

STATE OF MINNESOTA

# Journal of the House

NINETY-SECOND SESSION — 2021

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FORTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 26, 2021

The House of Representatives convened at 11:30 a.m. and was called to order by Andrew Carlson, Speaker pro tempore.

Prayer was offered by Pastor Mark Katzenberger, Transform Church, Andover, 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	Davids	Haley	Kotzya-Witthuhn	Munson	Robbins
Agbaje	Davnie	Hamilton	Koznick	Murphy	Sandell
Akland	Demuth	Hansen, R.	Kresha	Nash	Sandstede
Albright	Dettmer	Hanson, J.	Lee	Nelson, M.	Schomacker
Anderson	Drazkowski	Hassan	Liebling	Nelson, N.	Schultz
Backer	Ecklund	Hausman	Lillie	Neu Brindley	Scott
Bahner	Edelson	Heinrich	Lippert	Noor	Stephenson
Bahr	Elkins	Heintzeman	Lislegard	Novotny	Sundin
Baker	Erickson	Her	Long	Olson, B.	Swedzinski
Becker-Finn	Feist	Hertaus	Lucero	Olson, L.	Theis
Bennett	Fischer	Hollins	Lueck	Pelowski	Thompson
Berg	Franke	Hornstein	Mariani	Petersburg	Torkelson
Bernardy	Franson	Howard	Marquart	Pfarr	Urdahl
Bierman	Frazier	Huot	Masin	Pierson	Vang
Bliss	Frederick	Igo	McDonald	Pinto	Wazlawik
Boe	Freiberg	Johnson	Mekeland	Poston	West
Boldon	Garofalo	Jordan	Miller	Pryor	Winkler
Burkel	Gomez	Jurgens	Moller	Quam	Wolgamott
Carlson	Green	Keeler	Moran	Raleigh	Xiong, J.
Christensen	Greenman	Kiel	Morrison	Rasmusson	Xiong, T.
Daniels	Grossell	Klevorn	Mortensen	Reyer	Youakim
Daudt	Gruenhagen	Koegel	Mueller	Richardson	Spk. Hortman

A quorum was present.

O'Neill was excused.

O'Driscoll was excused until 12:55 p.m.

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

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## REPORTS OF CHIEF CLERK

S. F. No. 151 and H. F. No. 832, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Kotzya-Witthuhn moved that S. F. No. 151 be substituted for H. F. No. 832 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 600, A bill for an act relating to cannabis; establishing the Cannabis Management Board; establishing advisory councils; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults; providing for the licensing, inspection, and regulation of cannabis businesses; requiring testing of cannabis and cannabis products; requiring labeling of cannabis and cannabis products; limiting the advertisement of cannabis, cannabis products, and cannabis businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; taxing the sale of adult-use cannabis; establishing grant and loan programs; amending criminal penalties; establishing expungement procedures for certain individuals; establishing labor standards for the use of cannabis by employees and testing of employees; creating a civil cause of action for certain nuisances; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; appropriating money; amending Minnesota Statutes 2020, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 152.02, subdivisions 2, 4; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 256.01, subdivision 18c; 256D.024, subdivision 1; 256J.26, subdivision 1; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.67, subdivisions 2, 7; 297A.99, by adding a subdivision; 297D.01, subdivision 2; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 609.135, subdivision 1; 609.531, subdivision 1; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609.5317, subdivision 1; 609A.01; 609A.03, subdivisions 5, 9; proposing coding for new law in Minnesota Statutes, chapters 17; 28A; 34A; 116J; 116L; 120B; 144; 152; 289A; 295; 604; 609A; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2020, sections 152.027, subdivisions 3, 4; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37; 297D.01, subdivision 1; Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.

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

The report was adopted.

**SECOND READING OF SENATE BILLS**

S. F. No. 151 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Lislegard and Ecklund introduced:

H. F. No. 2564, A bill for an act relating to taxation; property; limiting increases in valuation and taxation for homesteads owned by persons age 65 or older; amending Minnesota Statutes 2020, sections 273.11, subdivision 5, by adding a subdivision; 273.121, subdivision 1; 276.04, subdivision 2; 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.

Ecklund and Lislegard introduced:

H. F. No. 2565, A bill for an act relating to capital investment; appropriating money to renovate the five historic sites in Cook County; authorizing the sale and issuance of state bonds.

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

Richardson and Reyer introduced:

H. F. No. 2566, A bill for an act relating to state government; appropriating money to the Minnesota Amateur Sports Commission to study the development of the United States Amateur Sports and Training Center in Dakota County in partnership with the cities of Eagan and Inver Grove Heights; requiring a report.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Agbaje, Gomez and Vang introduced:

H. F. No. 2567, A bill for an act relating to elections; providing for ranked-choice voting in elections for federal and state offices; authorizing jurisdictions to adopt ranked-choice voting for local offices; establishing procedures for adoption, implementation, and use of ranked-choice voting; allowing municipalities to use electronic voting systems with a reallocation feature; authorizing rulemaking; amending Minnesota Statutes 2020, sections 204B.27, by adding a subdivision; 204B.34, subdivision 1; 204B.35, subdivision 1; 204C.19, by adding a subdivision; 204C.21, by adding a subdivision; 204C.24, subdivision 1; 204C.32, subdivision 1; 204C.33, subdivisions 1, 3; 204D.08, subdivisions 4, 5; 204D.10, subdivisions 1, 3; 204D.11, subdivision 1; 205.13, subdivision 2; 206.58, subdivision 1; 206.83; 206.89, subdivisions 2, 3; 207A.12; 208.05; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Ecklund and Sundin introduced:

H. F. No. 2568, A bill for an act relating to capital investment; appropriating money for a marina on Rainy Lake; authorizing the sale and issuance of state bonds.

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

Miller introduced:

H. F. No. 2569, A bill for an act relating to taxation; property; providing reimbursement of local refunds of tax on state-assessed property; appropriating money.

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

Miller introduced:

H. F. No. 2570, A bill for an act relating to taxation; property; providing reimbursement of local refunds of tax on state-assessed property; appropriating money.

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

Petersburg introduced:

H. F. No. 2571, A bill for an act relating to taxation; modifying allowed requests for revenue estimates from the commissioner of revenue regarding legislative bills establishing, extending, or restricting a tax or tax expenditure; amending Minnesota Statutes 2020, section 270C.11, subdivision 5.

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

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1684, A bill for an act relating to transportation; establishing a budget for transportation; appropriating money for transportation purposes, including Department of Transportation, Metropolitan Council, and Department of Public Safety activities; authorizing the sale and issuance of state bonds; modifying prior appropriations; modifying various fees and surcharges; modifying various transportation-related tax provisions; establishing a transit sales and use tax; providing for noncompliant drivers' licenses and identification cards; establishing advisory committees; establishing accounts; modifying various provisions governing transportation policy and finance; making technical changes; requiring reports; amending Minnesota Statutes 2020, sections 13.6905, by adding a

subdivision; 16A.88, subdivision 1a; 84.787, subdivision 7; 84.797, subdivision 7; 84.92, subdivision 8; 97A.055, subdivision 2; 117.075, subdivisions 2, 3; 160.02, subdivision 1a; 160.262, subdivision 3; 160.266, subdivisions 1b, as amended, 6, by adding a subdivision; 161.115, subdivision 27; 161.14, by adding subdivisions; 161.23, subdivisions 2, 2a; 161.44, subdivisions 6a, 6b; 162.145, subdivision 3; 163.07, subdivision 2; 168.002, subdivisions 10, 18; 168.013, subdivisions 1a, 1m; 168.12, subdivision 1; 168.183; 168.301, subdivision 1; 168.31, subdivision 4; 168.327, subdivisions 1, 6, by adding subdivisions; 168A.11, subdivisions 1, 2; 169.011, subdivisions 5, 9, 27, 42, by adding subdivisions; 169.035, subdivision 3; 169.09, subdivision 13; 169.18, subdivisions 3, 10; 169.222, subdivisions 1, 4, 6a, by adding a subdivision; 169.451, subdivision 3, by adding a subdivision; 169.522, subdivision 1; 169.58, by adding a subdivision; 169.812, subdivision 2; 169.92, subdivision 4; 171.04, subdivision 5; 171.06, subdivisions 2a, 3, by adding subdivisions; 171.07, subdivisions 1, 3, 4, 15; 171.071, by adding a subdivision; 171.12, subdivisions 7a, 7b, 9, by adding a subdivision; 171.13, subdivisions 1, 6, 9; 171.16, subdivisions 2, 3, by adding a subdivision; 171.18, subdivision 1; 171.20, subdivision 4; 171.27; 171.29, subdivision 2; 174.01, by adding a subdivision; 174.03, subdivisions 1c, 12; 174.185, subdivision 3; 174.24, subdivision 7; 174.285, subdivision 5; 174.40, subdivision 5; 174.42, subdivision 2; 174.50, subdivisions 6d, 7, by adding a subdivision; 174.56, subdivision 1; 219.015, subdivisions 1, 2; 219.1651; 296A.07, subdivision 3; 296A.08, subdivision 2; 296A.083, subdivision 2; 297A.64, subdivision 5; 297A.94; 297A.99, subdivision 1; 297B.02, subdivision 1; 299A.55, subdivision 3, by adding a subdivision; 299D.03, subdivision 5; 325E.15; 360.012, by adding a subdivision; 360.013, by adding subdivisions; 360.55, by adding a subdivision; 360.59, subdivision 10; 473.386, by adding a subdivision; 473.39, by adding a subdivision; 473.391, by adding a subdivision; 480.15, by adding a subdivision; 609.855, subdivisions 1, 7, by adding a subdivision; Laws 2012, chapter 287, article 3, sections 2; 3; 4; Laws 2013, chapter 143, article 9, section 20; Laws 2019, First Special Session chapter 3, article 1, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 161; 168; 169; 171; 174; 297A; 345; 473; repealing Minnesota Statutes 2020, sections 168.327, subdivision 5; 169.09, subdivision 7; 171.015, subdivision 7; Minnesota Rules, parts 7410.2610, subparts 1, 2, 3, 3a, 5a, 5b, 6; 7414.1490; 7470.0300; 7470.0400; 7470.0500; 7470.0600; 7470.0700.

CAL R. LUDEMAN, Secretary of the Senate

Hornstein moved that the House refuse to concur in the Senate amendments to H. F. No. 1684, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

This was excused between the hours of 11:55 a.m. and 3:45 p.m.

### CALENDAR FOR THE DAY

H. F. No. 2128 was reported to the House.

Liebling moved to amend H. F. No. 2128, the third engrossment, as follows:

Page 70, line 5, delete "the ......" and insert "86 percent of the fifth"

Page 209, after line 14, insert:

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

Page 210, delete lines 1 and 2 and insert:

**"EFFECTIVE DATE.** This section is effective the day following final enactment for license renewals occurring on or after that date."

Page 215, after line 31, insert:

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

Page 217, after line 16, insert:

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

Page 217, after line 30, insert:

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

Page 291, line 5, delete "product" and delete "interchangeable biological product" and insert "biosimilar product"

Page 314, delete section 15

Page 318, delete section 16

Page 322, delete section 20

Page 408, line 23, delete "The local social services agency"

Page 408, lines 24, 33, and 34, delete the new language and reinstate the stricken language

Page 409, line 1, delete the new language

Page 470, after line 20, insert:

"Section 1. Minnesota Statutes 2020, section 16A.151, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

(d) State agencies may accept funds as directed by a federal court for any restitution or monetary penalty under United States Code, title 18, section 3663(a)(3), or United States Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue account and are appropriated to the commissioner of the agency for the purpose as directed by the federal court.

(e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph (t), may be deposited as provided in section 16A.98, subdivision 12.

(f) Any money received by the state resulting from a settlement agreement or an assurance of discontinuance entered into by the attorney general of the state, or a court order in litigation brought by the attorney general of the state, on behalf of the state or a state agency, ~~against one or more opioid manufacturers or opioid wholesale drug distributors~~ related to alleged violations of consumer fraud laws in the marketing, sale, or distribution of opioids in this state or other alleged illegal actions that contributed to the excessive use of opioids, must be deposited in a separate account in the state treasury and the commissioner shall notify the chairs and ranking minority members of the Finance Committee in the senate and the Ways and Means Committee in the house of representatives that an account has been created. This paragraph does not apply to attorney fees and costs awarded to the state or the Attorney General's Office, to contract attorneys hired by the state or Attorney General's Office, or to other state agency attorneys. If the licensing fees under section 151.065, subdivision 1, clause (16), and subdivision 3, clause (14), are reduced and the registration fee under section 151.066, subdivision 3, is repealed in accordance with section 256.043, subdivision 4, then the commissioner shall transfer from the separate account created in this paragraph to the opiate epidemic response fund under section 256.043 an amount that ensures that \$20,940,000 each fiscal year is available for distribution in accordance with section 256.043, subdivisions 2 and 3."

Page 493, after line 10, insert:

"Sec. 19. Minnesota Statutes 2020, section 256B.0624, subdivision 7, is amended to read:

Subd. 7. **Crisis stabilization services.** (a) Crisis stabilization services must be provided by qualified staff of a crisis stabilization services provider entity and must meet the following standards:

(1) a crisis stabilization treatment plan must be developed which meets the criteria in subdivision 11;

(2) staff must be qualified as defined in subdivision 8; and

(3) services must be delivered according to the treatment plan and include face-to-face contact with the recipient by qualified staff for further assessment, help with referrals, updating of the crisis stabilization treatment plan, supportive counseling, skills training, and collaboration with other service providers in the community.

(b) If crisis stabilization services are provided in a supervised, licensed residential setting, the recipient must be contacted face-to-face daily by a qualified mental health practitioner or mental health professional. The program must have 24-hour-a-day residential staffing which may include staff who do not meet the qualifications in subdivision 8. The residential staff must have 24-hour-a-day immediate direct or telephone access to a qualified mental health professional or practitioner.

(c) If crisis stabilization services are provided in a supervised, licensed residential setting that serves no more than four adult residents, and one or more individuals are present at the setting to receive residential crisis stabilization services, the residential staff must include, for at least eight hours per day, at least one individual who meets the qualifications in subdivision 8, paragraph (a), clause (1) or (2). The commissioner shall establish a statewide per diem rate for crisis stabilization services provided under this paragraph to medical assistance enrollees. The rate for a provider shall not exceed the rate charged by that provider for the same service to other payers. Payment shall not be made to more than one entity for each individual for services provided under this paragraph on a given day. The commissioner shall set rates prospectively for the annual rate period. The commissioner shall require providers to submit annual cost reports on a uniform cost reporting form and shall use submitted cost reports to inform the rate-setting process. The commissioner shall recalculate the statewide per diem every year.

(d) If crisis stabilization services are provided in a supervised, licensed residential setting that serves more than four adult residents, and one or more are recipients of crisis stabilization services, the residential staff must include, for 24 hours a day, at least one individual who meets the qualifications in subdivision 8. During the first 48 hours that a recipient is in the residential program, the residential program must have at least two staff working 24 hours a day. Staffing levels may be adjusted thereafter according to the needs of the recipient as specified in the crisis stabilization treatment plan.

**EFFECTIVE DATE.** This section is effective August 1, 2021, or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 577, delete section 34

Page 579, after line 18, insert:

"Sec. 39. **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), 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 upon full implementation and phase-in of the community first services and supports program under Minnesota Statutes, section 256B.85.

**EFFECTIVE DATE.** This section is effective the day following final enactment or upon federal approval. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 639, after line 10, insert:

"Sec. 16. **DIRECTION TO THE CHILDREN'S CABINET; EVALUATION OF THE USE OF FEDERAL MONEY.**

(a) The Children's Cabinet, with the assistance of the commissioners of human services, education, and employment and economic development, shall conduct an evaluation of the use of federal money received pursuant to the American Rescue Plan Act of 2021 (Public Law 117-2), the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (Public Law 116-260), and the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to address the state's needs in the area of early care and education. The Children's Cabinet may arrange for consultants to assist with the evaluation.

(b) The evaluation shall address at least the following topics with results disaggregated, to the extent practicable, by age, race, ethnicity, and geographic areas of the state:

(1) changes in the number of children who are able to access early care and education programs, including children from the following categories: those from low-income families; those who have disabilities or developmental delays; those who are English language learners; those who are members of American Indian Tribes; and those who are migrant, homeless, in foster care, or are in need of child protective services;

(2) changes in the supply of early care and education, particularly in areas of the state with shortages of early care and education;



(3) changes in the quality of early care and education programs, as measured pursuant to the state's quality rating and improvement system under Minnesota Statutes, section 124D.142; and

(4) changes in the average compensation and credentials of the early care and education workforce.

(c) The Children's Cabinet shall submit interim findings of the evaluation to the governor and the legislative committees with jurisdiction over early childhood programs by February 1 in each of calendar years 2022, 2023, and 2024. The Children's Cabinet shall submit a final report to the governor and the legislative committees with jurisdiction over early childhood programs by February 1, 2025."

