailed.

Long moved that the name of Lee be added as an author on H. F. No. 2110. The motion prevailed.

Lueck moved that the names of Quam, Poston, Lucero and Dettmer be added as authors on H. F. No. 2140. The motion prevailed.

Marquart moved that the names of Robbins, Freiberg and Stephenson be added as authors on H. F. No. 2143. The motion prevailed.

Hollins moved that the name of Freiberg be added as an author on H. F. No. 2156. The motion prevailed.

Richardson moved that the name of Huot be added as an author on H. F. No. 2169. The motion prevailed.

Wolgamott moved that the names of Albright and Lippert be added as authors on H. F. No. 2172. The motion prevailed.

Theis moved that the name of Wolgamott be added as an author on H. F. No. 2177. The motion prevailed.

Noor moved that the names of Becker-Finn and Bierman be added as authors on H. F. No. 2220. The motion prevailed.

Huot moved that the name of Bierman be added as an author on H. F. No. 2223. The motion prevailed.

Frazier moved that the name of Hornstein be added as an author on H. F. No. 2233. The motion prevailed.

Scott moved that the name of Robbins be added as an author on H. F. No. 2259. The motion prevailed.

Mekeland moved that the name of Garofalo be added as an author on H. F. No. 2264. The motion prevailed.

Kresha moved that the name of Moller be added as an author on H. F. No. 2272. The motion prevailed.

Swedzinski moved that the name of Daniels be added as an author on H. F. No. 2277. The motion prevailed.

Berg moved that the name of Wolgamott be added as an author on H. F. No. 2284. The motion prevailed.

Kresha moved that the name of Morrison be added as an author on H. F. No. 2301. The motion prevailed.

Howard moved that the name of Sundin be added as an author on H. F. No. 2327. The motion prevailed.

Becker-Finn moved that the name of Wolgamott be added as an author on H. F. No. 2349. The motion prevailed.

Kresha moved that the name of Baker be added as an author on H. F. No. 2409. The motion prevailed.

Heintzeman moved that the name of Poston be added as an author on H. F. No. 2412. The motion prevailed.

Feist moved that the name of Youakim be added as an author on H. F. No. 2415. The motion prevailed.

Boldon moved that the names of Hollins, Moller, Stephenson and Edelson be added as authors on H. F. No. 2421. The motion prevailed.

Lucero moved that the name of Boe be added as an author on H. F. No. 2422. The motion prevailed.

Thompson moved that H. F. No. 784 be recalled from the Committee on Public Safety and Criminal Justice Reform Finance and Policy and be re-referred to the Committee on Housing Finance and Policy. The motion prevailed.

Lippert moved that H. F. No. 1806 be recalled from the Committee on Environment and Natural Resources Finance and Policy and be re-referred to the Committee on Health Finance and Policy. The motion prevailed.

ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 12:15 p.m., Friday, April 9, 2021. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:15 p.m., Friday, April 9, 2021.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

