

STATE OF MINNESOTA

NINETY-SECOND SESSION — 2022

 NINETY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 26, 2022

The House of Representatives convened at 11:00 a.m. and was called to order by Liz Olson, Speaker pro tempore.

Prayer was offered by Rolf Lowenberg-DeBoer, Assistant to the Bishop, Saint Paul Area Synod, Evangelical Lutheran Church in America, Saint Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

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

A quorum was present.

Miller was excused until 1:35 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.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 4608, A bill for an act relating to public safety; providing policy for general crimes and public safety, law enforcement, controlled substances, and corrections and sentencing; modifying wine shipment policy; providing for public safety communicators; modifying interstate compact for juveniles; establishing Office for Missing and Murdered Black Women and Girls; establishing reward fund for information on missing and murdered Indigenous relatives; providing for community supervision reform; modifying certain expungement law; establishing clemency review commission; establishing supervision standards committee for probation, supervised release, and community supervision; establishing task forces and boards; providing for grants; requiring reports; providing for rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 13.6905, by adding a subdivision; 13.825, subdivision 2; 13.871, subdivision 14; 152.01, subdivisions 9a, 12a, 16, by adding subdivisions; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.025, subdivision 4; 152.027, subdivision 4; 152.0271; 152.096, subdivision 1; 152.18, subdivisions 1, 3; 152.32, by adding a subdivision; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions 2a, 2b, by adding subdivisions; 241.272; 241.90; 242.192; 243.05, subdivision 1; 243.1606; 244.05, subdivisions 3, 5; 244.09, subdivisions 5, 10; 244.19, subdivisions 1, 5; 244.195, subdivision 1, by adding subdivisions; 244.20; 244.21; 256I.04, subdivision 2g; 260.515; 260B.163, subdivision 1; 260B.176, subdivision 2, by adding a subdivision; 260B.198, subdivision 1; 260C.007, subdivision 6; 299A.01, subdivision 2, by adding a subdivision; 299A.49, subdivision 2; 299A.50, subdivision 1; 299A.51; 299A.706; 299A.78, subdivision 1; 299A.79, subdivision 3; 299C.10, subdivision 1; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.65, subdivisions 1a, 3a; 299F.362; 326.3361, subdivision 2; 340A.304; 340A.417; 401.01; 401.02; 401.04; 401.09; 401.10; 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 2; 401.16; 403.02, by adding a subdivision; 541.073, subdivision 2; 573.02, subdivision 1; 609.05, by adding a subdivision; 609.165, subdivisions 1a, 1b; 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision; 609.87, by adding a subdivision; 609.89, subdivision 1; 609A.01; 609A.02, by adding a subdivision; 609A.03, subdivisions 5, 9; 611A.03, subdivision 1; 626.76, by adding a subdivision; 626.843, subdivision 1, by adding subdivisions; 626.8473, subdivision 3; 626.89, subdivision 17; 626.93, by adding a subdivision; 626A.35, by adding a subdivision; 629.341, subdivisions 3, 4; 629.72, subdivision 6; 638.01; 641.15, subdivision 2; Minnesota Statutes 2021 Supplement, sections 152.01, subdivision 18; 253B.18, subdivision 5a; 253D.14, subdivision 2; 401.06; 403.11, subdivision 1; 609.02, subdivision 16; 609A.03, subdivision 7a; 628.26; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; article 2, section 12; proposing coding for new law in Minnesota Statutes, chapters 152; 244; 299A; 299C; 340A; 403; 609A; 638; repealing Minnesota Statutes 2020, sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299A.49, subdivision 7; 401.025; 403.02, subdivision 17c; 609.102, subdivisions 1, 2, 2a; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1 APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter 11, article 1, to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean

(b) First Responder Wellness Office

\$2,000,000 in fiscal year 2023 is to establish an office that will provide leadership and resources for improving the mental health of first responders statewide. The base is \$1,000,000 in fiscal year 2024 and thereafter.

(c) Mutual Aid Response Training

\$500,000 in fiscal year 2023 is for mutual aid response training. This appropriation is onetime.

(d) Supplemental Nonprofit Security Grants

\$225,000 in fiscal year 2023 is for supplemental nonprofit security grants under this paragraph.

Nonprofit organizations whose applications for funding through the Federal Emergency Management Agency's nonprofit security grant program that have been approved by the Division of Homeland Security and Emergency Management are eligible for grants under this paragraph. No additional application shall be required for grants under this paragraph, and an application for a grant from the federal program is also an application for funding from the state supplemental program.

Eligible organizations may receive grants of up to \$75,000, except that the total received by any individual from both the federal nonprofit security grant program and the state supplemental nonprofit security grant program shall not exceed \$75,000. Grants shall be awarded in an order consistent with the ranking given to applicants for the federal nonprofit security grant program. No grants under the state supplemental nonprofit security grant program shall be awarded until the announcement of the recipients and the amount of the grants awarded under the federal nonprofit security grant program.

The commissioner may use up to one percent of the appropriation received under this paragraph to pay costs incurred by the department in administering the supplemental nonprofit security grant program. This is a onetime appropriation.

Subd. 3. Criminal Apprehension

-0-

5,664,000**(a) Violent Crime Reduction Support**

\$1,779,000 in fiscal year 2023 is to support violent crime reduction strategies. This includes funding for staff and supplies to enhance forensic and analytical capacity.

(b) BCA Accreditation

\$186,000 in fiscal year 2023 is to support the Bureau of Criminal Apprehension to achieve and maintain law enforcement accreditation from an accreditation body. This includes funding for staff, accreditation costs, and supplies. The base is \$170,000 in fiscal year 2024 and thereafter.

(c) Cybersecurity Upgrades

\$2,391,000 in fiscal year 2023 is for identity and access management, critical infrastructure upgrades, and Federal Bureau of Investigation audit compliance. This appropriation is available through June 30, 2024. The base is \$900,000 in fiscal year 2024 and thereafter.

(d) Marijuana Penalties Modified

\$208,000 in fiscal year 2023 is for computer programming, forensic testing, and supplies related to changes in criminal penalties for marijuana. The base is \$191,000 in fiscal year 2024 and thereafter.

(e) Expungements

\$1,100,000 in fiscal year 2023 is for costs related to expungements of criminal records. The base is \$520,000 in fiscal year 2024 and \$0 for fiscal year 2025.