Page 845, line 7, delete "9,012,439,000" and insert "9,012,455,000" and delete "9,579,858,000" and insert "9,580,223,000"

Page 845, line 10, delete "7,928,908,000" and insert "7,928,924,000" and delete "8,454,516,000" and insert "8,454,881,000"

Page 849, line 17, delete "174,946,000" and insert "174,604,000" and delete "170,629,000" and insert "170,992,000"

Page 851, line 5, delete "\$163,421,000" and insert "\$164,210,000"

Page 851, line 6, delete "\$162,260,000" and insert "\$163,029,000"

Page 852, line 28, delete "\$24,036,000" and insert "\$24,186,000"

Page 852, line 29, delete "\$24,034,000" and insert "\$24,184,000"

Page 855, line 3, delete "104,410,000" and insert "101,410,000"

Page 856, line 2, delete "6,041,354,000" and insert "6,041,715,000" and delete "6,553,259,000" and insert "6,553,284,000"

Page 863, line 9, delete "28,703,000" and insert "28,700,000" and delete "28,703,000" and insert "28,680,000"

Page 863, line 11, delete "\$3,000,000" and insert "\$2,997,000" and delete "\$3,000,000" and insert "\$2,977,000"

Page 863, line 28, delete "\$28,726,000" and insert "\$28,702,000"

Page 863, line 29, delete "\$28,726,000" and insert "\$28,702,000"

Page 885, delete section 17 and insert:

"Sec. 17. **FEDERAL FUNDS FOR VACCINE ACTIVITIES.**

To the extent that federal funds are available for vaccine activities, the commissioner of health may use those funds to support work under Minnesota Statutes, sections 144.067 to 144.069."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

## POINT OF ORDER

Albright raised a point of order pursuant to rule 3.21 that the Liebling amendment was not in order. Speaker pro tempore Carlson ruled the point of order not well taken and the Liebling amendment in order.

Albright requested a division of the Liebling amendment to H. F. No. 2128, the third engrossment.

The first portion of the Liebling amendment to H. F. No. 2128, the third engrossment, reads as follows:

Page 314, delete section 15

Page 318, delete section 16

Page 322, delete section 20

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Liebling amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the first portion of the Liebling amendment was adopted.

The second portion of the Liebling amendment to H. F. No. 2128, the third engrossment, as amended, reads as follows:

Page 70, line 5, delete "the ....." and insert "86 percent of the fifth"

Page 209, after line 14, insert:

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

Page 210, delete lines 1 and 2 and insert:

**"EFFECTIVE DATE. This section is effective the day following final enactment for license renewals occurring on or after that date."**

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Page 408, lines 24, 33, and 34, delete the new language and reinstate the stricken language

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Page 470, after line 20, insert:

"Section 1. Minnesota Statutes 2020, section 16A.151, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

(d) State agencies may accept funds as directed by a federal court for any restitution or monetary penalty under United States Code, title 18, section 3663(a)(3), or United States Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue account and are appropriated to the commissioner of the agency for the purpose as directed by the federal court.

(e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph (t), may be deposited as provided in section 16A.98, subdivision 12.

(f) Any money received by the state resulting from a settlement agreement or an assurance of discontinuance entered into by the attorney general of the state, or a court order in litigation brought by the attorney general of the state, on behalf of the state or a state agency, ~~against one or more opioid manufacturers or opioid wholesale drug distributors~~ related to alleged violations of consumer fraud laws in the marketing, sale, or distribution of opioids in this state or other alleged illegal actions that contributed to the excessive use of opioids, must be deposited in a separate account in the state treasury and the commissioner shall notify the chairs and ranking minority members of the Finance Committee in the senate and the Ways and Means Committee in the house of representatives that an account has been created. This paragraph does not apply to attorney fees and costs awarded to the state or the Attorney General's Office, to contract attorneys hired by the state or Attorney General's Office, or to other state agency attorneys. If the licensing fees under section 151.065, subdivision 1, clause (16), and subdivision 3, clause (14), are reduced and the registration fee under section 151.066, subdivision 3, is repealed in accordance with section 256.043, subdivision 4, then the commissioner shall transfer from the separate account created in this paragraph to the opiate epidemic response fund under section 256.043 an amount that ensures that \$20,940,000 each fiscal year is available for distribution in accordance with section 256.043, subdivisions 2 and 3."

Page 493, after line 10, insert:

"Sec. 19. Minnesota Statutes 2020, section 256B.0624, subdivision 7, is amended to read:

Subd. 7. **Crisis stabilization services.** (a) Crisis stabilization services must be provided by qualified staff of a crisis stabilization services provider entity and must meet the following standards:

(1) a crisis stabilization treatment plan must be developed which meets the criteria in subdivision 11;

(2) staff must be qualified as defined in subdivision 8; and

(3) services must be delivered according to the treatment plan and include face-to-face contact with the recipient by qualified staff for further assessment, help with referrals, updating of the crisis stabilization treatment plan, supportive counseling, skills training, and collaboration with other service providers in the community.

(b) If crisis stabilization services are provided in a supervised, licensed residential setting, the recipient must be contacted face-to-face daily by a qualified mental health practitioner or mental health professional. The program must have 24-hour-a-day residential staffing which may include staff who do not meet the qualifications in subdivision 8. The residential staff must have 24-hour-a-day immediate direct or telephone access to a qualified mental health professional or practitioner.

(c) If crisis stabilization services are provided in a supervised, licensed residential setting that serves no more than four adult residents, and one or more individuals are present at the setting to receive residential crisis stabilization services, the residential staff must include, for at least eight hours per day, at least one individual who meets the qualifications in subdivision 8, paragraph (a), clause (1) or (2). The commissioner shall establish a statewide per diem rate for crisis stabilization services provided under this paragraph to medical assistance enrollees. The rate for a provider shall not exceed the rate charged by that provider for the same service to other payers. Payment shall not be made to more than one entity for each individual for services provided under this paragraph on

a given day. The commissioner shall set rates prospectively for the annual rate period. The commissioner shall require providers to submit annual cost reports on a uniform cost reporting form and shall use submitted cost reports to inform the rate-setting process. The commissioner shall recalculate the statewide per diem every year.

(d) If crisis stabilization services are provided in a supervised, licensed residential setting that serves more than four adult residents, and one or more are recipients of crisis stabilization services, the residential staff must include, for 24 hours a day, at least one individual who meets the qualifications in subdivision 8. During the first 48 hours that a recipient is in the residential program, the residential program must have at least two staff working 24 hours a day. Staffing levels may be adjusted thereafter according to the needs of the recipient as specified in the crisis stabilization treatment plan.

**EFFECTIVE DATE.** This section is effective August 1, 2021, or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 577, delete section 34

Page 579, after line 18, insert:

"Sec. 39. **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), 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 upon full implementation and phase-in of the community first services and supports program under Minnesota Statutes, section 256B.85.

**EFFECTIVE DATE.** This section is effective the day following final enactment or upon federal approval. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 639, after line 10, insert:

"Sec. 16. **DIRECTION TO THE CHILDREN'S CABINET; EVALUATION OF THE USE OF FEDERAL MONEY.**

(a) The Children's Cabinet, with the assistance of the commissioners of human services, education, and employment and economic development, shall conduct an evaluation of the use of federal money received pursuant to the American Rescue Plan Act of 2021 (Public Law 117-2), the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (Public Law 116-260), and the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) to address the state's needs in the area of early care and education. The Children's Cabinet may arrange for consultants to assist with the evaluation.

(b) The evaluation shall address at least the following topics with results disaggregated, to the extent practicable, by age, race, ethnicity, and geographic areas of the state:

(1) changes in the number of children who are able to access early care and education programs, including children from the following categories: those from low-income families; those who have disabilities or developmental delays; those who are English language learners; those who are members of American Indian Tribes; and those who are migrant, homeless, in foster care, or are in need of child protective services;

(2) changes in the supply of early care and education, particularly in areas of the state with shortages of early care and education;

(3) changes in the quality of early care and education programs, as measured pursuant to the state's quality rating and improvement system under Minnesota Statutes, section 124D.142; and

(4) changes in the average compensation and credentials of the early care and education workforce.

(c) The Children's Cabinet shall submit interim findings of the evaluation to the governor and the legislative committees with jurisdiction over early childhood programs by February 1 in each of calendar years 2022, 2023, and 2024. The Children's Cabinet shall submit a final report to the governor and the legislative committees with jurisdiction over early childhood programs by February 1, 2025."

Page 845, line 7, delete "9,012,439,000" and insert "9,012,455,000" and delete "9,579,858,000" and insert "9,580,223,000"

Page 845, line 10, delete "7,928,908,000" and insert "7,928,924,000" and delete "8,454,516,000" and insert "8,454,881,000"

Page 849, line 17, delete "174,946,000" and insert "174,604,000" and delete "170,629,000" and insert "170,992,000"

Page 851, line 5, delete "\$163,421,000" and insert "\$164,210,000"

Page 851, line 6, delete "\$162,260,000" and insert "\$163,029,000"

Page 852, line 28, delete "\$24,036,000" and insert "\$24,186,000"

Page 852, line 29, delete "\$24,034,000" and insert "\$24,184,000"

Page 855, line 3, delete "104,410,000" and insert "101,410,000"

Page 856, line 2, delete "6,041,354,000" and insert "6,041,715,000" and delete "6,553,259,000" and insert "6,553,284,000"

Page 863, line 9, delete "28,703,000" and insert "28,700,000" and delete "28,703,000" and insert "28,680,000"

Page 863, line 11, delete "\$3,000,000" and insert "\$2,997,000" and delete "\$3,000,000" and insert "\$2,977,000"

Page 863, line 28, delete "\$28,726,000" and insert "\$28,702,000"

Page 863, line 29, delete "\$28,726,000" and insert "\$28,702,000"

Page 885, delete section 17 and insert:

"Sec. 17. **FEDERAL FUNDS FOR VACCINE ACTIVITIES.**

To the extent that federal funds are available for vaccine activities, the commissioner of health may use those funds to support work under Minnesota Statutes, sections 144.067 to 144.069."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the second portion of the Liebling amendment was adopted.

Neu Brindley moved that H. F. No. 2128, the third engrossment, as amended, be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Neu Brindley motion and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Lucero	Novotny	Schomacker
Albright	Davids	Haley	Lueck	O'Driscoll	Scott
Anderson	Demuth	Hamilton	McDonald	Olson, B.	Swedzinski
Backer	Dettmer	Heinrich	Mekeland	Petersburg	Torkelson
Bahr	Drazkowski	Heintzeman	Miller	Pfarr	Urdahl
Baker	Erickson	Igo	Mortensen	Pierson	West
Bennett	Franke	Johnson	Mueller	Poston	
Bliss	Franson	Jurgens	Munson	Quam	
Boe	Garofalo	Kiel	Nash	Raleigh	
Burkel	Green	Koznick	Nelson, N.	Rasmusson	
Daniels	Grossell	Kresha	Neu Brindley	Robbins	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

The motion did not prevail.

#### POINT OF ORDER

Neu Brindley raised a point of order pursuant to rule 4.03, paragraph (g), relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that H. F. No. 2128, the third engrossment, as amended, was not in order. Speaker pro tempore Carlson ruled the point of order not well taken.

Neu Brindley appealed the decision of Speaker pro tempore Carlson.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Carlson stand as the judgment of the House?" and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Lucero	Novotny	Schomacker
Albright	Davids	Haley	Lueck	O'Driscoll	Scott
Anderson	Demuth	Hamilton	McDonald	Olson, B.	Swedzinski
Backer	Dettmer	Heinrich	Mekeland	Petersburg	Torkelson
Bahr	Drazkowski	Heintzeman	Miller	Pfarr	Urdahl
Baker	Erickson	Igo	Mortensen	Pierson	West
Bennett	Franke	Johnson	Mueller	Poston	
Bliss	Franson	Jurgens	Munson	Quam	
Boe	Garofalo	Kiel	Nash	Raleigh	
Burkel	Green	Koznick	Nelson, N.	Rasmusson	
Daniels	Grossell	Kresha	Neu Brindley	Robbins	

So it was the judgment of the House that the decision of Speaker pro tempore Carlson should stand.

Rasmusson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 284, line 24, after "drug" insert ", including any fees or costs imposed by the state such as opioid registration fees"

The motion prevailed and the amendment was adopted.

Rasmusson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 284, line 6, after "if" insert ": (1)"

Page 284, line 8, after "drug" insert "; or (2) after the price increase, the price of a generic or off-patent drug remains at least 50 percent below the price of the brand name drug"

A roll call was requested and properly seconded.



The question was taken on the Rasmusson amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Akland	Daniels	Green	Koznick	Nash	Quam
Albright	Daudt	Grossell	Kresha	Nelson, N.	Raleigh
Anderson	Davids	Gruenhagen	Lucero	Neu Brindley	Rasmusson
Backer	Demuth	Haley	Lueck	Novotny	Robbins
Bahr	Dettmer	Heinrich	McDonald	O'Driscoll	Schomacker
Baker	Drazkowski	Heintzeman	Mekeland	Olson, B.	Scott
Bennett	Erickson	Igo	Miller	Petersburg	Swedzinski
Bliss	Franke	Johnson	Mortensen	Pfarr	Torkelson
Boe	Franson	Jurgens	Mueller	Pierson	Urdahl
Burkel	Garofalo	Kiel	Munson	Poston	West

Those who voted in the negative were:

Acomb	Edelson	Hassan	Lee	Murphy	Stephenson
Agbaje	Elkins	Hausman	Liebling	Nelson, M.	Sundin
Bahner	Feist	Her	Lillie	Noor	Thompson
Becker-Finn	Fischer	Hollins	Lippert	Olson, L.	Vang
Berg	Frazier	Hornstein	Lislegard	Pelowski	Wazlawik
Bernardy	Frederick	Howard	Long	Pinto	Winkler
Bierman	Freiberg	Huot	Mariani	Pryor	Wolgamott
Boldon	Gomez	Jordan	Marquart	Reyer	Xiong, J.
Carlson	Greenman	Keeler	Masin	Richardson	Xiong, T.
Christensen	Hamilton	Klevorn	Moller	Sandell	Youakim
Davnie	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Ecklund	Hanson, J.	Kotzya-Witthuhn	Morrison	Schultz	

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

Speaker pro tempore Carlson called Olson, L., to the Chair.

Quam moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 289, delete lines 3 and 4

A roll call was requested and properly seconded.

The question was taken on the Quam amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Bahr	Boe	Davids	Erickson	Green
Albright	Baker	Burkel	Demuth	Franke	Grossell
Anderson	Bennett	Daniels	Dettmer	Franson	Gruenhagen
Backer	Bliss	Daudt	Drazkowski	Garofalo	Haley

Hamilton	Koznick	Mortensen	O'Driscoll	Raleigh	Urdahl
Heinrich	Kresha	Mueller	Olson, B.	Rasmusson	West
Heintzeman	Lucero	Munson	Petersburg	Robbins	
Igo	Lueck	Nash	Pfarr	Schomacker	
Johnson	McDonald	Nelson, N.	Pierson	Scott	
Jurgens	Mekeland	Neu Brindley	Poston	Swedzinski	
Kiel	Miller	Novotny	Quam	Torkelson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotzya-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Rasmusson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 287, line 21, delete everything after "means" and insert "a"

Page 287, delete lines 22 to 23

Page 287, line 24, after "quarter" insert "during which benefits associated with health plan company products are in effect"

A roll call was requested and properly seconded.

The question was taken on the Rasmusson amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Akland	Daniels	Green	Kiel	Nash	Quam
Albright	Daudt	Grossell	Koznick	Nelson, N.	Raleigh
Anderson	Davids	Gruenhagen	Kresha	Neu Brindley	Rasmusson
Backer	Demuth	Haley	Lucero	Novotny	Robbins
Bahr	Dettmer	Heinrich	Lueck	O'Driscoll	Schomacker
Baker	Drazkowski	Heintzeman	McDonald	Olson, B.	Scott
Bennett	Erickson	Hertaus	Mekeland	Petersburg	Swedzinski
Bliss	Franke	Igo	Miller	Pfarr	Torkelson
Boe	Franson	Johnson	Mortensen	Pierson	Urdahl
Burkel	Garofalo	Jurgens	Mueller	Poston	West

Those who voted in the negative were:

Acomb	Edelson	Hassan	Lee	Munson	Schultz
Agbaje	Elkins	Hausman	Liebling	Murphy	Stephenson
Bahner	Feist	Her	Lillie	Nelson, M.	Sundin
Becker-Finn	Fischer	Hollins	Lippert	Noor	Thompson
Berg	Frazier	Hornstein	Lislegard	Olson, L.	Vang
Bernardy	Frederick	Howard	Long	Pelowski	Wazlawik
Bierman	Freiberg	Huot	Mariani	Pinto	Winkler
Boldon	Gomez	Jordan	Marquart	Pryor	Wolgamott
Carlson	Greenman	Keeler	Masin	Reyer	Xiong, J.
Christensen	Hamilton	Klevorn	Moller	Richardson	Xiong, T.
Davnie	Hansen, R.	Koegel	Moran	Sandell	Youakim
Ecklund	Hanson, J.	Kotyza-Witthuhn	Morrison	Sandstede	Spk. Hortman

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

Demuth moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 4, after line 28, insert:

"Sec. 6. Minnesota Statutes 2020, section 62W.02, subdivision 15, is amended to read:

Subd. 15. **Pharmacy benefit manager.** (a) "Pharmacy benefit manager" means a person, business, or other entity that contracts with a plan sponsor to perform pharmacy benefits management, including but not limited to:

(1) contracting directly or indirectly with pharmacies to provide prescription drugs to enrollees or other covered individuals;

(2) administering a prescription drug benefit;

(3) processing or paying pharmacy claims;

(4) creating or updating prescription drug formularies;

(5) making or assisting in making prior authorization determinations on prescription drugs;

(6) administering rebates on prescription drugs; or

(7) establishing a pharmacy network.

(b) Pharmacy benefit manager does not include the Department of Human Services, but shall include the formulary committee established under section 256B.0625, subdivision 13c, to the extent that committee performs pharmacy benefit management.

Sec. 7. Minnesota Statutes 2020, section 62W.02, subdivision 16, is amended to read:

Subd. 16. **Plan sponsor.** "Plan sponsor" means a group purchaser as defined under section 62J.03; an employer in the case of an employee health benefit plan established or maintained by a single employer; or an employee organization in the case of a health plan established or maintained by an employee organization, an association, joint board trustees, a committee, or other similar group that establishes or maintains the health plan. This term includes

a person or entity acting for a pharmacy benefit manager in a contractual or employment relationship in the performance of pharmacy benefit management. Plan sponsor does not include the Department of Human Services, but shall include the formulary committee established under section 256B.0625, subdivision 13c, to the extent that committee performs the functions of a group purchaser."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Davids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Swedzinski
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Poston	
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgammott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Schomacker moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 63, line 11, after "section" insert ", except that the commissioner shall not exclude coverage for outpatient prescription drugs that are dispensed by a 340 covered entity"

Page 84, after line 20, insert:

"Sec. 69. **ADJUSTMENT.**

Any costs resulting from the exclusion of 340B drugs from the managed care carve-out under Minnesota Statutes, section 256B.69, subdivision 6d, shall be paid for through a reduction in the operating adjustment for the Department of Human Services in article 21, section 2, subdivisions 4 and 40."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Schomacker moved to amend the Schomacker amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 3, after "entity" insert ", including but not limited to the Minneapolis Indian Health Board, the Mille Lacs Band of Ojibwe Health Services, and the Fond Du Lac Band of Lake Superior Chippewa"

The motion prevailed and the amendment to the amendment was adopted.

Schomacker moved to amend the Schomacker amendment, as amended, to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 3, after "entity" insert ", including but not limited to Mercy Hospital in Coon Rapids, St. Cloud Hospital, Essentia Health Detroit Lakes and Essentia Health Ada, Fairview Range in Hibbing, MHealth St. Johns in Maplewood, Mayo Clinic Mankato, and Ely Bloomenson and Ely Rainy Lake in International Falls"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Schomacker amendment, as amended, and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Haley	Lucero	Novotny	Sandstede
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	Petersburg	Swedzinski
Bahr	Drazkowski	Hertaus	Miller	Pfarr	Torkelson
Baker	Erickson	Igo	Mortensen	Pierson	Urdahl
Bennett	Franke	Johnson	Mueller	Poston	West
Bliss	Franson	Jurgens	Munson	Quam	
Boe	Green	Kiel	Nash	Raleigh	
Burkel	Grossell	Koznick	Nelson, N.	Rasmusson	
Daniels	Gruenhagen	Kresha	Neu Brindley	Robbins	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Thompson
Agbaje	Elkins	Her	Lillie	Noor	Vang
Bahner	Feist	Hollins	Lippert	Olson, L.	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Winkler
Berg	Frazier	Howard	Long	Pinto	Wolgamott
Bernardy	Frederick	Huot	Mariani	Pryor	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Schultz	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Stephenson	
Ecklund	Hassan	Lee	Murphy	Sundin	

The motion did not prevail and the amendment, as amended, was not adopted.

Schomacker moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 15, line 13, after "256B.69" insert ", and shall not administer dental services directly"

Page 31, after line 15, insert:

"(h) Effective January 1, 2023, the commissioner shall contract with a third-party administrator to administer the prescription drug benefit for all recipients of medical assistance, including persons enrolled in managed care as described in section 256B.69."

Page 42, line 26, after "chapter" insert "and shall not administer the nonemergency medical transportation program directly"

Page 63, line 8, before "shall" insert ", through the third-party administrator,"

Page 84, after line 20, insert:

"Sec. 69. **ADJUSTMENT.**

Any costs related to contracting for the administration of the medical assistance pharmacy benefit under Minnesota Statutes, section 256B.0625, subdivision 13, paragraph (h), shall be paid for through a reduction in the operating adjustment for the Department of Human Services in article 21, section 2, subdivisions 3 and 39."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Schomacker amendment and the roll was called. There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Davids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Torkelson
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Urdahl
Baker	Erickson	Hertaus	Miller	Pfarr	West
Bennett	Franke	Igo	Mortensen	Pierson	
Bliss	Franson	Johnson	Mueller	Poston	
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Kiel moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 222, delete section 57

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kiel amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Backer	Bennett	Burkel	Davids	Drazkowski
Albright	Bahr	Bliss	Daniels	Demuth	Erickson
Anderson	Baker	Boe	Daudt	Dettmer	Franke

Franson	Heintzeman	Lucero	Nash	Pierson	Theis
Garofalo	Hertaus	Lueck	Nelson, N.	Poston	Torkelson
Green	Igo	McDonald	Neu Brindley	Quam	Urdahl
Grossell	Johnson	Mekeland	Novotny	Raleigh	West
Gruenhagen	Jurgens	Miller	O'Driscoll	Rasmusson	
Haley	Kiel	Mortensen	Olson, B.	Robbins	
Hamilton	Koznick	Mueller	Petersburg	Schomacker	
Heinrich	Kresha	Munson	Pfarr	Scott	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Gruenhagen moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 324, after line 23, insert:

"Sec. 21. Laws 2017, chapter 13, article 1, section 15, as amended by Laws 2017, First Special Session chapter 6, article 5, section 10, and Laws 2019, First Special Session chapter 9, article 8, section 19, is amended to read:

**Sec. 15. MINNESOTA PREMIUM SECURITY PLAN FUNDING.**

(a) The Minnesota Comprehensive Health Association shall fund the operational and administrative costs and reinsurance payments of the Minnesota security plan and association using the following amounts deposited in the premium security plan account in Minnesota Statutes, section 62E.25, subdivision 1, in the following order:

- (1) any federal funding available;
- (2) funds deposited under article 1, sections 12 and 13;
- (3) any state funds from the health care access fund; and
- (4) any state funds from the general fund.

(b) The association shall transfer from the premium security plan account any remaining state funds not used for the Minnesota premium security plan by June 30, ~~2023~~ 2024, to the commissioner of commerce. Any amount transferred to the commissioner of commerce shall be deposited in the health care access fund in Minnesota Statutes, section 16A.724.



(c) The Minnesota Comprehensive Health Association may not spend more than \$271,000,000 for benefit year 2018 and not more than \$271,000,000 for benefit year 2019 for the operational and administrative costs of, and reinsurance payments under, the Minnesota premium security plan."

Page 325, after line 12, insert:

**"Sec. 22. MINNESOTA PREMIUM SECURITY PLAN ADMINISTERED THROUGH THE 2022 BENEFIT YEAR.**

The Minnesota Comprehensive Health Association must administer the Minnesota premium security plan through the 2022 benefit year.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Gruenhagen amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Koznick	Olson, B.	Scott
Albright	Davids	Haley	Kresha	Petersburg	Swedzinski
Anderson	Demuth	Hamilton	Lueck	Pfarr	Theis
Backer	Dettmer	Heinrich	McDonald	Pierson	Torkelson
Baker	Erickson	Heintzeman	Mueller	Poston	Urdahl
Bennett	Franke	Hertaus	Nash	Quam	West
Bliss	Franson	Igo	Nelson, N.	Raleigh	
Boe	Garofalo	Johnson	Neu Brindley	Rasmusson	
Burkel	Green	Jurgens	Novotny	Robbins	
Daniels	Grossell	Kiel	O'Driscoll	Schomacker	

Those who voted in the negative were:

Acomb	Ecklund	Hausman	Lillie	Mortensen	Schultz
Agbaje	Edelson	Her	Lippert	Munson	Stephenson
Bahner	Elkins	Hollins	Lislegard	Murphy	Sundin
Bahr	Feist	Hornstein	Long	Nelson, M.	Thompson
Becker-Finn	Fischer	Howard	Lucero	Noor	Vang
Berg	Frazier	Huot	Mariani	Olson, L.	Wazlawik
Bernardy	Frederick	Jordan	Marquart	Pelowski	Winkler
Bierman	Freiberg	Keeler	Masin	Pinto	Wolgamott
Boldon	Gomez	Klevorn	Mekeland	Pryor	Xiong, T.
Carlson	Greenman	Koegel	Miller	Reyer	Youakim
Christensen	Hansen, R.	Kotyza-Witthuhn	Moller	Richardson	Spk. Hortman
Davnie	Hanson, J.	Lee	Moran	Sandell	
Drazkowski	Hassan	Liebling	Morrison	Sandstede	

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

Gruenhagen moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 82, delete section 67

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Gruenhagen amendment and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Davids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Swedzinski
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Theis
Baker	Erickson	Hertaus	Miller	Pfarr	Torkelson
Bennett	Franke	Igo	Mortensen	Pierson	Urdahl
Bliss	Franson	Johnson	Mueller	Poston	West
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Gruenhagen moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 311, after line 4, insert:

"Sec. 11. **[62K.16] REFERENCE-BASED PRICING HEALTH PLAN.**

**Subdivision 1. General.** Notwithstanding any law to the contrary and upon any necessary federal approval, a health carrier may offer in the individual, small, and large group market a reference-based pricing health plan that meets the requirements of this section.

Subd. 2. **Provider participation.** (a) An enrollee of a reference-based pricing health plan may access any health care provider who has agreed to (1) a reimbursement rate up to but not greater than the reimbursement rate specified in the enrollee's reference-based pricing plan as defined under this section, and (2) any other terms and conditions offered by the health carrier. Any terms and conditions offered by the health carrier must be the same for all health care providers who agree to participate in the health plan.

(b) A health carrier may require a participating provider to meet reasonable data, utilization review, and quality assurance requirements.

(c) A provider who agrees to participate must provide services to all enrollees of the health plan if the provider's reimbursement rates are equal to or less than that specified in the enrollee's health plan.

Subd. 3. **Reimbursement rates.** (a) The reimbursement rates offered to providers who agree to participate in a reference-based pricing health plan must be based on a percentage relative to the rates defined by the most recent Medicare reimbursement schedules promulgated by the Centers for Medicare and Medicaid Services.

(b) For services that do not have a corresponding Medicare reimbursement value, the health carrier must negotiate the rates based on other fee schedules used within the health care market.

(c) If a reference-based pricing health plan's reimbursement rate is at least 120 percent above the Medicare rate and the health plan is offered in all counties throughout Minnesota, the health plan is exempt from the geographic and network adequacy requirements under section 62K.10.

(d) A provider who agrees to participate in the health plan agrees to accept the reimbursement rate as payment in full under the terms of the health plan in accordance with section 62K.11.

Subd. 4. **Conditions.** (a) Nothing in this section requires a provider to participate in a reference-based pricing health plan. A health carrier is prohibited from requiring, as a condition of participation in any other health plan, product, or other arrangement offered by the health carrier, that the provider participate in a reference-based pricing health plan.

(b) Nothing in this section requires a health carrier to provide coverage for a service or treatment that is not covered under the enrollee's health plan.

(c) A reference-based pricing health plan may impose cost-sharing requirements, including co-payments, deductibles, and coinsurance and reasonable referral and prior authorization requirements.

Subd. 5. **Definitions.** For purposes of this section, "provider" has the meaning given in section 62J.03, subdivision 8."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Gruenhagen amendment and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Davids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Swedzinski
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Theis
Baker	Erickson	Hertaus	Miller	Pfarr	Torkelson
Bennett	Franke	Igo	Mortensen	Pierson	Urdahl
Bliss	Franson	Johnson	Mueller	Poston	West
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Schomacker moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 78, line 18, delete everything after "funds" and insert a period

Page 78, delete lines 19 to 20

Page 78, line 21, delete everything before "Nothing"

A roll call was requested and properly seconded.

The question was taken on the Schomacker amendment and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Backer	Bennett	Burkel	Davids	Drazkowski
Albright	Bahr	Bliss	Daniels	Demuth	Erickson
Anderson	Baker	Boe	Daudt	Dettmer	Franke

Franson	Heintzeman	Lucero	Nash	Pierson	Swedzinski
Garofalo	Hertaus	Lueck	Nelson, N.	Poston	Theis
Green	Igo	McDonald	Neu Brindley	Quam	Torkelson
Grossell	Johnson	Mekeland	Novotny	Raleigh	Urdahl
Gruenhagen	Jurgens	Miller	O'Driscoll	Rasmusson	West
Haley	Kiel	Mortensen	Olson, B.	Robbins	
Hamilton	Koznick	Mueller	Petersburg	Schomacker	
Heinrich	Kresha	Munson	Pfarr	Scott	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Demuth moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 3, line 48, delete "does not apply" and insert "shall apply to medical assistance fee-for-service and"

Page 4, line 3, delete "does"

Page 4, line 4, delete "not apply" and insert "shall apply to medical assistance fee-for-service and"

Page 4, line 8, delete "does"

Page 4, line 9, delete "not apply" and insert "shall apply to medical assistance fee-for-service and"

Page 4, line 12, delete "does not apply" and insert "shall apply to medical assistance fee-for-service and"

Page 4, line 26, delete "does not apply" and insert "shall apply to medical assistance fee-for-service and"

Page 84, after line 20, insert:

"Sec. 69. **ADJUSTMENT.**

Any cost related to applying benefit or coverage mandates to medical assistance and MinnesotaCare under sections 1 to 5 shall be paid from reductions in the operating adjustment for the Department of Human Services in article 21, section 2, subdivisions 3 and 39."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Dauids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Poston	
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Vang
Bahner	Feist	Hollins	Lippert	Olson, L.	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Winkler
Berg	Frazier	Howard	Long	Pinto	Wolgamott
Bernardy	Frederick	Huot	Mariani	Pryor	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Baker moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 486, lines 21 to 31, reinstate the stricken language

ReNUMBER the clauses in sequence

Page 487, lines 1 to 11 and 17 to 19, reinstate the stricken language

Page 849, line 17, delete "174,946,000" and insert "172,299,000" and delete "170,629,000" and insert "168,286,000"

Page 856, line 25, delete "132,377,000" and insert "133,105,000" and delete "116,706,000" and insert "119,371,000"

Adjust amounts accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Baker amendment and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Dauids	Haley	Lucero	Novotny	Schomacker
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Swedzinski
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Theis
Baker	Erickson	Hertaus	Miller	Pfarr	Torkelson
Bennett	Franke	Igo	Mortensen	Pierson	Urdahl
Bliss	Franson	Johnson	Mueller	Poston	West
Boe	Garofalo	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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

Franson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 272, after line 11, insert:

"Sec. 101. **LEGISLATIVE AUDITOR EXAMINATION OF PATIENT DISCHARGES FROM HOSPITALS TO NURSING HOMES.**

**Subdivision 1. Examination.** (a) The legislative auditor shall examine discharges of patients from hospitals to nursing homes during the COVID-19 pandemic. In conducting this examination, the legislative auditor shall review and analyze at least the following:

(1) the number of patients discharged from hospitals to nursing homes during the COVID-19 pandemic;

(2) the effects of these patient discharges on the discharged patients and nursing home residents, including the effect on the numbers of positive COVID-19 cases of nursing home residents and employees whose cases may be traced to discharged patients and on the number of hospitalizations and deaths of nursing home residents due to COVID-19 whose cases may be traced to discharged patients;

(3) whether these patient discharges occurred in compliance with federal and state agency rules or guidance in effect when the discharges took place, including rules or guidance on testing patients for COVID-19 prior to and following discharge, quarantine following discharge of patients with an unknown COVID-19 infection status at discharge, isolation following discharge of patients infected with COVID-19, and other COVID-19 infection control measures;

(4) for patient discharges that did not comply with federal and state agency rules or guidance, the effect of failing to comply with such rules or guidance, including the effect on the health of patients discharged to nursing homes and on the health of residents of nursing homes to which patients were discharged; and

(5) the impact of these patient discharges on reimbursement received by hospitals and nursing homes for care provided to these patients.

(b) The legislative auditor shall conduct this examination using existing resources, including federal funds that are available for or that may be used for this purpose.

Subd. 2. **Cooperation.** The commissioner of health, commissioner of human services, hospitals, and nursing homes must cooperate with this examination and must provide the legislative auditor with access to data and records necessary to perform this examination.

Subd. 3. **Report.** By January 15, 2022, the legislative auditor shall submit a written report to the legislature on the examination required by this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Hansen, R., moved to amend the Franson amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, delete lines 5 to 7 and insert:

"Subdivision 1. **Topic to consider for evaluation.** (a) The Legislative Audit Commission shall consider as a topic for evaluation by the legislative auditor during the next evaluation cycle, an examination of patient discharges from hospitals to nursing homes during the COVID-19 pandemic. If the Legislative Audit Commission chooses this topic for evaluation according to Minnesota Statutes, section 3.97, subdivision 3a, the legislative auditor shall review and analyze at least the following:"

Page 2, line 3, after "(b)" insert "If chosen for evaluation,"

Page 2, line 5, before "The" insert "If this evaluation is conducted,"

Page 2, line 9, delete everything after "report" and insert "on this evaluation according to Minnesota Statutes, section 3.974, if this evaluation is conducted."

A roll call was requested and properly seconded.