<u>Subd. 4. Office of Justice Programs; Total Appropriation</u>	<u>15,000,000</u>	<u>119,936,000</u>
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Appropriations by Fund

<u>Special Revenue</u>	<u>-0-</u>	<u>2,600,000</u>
<u>General</u>	<u>15,000,000</u>	<u>117,336,000</u>

(a) Minnesota Heals

\$1,000,000 in fiscal year 2023 is for a statewide community healing program; for statewide critical incident stress management services for first responders; and grants for trauma services and burial costs following officer-involved deaths. This appropriation may be used for new staff to support these programs. From this amount, the director may award a grant to a nonprofit that provides equine experiential mental health therapy to first responders suffering from job-related trauma and post-traumatic stress disorder. For purposes of this paragraph, "first responder" means a peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c); a full-time firefighter as defined in Minnesota Statutes, section 299N.03, subdivision 5; or a volunteer firefighter as defined in Minnesota Statutes, section 299N.03.

subdivision 7. If the commissioner issues a grant for equine experiential mental health therapy, the grant recipient must report to the commissioner of public safety and the chairs and ranking minority members of the legislative committees with jurisdiction over public safety policy and finance on the therapy provided to first responders. The report must include an overview of the program's budget, a detailed explanation of program expenditures, the number of first responders served by the program, and a list and explanation of the services provided to, and benefits received by, program participants. An initial report is due by January 15, 2023, and a final report is due by January 15, 2024.

(b) General Crime and Trauma Recovery Grants Funding

\$1,000,000 in fiscal year 2023 is for programs supporting victims of general crime. These funds may also be used to establish trauma recovery centers in the state to support victims of violent crime who experience trauma and are in need of services and provide new staff to support these programs.

(c) Youth Development Grants

\$500,000 in fiscal year 2023 is to provide grants to programs serving youth and for youth violence intervention and prevention programs. Priority for these funds must be given to programs that employ or utilize trauma-informed therapists to support the youth the programs serve. These funds may be used to administer these grants.

(d) Crossover and Dual-Status Youth Model Grants

\$1,000,000 in fiscal year 2023 from the prevention services account in the special revenue fund is to provide grants to local units of government and federally recognized Indian Tribes to initiate or expand crossover youth practice model and dual-status youth programs that provide services for youth who are in both the child welfare and juvenile justice systems, in accordance with the Robert F. Kennedy National Resource Center for Juvenile Justice model.

(e) Staffing and Board Expenses

\$3,639,000 in fiscal year 2023 is to increase staffing in the Office of Justice Programs for grant management and compliance; build capacity and provide technical assistance to applicants; provide training to individuals and entities seeking to become applicants; perform community outreach and engagement to improve the experiences and outcomes of applicants, grant recipients, and crime victims throughout Minnesota; establish and support a final review panel; and maintain a Minnesota Statistical Analysis Center

to create ongoing grant evaluation programs and other research and data analysis. These funds may also be used for the per diem and other costs necessary to establish and support the Public Safety Innovation Board.

(f) Community-Based Public Safety Grants

\$1,968,000 in fiscal year 2023 is for community-based public safety grants. The base is \$75,000 in fiscal year 2024 and thereafter.

(g) Prosecutor Training

\$25,000 in fiscal year 2023 is for prosecutor training.

(h) Alternatives to Juvenile Detention - Youth Conflict Resolution Centers Grants

\$1,400,000 in fiscal year 2023 is to establish and maintain youth conflict resolution centers as alternatives to juvenile detention.

(i) Direct Assistance to Crime Victim Survivors

\$4,000,000 in fiscal year 2023 is for an increase in base funding for crime victim services for the Office of Justice Programs to provide grants for direct services and advocacy for victims of sexual assault, general crime, domestic violence, and child abuse. Funding must support the direct needs of organizations serving victims of crime by providing: direct client assistance to crime victims; competitive wages for direct service staff; hotel stays and other housing-related supports and services; culturally responsive programming; prevention programming, including domestic abuse transformation and restorative justice programming; and other needs of organizations and crime victim survivors. Services funded must include services for victims of crime in underserved communities most impacted by violence and reflect the ethnic, racial, economic, cultural, and geographic diversity of the state. The Office of Justice Programs shall prioritize culturally specific programs, or organizations led and staffed by persons of color that primarily serve communities of color, in funding allocation. The base is \$2,000,000 in fiscal year 2024 and thereafter.

(j) Combatting Sex Trafficking

\$1,500,000 in fiscal year 2023 is for grants to state and local units of government for the following purposes:

(1) to support new or existing multijurisdictional entities to investigate sex trafficking crimes; and

(2) to provide technical assistance for sex trafficking crimes, including case consultation, to law enforcement agencies statewide.

(k) Epinephrine Auto-Injector Reimbursement Grants

\$1,000,000 in fiscal year 2023 is for grants to local law enforcement agencies to reimburse the costs of obtaining epinephrine auto-injectors and replacing epinephrine auto-injectors that have expired.

(l) Office of Missing and Murdered Black Women and Girls

\$500,000 in fiscal year 2023 is to establish and operate the Office of Missing and Murdered Black Women and Girls.

(m) Reward Fund for Missing and Murdered Indigenous Relatives

\$110,000 in fiscal year 2023 is to pay rewards for information related to investigations of missing and murdered Indigenous relatives under Minnesota Statutes, section 299A.86.

(n) Youth Intervention Program

\$1,000,000 in fiscal year 2023 is for the youth intervention grants program under Minnesota statutes, section 299A.73. Money appropriated under this section is available to programs that are currently supported by youth intervention program grants. This is a onetime appropriation.

(o) Task Force on the Statewide Response to Substance Abuse

\$144,000 in fiscal year 2023 is to implement the Task Force on the Statewide Response to Substance Abuse. The base is \$154,000 in fiscal year 2024 and \$66,000 in fiscal year 2025. The base is \$0 in fiscal year 2026 and thereafter.

(p) Task Force on a Coordinated Approach to Juvenile Wellness and Justice

\$150,000 in fiscal year 2023 is to implement the Task Force on a Coordinated Approach to Juvenile Wellness and Justice. This is a onetime appropriation.

(q) Juvenile Prevention Services

In fiscal year 2023, \$150,000 from the general fund and \$1,600,000 from the prevention services account in the special revenue fund are appropriated for grants to provide prevention services. Grant recipients may be local units of government.

federally recognized Indian Tribes, or nonprofit organizations. Recipients must use funds to establish or support programs designed to prevent juveniles from entering the criminal or juvenile justice systems through approaches that encourage a youth's involvement in the community, provide wrap-around services for at-risk youth, or include culturally appropriate behavioral health interventions for youth. Specific programs may include but are not limited to after-school programs, mentorship programs, tutoring programs, programs that employ restorative justice techniques such as peacemaking circles, or programs based on the Developmental Assets Framework of the Search Institute.

(r) Juvenile Intervention Services

\$2,500,000 in fiscal year 2023 is to provide intervention and healing services. Grant recipients may be local units of government, federally recognized Indian Tribes, or nonprofit organizations. Recipients must use funds to provide intervention services to youth involved in the juvenile or criminal justice systems. Intervention services must engage youth who have been involved in the justice system with the aim to create community connections between the youth and their community, promote community healing, and employ restorative justice techniques such as circles, panels, or victim-offender mediation.