The question was taken on the Hansen, R., amendment to the Franson amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Acomb	Elkins	Her	Lillie	Noor	Thompson
Agbaje	Feist	Hollins	Lippert	Olson, L.	Vang
Bahner	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Becker-Finn	Frazier	Howard	Long	Pinto	Winkler
Berg	Frederick	Huot	Mariani	Pryor	Wolgamott
Bernardy	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Bierman	Gomez	Keeler	Masin	Richardson	Xiong, T.
Boldon	Greenman	Klevorn	Moller	Sandell	Youakim
Carlson	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Christensen	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	
Edelson	Hausman	Liebling	Nelson, M.	Sundin	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Robbins
Albright	Davids	Haley	Lucero	Novotny	Schomacker
Anderson	Davnie	Hamilton	Lueck	O'Driscoll	Scott
Backer	Demuth	Heinrich	McDonald	Olson, B.	Swedzinski
Bahr	Dettmer	Heintzeman	Mekeland	Petersburg	Theis
Baker	Drazkowski	Hertaus	Miller	Pfarr	Torkelson
Bennett	Erickson	Igo	Mortensen	Pierson	Urdahl
Bliss	Franke	Johnson	Mueller	Poston	West
Boe	Franson	Jurgens	Munson	Quam	
Burkel	Green	Kiel	Nash	Raleigh	
Daniels	Grossell	Koznick	Nelson, N.	Rasmusson	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Franson amendment, as amended, to H. F. No. 2128, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Kiel moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 5, delete section 6

Page 16, delete section 14

Page 17, lines 16 to 18, reinstate the stricken language

Page 17, line 23, reinstate the stricken language

Page 36, delete section 28 and insert:

"Sec. 28. Minnesota Statutes 2020, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) "Nonemergency medical transportation service" means motor vehicle transportation provided by a public or private person that serves Minnesota health care program beneficiaries who do not require emergency ambulance service, as defined in section 144E.001, subdivision 3, to obtain covered medical services.

(b) Medical assistance covers medical transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, nonemergency medical transportation company, or other recognized providers of transportation services. Medical transportation must be provided by:

- (1) nonemergency medical transportation providers who meet the requirements of this subdivision;
- (2) ambulances, as defined in section 144E.001, subdivision 2;
- (3) taxicabs that meet the requirements of this subdivision;
- (4) public transit, as defined in section 174.22, subdivision 7; or
- (5) not-for-hire vehicles, including volunteer drivers.

(c) Medical assistance covers nonemergency medical transportation provided by nonemergency medical transportation providers enrolled in the Minnesota health care programs. All nonemergency medical transportation providers must comply with the operating standards for special transportation service as defined in sections 174.29 to 174.30 and Minnesota Rules, chapter 8840, and all drivers must be individually enrolled with the commissioner and reported on the claim as the individual who provided the service. All nonemergency medical transportation providers shall bill for nonemergency medical transportation services in accordance with Minnesota health care programs criteria. Publicly operated transit systems, volunteers, and not-for-hire vehicles are exempt from the requirements outlined in this paragraph.

(d) An organization may be terminated, denied, or suspended from enrollment if:

(1) the provider has not initiated background studies on the individuals specified in section 174.30, subdivision 10, paragraph (a), clauses (1) to (3); or

(2) the provider has initiated background studies on the individuals specified in section 174.30, subdivision 10, paragraph (a), clauses (1) to (3), and:

(i) the commissioner has sent the provider a notice that the individual has been disqualified under section 245C.14; and

(ii) the individual has not received a disqualification set-aside specific to the special transportation services provider under sections 245C.22 and 245C.23.

(e) The administrative agency of nonemergency medical transportation must:

(1) adhere to the policies defined by the commissioner in consultation with the Nonemergency Medical Transportation Advisory Committee;

(2) pay nonemergency medical transportation providers for services provided to Minnesota health care programs beneficiaries to obtain covered medical services;

(3) provide data monthly to the commissioner on appeals, complaints, no-shows, canceled trips, and number of trips by mode; and

(4) by July 1, 2016, in accordance with subdivision 18e, utilize a web-based single administrative structure assessment tool that meets the technical requirements established by the commissioner, reconciles trip information with claims being submitted by providers, and ensures prompt payment for nonemergency medical transportation services.

(f) Until the commissioner implements the single administrative structure and delivery system under subdivision 18e, clients shall obtain their level-of-service certificate from the commissioner or an entity approved by the commissioner that does not dispatch rides for clients using modes of transportation under paragraph (i), clauses (4), (5), (6), and (7).

(g) The commissioner may use an order by the recipient's attending physician, advanced practice registered nurse, or a medical or mental health professional to certify that the recipient requires nonemergency medical transportation services. Nonemergency medical transportation providers shall perform driver-assisted services for eligible individuals, when appropriate. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs, child seats, or stretchers in the vehicle.

Nonemergency medical transportation providers must take clients to the health care provider using the most direct route, and must not exceed 30 miles for a trip to a primary care provider or 60 miles for a trip to a specialty care provider, unless the client receives authorization from the local agency.

Nonemergency medical transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Nonemergency medical transportation providers must maintain trip logs, which include pickup and drop-off times, signed by the medical provider or client, whichever is deemed most appropriate, attesting to mileage traveled to obtain covered medical services. Clients requesting client mileage reimbursement must sign the trip log attesting mileage traveled to obtain covered medical services.

(h) The administrative agency shall use the level of service process established by the commissioner in consultation with the Nonemergency Medical Transportation Advisory Committee to determine the client's most appropriate mode of transportation. If public transit or a certified transportation provider is not available to provide the appropriate service mode for the client, the client may receive a onetime service upgrade.

(i) The covered modes of transportation are:

(1) client reimbursement, which includes client mileage reimbursement provided to clients who have their own transportation, or to family or an acquaintance who provides transportation to the client;

(2) volunteer transport, which includes transportation by volunteers using their own vehicle;

(3) unassisted transport, which includes transportation provided to a client by a taxicab or public transit. If a taxicab or public transit is not available, the client can receive transportation from another nonemergency medical transportation provider;

(4) assisted transport, which includes transport provided to clients who require assistance by a nonemergency medical transportation provider;

(5) lift-equipped/ramp transport, which includes transport provided to a client who is dependent on a device and requires a nonemergency medical transportation provider with a vehicle containing a lift or ramp;

(6) protected transport, which includes transport provided to a client who has received a prescreening that has deemed other forms of transportation inappropriate and who requires a provider: (i) with a protected vehicle that is not an ambulance or police car and has safety locks, a video recorder, and a transparent thermoplastic partition between the passenger and the vehicle driver; and (ii) who is certified as a protected transport provider; and

(7) stretcher transport, which includes transport for a client in a prone or supine position and requires a nonemergency medical transportation provider with a vehicle that can transport a client in a prone or supine position.

(j) The local agency shall be the single administrative agency and shall administer and reimburse for modes defined in paragraph (i) according to paragraphs (m) and (n) when the commissioner has developed, made available, and funded the web-based single administrative structure, assessment tool, and level of need assessment under subdivision 18e. The local agency's financial obligation is limited to funds provided by the state or federal government.

(k) The commissioner shall:

(1) in consultation with the Nonemergency Medical Transportation Advisory Committee, verify that the mode and use of nonemergency medical transportation is appropriate;

(2) verify that the client is going to an approved medical appointment; and

(3) investigate all complaints and appeals.

(l) The administrative agency shall pay for the services provided in this subdivision and seek reimbursement from the commissioner, if appropriate. As vendors of medical care, local agencies are subject to the provisions in section 256B.041, the sanctions and monetary recovery actions in section 256B.064, and Minnesota Rules, parts 9505.2160 to 9505.2245.

(m) Payments for nonemergency medical transportation must be paid based on the client's assessed mode under paragraph (h), not the type of vehicle used to provide the service. The medical assistance reimbursement rates for nonemergency medical transportation services that are payable by or on behalf of the commissioner for nonemergency medical transportation services are:

(1) \$0.22 per mile for client reimbursement;

(2) up to 100 percent of the Internal Revenue Service business deduction rate for volunteer transport;

(3) equivalent to the standard fare for unassisted transport when provided by public transit, and \$11 for the base rate and \$1.30 per mile when provided by a nonemergency medical transportation provider;

(4) \$13 for the base rate and \$1.30 per mile for assisted transport;

(5) \$18 for the base rate and \$1.55 per mile for lift-equipped/ramp transport;

(6) \$75 for the base rate and \$2.40 per mile for protected transport; and

(7) \$60 for the base rate and \$2.40 per mile for stretcher transport, and \$9 per trip for an additional attendant if deemed medically necessary.

(n) The base rate for nonemergency medical transportation services in areas ~~defined under RUCA to be super rural~~ outside of a metropolitan county is equal to ~~44.3~~ 150 percent of the respective base rate in paragraph (m), clauses ~~(4) to (7)~~ (3) to (5). The mileage rate for nonemergency medical transportation services in areas ~~defined under RUCA to be rural or super rural areas is:~~ outside of a metropolitan county is equal to 150 percent of the respective mileage rate in paragraph (m), clauses (3) to (5). For purposes of this paragraph, "metropolitan county" has the meaning provided in section 473.121, subdivision 4.

~~(1) for a trip equal to 17 miles or less, equal to 125 percent of the respective mileage rate in paragraph (m), clauses (1) to (7); and~~

~~(2) for a trip between 18 and 50 miles, equal to 112.5 percent of the respective mileage rate in paragraph (m), clauses (1) to (7).~~

~~(o) For purposes of reimbursement rates for nonemergency medical transportation services under paragraphs (m) and (n), the zip code of the recipient's place of residence shall determine whether the urban, rural, or super rural reimbursement rate applies.~~

~~(p) For purposes of this subdivision, "rural urban commuting area" or "RUCA" means a census tract based classification system under which a geographical area is determined to be urban, rural, or super rural.~~

~~(q)~~ (o) The commissioner, when determining reimbursement rates for nonemergency medical transportation under paragraphs (m) and (n), shall exempt all modes of transportation listed under paragraph (i) from Minnesota Rules, part 9505.0445, item R, subitem (2)."

Page 40, delete section 29

Page 42, delete section 31

Page 849, line 17, delete "174,946,000" and insert "172,299,000" and delete "170,629,000" and insert "165,334,000"

Page 856, line 2, delete "6,041,354,000" and insert "6,044,308,000" and delete "6,553,259,000" and insert "6,580,983,000"

Page 866, line 11, delete "63,504,000" and insert "51,499,000" and delete "65,910,000" and insert "51,874,000"

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Speaker pro tempore Olson, L., called Wolgamott to the Chair.

The question was taken on the Kiel amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Boe	Erickson	Hamilton	Koznick	Mueller
Albright	Burkel	Franke	Heinrich	Kresha	Munson
Anderson	Daniels	Franson	Heintzeman	Lucero	Nash
Backer	Daudt	Garofalo	Hertaus	Lueck	Nelson, N.
Bahr	Davids	Green	Igo	McDonald	Neu Brindley
Baker	Demuth	Grossell	Johnson	Mekeland	Novotny
Bennett	Dettmer	Gruenhagen	Jurgens	Miller	O'Driscoll
Bliss	Drazkowski	Haley	Kiel	Mortensen	Olson, B.

Petersburg	Poston	Rasmusson	Schomacker	Theis	West
Pfarr	Quam	Robbins	Scott	Torkelson	
Pierson	Raleigh	Sandstede	Swedzinski	Urdahl	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Thompson
Agbaje	Elkins	Her	Lillie	Noor	Vang
Bahner	Feist	Hollins	Lippert	Olson, L.	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Winkler
Berg	Frazier	Howard	Long	Pinto	Wolgamott
Bernardy	Frederick	Huot	Mariani	Pryor	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Schultz	
Davnie	Hanson, J.	Kotzya-Witthuhn	Morrison	Stephenson	
Ecklund	Hassan	Lee	Murphy	Sundin	

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

Backer moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 217, delete section 52

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Backer amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Akland	Davids	Gruenhagen	Koznick	Nash	Rasmusson
Albright	Demuth	Haley	Kresha	Nelson, N.	Robbins
Anderson	Dettmer	Hamilton	Lucero	Neu Brindley	Schomacker
Backer	Drazkowski	Heinrich	Lueck	Novotny	Scott
Bahr	Erickson	Heintzeman	McDonald	O'Driscoll	Swedzinski
Baker	Franke	Hertaus	Mekeland	Olson, B.	Theis
Bliss	Franson	Igo	Miller	Petersburg	Torkelson
Burkel	Garofalo	Johnson	Mortensen	Pfarr	Urdahl
Daniels	Green	Jurgens	Mueller	Pierson	West
Daudt	Grossell	Kiel	Munson	Raleigh	

Those who voted in the negative were:

Acomb	Becker-Finn	Bernardy	Boldon	Davnie	Elkins
Agbaje	Bennett	Bierman	Carlson	Ecklund	Feist
Bahner	Berg	Boe	Christensen	Edelson	Fischer

Frazier	Her	Kotyza-Witthuhn	Masin	Pinto	Thompson
Frederick	Hollins	Lee	Moller	Pryor	Vang
Freiberg	Hornstein	Liebling	Moran	Reyer	Wazlawik
Gomez	Howard	Lillie	Morrison	Richardson	Winkler
Greenman	Huot	Lippert	Murphy	Sandell	Wolgamott
Hansen, R.	Jordan	Lislegard	Nelson, M.	Sandstede	Xiong, J.
Hanson, J.	Keeler	Long	Noor	Schultz	Xiong, T.
Hassan	Klevorn	Mariani	Olson, L.	Stephenson	Youakim
Hausman	Koegel	Marquart	Pelowski	Sundin	Spk. Hortman

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

Backer moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 215, line 16, after the semicolon, insert "and"

Page 215, line 19, delete ": and" and insert a period

Page 215, delete lines 20 to 22

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

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

Baker moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 215, delete lines 8 and 9 and insert "this clause, a hospital must either: (i) have an emergency department and not be a hospital that solely provides treatment to adults for mental illnesses or substance use disorders; or (ii) be an existing hospital that solely provides treatment to patients under 21 years of age for mental illnesses or substance use disorders. Beds"

A roll call was requested and properly seconded.

The question was taken on the Baker amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Akland	Boe	Erickson	Hamilton	Koznick	Mueller
Albright	Burkel	Franke	Heinrich	Kresha	Munson
Anderson	Daniels	Franson	Heintzeman	Lucero	Nash
Backer	Daudt	Garofalo	Hertaus	Lueck	Nelson, N.
Bahr	Dauids	Green	Igo	McDonald	Neu Brindley
Baker	Demuth	Grossell	Johnson	Mekeland	Novotny
Bennett	Dettmer	Gruenhagen	Jurgens	Miller	O'Driscoll
Bliss	Drazkowski	Haley	Kiel	Mortensen	Olson, B.

Petersburg	Quam	Robbins	Scott	Torkelson
Pfarr	Raleigh	Sandell	Swedzinski	Urdahl
Pierson	Rasmusson	Schomacker	Theis	West

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Noor	Vang
Agbaje	Elkins	Her	Lillie	Olson, L.	Wazlawik
Bahner	Feist	Hollins	Lippert	Pelowski	Winkler
Becker-Finn	Fischer	Hornstein	Lislegard	Pinto	Wolgamott
Berg	Frazier	Howard	Long	Pryor	Xiong, J.
Bernardy	Frederick	Huot	Mariani	Reyer	Xiong, T.
Bierman	Freiberg	Jordan	Marquart	Richardson	Youakim
Boldon	Gomez	Keeler	Masin	Sandstede	Spk. Hortman
Carlson	Greenman	Klevorn	Moran	Schultz	
Christensen	Hansen, R.	Koegel	Morrison	Stephenson	
Davnie	Hanson, J.	Kotzya-Witthuhn	Murphy	Sundin	
Ecklund	Hassan	Lee	Nelson, M.	Thompson	

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

Franson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 272, after line 1, insert:

"Sec. 100. **AUDIT OF COVID-19 DEATHS.**

**Subdivision 1. Audit.** (a) The state registrar with the Office of Vital Records shall contract with an independent third-party entity that includes epidemiologists and forensic pathologists to conduct an audit of all deaths attributed to COVID-19 to ascertain the medical and nonmedical causes of death. The audit entity shall frame guidelines for the audit of COVID-19 deaths and related deaths to identify overreported and underreported cases of COVID-19 deaths. The audit entity shall have access to all government reports on COVID-19 deaths and the factors that led to the deaths and any predisposing factors for the deaths. Notwithstanding Minnesota Statutes, chapter 13, and sections 144.221, 144.225, and 144.291, the audit entity shall have the authority to review the death certificates, certificates of removal under Minnesota Statutes, section 149A.90, medical records, coroner records, and medical examiner records of persons certified to have died from COVID-19.

**(b) The audit entity shall determine whether PCR testing used to detect the presence of the SARS CoV-2 coronavirus responsible for COVID-19 was done and, if so, when the testing was done.**

**Subd. 2. Costs.** The state registrar shall contract for the performance of this audit using existing resources, including federal funds that are available for or that may be used for this purpose.

**Subd. 3. Report.** No later than 30 days after completion of the audit, the state registrar with the Office of Vital Records must provide an audit report to the chairs and ranking minority members of the legislative committees with jurisdiction over health policy and data practices, the Legislative Commission on Data Practices and Personal Data, and the commissioner of health. Results of the audit shall be public data. The audit entity shall de-identify any information used in the report. The report must be submitted as required under Minnesota Statutes, section 3.195. Findings from the audit shall be used to help develop strategies for more accurate reporting of deaths due to COVID-19 and for improving COVID-19 prevention and control measures."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly



Freiberg moved to amend the Franson amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 3, delete "AUDIT" and insert "REVIEW" and delete "DEATHS" and insert "MEASURES"

Page 1, line 4, delete "Audit" and insert "Review" and delete "(a)" and delete "state registrar with the Office of Vital Records shall" and insert "commissioner may"

Page 1, line 5, delete "and forensic"

Page 1, line 6, delete "pathologists" and delete "an audit of all deaths attributed to COVID-19 to ascertain the medical" and insert "a review of measures to prevent and control the spread of COVID-19"

Page 1, delete lines 7 to 17

Page 1, line 18, delete "The state registrar shall" and insert "If this review is performed, the commissioner may"

Page 1, line 21, delete "audit, the state registrar" and insert "review, the commissioner may provide a report to the chairs and ranking"

Page 1, delete line 22

Page 1, line 24, after the first comma insert "and" and delete "and the"

Page 2, line 1, delete "commissioner of health" and delete "audit entity" and insert "report"

Page 2, line 2, delete "must" and insert "may"

Page 2, line 3, delete "audit shall" and insert "review may"

Page 2, line 4, delete "more accurate reporting of deaths due to COVID-19 and for"

A roll call was requested and properly seconded.

The question was taken on the Freiberg amendment to the Franson amendment and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Franson amendment, as amended, to H. F. No. 2128, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Demuth moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 200, after line 20, insert:

"(s) "Underrepresented community" means a group that is insufficiently represented with respect to race, ethnicity, national origin, sexual orientation, gender identity, or physical ability."

Page 200, line 21, delete "(s)" and insert "(t)"

Page 201, line 21, strike "and"

Page 201, line 26, strike the period and insert "; and"

Page 201, after line 26, insert:

"(7) for any health professional licensed by a health-related licensing board or the commissioner of health who is from an underrepresented community, agrees to practice in a designated rural area or underserved urban community, or agrees to deliver at least 25 percent of the professional's yearly patient encounters to state public program enrollees or patients receiving sliding fee schedule discounts through a formal sliding fee schedule meeting the standards established by the United States Department of Health and Human Services under Code of Federal Regulations, title 42, section 51, chapter 303."

Page 201, delete section 39 and insert:

"Sec. 39. Minnesota Statutes 2020, section 144.1501, subdivision 3, is amended to read:

Subd. 3. **Eligibility.** (a) To be eligible to participate in the loan forgiveness program, an individual must:

(1) be a medical or dental resident; ~~be~~ a licensed pharmacist; or be enrolled in a health professional training or education program ~~to become a dentist, dental therapist, advanced dental therapist, mental health professional, pharmacist, public health nurse, midlevel practitioner, registered nurse, or a licensed practical nurse.~~ The commissioner may also consider applications submitted by graduates in eligible professions who are licensed and in practice; and

(2) submit an application to the commissioner of health.

(b) An applicant selected to participate must sign a contract to agree to serve a minimum three-year full-time service obligation according to subdivision 2, which shall begin no later than March 31 following completion of required training, with the exception of a nurse, who must agree to serve a minimum two-year full-time service obligation according to subdivision 2, which shall begin no later than March 31 following completion of required training."

Page 849, line 17, delete "174,946,000" and insert "172,299,000" and delete "170,629,000" and insert "165,335,000"

Page 866, line 11, delete "63,504,000" and insert "59,841,000" and delete "65,910,000" and insert "64,973,000"

Page 866, line 32, delete "123,219,000" and insert "128,219,000" and delete "122,214,000" and insert "127,214,000"

Page 870, after line 4, insert:

**"(i) Health Professional Education Loan Forgiveness Program Expansion.** \$5,000,000 in fiscal year 2022 and \$5,000,000 in fiscal year 2023 are from the general fund for loan forgiveness under the health professional education loan forgiveness program under Minnesota Statutes, section 144.1501, for individuals who meet the requirements in Minnesota Statutes, section 144.1501, subdivision 2, paragraph (a), clause (7)."

Reletter the paragraphs in sequence

Correct the subdivision and section totals and the appropriations by fund

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Akland	Daniels	Grossell	Kiel	Nash	Raleigh
Albright	Daudt	Gruenhagen	Koznick	Nelson, N.	Rasmusson
Anderson	Davids	Haley	Kresha	Neu Brindley	Robbins
Backer	Demuth	Hamilton	Lucero	Novotny	Schomacker
Bahr	Dettmer	Heinrich	Lueck	O'Driscoll	Scott
Baker	Erickson	Heintzeman	McDonald	Olson, B.	Swedzinski
Bennett	Franke	Hertaus	Mekeland	Petersburg	Theis
Bliss	Franson	Igo	Miller	Pfarr	Torkelson
Boe	Garofalo	Johnson	Mueller	Pierson	Urdahl
Burkel	Green	Jurgens	Munson	Quam	West

Those who voted in the negative were:

Acomb	Ecklund	Hassan	Lee	Mortensen	Schultz
Agbaje	Edelson	Hausman	Liebling	Murphy	Stephenson
Bahner	Elkins	Her	Lillie	Nelson, M.	Sundin
Becker-Finn	Feist	Hollins	Lippert	Noor	Thompson
Berg	Fischer	Hornstein	Lislegard	Olson, L.	Vang
Bernardy	Frazier	Howard	Long	Pelowski	Wazlawik
Bierman	Frederick	Huot	Mariani	Pinto	Winkler
Boldon	Freiberg	Jordan	Marquart	Pryor	Wolgamott
Carlson	Gomez	Keeler	Masin	Reyer	Xiong, J.
Christensen	Greenman	Klevorn	Moller	Richardson	Xiong, T.
Davnie	Hansen, R.	Koegel	Moran	Sandell	Youakim
Drazkowski	Hanson, J.	Kotyza-Witthuhn	Morrison	Sandstede	Spk. Hortman

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

Demuth moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 885, line 11, before "providers" insert "private"

A roll call was requested and properly seconded.

The question was taken on the Demuth amendment and the roll was called. There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

Those who voted in the negative were:

Acomb	Christensen	Freiberg	Hornstein	Liebling	Moran
Agbaje	Davnie	Gomez	Howard	Lillie	Morrison
Bahner	Ecklund	Greenman	Huot	Lippert	Murphy
Becker-Finn	Edelson	Hansen, R.	Jordan	Lislegard	Nelson, M.
Berg	Elkins	Hanson, J.	Keeler	Long	Noor
Bernardy	Feist	Hassan	Klevorn	Mariani	Olson, L.
Bierman	Fischer	Hausman	Koegel	Marquart	Pelowski
Boldon	Frazier	Her	Kotyza-Witthuhn	Masin	Pinto
Carlson	Frederick	Hollins	Lee	Moller	Pryor

Reyer	Sandstede	Sundin	Wazlawik	Xiong, J.	Spk. Hortman
Richardson	Schultz	Thompson	Winkler	Xiong, T.	
Sandell	Stephenson	Vang	Wolgammott	Youakim	

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

Franson moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 399, after line 12, insert:

"Sec. 8. Minnesota Statutes 2020, section 119B.13, subdivision 5, is amended to read:

Subd. 5. **Provider notice.** The county shall inform both the family receiving assistance under this chapter and the child care provider of the payment amount and how and when payment will be received. The notification must include a disclaimer stating that child care assistance rates are dependent on the availability of federal funds and may be reduced when federal funds are insufficient. The county shall notify families and providers in advance of any rate decreases. If the county sends a family a notice that child care assistance will be terminated, the county shall inform the provider that unless the family requests to continue to receive assistance pending an appeal, child care payments will no longer be made. The notice to the provider must not contain any private data on the family or information on why payment will no longer be made."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Novotny moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 849, line 17, delete "174,946,000" and insert "174,446,000"

Page 876, line 11, delete "4,453,000" and insert "4,953,000"

Page 877, after line 6, insert:

"(e) **Reducing Traffic Deaths.** \$500,000 in fiscal year 2022 is for work to reduce the number of traffic deaths in the state through participation in the Toward Zero Deaths program."

Correct the subdivision and section totals and the appropriations by fund

Novotny offered an amendment to the Novotny amendment to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Pinto raised a point of order pursuant to rule 3.21(b) that the Novotny amendment to the Novotny amendment was not in order. Speaker pro tempore Wolgammott ruled the point of order well taken and the Novotny amendment to the Novotny amendment out of order.

Novotny appealed the decision of Speaker pro tempore Wolgamott.

A roll call was requested and properly seconded.

The Speaker assumed the Chair.

The vote was taken on the question "Shall the decision of Speaker pro tempore Wolgamott stand as the judgment of the House?" and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

So it was the judgment of the House that the decision of Speaker pro tempore Wolgamott should stand.

Novotny withdrew his amendment to H. F. No. 2128, the third engrossment, as amended.

Albright moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 539, delete lines 2 to 12

Page 540, delete lines 6 to 16

Page 541, delete lines 1 to 11

Reletter the paragraphs in sequence

Page 542, line 12, after the second semicolon, insert "and"

Page 542, line 13, delete the new language

Page 542, line 20, delete "(k)" and insert "(h)" and delete "(m)" and insert "(j)"

Page 542, line 27, delete "(k)" and insert "(h)" and delete "(m)" and insert "(j)"

Page 546, line 7, delete the new language

Page 546, line 26, delete everything after "(2)"

Page 546, line 27, delete the new language

Page 546, line 31, delete everything after "(3)"

Page 546, line 32, delete "services"

Page 547, line 2, delete everything after "(5)"

Page 547, lines 3, 6, 9, and 11, delete the new language

Page 547, line 5, delete everything after "(4)"

Page 547, line 8, delete ", for"

Page 548, line 23, delete the new language

Page 548, line 32, strike "(f)" and insert "(e)"

Page 549, line 6, strike "(f)" and insert "(e)" and delete everything after the third comma

Page 549, lines 7, 11, 15, 18, and 21, delete the new language

Page 549, line 10, strike "(f)" and insert "(e)"

Page 549, line 14, strike "(f)" and insert "(e)" and delete everything after "(5)"

Page 549, line 17, strike "(f)" and insert "(e)" and delete everything after "(4)"

Page 549, line 20, strike "(f)" and insert "(e)" and delete ", for"

Page 550, line 10, delete the new language

Page 550, lines 18 and 28, delete "(h)" and insert "(f)"

Page 550, line 24, delete "(h)" and insert "(f)" and delete everything after "(2)"

Page 550, lines 25, 29, and 30, delete the new language

Page 551, line 2, delete "(h)" and insert "(f)" and delete everything after "(5)"

Page 551, lines 3, 6, and 9, delete the new language

Page 551, line 5, delete "(h)" and insert "(f)" and delete everything after "(4)"

Page 551, line 8, delete "(h)" and insert "(f)" and delete ", for"

Page 551, lines 21, 26, 30, and 32, delete "(j)" and insert "(g)"

Page 849, line 17, delete "174,946,000" and insert "172,290,000" and delete "170,629,000" and insert "169,152,000"

Page 856, line 2, delete "6,041,354,000" and insert "6,041,600,000" and delete "6,553,259,000" and insert "6,555,827,000"

Adjust amounts accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Albright amendment and the roll was called. There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotzya-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

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



Haley offered an amendment to H. F. No. 2128, the third engrossment, as amended.

POINT OF ORDER

Moran raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Haley amendment was not in order. The Speaker ruled the point of order well taken and the Haley amendment out of order.

McDonald offered an amendment to H. F. No. 2128, the third engrossment, as amended.

POINT OF ORDER

Moran raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the McDonald amendment was not in order. The Speaker ruled the point of order well taken and the McDonald amendment out of order.

McDonald appealed the decision of the Speaker.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" It was the judgment of the House that the decision of the Speaker should stand.

Haley moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 552, after line 22, insert:

"Section 24. Minnesota Statutes 2020, section 256B.5012, is amended by adding a subdivision to read:

Subd. 18. **ICF/DD rate increases effective July 1, 2021.** (a) For the rate period beginning July 1, 2021, the commissioner must increase operating payments for each facility reimbursed under this section equal to five percent of the operating payment rates in effect on June 30, 2021.

(b) For each facility, the commissioner must apply the rate increase based on occupied beds, using the percentage specified in this subdivision multiplied by the total payment rate, including the variable rate but excluding the property-related payment rate in effect on June 30, 2021. The total rate increase must include the adjustment provided in section 256B.501, subdivision 12.

Sec. 25. Minnesota Statutes 2020, section 256B.5013, subdivision 1, is amended to read:

Subdivision 1. **Variable rate adjustments.** ~~(a) For rate years beginning on or after October 1, 2000, When there is a documented increase in the needs of a current ICF/DD recipient, the county of financial responsibility may recommend a variable rate to enable the facility to meet the individual's increased needs. Variable rate adjustments made under this subdivision replace payments for persons with special needs for crisis intervention services under section 256B.501, subdivision 8a. Effective July 1, 2003, facilities with a base rate above the 50th percentile of the statewide average reimbursement rate for a Class A facility or Class B facility, whichever matches the facility licensure, are not eligible for a variable rate adjustment. Variable rate adjustments may not exceed a 12-month~~

~~period, except when approved for purposes established in paragraph (b), clause (1). Once approved, variable rate adjustments must continue to remain in place unless there is an identified change in need. A review of needed resources must be done at the time of the individual's annual support plan meeting. Any change in need identified must result in submission of a request to adjust the resources for the individual.~~ Variable rate adjustments approved solely on the basis of changes on a developmental disabilities screening document will end June 30, 2002.

(b) The county of financial responsibility must act on a variable rate request within 30 days and notify the initiator of the request of the county's recommendation in writing.

~~(b)~~ (c) A variable rate may be recommended by the county of financial responsibility for increased needs in the following situations:

(1) a need for resources due to an individual's full or partial retirement from participation in a day training and habilitation service when the individual: (i) has reached the age of 65 or has a change in health condition that makes it difficult for the person to participate in day training and habilitation services over an extended period of time because it is medically contraindicated; and (ii) has expressed a desire for change through the developmental disability screening process under section 256B.092;

(2) a need for additional resources for intensive short-term programming ~~which~~ that is necessary prior to an individual's discharge to a less restrictive, more integrated setting;

(3) a demonstrated medical need that significantly impacts the type or amount of services needed by the individual; ~~or~~

(4) a demonstrated behavioral or cognitive need that significantly impacts the type or amount of services needed by the individual; or

~~(c) The county of financial responsibility must justify the purpose, the projected length of time, and the additional funding needed for the facility to meet the needs of the individual.~~

~~(d) The facility shall provide an annual report to the county case manager on the use of the variable rate funds and the status of the individual on whose behalf the funds were approved. The county case manager will forward the facility's report with a recommendation to the commissioner to approve or disapprove a continuation of the variable rate.~~

~~(e) Funds made available through the variable rate process that are not used by the facility to meet the needs of the individual for whom they were approved shall be returned to the state.~~

(5) a demonstrated increased need for staff assistance, changes in the type of staff credentials needed, or a need for expert consultation based on assessments conducted prior to the annual support plan meeting.

(d) Variable rate requests must include the following information:

(1) the service needs change;

(2) the variable rate requested and the difference from the current rate;

(3) a basis for the underlying costs used for the variable rate and any accompanying documentation; and

(4) documentation of the expected outcomes to be achieved and the frequency of progress monitoring associated with the rate increase.

Sec. 26. Minnesota Statutes 2020, section 256B.5013, subdivision 6, is amended to read:

Subd. 6. **Commissioner's responsibilities.** The commissioner shall:

(1) make a determination to approve, deny, or modify a request for a variable rate adjustment within 30 days of the receipt of the completed application;

(2) notify the ICF/DD facility and county case manager of the ~~duration and conditions of variable rate adjustment approvals~~ determination; and

(3) modify MMIS II service agreements to reimburse ICF/DD facilities for approved variable rates.

Sec. 27. Minnesota Statutes 2020, section 256B.5015, subdivision 2, is amended to read:

Subd. 2. **Services during the day.** (a) Services during the day, as defined in section 256B.501, but excluding day training and habilitation services, shall be paid as a pass-through payment ~~no later than January 1, 2004~~. The commissioner shall establish rates for these services, other than day training and habilitation services, at ~~levels that do not exceed 75~~ 100 percent of a recipient's day training and habilitation service costs prior to the service change.

(b) An individual qualifies for services during the day under paragraph (a) if, through consultation with the individual and the individual's support team or interdisciplinary team:

(1) it has been determined that the individual's needs can best be met through partial or full retirement from:

(i) participation in a day training and habilitation service; or

(ii) the use of services during the day in the individual's home environment; and

(2) an individualized plan has been developed with designated outcomes that:

(i) address the support needs and desires contained in the person-centered plan or individual support plan; and

(ii) include goals that focus on community integration as appropriate for the individual.

(c) When establishing a rate for these services, the commissioner shall also consider an individual recipient's needs as identified in the ~~individualized service~~ individual support plan and the person's need for active treatment as defined under federal regulations. The pass-through payments for services during the day shall be paid separately by the commissioner and shall not be included in the computation of the ICF/DD facility total payment rate."

Page 849, line 17, delete "174,946,000" and insert "172,429,000" and delete "170,629,000" and insert "166,578,000"

Page 853, line 15, delete "35,294,000" and insert "35,414,000" and delete "35,846,000" and insert "34,909,000"

Page 856, line 2, delete "6,041,354,000" and insert "6,042,509,000" and delete "6,553,259,000" and insert "6,556,446,000"

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Robbins moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 518, after line 34, insert:

"Sec. 4. Minnesota Statutes 2020, section 256B.0659, is amended by adding a subdivision to read:

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

Sec. 5. Minnesota Statutes 2020, section 256B.0659, is amended by adding a subdivision to read:

Subd. 14a. **Documentation of qualified professional services provided.** Qualified professional services for a recipient must be documented in a manner determined by the commissioner and must include the qualified professional's full name and individual provider number.