(s) Mental Health Services and Wellness Support for Juveniles and Families

\$1,750,000 in fiscal year 2023 is for grants to organizations to provide mental health and wellness support services for youth involved in the juvenile justice system and their families. Funding for mental health services is for individuals or organizations that provide mental health services for youth involved in the juvenile justice system, including residential settings or community-based treatment. Funds must be used to support programs designed with input from youth with lived experience, as well as individuals with professional expertise. Wellness support services for families of young people placed out of home following a juvenile delinquency adjudication must create family support groups, provide resources to support families during out-of-home placements, or support the family through the period of post-placement reentry.

(t) Local Community Innovation Grants

\$55,000,000 in fiscal year 2023 is for local community innovation grants. The base is \$30,000,000 in fiscal year 2024 and beyond. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

(u) Emergency Community Safety Grants

\$15,000,000 in fiscal year 2022 is for grants to crime prevention programs for the purpose of providing public safety. Any unencumbered balance at the end of fiscal year 2023 does not cancel but is available for the purposes of this section until spent. This is a onetime appropriation.

(v) Local Co-Responder Grants

\$10,000,000 in fiscal year 2023 is for grants to establish, maintain, or expand the use of co-responder programs that work with law enforcement agencies. Any unencumbered balance at the end of the fiscal year does not cancel but is available for the purposes of this section until spent.

(w) Local Community Policing Grants

\$15,000,000 in fiscal year 2023 is for local community policing grants. The base is \$10,000,000 in each of fiscal years 2024 and 2025. The base is \$0 in fiscal year 2026 and thereafter. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

(x) Local Investigation Grants

\$15,000,000 in fiscal year 2023 is for local investigation grants. The base is \$10,000,000 in each of fiscal years 2024 and 2025. The base is \$0 in fiscal year 2026 and thereafter. Any unencumbered grant balances at the end of the fiscal year do not cancel but are available for grants in the following year.

Subd. 5. State Patrol

-0-

252,000**(a) Criminal Record Expungement**

\$84,000 in fiscal year 2023 from the trunk highway fund is for costs related to criminal record expungement. The base is \$168,000 in fiscal year 2024 and thereafter.

(b) Marijuana Penalties Modified

\$168,000 in fiscal year 2023 from the trunk highway fund is for costs related to changes in marijuana criminal penalties.

Subd. 6. Administrative Services

-0-

16,016,000**(a) Public Safety Officer Soft Body Armor**

\$1,000,000 in fiscal year 2023 is for public safety officer soft body armor reimbursements under Minnesota Statutes, section 299A.381. Of this amount, the commissioner may use up to \$60,000 to staff and administer the program.

(b) Body Camera Grants

\$9,000,000 in fiscal year 2023 is for grants to local law enforcement agencies for portable recording systems. The commissioner shall award grants to local law enforcement agencies for the purchase and maintenance of portable recording systems and portable recording system data. The base is \$4,500,000 in fiscal year 2024 and thereafter.

(c) Body Camera Data Storage

\$6,016,000 in fiscal year 2023 is to develop and administer a statewide cloud-based body camera data storage program. Of this amount, the commissioner may use up to \$1,000,000 for staff and operating costs to administer this program and the body camera grants program in the preceding section. The base is \$6,036,000 in fiscal year 2024 and \$6,057,000 in fiscal year 2025.

Subd. 7. Emergency Communication Networks

-0-

2,450,000

Appropriations by Fund

Special Revenue	-0-	<u>1,450,000</u>
General	-0-	<u>1,000,000</u>

(a) Local Grants

\$1,000,000 in fiscal year 2023 is for grants to local government units participating in the statewide public safety radio communication system established under Minnesota Statutes, section 403.36. The grants must be used to purchase portable radios and related equipment that is interoperable with the Allied Radio Matrix for Emergency Response (ARMER) system. Each local government unit may receive only one grant. The grant is contingent upon a match of at least five percent from nonstate funds. The director of the Emergency Communication Networks division, in consultation with the Statewide Emergency Communications Board, must administer the grant program. This is a onetime appropriation.

(b) Public Safety Telecommunicator Certification and Training Reimbursement Grants

\$1,450,000 in fiscal year 2023 is appropriated from the nondedicated 911 emergency special revenue account for administrative and software costs and rulemaking to establish and review 911 public safety telecommunicator certification and continuing education standards as described in Minnesota Statutes, section 403.051. The base is \$1,000,000 in each of fiscal years 2024 and 2025.

Sec. 3. **PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**

\$165,000

\$1,550,000

(a) **Database for Public Records**

\$165,000 in fiscal year 2023 is for a database for public records. This is a onetime appropriation.

(b) **Task Force on Alternative Courses to Peace Officer Licensure**

\$50,000 in fiscal year 2023 is for a task force on alternative courses to peace officer licensure. This is a onetime appropriation.

(c) **Investigators**

\$1,250,000 in fiscal year 2023 is to hire investigators and additional staff to perform compliance reviews and investigate alleged code of conduct violations and to obtain or improve equipment for that purpose.

(d) **Strength and Agility Testing**

\$250,000 in fiscal year 2023 is to reimburse law enforcement agencies for funding scientifically content-validated and job-related physical strength and agility examinations to screen applicants as required under Minnesota Statutes, section 626.843, subdivision 1c. The board must establish guidelines for the administration of reimbursement payments under this section.

Sec. 4. **PRIVATE DETECTIVE BOARD**

\$80,000

\$518,000

(a) **Record Management System and Background Checks**

\$80,000 in fiscal year 2022 and \$18,000 in fiscal year 2023 are to purchase and implement a record management system.

(b) **Investigations and Field Audits**

\$430,000 is for additional staffing to conduct investigations and field audits.

(c) **Review Training Curriculum**

\$70,000 in fiscal year 2023 is for an annual review of training curriculum.

Sec. 5. **CORRECTIONS**Subdivision 1. **Total Appropriation****\$1,000,000****\$29,272,000**Subd. 2. **Incarceration and Prerelease Services****-0-****5,252,000**(a) **Base Adjustment**

The general fund base, as a result of new appropriations and bed impact changes, shall result in a net increase of \$6,204,000 in fiscal year 2024 and \$6,186,000 in fiscal year 2025 for all provisions in this subdivision.

(b) **Body-Worn Camera Program**

\$1,500,000 in fiscal year 2023 is to implement a body-worn camera program for uniformed correctional security personnel and community-based supervision agents. The base is \$1,000,000 in fiscal year 2024 and thereafter.

(c) **Family Support Unit**

\$280,000 in fiscal year 2023 is to create a family support unit that focuses on family support and engagement for incarcerated individuals and their families.

(d) **Higher Education**

\$2,000,000 in fiscal year 2023 is to contract with Minnesota's institutions of higher education to provide instruction to incarcerated individuals in state correctional facilities and to support partnerships with public and private employers, trades programs, and community colleges in providing employment opportunities for individuals after their term of incarceration. Funding must be used for contracts with institutions of higher education and other training providers, and associated reentry and operational support services provided by the agency. The base is \$3,500,000 in fiscal year 2024 and thereafter.

(e) **Family Communication and Support Services**

\$1,500,000 in fiscal year 2023 is to provide communications and related supportive services for incarcerated individuals to connect with family members and other approved support persons or service providers through video visits and phone calls during an individual's incarceration.