Sec. 6. Minnesota Statutes 2020, section 256B.0659, subdivision 21, is amended to read:

Subd. 21. **Requirements for provider enrollment of personal care assistance provider agencies.** (a) All personal care assistance provider agencies must provide, at the time of enrollment, ~~reenrollment, and revalidation as a personal care assistance provider agency in a format determined by the commissioner as a personal care assistance provider agency, including at reenrollment or revalidation,~~ information and documentation ~~that includes.~~ The information and documentation must be in a format determined by the commissioner and include but is not be limited to, the following:

(1) the personal care assistance provider agency's current contact information including address, telephone number, and e-mail address;

(2) proof of surety bond coverage for each business location providing services. Upon new enrollment, or if the provider's Medicaid revenue in the previous calendar year is up to and including \$300,000, the provider agency must purchase a surety bond of \$50,000. If the Medicaid revenue in the previous year is over \$300,000, the provider agency 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 for each business location providing service;

(4) proof of workers' compensation insurance coverage identifying the business location where personal care assistance services are provided;

(5) proof of liability insurance coverage identifying the business location where personal care assistance services are provided and naming the department as a certificate holder;

(6) a copy of the personal care assistance provider agency's written policies and procedures including: hiring of employees; training requirements; service delivery; identification, prevention, detection, and reporting of fraud or any billing, record-keeping, or other administrative noncompliance; and employee and consumer safety including process for notification and resolution of consumer grievances, identification and prevention of communicable diseases, and employee misconduct;

(7) copies of all other forms the personal care assistance provider agency uses in the course of daily business including, but not limited to:

(i) a copy of the personal care assistance provider agency's time sheet if the time sheet varies from the standard time sheet for personal care assistance services approved by the commissioner, and a letter requesting approval of the personal care assistance provider agency's nonstandard time sheet;

(ii) the personal care assistance provider agency's template for the personal care assistance care plan; and

(iii) the personal care assistance provider agency's template for the written agreement in subdivision 20 for recipients using the personal care assistance choice option, if applicable;

(8) a list of all training and classes that the personal care assistance provider agency requires of its staff providing personal care assistance services;

(9) documentation that the personal care assistance provider agency and staff have successfully completed all the training required by this section, including the requirements under subdivision 11, paragraph (d), if enhanced personal care assistance services are provided and submitted for an enhanced rate under subdivision 17a;

(10) documentation of the agency's marketing practices;

(11) disclosure of ownership, leasing, or management of all residential properties that is used or could be used for providing home care services;

(12) documentation that the agency will use the following percentages of revenue generated from the medical assistance rate paid for personal care assistance services for employee personal care assistant wages and benefits: 72.5 percent of revenue in the personal care assistance choice option and 72.5 percent of revenue from other personal care assistance providers. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation; ~~and~~

(13) ~~effective May 15, 2010,~~ documentation that the agency does not burden recipients' free exercise of their right to choose service providers by requiring personal care assistants to sign an agreement not to work with any particular personal care assistance recipient or for another personal care assistance provider agency after leaving the agency and that the agency is not taking action on any such agreements or requirements regardless of the date signed;

(14) a copy of the personal care assistance provider agency's self-auditing policy and other materials demonstrating the personal care assistance provider agency's internal program integrity procedures;

(15) a copy of the personal care assistance provider agency's policy for notifying its qualified professionals of the qualified professional's obligation to notify the commissioner within 30 days that a qualified professional is no longer employed by the agency; and

(16) a copy of the personal care assistance provider agency's policy for notifying the commissioner within six months that a personal care assistant is no longer employed by the agency.

(b) All personal care assistance provider agencies must provide annually to the commissioner the information described in paragraph (a), clauses (2) to (5).

~~(b) (c) Personal care assistance provider agencies shall provide the information specified in paragraph (a) to the commissioner at the time the personal care assistance provider agency enrolls as a vendor or upon request from the commissioner. The commissioner shall collect the information specified in paragraph (a) from all personal care assistance providers beginning July 1, 2009.~~

~~(d)~~ (d) All personal care assistance provider agencies 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 before submitting an application for enrollment of the agency as a provider. The mandatory training, or any substantially similar refresher training developed by the commissioner, must be completed every two years thereafter. All personal care assistance provider agencies shall also require qualified professionals to complete the training required by subdivision 13 before submitting an application for enrollment of the agency as a provider. 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 personal care assistance provider agency do not need to repeat the required training if they are hired by another agency, if they have completed the training within the past ~~three~~ two years. ~~By September 1, 2010,~~ The required training must be available with meaningful access according to title VI of the Civil Rights Act and federal regulations adopted under that law or any guidance from the United States Health and Human Services Department. The required training must be available online or by electronic remote connection. The required training must provide for competency testing. Personal care assistance provider agency billing staff shall complete training about personal care assistance program financial management. ~~This training is effective July 1, 2009. Any personal care assistance provider agency enrolled before that date shall, if it has not already, complete the provider training within 18 months of July 1, 2009.~~ 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. Personal care assistance provider agencies certified for participation in Medicare as home health agencies are exempt from the training required in this subdivision. When available, Medicare-certified home health agency owners, supervisors, or managers must successfully complete the competency test.

~~(e)~~ (e) All surety bonds, fidelity bonds, workers' compensation insurance, and liability insurance required by this subdivision must be maintained continuously. After initial enrollment, a provider must submit proof of bonds and required coverages at any time at the request of the commissioner. Services provided while there are lapses in coverage are not eligible for payment. Lapses in coverage may result in sanctions, including termination. The commissioner shall send instructions and a due date to submit the requested information to the personal care assistance provider agency.

(f) Personal care assistance provider agencies enrolling for the first time must also provide, at the time of enrollment as a personal care assistance provider agency in a format determined by the commissioner, information and documentation. The information and documentation must include proof of sufficient initial operating capital to support the infrastructure necessary to allow for ongoing compliance with the requirements of this section. Sufficient operating capital may be demonstrated as follows:

(1) copies of business bank account statements showing at least \$5,000 in cash reserves;

(2) proof of a cash reserve or business line of credit sufficient to equal two payrolls of the agency's current or projected business; or

(3) any other manner prescribed by the commissioner.

(g) At the time of revalidation as a personal care assistance provider agency, all personal care assistance provider agencies must provide information and documentation in a format determined by the commissioner that includes but is not limited to the following:

(1) documentation of the payroll paid for the preceding 12 months or other time period as prescribed by the commissioner; and

(2) financial statements demonstrating compliance with the use of revenue requirements of paragraph (a), clause (12).

Sec. 7. Minnesota Statutes 2020, section 256B.0659, subdivision 24, is amended to read:

Subd. 24. **Personal care assistance provider agency; general duties.** A personal care assistance provider agency shall:

(1) enroll as a Medicaid provider meeting all provider standards, including completion of the required provider training;

(2) comply with general medical assistance coverage requirements;

(3) demonstrate compliance with law and policies of the personal care assistance program to be determined by the commissioner;

(4) comply with background study requirements;

(5) verify and keep records of hours worked by the personal care assistant and qualified professional;

(6) not engage in any agency-initiated direct contact or marketing in person, by phone, or other electronic means to potential recipients, guardians, or family members;

(7) pay the personal care assistant and qualified professional based on actual hours of services provided;

(8) withhold and pay all applicable federal and state taxes;

(9) document that the agency uses a minimum of 72.5 percent of the revenue generated by the medical assistance rate for personal care assistance services for employee personal care assistant wages and benefits. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation;

(10) make the arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(11) enter into a written agreement under subdivision 20 before services are provided;

(12) report suspected neglect and abuse to the common entry point according to section 256B.0651;

(13) provide the recipient with a copy of the home care bill of rights at start of service;

(14) request reassessments at least 60 days prior to the end of the current authorization for personal care assistance services, on forms provided by the commissioner;

(15) comply with the labor market reporting requirements described in section 256B.4912, subdivision 1a; ~~and~~

(16) document that the agency uses the additional revenue due to the enhanced rate under subdivision 17a for the wages and benefits of the ~~PCAs~~ personal care assistants whose services meet the requirements under subdivision 11, paragraph (d);

(17) notify the commissioner on a form prescribed by the commissioner within 30 days following the date upon which a qualified professional is no longer employed by or otherwise affiliated with the personal care assistance provider agency for whom the qualified professional previously provided qualified professional services; and

(18) notify the commissioner on a form prescribed by the commissioner within six months following the date upon which a personal care assistant is no longer employed by or otherwise affiliated with the personal care assistance provider agency for whom the personal care assistant previously provided personal care assistance services."

Page 883, after line 16, insert:

"Sec. 13. **APPROPRIATION; PERSONAL CARE ASSISTANCE PROGRAM INTEGRITY.**

The cost of the personal care assistance program integrity changes under Minnesota Statutes, section 256B.0659, subdivisions 11b, 14a, 21, and 24, are paid for from reductions in the Department of Human Services operating adjustment in section 2, subdivision 3."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Schultz moved to amend the Robbins amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 7, line 7, delete "from reductions" and insert "by reducing"

Page 7, line 8, delete the first "in" and before the period, insert ", by \$1,500,000 in each year of the 2022-2023 biennium"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Robbins amendment, as amended, to H. F. No. 2128, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Demuth moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 198, after line 13, insert:

"Subd. 3. **Midwife and doula care.** In order to improve maternal and infant health and to improve birth outcomes in groups with the most significant disparities, including Black communities, Indigenous communities, and other communities of color; rural communities; and people with low incomes, the commissioner of health, in partnership with patient groups and culturally based community organizations, shall:

(1) develop procedures and services to increase the availability of midwife and doula services to groups with the most significant disparities in maternal and infant morbidity and mortality;

(2) propose changes to midwife licensure to allow midwives with nationally recognized credentials to practice to the full scope of their competencies and education;

(3) promote racial, ethnic, and language diversity in the midwife and doula workforce that better aligns with the childbearing populations in groups with the most significant disparities in maternal and infant morbidity and mortality; and



(4) ensure that midwife and doula training and licensure are tailored to the specific needs of groups with the most significant disparities in maternal and infant morbidity and mortality, including training on providing trauma-informed care and training on maternal mood disorders, intimate partner violence, and systemic racism."

Page 871, line 14, after "144.1461" insert ", subdivision 2"

Page 883, after line 2, insert:

**"Sec. 2. ADJUSTMENT; COMMISSIONER OF HEALTH DUTIES RELATED TO MIDWIFE AND DOULA CARE.**

The cost to the commissioner of health in fiscal year 2022 and fiscal year 2023 for the duties in Minnesota Statutes, section 144.1461, subdivision 3, related to midwife and doula care is paid for from reductions in the operating adjustment for the Department of Human Services in section 2, subdivisions 3 and 39."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

Richardson moved to amend the Demuth amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 16, delete "tailored" and insert "culturally responsive"

Page 1, line 19, delete "systemic racism" and insert "implicit bias and anti-racism"

Page 1, after line 19, insert:

"Page 849, line 17, delete "174,946,000" and insert "174,446,000" and delete "170,629,000" and insert "170,129,000"

Page 866, line 32, delete "123,219,000" and insert "123,719,000" and delete "122,214,000" and insert "122,714,000"

Page 1, after line 20, insert:

"Page 871, after line 27, insert:

**(n) Midwife and Doula Care. \$500,000 in fiscal year 2022 and \$500,000 in fiscal year 2023 are from the general fund for purposes of Minnesota Statutes, section 144.1461, subdivision 3.**

Reorder the paragraphs in sequence

Correct the subdivision and section totals and the appropriations by fund"

Page 1, delete line 21

Page 2, delete lines 1 to 8

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Demuth amendment, as amended, to H. F. No. 2128, the third engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Albright moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 183, after line 12, insert:

**"Sec. 21. [144.0665] VACCINE PASSPORTS FOR COVID-19 VACCINATION OR POST-TRANSMISSION RECOVERY STATUS PROHIBITED.**

Subdivision 1. **Definition.** For purposes of this section, "vaccine passport," "vaccine pass," or "vaccine credential" means proof, in electronic, digital, or physical form, that an individual has tested negative for COVID-19, has received a full series of vaccines against COVID-19, or is in post-transmission recovery from COVID-19.

Subd. 2. **Government-issued vaccine passport.** In order to protect the fundamental rights and privacy of Minnesotans and the free flow of commerce within the state, no government entity or its agents or employees are permitted to:

(1) issue vaccine passports, vaccine passes, vaccine credentials, or any other standardized documentation for the purpose of certifying an individual's COVID-19 vaccination status, an individual's post-transmission recovery status from COVID-19, or an individual's negative COVID-19 test to a third party; or

(2) otherwise publish or share an individual's COVID-19 vaccination record, COVID-19 test record, or similar health record.

Subd. 3. **Businesses.** (a) In order to protect the fundamental rights and privacy of Minnesotans and the free flow of commerce within the state, no entity doing business in Minnesota shall require patrons or customers to provide documentation certifying COVID-19 vaccination status or post-transmission recovery status to gain access to, enter, or receive services from the business.

(b) A business that violates paragraph (a) shall not be eligible for grants or contracts financed with state revenue or funds.

(c) The requirements in this section do not restrict businesses from instituting COVID-19 screening protocols to protect the public health in accordance with state and federal law.

Subd. 4. **Access to records.** Nothing in this section shall be construed to interfere with an individual's right to access the individual's own health records and health information under state and federal law."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Freiberg moved to amend the Albright amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 3, delete everything after "[144.0665]" and insert "COVID-19 VACCINES AND PUBLIC HEALTH MITIGATION STRATEGIES."

Page 1, delete line 4

Page 1, delete lines 9 to 24 and insert:

"Subd. 2. **Study and report.** Within the limits of available resources, the commissioner of health may examine the efficacy of vaccines and other evidence-based public health mitigation strategies, including public health mitigation strategies implemented statewide or by local units of government, in preventing or limiting the spread of COVID-19. As part of this examination, the commissioner may also examine the extent to which vaccine passports are used in the state and the effect of their use. By February 1, 2022, the commissioner may report to the legislature on findings of the examination and recommendations for public health mitigation strategies to develop or refine for future public health emergencies."

Page 2, delete lines 1 to 5

The motion prevailed and the amendment to the amendment was adopted.

Lucero offered an amendment to the Albright amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Freiberg raised a point of order pursuant to rule 3.21(b) that the Lucero amendment to the Albright amendment, as amended, was not in order. The Speaker ruled the point of order well taken and the Lucero amendment to the Albright amendment, as amended, out of order.

Lucero appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Novotny	Scott
Albright	Davids	Haley	Lucero	O'Driscoll	Swedzinski
Anderson	Demuth	Hamilton	Lueck	Olson, B.	Theis
Backer	Dettmer	Heinrich	Mekeland	Petersburg	Torkelson
Bahr	Drazkowski	Heintzeman	Miller	Pfarr	Urdahl
Baker	Erickson	Hertaus	Mortensen	Pierson	West
Bennett	Franke	Igo	Mueller	Quam	
Bliss	Franson	Johnson	Munson	Raleigh	
Boe	Garofalo	Jurgens	Nash	Rasmusson	
Burkel	Green	Kiel	Nelson, N.	Robbins	
Daniels	Grossell	Koznick	Neu Brindley	Schomacker	

So it was the judgment of the House that the decision of the Speaker should stand.

Lucero offered an amendment to the Albright amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Freiberg raised a point of order pursuant to rule 3.21(b) that the Lucero amendment to the Albright amendment, as amended, was not in order. The Speaker ruled the point of order well taken and the Lucero amendment to the Albright amendment, as amended, out of order.

Lucero appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

So it was the judgment of the House that the decision of the Speaker should stand.

Lucero offered an amendment to the Albright amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Freiberg raised a point of order pursuant to rule 3.21(b) that the Lucero amendment to the Albright amendment, as amended, was not in order. The Speaker ruled the point of order well taken and the Lucero amendment to the Albright amendment, as amended, out of order.

Lucero appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

So it was the judgment of the House that the decision of the Speaker should stand.

Albright withdrew his amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

Lucero moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 183, after line 12, insert:

"Sec. 21. **[144.0665] PROHIBITION ON COVID-19 VACCINE PASSPORTS, VACCINE PASSES, AND VACCINE CREDENTIALS FOR IMMUNIZATION STATUS.**

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

(b) "Local unit of government" has the meaning given in section 4A.07, subdivision 1.

(c) "Vaccine passport," "vaccine pass," or "vaccine credential" means proof that an individual has tested negative for COVID-19, received a vaccination against COVID-19, or is in post-transmission recovery from COVID-19. A vaccine passport, vaccine pass, or vaccine credential may be electronic, digital such as a cell phone application, or physical such as a paper card, that an individual can access to show the individual's vaccination status.

**Subd. 2. Government-issued vaccine passport, vaccine pass, or vaccine credential.** (a) In order to protect the fundamental rights and privacies of Minnesotans and because vaccination status is protected health information, no government entity or its subdivisions, agents, designees, or assigns are permitted to issue or require the use of COVID-19 vaccine passports, vaccine passes, or vaccine credentials.

(b) Federal or state funds, funds from a local political subdivision, or funds from its agents, designees, or assigns shall not be used to fund a database, infrastructure, or any supporting technology pertaining to COVID-19 vaccine passports, vaccine passes, or vaccine credentials.