Subd. 3. Community Supervision and Postrelease Services-0-12,050,000**(a) Grants Management System**

\$450,000 in fiscal year 2023 is for a grants management system and to increase capacity for grants management, including compliance and internal controls. The base is \$489,000 in fiscal year 2024 and thereafter.

(b) Supervision Services

\$10,450,000 in fiscal year 2023 is for services provided by the Department of Corrections Field Services, County Probation Officers, and Community Corrections Act counties. The base is \$25,750,000 in fiscal year 2024 and \$38,300,000 in fiscal year 2025 and shall be distributed based on the formula established in article 7, section 16, subdivision 3.

(c) Work Release Program

\$1,000,000 in fiscal year 2023 is to expand the use of the existing Department of Corrections work release program to increase the availability of educational programming for incarcerated individuals who are eligible and approved for work release.

(d) Healing House

\$150,000 in fiscal year 2023 is to provide project management services in support of the Healing House model. The Healing House provides support and assistance to Native American women who have been victims of trauma. The base is \$0 in fiscal year 2026 and thereafter.

Subd. 4. Organizational, Regulatory, and Administrative Services1,000,00011,970,000**(a) Technology**

\$1,000,000 in fiscal year 2022 and \$11,000,000 in fiscal year 2023 are to replace or improve existing corrections data management systems that have significant deficiencies, create a statewide public safety information sharing infrastructure, and improve data collection and reportability. The base is \$17,500,000 in fiscal year 2024 and thereafter.

In the development, design, and implementation of the statewide public safety data information sharing infrastructure, the department shall, at a minimum, consult with county correctional supervision providers, the judicial branch, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Bureau of Criminal Apprehension.

(b) Property Insurance Premiums

\$650,000 in fiscal year 2023 is to fund cost increases for property insurance premiums at state correctional facilities.

(c) Project Management Office

\$230,000 in fiscal year 2023 is to expand the Department of Corrections project management office, including the addition of two project manager full-time-equivalent positions.

(d) Indeterminate Sentence Release Board

\$40,000 in fiscal year 2023 is to fund the establishment of an Indeterminate Sentence Release Board (ISRB) to review eligible cases and make release decisions for persons serving indeterminate sentences under the authority of the commissioner of corrections. The ISRB must consist of five members, including four persons appointed by the governor from two recommendations of each of the majority and minority leaders of the house of representatives and the senate and the commissioner of corrections who shall serve as chair.

(e) Task Force on Felony Murder

\$50,000 in fiscal year 2023 is to implement the Task Force on Felony Murder. This is a onetime appropriation.

Sec. 6. <u>OMBUDSPERSON FOR CORRECTIONS</u>	<u>\$21,000</u>	<u>\$12,000</u>
Sec. 7. <u>OFFICE OF HIGHER EDUCATION</u>	<u>\$-0-</u>	<u>\$2,500,000</u>

\$2,500,000 in fiscal year 2023 is to provide reimbursement grants to postsecondary schools certified to provide programs of professional peace officer education for providing in-service training programs for peace officers on the proper use of force, including deadly force, the duty to intercede, and conflict de-escalation. Of this amount, up to 2.5 percent is for administration and monitoring of the program.

To be eligible for reimbursement, training offered by a postsecondary school must consist of no less than eight hours of instruction and:

(1) satisfy the requirements of Minnesota Statutes, section 626.8452, and be approved by the Peace Officer Standards and Training Board, for use of force training;

(2) utilize scenario-based training that simulates real-world situations and involves the use of real firearms that fire nonlethal ammunition when appropriate;

(3) include a block of instruction on the physical and psychological effects of stress before, during, and after a high risk or traumatic incident and the cumulative impact of stress on the health of officers;

(4) include blocks of instruction on de-escalation methods and tactics, bias motivation, unknown risk training, defensive tactics, and force-on-force training; and

(5) be offered to peace officers at no charge to the peace officer or an officer's law enforcement agency.

A postsecondary school that offers training consistent with the above requirements may apply for reimbursement for the costs of offering the training. Reimbursement shall be made at a rate of \$450 for each officer who participates in the training. The postsecondary school must submit the name and peace officer license number of the peace officer who received the training.

As used in this section, "law enforcement agency" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (f), and "peace officer" has the meaning given in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c).

Sec. 8. <u>CLEMENCY REVIEW COMMISSION</u>	<u>\$-0-</u>	<u>\$705,000</u>
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Sec. 9. <u>OFFICE OF THE ATTORNEY GENERAL</u>	<u>\$-0-</u>	<u>\$1,821,000</u>
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\$1,821,000 in fiscal year 2023 is for enhanced criminal enforcement.

Sec. 10. <u>SENTENCING GUIDELINES COMMISSION</u>	<u>\$-0-</u>	<u>\$117,000</u>
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\$117,000 in fiscal year 2023 is for providing meeting space and administrative assistance for the Task Force on Collection of Charging and Related Data. The base is \$121,000 in fiscal year 2024 and \$0 for fiscal year 2025.

Sec. 11. **TRANSFERS; MINNCOR.**

\$7,000,000 in fiscal year 2023 is transferred from the MINNCOR fund to the general fund.

Sec. 12. **TRANSFER; OPIATE EPIDEMIC RESPONSE.**

\$10,000,000 in fiscal year 2023 is transferred from the general fund to the opiate epidemic response fund established pursuant to Minnesota Statutes, section 256.043. Grants issued from this amount are for prevention and education as described in Minnesota Statutes, section 256.042, subdivision 1, paragraph (a), clause (1). Grant recipients must be located outside the seven-county metropolitan area.

Sec. 13. **FUND TRANSFER; HOMETOWN HEROES ASSISTANCE PROGRAM.**

The commissioner of public safety shall transfer any amounts remaining in the appropriation under Laws 2021, First Special Session chapter 11, article 1, section 14, subdivision 7, paragraph (k), from the Office of Justice Programs to the state fire marshal for grants to the Minnesota Firefighter Initiative to fund the hometown heroes assistance program under Minnesota Statutes, section 299A.477.

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

ARTICLE 2
GENERAL CRIMES AND PUBLIC SAFETY POLICY

Section 1. Minnesota Statutes 2020, section 13.6905, is amended by adding a subdivision to read:

Subd. 36. **Direct wine shipments.** Data obtained and shared by the commissioner of public safety relating to direct shipments of wine are governed by sections 340A.550 and 340A.555.