**Subd. 3. Businesses.** In order to protect the fundamental rights and privacies of Minnesotans and because vaccination status is protected health information, no entity doing business in Minnesota, including nonprofit organizations, shall require patrons or customers to provide a vaccine passport, vaccine pass, or vaccine credential certifying the individual's COVID-19 vaccination status or COVID-19 post-transmission recovery status to gain access to, entry upon, or service from the business. This includes but is not limited to travel by air, train, water, or rental car.

Subd. 4. **Violation.** (a) A violation of this section is a misdemeanor. A business shall be fined a penalty of \$10,000 for each violation.

(b) In addition to any other remedy otherwise available under law, an individual may bring an action to assert a claim under this section and may recover compensatory damages; costs and disbursements, including the cost of investigation and attorney fees; and equitable relief as determined by the court.

Subd. 5. **Action prohibited.** The governor, a state agency, a local unit of government, a local political subdivision, and their agents, designees, and assigns are prohibited from taking any action to study, plan for, and implement vaccine passports, vaccine passes, or vaccine credentials."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Freiberg moved to amend the Lucero amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 3, delete everything after "[144.0665]" and insert "COVID-19 VACCINES AND PUBLIC HEALTH MITIGATION STRATEGIES."

Page 1, delete lines 4 and 5

Page 1, delete lines 15 to 23 and insert:

"Subd. 2. **Study and report.** Within the limits of available resources, the commissioner of health may examine the efficacy of vaccines and other evidence-based public health mitigation strategies, including public health mitigation strategies implemented statewide or by local units of government, in preventing or limiting the spread of COVID-19. As part of this examination, the commissioner may also examine the extent to which vaccine passports are used in the state and the effect of their use. By February 1, 2022, the commissioner may report to the legislature on findings of the examination and recommendations for public health mitigation strategies to develop or refine for future public health emergencies."

Page 2, delete lines 1 to 17

A roll call was requested and properly seconded.

The question was taken on the Freiberg amendment to the Lucero amendment and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Acomb	Bierman	Edelson	Freiberg	Hausman	Jordan
Agbaje	Boldon	Elkins	Gomez	Her	Keeler
Bahner	Carlson	Feist	Greenman	Hollins	Klevorn
Becker-Finn	Christensen	Fischer	Hansen, R.	Hornstein	Koegel
Berg	Davnie	Frazier	Hanson, J.	Howard	Kotzya-Witthuhn
Bernardy	Ecklund	Frederick	Hassan	Huot	Lee

Liebling	Marquart	Nelson, M.	Reyer	Sundin	Xiong, J.
Lillie	Masin	Noor	Richardson	Thompson	Xiong, T.
Lippert	Moller	Olson, L.	Sandell	Vang	Youakim
Lislegard	Moran	Pelowski	Sandstede	Wazlawik	Spk. Hortman
Long	Morrison	Pinto	Schultz	Winkler	
Mariani	Murphy	Pryor	Stephenson	Wolgamott	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Novotny	Scott
Albright	Davids	Haley	Lucero	O'Driscoll	Swedzinski
Anderson	Demuth	Hamilton	Lueck	Olson, B.	Theis
Backer	Dettmer	Heinrich	Mekeland	Petersburg	Torkelson
Bahr	Drazkowski	Heintzeman	Miller	Pfarr	Urdahl
Baker	Erickson	Hertaus	Mortensen	Pierson	West
Bennett	Franke	Igo	Mueller	Quam	
Bliss	Franson	Johnson	Munson	Raleigh	
Boe	Garofalo	Jurgens	Nash	Rasmusson	
Burkel	Green	Kiel	Nelson, N.	Robbins	
Daniels	Grossell	Koznick	Neu Brindley	Schomacker	

The motion prevailed and the amendment to the amendment was adopted.

Lucero withdrew his amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

Albright moved to amend H. F. No. 2128, the third engrossment, as amended, as follows:

Page 630, after line 27, insert:

"Sec. 6. **[144.0503] COMPETITIVE BIDDING; REVERSE AUCTION PROCESS REQUIRED.**

(a) The commissioner shall use a reverse auction process for all competitive bidding for contracts to procure products or provide services, in accordance with the provisions of chapter 16C. For purposes of this section, "reverse auction" has the meaning given in section 16C.10, subdivision 7.

(b) The provisions of sections 13.591, subdivision 3, and 16C.06, subdivision 2, do not apply when the commissioner uses a reverse auction purchasing process.

Sec. 7. **[256.0113] COMPETITIVE BIDDING; REVERSE AUCTION PROCESS REQUIRED.**

(a) The commissioner shall use a reverse auction process for all competitive bidding for contracts to procure products or provide services, in accordance with the provisions of chapter 16C. For purposes of this section, "reverse auction" has the meaning given in section 16C.10, subdivision 7.

(b) The provisions of sections 13.591, subdivision 3, and 16C.06, subdivision 2, do not apply when the commissioner uses a reverse auction purchasing process."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.



Liebling moved to amend the Albright amendment to H. F. No. 2128, the third engrossment, as amended, as follows:

Page 1, line 5, delete "shall" and insert "may, when not in conflict with federal law or regulation."

Page 1, line 13, delete "shall" and insert "may, when not in conflict with federal law or regulation."

The motion prevailed and the amendment to the amendment was adopted.

Albright offered an amendment to the Albright amendment, as amended, to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Freiberg raised a point of order pursuant to rule 3.21(b) that the Albright amendment to the Albright amendment, as amended, was not in order. The Speaker ruled the point of order well taken and the Albright amendment to the Albright amendment, as amended, out of order.

Albright appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Bennett	Dauids	Franson	Hamilton	Jurgens
Albright	Bliss	Demuth	Garofalo	Heinrich	Kiel
Anderson	Boe	Dettmer	Green	Heintzeman	Koznick
Backer	Burkel	Drazkowski	Grossell	Hertaus	Kresha
Bahr	Daniels	Erickson	Gruenhagen	Igo	Lucero
Baker	Daudt	Franke	Haley	Johnson	Lueck

McDonald	Munson	O'Driscoll	Quam	Scott	West
Mekeland	Nash	Olson, B.	Raleigh	Swedzinski	
Miller	Nelson, N.	Petersburg	Rasmusson	Theis	
Mortensen	Neu Brindley	Pfarr	Robbins	Torkelson	
Mueller	Novotny	Pierson	Schomacker	Urdahl	

So it was the judgment of the House that the decision of the Speaker should stand.

The question recurred on the Albright amendment, as amended, and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment, as amended, was adopted.

Scott offered an amendment to H. F. No. 2128, the third engrossment, as amended.

#### POINT OF ORDER

Pinto raised a point of order pursuant to rule 3.21 that the Scott amendment was not in order. The Speaker ruled the point of order well taken and the Scott amendment out of order.

Scott appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Murphy	Sundin
Agbaje	Elkins	Her	Lillie	Nelson, M.	Vang
Bahner	Feist	Hollins	Lippert	Noor	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Olson, L.	Winkler
Berg	Frazier	Howard	Long	Pinto	Wolgamott
Bernardy	Frederick	Huot	Mariani	Pryor	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Miller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moller	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Moran	Schultz	
Ecklund	Hassan	Lee	Morrison	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Novotny	Schomacker
Albright	Davids	Haley	Lucero	O'Driscoll	Scott
Anderson	Demuth	Hamilton	Lueck	Olson, B.	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Pelowski	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Mortensen	Pfarr	Urdahl
Bennett	Franke	Igo	Mueller	Pierson	West
Bliss	Franson	Johnson	Munson	Quam	
Boe	Garofalo	Jurgens	Nash	Raleigh	
Burkel	Green	Kiel	Nelson, N.	Rasmusson	
Daniels	Grossell	Koznick	Neu Brindley	Robbins	

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 2128, A bill for an act relating to state government; modifying provisions governing health, health care, human services, human services licensing and background studies, health-related licensing boards, prescription drugs, health insurance, telehealth, children and family services, behavioral health, direct care and treatment, disability services and continuing care for older adults, community supports, and chemical and mental health services; establishing a budget for health and human services; making forecast adjustments; making technical and conforming changes; requiring reports; transferring money; appropriating money; amending Minnesota Statutes 2020, sections 62A.04, subdivision 2; 62A.10, by adding a subdivision; 62A.15, subdivision 4, by adding a subdivision; 62A.152, subdivision 3; 62A.3094, subdivision 1; 62A.65, subdivision 1, by adding a subdivision; 62C.01, by adding a subdivision; 62D.01, by adding a subdivision; 62D.095, subdivisions 2, 3, 4, 5; 62J.495, subdivisions 1, 2, 3, 4; 62J.497, subdivisions 1, 3; 62J.498; 62J.4981; 62J.4982; 62J.63, subdivisions 1, 2; 62Q.01, subdivision 2a; 62Q.02; 62Q.096; 62Q.46; 62Q.677, by adding a subdivision; 62Q.81; 62U.04, subdivisions 4, 5, 11; 62V.05, by adding a subdivision; 62W.11; 103H.201, subdivision 1; 119B.011, subdivision 15; 119B.025, subdivision 4; 119B.03, subdivisions 4, 6; 119B.09, subdivision 3; 119B.11, subdivision 2a; 119B.125, subdivision 1; 119B.13, subdivisions 1, 1a, 6, 7; 119B.25, subdivision 3; 122A.18, subdivision 8; 136A.128, subdivisions 2, 4; 144.0724, subdivisions 1, 2, 3a, 4, 5, 7, 8, 9, 12; 144.1205, subdivisions 2, 4, 8, 9, by adding a subdivision; 144.125, subdivision 1; 144.1481, subdivision 1; 144.1501, subdivisions 1, 2, 3; 144.1911, subdivision 6; 144.212, by adding a subdivision; 144.225, subdivisions 2, 7; 144.226, by adding subdivisions; 144.55, subdivisions 4, 6; 144.551, subdivision 1, by adding a subdivision; 144.555; 144.651, subdivision 2; 144.9501, subdivision 17; 144.9502, subdivision 3; 144.9504, subdivisions 2, 5; 144D.01, subdivision 4; 144G.08, subdivision 7, as amended; 144G.54, subdivision 3; 144G.84; 145.893, subdivision 1; 145.894; 145.897; 145.899; 145.901, subdivisions 2, 4; 147.033; 148.90, subdivision 2; 148.911; 148B.30, subdivision 1; 148B.31; 148B.51; 148B.5301, subdivision 2; 148B.54, subdivision 2; 148E.010, by adding a subdivision; 148E.120, subdivision 2; 148E.130, subdivision 1, by adding a

subdivision; 148F.11, subdivision 1; 151.01, by adding subdivisions; 151.071, subdivisions 1, 2; 151.37, subdivision 2; 151.555, subdivisions 1, 7, 11, by adding a subdivision; 152.01, subdivision 23; 152.02, subdivisions 2, 3; 152.11, subdivision 1a, by adding a subdivision; 152.12, by adding a subdivision; 152.125, subdivision 3; 152.22, subdivisions 6, 11, by adding subdivisions; 152.23; 152.25, by adding a subdivision; 152.26; 152.27, subdivisions 3, 4, 6; 152.28, subdivision 1; 152.29, subdivisions 1, 3, by adding subdivisions; 152.31; 152.32, subdivision 3; 156.12, subdivision 2; 171.07, by adding a subdivision; 174.30, subdivision 3; 245.462, subdivisions 1, 6, 8, 9, 14, 16, 17, 18, 21, 23, by adding a subdivision; 245.4661, subdivision 5; 245.4662, subdivision 1; 245.467, subdivisions 2, 3; 245.469, subdivisions 1, 2; 245.470, subdivision 1; 245.4712, subdivision 2; 245.472, subdivision 2; 245.4863; 245.4871, subdivisions 9a, 10, 11a, 17, 21, 26, 27, 29, 31, 32, 34, by adding a subdivision; 245.4876, subdivisions 2, 3; 245.4879, subdivision 1; 245.488, subdivision 1; 245.4882, subdivisions 1, 3; 245.4885, subdivision 1; 245.4889, subdivision 1; 245.4901, subdivision 2; 245.62, subdivision 2; 245.735, subdivisions 3, 5, by adding a subdivision; 245A.02, by adding subdivisions; 245A.03, subdivision 7; 245A.04, subdivision 5; 245A.041, by adding a subdivision; 245A.043, subdivision 3; 245A.05; 245A.07, subdivision 1; 245A.10, subdivision 4; 245A.14, subdivision 4; 245A.16, by adding a subdivision; 245A.50, subdivisions 7, 9; 245A.65, subdivision 2; 245C.02, subdivisions 4a, 5, by adding subdivisions; 245C.03; 245C.05, subdivisions 1, 2, 2a, 2b, 2c, 2d, 4; 245C.08, subdivision 3, by adding a subdivision; 245C.10, subdivision 15, by adding subdivisions; 245C.13, subdivision 2; 245C.14, subdivision 1, by adding a subdivision; 245C.15, by adding a subdivision; 245C.16, subdivisions 1, 2; 245C.17, subdivision 1, by adding a subdivision; 245C.18; 245C.24, subdivisions 2, 3, 4, by adding a subdivision; 245C.32, subdivision 1a; 245D.02, subdivision 20; 245F.04, subdivision 2; 245G.01, subdivisions 13, 26; 245G.03, subdivision 2; 245G.06, subdivision 1; 246.54, subdivision 1b; 254A.19, subdivision 5; 254B.01, subdivision 4a, by adding a subdivision; 254B.05, subdivision 5; 254B.12, by adding a subdivision; 256.01, subdivisions 14b, 28; 256.0112, subdivision 6; 256.041; 256.042, subdivisions 2, 4; 256.043, subdivision 3; 256.969, subdivisions 2b, 9, by adding a subdivision; 256.9695, subdivision 1; 256.9741, subdivision 1; 256.98, subdivision 1; 256.983; 256B.04, subdivisions 12, 14; 256B.055, subdivision 6; 256B.056, subdivision 10; 256B.057, subdivision 3; 256B.06, subdivision 4; 256B.0615, subdivisions 1, 5; 256B.0616, subdivisions 1, 3, 5; 256B.0621, subdivision 10; 256B.0622, subdivisions 1, 2, 3a, 4, 7, 7a, 7b, 7d; 256B.0623, subdivisions 1, 2, 3, 4, 5, 6, 9, 12; 256B.0624; 256B.0625, subdivisions 3b, 3c, 3d, 3e, 5, 5m, 9, 10, 13, 13c, 13d, 13e, 13h, 17, 17b, 18, 18b, 19c, 20, 20b, 28a, 30, 31, 42, 46, 48, 49, 52, 56a, 58, by adding subdivisions; 256B.0631, subdivision 1; 256B.0638, subdivisions 3, 5, 6; 256B.0659, subdivision 13; 256B.0757, subdivision 4c; 256B.0759, subdivisions 2, 4, by adding subdivisions; 256B.0911, subdivisions 1a, 3a, 3f, 4d; 256B.092, subdivisions 4, 5, 12; 256B.0924, subdivision 6; 256B.094, subdivision 6; 256B.0941, subdivision 1; 256B.0943, subdivisions 1, 2, 3, 4, 5, 5a, 6, 7, 9, 11; 256B.0946, subdivisions 1, 1a, 2, 3, 4, 6; 256B.0947, subdivisions 1, 2, 3, 3a, 5, 6, 7; 256B.0949, subdivisions 2, 4, 5a, by adding a subdivision; 256B.097, by adding subdivisions; 256B.196, subdivision 2; 256B.25, subdivision 3; 256B.439, by adding subdivisions; 256B.49, subdivisions 11, 11a, 14, 17, by adding a subdivision; 256B.4914, subdivisions 5, 6, 7, 8, 9, by adding a subdivision; 256B.69, subdivisions 5a, 6, 6d, by adding subdivisions; 256B.6928, subdivision 5; 256B.75; 256B.76, subdivisions 2, 4; 256B.761; 256B.763; 256B.79, subdivisions 1, 3; 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; 256D.03, by adding a subdivision; 256D.051, by adding subdivisions; 256D.0515; 256D.0516, subdivision 2; 256E.34, subdivision 1; 256I.03, subdivision 13; 256I.04, subdivision 3; 256I.05, subdivisions 1a, 1c, 11; 256I.06, subdivisions 6, 8; 256J.08, subdivisions 15, 71, 79; 256J.09, subdivision 3; 256J.10; 256J.21, subdivisions 3, 4, 5; 256J.24, subdivision 5; 256J.30, subdivision 8; 256J.33, subdivisions 1, 2, 4; 256J.37, subdivisions 1, 1b, 3, 3a; 256J.45, subdivision 1; 256J.626, subdivision 1; 256J.95, subdivision 9; 256L.01, subdivision 5; 256L.03, subdivision 5; 256L.04, subdivision 7b; 256L.05, subdivision 3a; 256L.07, subdivision 2; 256L.11, subdivisions 6a, 7; 256L.15, subdivision 2; 256N.25, subdivisions 2, 3; 256N.26, subdivisions 11, 13; 256P.01, subdivisions 3, 6a, by adding a subdivision; 256P.04, subdivisions 4, 8; 256P.06, subdivisions 2, 3; 256P.07; 256S.05, subdivision 2; 256S.18, subdivision 7; 256S.20, subdivision 1; 257.0755, subdivision 1; 257.076, subdivisions 3, 5; 257.0768, subdivisions 1, 6; 257.0769; 260.761, subdivision 2; 260C.007, subdivisions 6, 14, 26c, 31; 260C.157, subdivision 3; 260C.212, subdivisions 1a, 13; 260C.215, subdivision 4; 260C.4412; 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.01; 260E.02, subdivision 1; 260E.03, subdivision 22, by adding subdivisions; 260E.06, subdivision 1; 260E.14, subdivisions 2, 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2; 260E.24, subdivisions 2, 7; 260E.31, subdivision 1; 260E.33, subdivision 1, by adding a subdivision; 260E.35, subdivision 6; 260E.36, by adding a subdivision; 295.50, subdivision 9b; 295.53, subdivision 1; 325F.721, subdivision 1; 326.71, subdivision 4; 326.75, subdivisions 1, 2, 3; Laws 2019, First Special Session chapter 9, article 14, section 3, as amended; Laws 2020, First Special Session chapter 7, section 1, subdivision 2, as amended; Laws 2020, Fifth Special Session chapter 3, article 10, section 3; Laws 2020, Seventh Special Session chapter 1, article 6, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; 62A; 62J; 62Q; 62W; 119B; 144; 145; 151; 245; 245A; 245C; 254B;