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

Sec. 2. Minnesota Statutes 2020, section 13.825, subdivision 2, is amended to read:

Subd. 2. **Data classification; court-authorized disclosure.** (a) Data collected by a portable recording system are private data on individuals or nonpublic data, subject to the following:

(1) data that document the discharge of a firearm by a peace officer in the course of duty, if a notice is required under section 626.553, subdivision 2, or the use of force by a peace officer that results in substantial bodily harm, as defined in section 609.02, subdivision 7a, are public;

(2) data are public if a subject of the data requests it be made accessible to the public, except that, if practicable, (i) data on a subject who is not a peace officer and who does not consent to the release must be redacted, and (ii) data on a peace officer whose identity is protected under section 13.82, subdivision 17, clause (a), must be redacted;

(3) portable recording system data that are active criminal investigative data are governed by section 13.82, subdivision 7, and portable recording system data that are inactive criminal investigative data are governed by this section;

(4) portable recording system data that are public personnel data under section 13.43, subdivision 2, clause (5), are public; and

(5) data that are not public data under other provisions of this chapter retain that classification.

(b) Notwithstanding section 13.82, subdivision 7, a deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children is entitled to view any and all recordings from a peace officer's portable recording system, redacted no more than what is required by law, of an officer's use of deadly force no later than five business days following an incident where deadly force used by a peace officer results in the death of an individual, except that a chief law enforcement officer may deny a request if the investigating agency requests and can articulate a compelling reason as to why allowing the deceased individual's next of kin, legal representative of next of kin, or other parent of the deceased individual's children to review the recordings would interfere with a thorough investigation. If the chief law enforcement officer denies a request under this paragraph, the involved officer's agency must issue a prompt, written denial and provide notice to the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children that relief may be sought from the district court.

(c) Notwithstanding section 13.82, subdivision 7, an involved officer's agency shall release to the public no later than 14 business days after an incident all body-worn camera recordings of the incident where a peace officer used deadly force and an individual died, except that a chief law enforcement officer shall not release the video if the investigating agency asserts in writing that allowing the public to view the recordings would interfere with the ongoing investigation.

~~(b)~~ (d) A law enforcement agency may redact or withhold access to portions of data that are public under this subdivision if those portions of data are clearly offensive to common sensibilities.

~~(e)~~ (e) Section 13.04, subdivision 2, does not apply to collection of data classified by this subdivision.

~~(d)~~ (f) Any person may bring an action in the district court located in the county where portable recording system data are being maintained to authorize disclosure of data that are private or nonpublic under this section or to challenge a determination under paragraph (b) to redact or withhold access to portions of data because the data are clearly offensive to common sensibilities. The person bringing the action must give notice of the action to the law enforcement agency and subjects of the data, if known. The law enforcement agency must give notice to other subjects of the data, if known, who did not receive the notice from the person bringing the action. The court may order that all or part of the data be released to the public or to the person bringing the action. In making this determination, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency, or to a subject of the data and, if the action is challenging a determination under paragraph (b), whether the data are clearly offensive to common sensibilities. The data in dispute must be examined by the court in camera. This paragraph does not affect the right of a defendant in a criminal proceeding to obtain access to portable recording system data under the Rules of Criminal Procedure.

Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

(j) To perform these duties with the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime while maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by diverting people away from the criminal justice system whenever possible, imposing sanctions that are the least restrictive necessary to achieve accountability for the offense, preferring the use of community services to imprisonment or other confinement unless confinement is necessary to protect the public, and promoting the rehabilitation of those convicted through the provision of evidence-based programming and services.

Sec. 4. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

Subd. 5. Promulgation of Sentencing Guidelines. The commission shall promulgate Sentencing Guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

- (1) the circumstances under which imprisonment of an offender is proper; and
- (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the presumptive, fixed sentence.

The Sentencing Guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

Although the Sentencing Guidelines are advisory to the district court, the court shall follow the procedures of the guidelines when it pronounces sentence in a proceeding to which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure based on state public policy to maintain uniformity, proportionality, rationality, and predictability in sentencing.

In establishing and modifying the Sentencing Guidelines, the primary consideration of the commission shall be public safety. "Public safety" means reducing or preventing crime while maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination, and is achieved by diverting people away from the criminal justice system whenever possible, imposing sanctions that are the least restrictive necessary to achieve accountability for the offense, preferring the use

of community services to imprisonment or other confinement unless confinement is necessary to protect the public, and promoting the rehabilitation of those convicted through the provision of evidence-based programming and services. Promoting public safety includes the promotion of human rights. The commission shall also consider current sentencing and release practices; correctional resources, including but not limited to the capacities of local and state correctional facilities; and the long-term negative impact of the crime on the community.

The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, the commission shall adopt rules pursuant to sections 14.001 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the Legislative Coordinating Commission.

Sec. 5. Minnesota Statutes 2021 Supplement, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or chapter 253D; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or chapter 253D that an act or acts constituting a crime occurred or were part of their course of harmful sexual conduct.

(b) A county attorney who files a petition to commit a person under this section or chapter 253D shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition and the process for requesting notification of an individual's change in status as provided in paragraph (c). A notice shall only be provided to a victim who has submitted a written request for notification to the prosecutor.

(c) A victim may request notification of an individual's discharge or release as provided in paragraph (d) by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

(d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a

determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

Sec. 6. Minnesota Statutes 2021 Supplement, section 253D.14, subdivision 2, is amended to read:

Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a person under this chapter shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted or was listed as a victim in the petition of commitment. In addition, the county attorney shall make a reasonable and good faith effort to promptly notify the victim of the resolution of the process for requesting the notification of an individual's change in status as provided in section 253D.14, subdivision 3. A notice shall only be provided to a victim who has submitted a written request for notification to the prosecutor.

Sec. 7. Minnesota Statutes 2020, section 256I.04, subdivision 2g, is amended to read:

Subd. 2g. ~~Crisis shelters~~ **Domestic abuse programs.** ~~Secure crisis shelters for battered women and their children designated by the Minnesota Department of Corrections~~ Programs that provide services to victims of domestic abuse designated by the Office of Justice Programs in the Department of Public Safety are not eligible for housing support under this chapter.

Sec. 8. Minnesota Statutes 2020, section 299A.01, is amended by adding a subdivision to read:

Subd. 1d. **Mandated reports; annual audit.** (a) Beginning February 15, 2023, and each year thereafter, the commissioner, as part of the department's mission and within the department's resources, shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over public safety policy and finance a list of reports that the commissioner is obligated to submit to the legislature. For each reporting requirement listed, the commissioner must include a description of the applicable program, information required to be included in the report, the frequency that the report must be completed, and the statutory authority for the report.

(b) If the legislature does not repeal or otherwise modify by law a reporting requirement, the commissioner must continue to provide each mandated report as required by law.

Sec. 9. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the following:

(1) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(2) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(3) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(4) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(5) the establishment of a planning bureau within the department.

(b) The commissioner shall exercise the duties under paragraph (a) with the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime by diverting people away from the criminal justice system whenever possible, effecting arrest or detention practices that are the least restrictive necessary to protect the public, and promoting the rehabilitation of those who engage in criminal activity by providing evidence-based programming and services, while still maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination.

Sec. 10. **[299A.381] PUBLIC SAFETY OFFICER SOFT BODY ARMOR REIMBURSEMENT.**

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

(1) "commissioner" means the commissioner of public safety;

(2) "firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state;

(3) "public safety officer" means a firefighter or qualified emergency medical service provider;

(4) "qualified emergency medical service provider" means a person certified under section 144E.101 who is actively employed by a Minnesota licensed ambulance service; and

(5) "vest" has the meaning given in section 299A.38, subdivision 1, paragraph (c).