256B; 256P; 256S; proposing coding for new law as Minnesota Statutes, chapter 245I; repealing Minnesota Statutes 2020, sections 16A.724, subdivision 2; 62A.67; 62A.671; 62A.672; 62J.63, subdivision 3; 119B.125, subdivision 5; 144.0721, subdivision 1; 144.0722; 144.0724, subdivision 10; 144.693; 245.462, subdivision 4a; 245.4871, subdivision 32a; 245.4879, subdivision 2; 245.62, subdivisions 3, 4; 245.69, subdivision 2; 245.735, subdivisions 1, 2, 4; 245C.10, subdivisions 2, 2a, 3, 4, 5, 6, 7, 8, 9, 9a, 10, 11, 12, 13, 14, 16; 256B.0596; 256B.0615, subdivision 2; 256B.0616, subdivision 2; 256B.0622, subdivisions 3, 5a; 256B.0623, subdivisions 7, 8, 10, 11; 256B.0625, subdivisions 5l, 18c, 18d, 18e, 18h, 35a, 35b, 61, 62, 65; 256B.0916, subdivisions 2, 3, 4, 5, 8, 11, 12; 256B.0924, subdivision 4a; 256B.0943, subdivisions 8, 10; 256B.0944; 256B.0946, subdivision 5; 256B.097, subdivisions 1, 2, 3, 4, 5, 6; 256B.49, subdivisions 26, 27; 256D.051, subdivisions 1, 1a, 2, 2a, 3, 3a, 3b, 6b, 6c, 7, 8, 9, 18; 256D.052, subdivision 3; 256J.08, subdivisions 10, 53, 61, 62, 81, 83; 256J.21, subdivisions 1, 2; 256J.30, subdivisions 5, 7, 8; 256J.33, subdivisions 3, 4, 5; 256J.34, subdivisions 1, 2, 3, 4; 256J.37, subdivision 10; 256S.20, subdivision 2; Minnesota Rules, parts 9505.0275; 9505.0370; 9505.0371; 9505.0372; 9505.1693; 9505.1696, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; 9505.1699; 9505.1701; 9505.1703; 9505.1706; 9505.1712; 9505.1715; 9505.1718; 9505.1724; 9505.1727; 9505.1730; 9505.1733; 9505.1736; 9505.1739; 9505.1742; 9505.1745; 9505.1748; 9520.0010; 9520.0020; 9520.0030; 9520.0040; 9520.0050; 9520.0060; 9520.0070; 9520.0080; 9520.0090; 9520.0100; 9520.0110; 9520.0120; 9520.0130; 9520.0140; 9520.0150; 9520.0160; 9520.0170; 9520.0180; 9520.0190; 9520.0200; 9520.0210; 9520.0230; 9520.0750; 9520.0760; 9520.0770; 9520.0780; 9520.0790; 9520.0800; 9520.0810; 9520.0820; 9520.0830; 9520.0840; 9520.0850; 9520.0860; 9520.0870; 9530.6800; 9530.6810.

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

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Gruenhagen	Kresha	Neu Brindley	Schomacker
Albright	Davids	Haley	Lucero	Novotny	Scott
Anderson	Demuth	Hamilton	Lueck	O'Driscoll	Swedzinski
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Theis
Bahr	Drazkowski	Heintzeman	Mekeland	Petersburg	Torkelson
Baker	Erickson	Hertaus	Miller	Pfarr	Urdahl
Bennett	Franke	Igo	Mortensen	Pierson	West
Bliss	Franson	Johnson	Mueller	Quam	
Boe	Garofalo	Jurgens	Munson	Raleigh	
Burkel	Green	Kiel	Nash	Rasmusson	
Daniels	Grossell	Koznick	Nelson, N.	Robbins	

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

There being no objection, the order of business reverted to Messages from the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1065, A bill for an act relating to education finance; providing funding for prekindergarten through grade 12 education; modifying provisions for general education, education excellence, teachers, charter schools, special education, health and safety, facilities, nutrition and libraries, early childhood, community education, and state agencies; making forecast adjustments; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 119A.52; 120A.22, subdivisions 7, 9, 10; 120A.35; 120A.40; 120B.02, subdivision 1; 120B.021, subdivisions 1, 2, 3, 4; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3; 120B.132; 120B.15; 120B.21; 120B.30, subdivision 1a, by adding subdivisions; 120B.35, subdivisions 3, 4; 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61; 122A.06, subdivisions 2, 5, 6, 7, 8, by adding a subdivision; 122A.07, subdivisions 1, 2, 4a; 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15, subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8, 10; 122A.181, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182, subdivisions 1, 2, 3, 4, 7; 122A.183, subdivisions 1, 2, 3, by adding a subdivision; 122A.184, subdivisions 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19, subdivision 4; 122A.21; 122A.26, subdivision 2; 122A.40, subdivisions 5, 8, 10, by adding a subdivision; 122A.41, subdivisions 2, 5, 14a, by adding a subdivision; 122A.61, subdivision 1; 122A.63, subdivisions 6, 9; 122A.635, subdivisions 3, 4; 122A.70; 122A.76; 123B.147, subdivision 3; 123B.595, subdivision 3; 124D.09, subdivisions 3, 5, 7, 8, 12, 13; 124D.095, subdivisions 2, 7; 124D.111; 124D.1158; 124D.128, subdivisions 1, 3; 124D.13, subdivision 2; 124D.142; 124D.151, subdivisions 2, 5, 6; 124D.162; 124D.165, subdivisions 2, 3; 124D.531, subdivision 1; 124D.55; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.74, subdivisions 1, 3; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81; 124D.861, subdivision 2; 124E.02; 124E.03, subdivision 2, by adding subdivisions; 124E.05, subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12, subdivision 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.21, subdivision 1; 124E.25, subdivision 1a; 125A.08; 125A.094; 125A.0942; 125A.21, subdivisions 1, 2; 125A.76, subdivision 2e; 126C.05, subdivisions 1, 3, 17; 126C.10, subdivisions 2, 2a, 2e, 4, 18a; 126C.15, subdivisions 1, 2, 5; 126C.17, by adding a subdivision; 126C.40, subdivision 1; 126C.44; 127A.47, subdivision 7; 127A.49, subdivision 3; 134.34, subdivision 1; 134.355, subdivisions 5, 6, 7; 144.4165; 179A.03, subdivision 19; 290.0679, subdivision 2; 469.176, subdivision 2; 609A.03, subdivision 7a; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivisions 3, as amended, 4, as amended, 6, as amended, 7, as amended, 9, as amended; article 2, section 33, subdivisions 2, as amended, 3, as amended, 5, as amended, 6, as amended, 16, as amended, 27; article 3, section 23, subdivision 3, as amended; article 4, section 11, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended; article 6, section 7, subdivisions 2, as amended, 3, as amended; article 7, section 1, subdivisions 2, as amended, 3, as amended, 4, as amended; article 8, section 13, subdivisions 5, as amended, 14, as amended; article 9, section 3, subdivision 2, as amended; article 10, section 5, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 124D; 125A; 127A; 134; repealing Minnesota Statutes 2020, sections 120B.35, subdivision 5; 122A.091, subdivisions 3, 6; 122A.092; 122A.18, subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; 122A.2451; Laws 2017, First Special Session chapter 5, article 8, section 9.

The Senate has appointed as such committee:

Senators Chamberlain, Eichorn, Duckworth, Dornink and Wiger.

Said House File is herewith returned to the House.

CAL R. LUDEMAN, Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1079, A bill for an act relating to state government; appropriating money from outdoor heritage, clean water, parks and trails, and arts and cultural heritage funds; modifying and extending prior appropriations; modifying requirements to use money from legacy funds; modifying trail provisions; modifying provisions for joint exercise of powers; requiring reports and studies; amending Minnesota Statutes 2020, sections 85.015, subdivision 10; 85.53, subdivision 2; 97A.056, subdivisions 9, 11; 114D.50, subdivision 4; 129D.17, subdivision 2; 471.59, subdivision 1; Laws 2017, chapter 91, article 2, sections 3; 5; 6; 8; Laws 2019, First Special Session chapter 2, article 2, sections 3; 4; 5; 6; 7; 8; 9; article 4, section 2, subdivision 6; Laws 2020, chapter 104, article 1, section 2, subdivision 5.

The Senate has appointed as such committee:

Senators Ruud, Weber, Senjem, Lang and Hawj.

Said House File is herewith returned to the House.

CAL R. LUDEMAN, Secretary of the Senate

Madam Speaker:

I hereby announce the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 959, A bill for an act relating to state government; appropriating money for environment and natural resources and tourism; modifying fees and programs; creating accounts; authorizing sales and conveyances of certain state land; modifying forestry provisions; modifying game and fish laws; modifying water law; modifying natural resource and environment provisions; requiring reports; making technical corrections; amending Minnesota Statutes 2020, sections 17.4982, subdivisions 6, 8, 9, 12, by adding subdivisions; 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 2, 4; 17.4991, subdivision 3; 17.4992, subdivision 2; 17.4993, subdivision 1; 84.027, subdivisions 13a, 18, by adding a subdivision; 84.415, by adding a subdivision; 84.63; 84.631; 84.82, subdivisions 1a, 7a; 84.92, subdivision 8; 84.943, subdivisions 3, 5; 84.944, subdivision 1; 84.946, subdivision 4; 84D.02, subdivision 3; 84D.11, subdivision 1a; 85.052, subdivisions 1, 2, 6; 85.053, subdivision 2, by adding a subdivision; 85.054, subdivision 1; 85.43; 89.021, by adding a subdivision; 89.17; 89A.11; 92.50, by adding a subdivision; 92.502; 94.3495, subdivision 3; 97A.015, subdivision 29; 97A.075, subdivisions 1, 7; 97A.126, by adding a subdivision; 97A.137, subdivision 5; 97A.401, subdivision 1, by adding a subdivision; 97A.421, subdivision 1, by adding a subdivision; 97A.475, subdivisions 2, 3, 3a, 4; 97A.505, subdivision 3b; 97B.022, by adding a subdivision; 97B.036; 97B.055, subdivision 2; 97B.071; 97B.086; 97B.311; 97B.415; 97B.645, subdivision 9; 97B.715, subdivision 1; 97B.801; 97B.811, subdivision 4a; 97C.005, subdivision 3; 97C.081, subdivisions 3, 3a; 97C.211, subdivision 2a; 97C.342, subdivision 2; 97C.515, subdivision 2; 97C.605, subdivisions 2, 3; 97C.611; 97C.805,

subdivision 2; 97C.836; 103A.212; 103C.315, subdivision 4; 103G.201; 103G.223; 103G.271, subdivisions 4a, 7, by adding subdivisions; 103G.287, subdivisions 4, 5; 103G.289; 103G.401; 115.03, subdivision 1; 115.455; 115.77, subdivision 1; 115.84, subdivisions 2, 3; 115A.03, subdivisions 25, 25d, 27, 28, 34, 35, 36, by adding subdivisions; 115A.565, subdivision 1; 115B.40, subdivision 1; 116.03, subdivision 2b; 116.06, subdivision 22; 116.07, subdivisions 2, 4d, 7, by adding a subdivision; 116.155, by adding a subdivision; 116D.04, subdivision 2a; 116G.07, by adding a subdivision; 116G.15, by adding a subdivision; 127A.353, subdivision 4; 282.08; 290C.04; Laws 2016, chapter 154, sections 16; 48; Laws 2016, chapter 186, section 2, subdivision 9, as amended; Laws 2017, chapter 96, section 2, subdivision 9, as amended; Laws 2018, chapter 214, article 4, section 2, subdivision 6; Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 9; article 3, section 109, as amended; proposing coding for new law in Minnesota Statutes, chapters 11A; 84; 92; 103F; 103G; 115A; 115B; 116; 116P; repealing Minnesota Statutes 2020, sections 85.0505, subdivision 3; 85.0507; 85.054, subdivision 19; 97C.515, subdivisions 4, 5; Laws 2013, chapter 121, section 53; Minnesota Rules, part 6232.0350.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Ingebrigtsen, Ruud, Eichorn, Tomassoni and Westrom.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

CAL R. LUDEMAN, Secretary of the Senate

Hansen, R., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 959. The motion prevailed.

Madam Speaker:

I hereby announce the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 970, A bill for an act relating to public safety; amending law and appropriating money for courts, Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, human rights, Sentencing Guidelines Commission, public safety, Peace Officers Standards and Training Board, Private Detective Board, corrections, ombudsperson for corrections, and other related matters; authorizing the placement of pregnant and postpartum female inmates in community-based programs; expanding the duties of the commissioner of corrections relating to releasing offenders; reestablishing a Legislative Commission on Data Practices and Personal Data Privacy; establishing a 911 telecommunicator working group to establish statewide standards for training and certification; directing the Sentencing Guidelines Commission to increase the rankings for certain child pornography crimes in a specified manner; establishing the crime of child torture; increasing penalties for certain human trafficking offenses; increasing penalties for patrons of prostitutes; increasing penalties for certain trespassing offenses; modifying and clarifying criminal sexual conduct provisions; creating a new crime of sexual extortion; imposing criminal penalties; requiring reports and studies; amending Minnesota Statutes 2020, sections 2.722, subdivision 1; 243.166, subdivision 1b; 244.065; 299A.52, subdivision 2; 299C.80, subdivision 3; 340A.504, subdivision 7; 363A.36, subdivision 2; 363A.44, subdivision 2; 403.11, subdivision 1; 477A.03, subdivision 2b; 609.1095, subdivision 1; 609.131, subdivision 2; 609.2325; 609.322, subdivisions 1, 1a; 609.324, subdivisions 2, 4; 609.3241; 609.341, subdivisions 3, 7, 11, 12, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; 609.3459; 609.347, by adding a subdivision; 609.352, subdivision 4; 609.605, subdivision 2; 611.27, subdivisions 9, 10, 11, 13, 15; 628.26; Laws 2017, chapter 95, article 3, section 30; Laws 2020, Seventh Special Session chapter 2, article 2, section 4; proposing coding for new law in Minnesota Statutes, chapters 3; 241; 609; repealing Minnesota Statutes 2020, section 609.324, subdivision 3.



The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Limmer, Mathews, Johnson, Ingebrigtsen and Latz.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

CAL R. LUDEMAN, Secretary of the Senate

Mariani moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 970. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1684:

Hornstein, Koegel, Frederick, Elkins and Petersburg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 959:

Hansen, R.; Wazlawik; Morrison; Fischer and Heintzeman.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 970:

Mariani, Becker-Finn, Moller, Frazier and Miller.

#### MOTIONS AND RESOLUTIONS

Grossell moved that the name of Boe be added as an author on H. F. No. 226. The motion prevailed.

Grossell moved that the names of Erickson and Boe be added as authors on H. F. No. 229. The motion prevailed.

Lucero moved that the name of Erickson be added as an author on H. F. No. 232. The motion prevailed.

Lucero moved that the name of Erickson be added as an author on H. F. No. 467. The motion prevailed.

Vang moved that the name of Richardson be added as an author on H. F. No. 717. The motion prevailed.

Kotyza-Witthuhn moved that the name of Bernardy be added as an author on H. F. No. 858. The motion prevailed.

Hassan moved that the name of Koegel be added as an author on H. F. No. 909. The motion prevailed.

Hansen, R., moved that the name of Bernardy be added as an author on H. F. No. 1076. The motion prevailed.

Hausman moved that the name of Acomb be added as an author on H. F. No. 1251. The motion prevailed.

Boldon moved that the name of Bernardy be added as an author on H. F. No. 1278. The motion prevailed.

Gomez moved that the name of Bernardy be added as an author on H. F. No. 1357. The motion prevailed.

Acomb moved that the names of Pinto and Bernardy be added as authors on H. F. No. 1428. The motion prevailed.

Boldon moved that the name of Bernardy be added as an author on H. F. No. 1747. The motion prevailed.

Gomez moved that the name of Bernardy be added as an author on H. F. No. 1791. The motion prevailed.

Marquart moved that the name of Bernardy be added as an author on H. F. No. 2143. The motion prevailed.

Lucero moved that the names of Erickson and Gruenhagen be added as authors on House Resolution No. 5. The motion prevailed.

Erickson, Akland, Grossell, Gruenhagen and Johnson introduced:

House Resolution No. 7, A House resolution recognizing the first Thursday in May as a day of statewide prayer, fasting, and repentance in Minnesota.

The resolution was referred to the Committee on State Government Finance and Elections.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, April 27, 2021. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, April 27, 2021.

PATRICK D. MURPHY, Chief Clerk, House of Representatives