Subd. 2. **State and local reimbursement.** Public safety officers and heads of agencies and entities that buy vests for the use of public safety officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or the reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The political subdivision or entity that employs a public safety officer shall pay at least the lesser of one-half of the vest's purchase price or the reimbursement amount set by the commissioner in section 299A.38, subdivision 2a. The employer may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the public safety officer by the employer.

Subd. 3. **Eligibility requirements.** The eligibility requirements in section 299A.38, subdivision 3, apply to applications for reimbursement under this section.

Subd. 4. **Rules.** The commissioner shall amend the rules adopted pursuant to section 299A.38, subdivision 4, to administer this section, as needed.

Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, state or local government employee, or other entity that provides reimbursement for purchase of a vest under this section is not liable to a public safety officer or the public safety officer's heirs for negligence in the death of or injury to the public safety officer because the vest was defective or deficient.

Subd. 6. **Right to benefits unaffected.** A public safety officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

Sec. 11. Minnesota Statutes 2020, section 299A.49, subdivision 2, is amended to read:

Subd. 2. ~~Chemical assessment~~ **Hazardous materials response team.** "~~Chemical assessment~~ **Hazardous materials response** team" means a team (1) trained, equipped, and authorized to evaluate and, when ~~possible~~ **feasible**, provide ~~simple~~ mitigation to a hazardous materials incident ~~or release~~ and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of resources, or other relevant factors.

Sec. 12. Minnesota Statutes 2020, section 299A.50, subdivision 1, is amended to read:

Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of natural resources, agriculture, transportation, and the Pollution Control Agency, the ~~state fire marshal~~ **Department of Public Safety**, the Emergency Response Commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

- (1) the locations of ~~up to five regional~~ hazardous materials response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;
- (2) the number and qualifications of members on each team;
- (3) the responsibilities of ~~regional~~ hazardous materials response teams;
- (4) equipment needed for ~~regional~~ hazardous materials response teams;
- (5) procedures for selecting and contracting with local governments or nonpublic persons to establish ~~regional~~ hazardous materials response teams;
- (6) procedures for dispatching teams at the request of local governments;
- (7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and
- (8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Sec. 13. Minnesota Statutes 2020, section 299A.51, is amended to read:

299A.51 LIABILITY AND WORKERS' COMPENSATION.

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a ~~regional~~ hazardous materials team operating outside their geographic jurisdiction are considered employees of the Department of Public Safety for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

Sec. 14. **[299A.625] PUBLIC SAFETY INNOVATION BOARD.**

Subdivision 1. **Establishment.** The Public Safety Innovation Board is established in the Office of Justice Programs within the Department of Public Safety. The board has the powers and duties described in this section.

Subd. 2. **Membership.** (a) The Public Safety Innovation Board is composed of the following members:

(1) three individuals with experience conducting research in the areas of crime, policing, or sociology while employed by an academic or nonprofit entity, appointed by the governor;

(2) five individuals appointed by the governor of whom:

(i) one shall be a victim of a crime or an advocate for victims of crime;

(ii) one shall be a person impacted by the criminal justice system or an advocate for defendants in criminal cases; and

(iii) one shall have a background in social work;

(3) four members representing the community-specific boards established under sections 3.922 and 15.0145, with one appointment made by each board; and

(4) three members representing law enforcement, with one appointment by the Minnesota Sheriffs' Association, one by the Minnesota Chiefs of Police Association, and one by the Minnesota Police and Peace Officers Association.

(b) The members of the board shall elect one member to serve as chair.

Subd. 3. **Terms; removal; vacancy.** (a) Members are appointed to serve three-year terms following the initial staggered-term lot determination and may be reappointed.

(b) Initial appointment of members must take place by August 1, 2022. The initial term of members appointed under paragraph (a) shall be determined by lot by the secretary of state and shall be as follows:

(1) five members shall serve one-year terms;

(2) five members shall serve two-year terms; and

(3) five members shall serve three-year terms.

(c) A member may be removed by the appointing authority at any time for cause, after notice and hearing.

(d) If a vacancy occurs, the appointing authority shall appoint a new qualifying member within 90 days.

(e) Compensation of board members is governed by section 15.0575.

Subd. 4. **Powers and duties.** The board shall improve public safety by increasing the efficiency, effectiveness, and capacity of public safety providers and has the following powers and duties:

(1) monitoring trends in crime within Minnesota;

(2) reviewing research on criminal justice and public safety issues;

(3) providing information on criminal trends and research to the commissioner, municipalities, and the legislature;

(4) communicating with recipients of grant funds to learn from successful and innovative programs, develop procedures to simplify application and reporting requirements, and identify gaps in programs or services that could be filled to improve public safety;

(5) working with the commissioner to modify requests for proposals to better meet the needs of applicants and the community;

(6) working with the commissioner, community review panels, the final review panel, and Office of Justice Programs staff to establish policies, procedures, and priorities to best address public safety and community needs;

(7) working with grant recipients, applicants whose proposals were not approved, and individuals or entities interested in applying for grants to increase the understanding of the grant process and help improve applications that are submitted;

(8) analyzing the pool of applicants and public application materials to identify:

(i) barriers to successful applications;

(ii) eligible geographic, ethnic, or other communities that do not apply for grants;

(iii) the demographics of populations served by grant applicants, including identification of populations that are not receiving services and any disparities in services provided; and

(iv) the types of programs that receive awards;

(9) developing policies and procedures to support communities that are underserved by grant recipients, address imbalances in the pool of grant applicants or recipients, and expand the types of services provided by grant recipients to include effective programs that are underutilized;

(10) working with the Minnesota Statistical Analysis Center to identify appropriate outcomes to track on an annual basis for both programs receiving grants and local communities for the purpose of monitoring trends in public safety and the impact of specific programmatic models; and

(11) making recommendations to the legislature for changes in policy and funding to address existing and emerging needs related to public safety.

Subd. 5. Meetings. The board shall meet quarterly or at the call of the chair. At least two meetings in each fiscal year must take place outside of the metropolitan area as defined in section 473.121, subdivision 2. Meetings of the board are subject to chapter 13D.

Subd. 6. Report. By January 15 each year, the board shall report to the legislative committees and divisions with jurisdiction over public safety on the work of the board; the use and impact of grant programs to address public safety, including emergency community safety grants and local co-responder grants; grants issued by the Department of Public Safety to local law enforcement agencies for portable recording systems; the outcomes tracked on an annual basis by the Minnesota Statistical Analysis Center; and recommendations for changes in policy and funding to improve public safety.

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

Sec. 15. Minnesota Statutes 2020, section 299A.706, is amended to read:

299A.706 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.

An alcohol enforcement account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account may be appropriated by law for: (1) costs of the Alcohol and Gambling Division related to administration and enforcement of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; and 340A.504, subdivision 7; and 340A.550, subdivisions 2, 4, 5, and 6; and (2) costs of the State Patrol.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 16. Minnesota Statutes 2020, section 299A.78, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.795, the following definitions apply:

- (a) "Commissioner" means the commissioner of the Department of Public Safety.
- (b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.
- ~~(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.~~
- ~~(d) (c) "Debt bondage" has the meaning given in section 609.281, subdivision 3.~~
- ~~(e) (d) "Forced labor or services" has the meaning given in section 609.281, subdivision 4.~~
- ~~(f) (e) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.~~
- ~~(g) (f) "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.~~
- ~~(h) (g) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.~~
- ~~(i) (h) "Sex trafficking victim" has the meaning given in section 609.321, subdivision 7b.~~
- ~~(j) (i) "Trafficking" includes "labor trafficking" and "sex trafficking."~~
- ~~(k) (j) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking victim."~~

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 17. Minnesota Statutes 2020, section 299A.79, subdivision 3, is amended to read:

Subd. 3. **Public awareness initiative.** The public awareness initiative required in subdivision 1 must address, at a minimum, the following subjects:

- (1) the risks of becoming a trafficking victim;
- (2) common recruitment techniques; use of debt bondage, ~~blackmail~~, forced labor and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct, exposure to sexually transmitted diseases, and psychological harm;

- (3) crime victims' rights; and
- (4) reporting recruitment activities involved in trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 18. **[299A.86] REWARD FUND FOR INFORMATION ON MISSING AND MURDERED INDIGENOUS RELATIVES.**

Subdivision 1. **Fund created.** A reward fund for information on missing and murdered Indigenous relatives is created as an account in the state treasury. Money appropriated or otherwise deposited into the account is available to pay rewards and for other purposes as authorized under this section.

Subd. 2. **Reward.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, is authorized to pay a reward to any person who provides relevant information relating to a missing and murdered Indigenous relative investigation.

Subd. 3. **Reward advisory group.** (a) The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the stakeholder groups described in section 299A.85, subdivision 5, shall appoint an advisory group to make recommendations on paying rewards under this section. The advisory group shall consist of the following individuals:

- (1) a representative from the Office for Missing and Murdered Indigenous Relatives;
- (2) a representative from a Tribal, statewide, or local organization that provides legal services to Indigenous women and girls;
- (3) a representative from a Tribal, statewide, or local organization that provides advocacy or counseling for Indigenous women and girls who have been victims of violence;
- (4) a representative from a Tribal, statewide, or local organization that provides services to Indigenous women and girls;
- (5) a Tribal peace officer who works for or resides on a federally recognized American Indian reservation in Minnesota; and
- (6) a representative from the Minnesota Human Trafficking Task Force.

(b) The advisory group shall meet as necessary but at a minimum twice per year to carry out its duties and shall elect a chair from among its members at its first meeting. The director shall convene the group's first meeting. The director shall provide necessary office space and administrative support to the group. Members of the group serve without compensation but shall receive expense reimbursement as provided in section 15.059.

(c) The representative from the Office for Missing and Murdered Indigenous Relatives may fully participate in the advisory group's activities but may not vote on issues before the group.

Subd. 4. **Advertising.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may spend up to four percent of available funds on an advertising or public relations campaign to increase public awareness on the availability of rewards under this section.

Subd. 5. **Grants; donations.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, may apply for and accept grants and donations from the public and from public and private entities to implement this section.

Subd. 6. **Reward cap.** A reward paid under this section may not exceed \$1,000,000.

Subd. 7. **Reward procedures and criteria.** The director of the Office for Missing and Murdered Indigenous Relatives, in consultation with the reward advisory group, shall determine the eligibility criteria and procedures for granting rewards under this section.

Subd. 8. **Definition.** As used in this section, "missing and murdered Indigenous relatives" means missing and murdered Indigenous people from or descended from one of the United States' federally recognized American Indian Tribes.

Sec. 19. [299A.90] OFFICE FOR MISSING AND MURDERED BLACK WOMEN AND GIRLS.

Subdivision 1. **Establishment.** The commissioner shall establish and maintain an office dedicated to preventing and ending the targeting of Black women and girls within the Minnesota Office of Justice Programs.

Subd. 2. **Director; staff.** (a) The commissioner must appoint a director who is a person closely connected to the Black community and who is highly knowledgeable about criminal investigations. The commissioner is encouraged to consider candidates for appointment who are recommended by members of the Black community.

(b) The director may select, appoint, and compensate out of available funds assistants and employees as necessary to discharge the office's responsibilities.

(c) The director and full-time staff shall be members of the Minnesota State Retirement System.

Subd. 3. **Duties.** (a) The office has the following duties:

(1) advocate in the legislature for legislation that will facilitate the accomplishment of mandates identified in the report of the Task Force on Missing and Murdered African American Women;

(2) advocate for state agencies to take actions to facilitate the accomplishment of mandates identified in the report of the Task Force on Missing and Murdered African American Women;

(3) develop recommendations for legislative and agency actions to address injustice in the criminal justice system's response to cases of missing and murdered Black women and girls;

(4) facilitate research to refine the mandates in the report of the Task Force on Missing and Murdered African American Women and to assess the potential efficacy, feasibility, and impact of the recommendations;

(5) facilitate research and collect data on missing person and homicide cases involving Black women and girls, including the total number of cases, the rate at which the cases are solved, the length of time the cases remain open, and a comparison to similar cases involving different demographic groups;

(6) collect data on Amber Alerts, including the total number of Amber Alerts issued, the total number of Amber Alerts that involve Black girls, and the outcome of cases involving Amber Alerts disaggregated by the child's race and sex;

(7) collect data on reports of missing Black girls, including the number classified as voluntary runaways, and a comparison to similar cases involving different demographic groups;

(8) facilitate research to assess the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(9) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving missing and murdered Black women and girls and labor trafficking and sex trafficking;

(10) facilitate research to assess the intersection between cases involving murdered Black women and girls and domestic violence, including prior instances of domestic violence within the family or relationship, whether an offender had prior convictions for domestic assault or related offenses, and whether the offender used a firearm in the murder or any prior instances of domestic assault;

(11) develop recommendations for legislative, agency, and community actions to address the intersection between cases involving murdered Black women and girls and domestic violence;

(12) develop tools and processes to evaluate the implementation and impact of the efforts of the office;

(13) track and collect Minnesota data on missing and murdered Black women and girls, and provide statistics upon public or legislative inquiry;

(14) facilitate technical assistance for local and Tribal law enforcement agencies during active cases involving missing and murdered Black women and girls;

(15) conduct case reviews and report on the results of case reviews for the following types of cases involving missing and murdered Black women and girls: (i) cold cases for missing Black women and girls; and (ii) death investigation review for cases of Black women and girls ruled as suicide or overdose under suspicious circumstances;

(16) conduct case reviews of the prosecution and sentencing for cases where a perpetrator committed a violent or exploitative crime against a Black woman or girl. These case reviews must identify those cases where the perpetrator is a repeat offender;

(17) prepare draft legislation as necessary to allow the office access to the data necessary for the office to conduct the reviews required in this section and advocate for passage of that legislation;

(18) review sentencing guidelines for crimes related to missing and murdered Black women and girls, recommend changes if needed, and advocate for consistent implementation of the guidelines across Minnesota courts;

(19) develop and maintain communication with relevant divisions in the Department of Public Safety regarding any cases involving missing and murdered Black women and girls and on procedures for investigating cases involving missing and murdered Black women and girls; and

(20) coordinate, as relevant, with federal efforts, and efforts in neighboring states and Canada.

(b) As used in this subdivision:

(1) "labor trafficking" has the meaning given in section 609.281, subdivision 5; and

(2) "sex trafficking" has the meaning given in section 609.321, subdivision 7a.

Subd. 4. **Coordination with other organizations.** In fulfilling its duties, the office may coordinate with stakeholder groups that were represented on the Task Force on Missing and Murdered African American Women and state agencies that are responsible for the systems that play a role in investigating, prosecuting, and adjudicating cases involving violence committed against Black women and girls; those who have a role in supporting or advocating for missing or murdered Black women and girls and the people who seek justice for them; and those who represent the interests of Black people. This includes the following entities: Minnesota Chiefs of Police Association; Minnesota Sheriffs' Association; Bureau of Criminal Apprehension; Minnesota Police and Peace Officers Association; Tribal law enforcement; Minnesota County Attorneys Association; United States Attorney's Office; juvenile courts; Minnesota Coroners' and Medical Examiners' Association; United States Coast Guard; state agencies, including the Departments of Health, Human Services, Education, Corrections, and Public Safety; service providers who offer legal services, advocacy, and other services to Black women and girls; Black women and girls who are survivors; and organizations and leadership from urban and statewide Black communities.

Subd. 5. **Reports.** The office must report on measurable outcomes achieved to meet its statutory duties, along with specific objectives and outcome measures proposed for the following year. The report must include data and statistics on missing and murdered Black women and girls in Minnesota, including names, dates of disappearance, and dates of death, to the extent the data is publicly available. The office must submit the report by January 15 each year to the chairs and ranking minority members of the legislative committees with primary jurisdiction over public safety.

Subd. 6. **Grants.** The office may apply for and receive grants from public and private entities for the purposes of carrying out the office's duties under this section.

Subd. 7. **Access to data.** Notwithstanding section 13.384 or 13.85, the director has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals to the extent the data is necessary for the office to perform its duties under this section.

Sec. 20. **[299C.092] QUESTIONED IDENTITY PROCESS.**

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

(b) "Questioned identity" means an individual's identity that is associated with another person's records when the individual's identity is used by an offender in interactions with law enforcement or that the offender has the same name. Questioned identity can lead to difficulties differentiating the individual from the offender.

(c) "Bureau" means the Bureau of Criminal Apprehension.

Subd. 2. **Process.** (a) When an individual is the subject of questioned identity, the individual may request a review by the bureau through its questioned identity process. Individuals must contact the bureau and provide the following:

(1) documentation of the individual's identity through government-issued photo identification;

(2) documents or information that lead the individual to believe that the individual is the subject of questioned identity; and

(3) fingerprints for identification verification purposes.

(b) If the bureau is able to confirm that the individual is the subject of questioned identity, the bureau shall provide documentation to the individual indicating that the individual has been through the bureau's questioned identity process.

(c) The bureau shall denote any aliases determined to be questioned identities in the Criminal History System under section 299C.09 and shall work with other state and local agencies to denote aliases in arrest warrants.

(d) The bureau shall attach a photo of the offender to arrest warrants in the bureau's warrant file if a photo is available.

(e) The bureau, in consultation with reporting criminal justice agencies, may remove an alias from a criminal history record when it determines doing so will not negatively impact a criminal justice agency's ability to identify the offender in the future. Some considerations in making the determination include but are not limited to time elapsed since the alias name was last used, frequency with which the alias was used, current incarceration status of the offender, whether it is or was the offender's name, and whether the offender is living or deceased.

(f) Law enforcement must take into account the presence of documentation from the bureau or another law enforcement agency confirming a questioned identity when considering whether an individual has a warrant under section 299C.115 and may contact the bureau or the issuing law enforcement agency to confirm authenticity of the documentation provided by an individual.

Sec. 21. Minnesota Statutes 2020, section 299C.46, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The commissioner of public safety shall establish a criminal justice data communications network that will provide secure access to systems and services available from or through the Bureau of Criminal Apprehension. The Bureau of Criminal Apprehension may approve additional criminal justice uses by authorized agencies to access necessary systems or services not from or through the bureau. The commissioner of public safety is authorized to lease or purchase facilities and equipment as may be necessary to establish and maintain the data communications network.

Sec. 22. Minnesota Statutes 2020, section 299C.65, subdivision 1a, is amended to read:

Subd. 1a. **Membership; duties.** (a) The Criminal and Juvenile Justice Information and Bureau of Criminal Apprehension Advisory Group consists of the following members:

- (1) the commissioner of corrections or designee;
- (2) the commissioner of public safety or designee;
- (3) the state chief information officer or designee;
- (4) three members of the judicial branch appointed by the chief justice of the supreme court;
- (5) the commissioner of administration or designee;
- (6) the state court administrator or designee;
- (7) two members appointed by the Minnesota Sheriffs Association, at least one of whom must be a sheriff;
- (8) two members appointed by the Minnesota Chiefs of Police Association, at least one of whom must be a chief of police;

(9) two members appointed by the Minnesota County Attorneys Association, at least one of whom must be a county attorney;

(10) two members appointed by the League of Minnesota Cities representing the interests of city attorneys, at least one of whom must be a city attorney;

(11) two members appointed by the Board of Public Defense, at least one of whom must be a public defender;

(12) two corrections administrators appointed by the Association of Minnesota Counties representing the interests of local corrections, at least one of whom represents a Community Corrections Act county;

(13) two probation officers appointed by the commissioner of corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers;

(14) four public members appointed by the governor representing both metropolitan and greater Minnesota for a term of four years using the process described in section 15.059, one of whom represents the interests of victims, and one of whom represents the private business community who has expertise in integrated information systems and who, for the purposes of meetings of the advisory group, may be compensated pursuant to section 15.059;

(15) two members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator;

(16) one member of the house of representatives appointed by the speaker of the house, or an alternate who is also a member of the house of representatives, appointed by the speaker of the house;

(17) one member of the senate appointed by the majority leader, or an alternate who is also a member of the senate, appointed by the majority leader of the senate;

(18) one member appointed by the attorney general;

(19) two members appointed by the League of Minnesota Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official;

(20) two members appointed by the Association of Minnesota Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official; and

(21) the director of the Sentencing Guidelines Commission or a designee.

(b) The chair, first vice-chair, and second vice-chair shall be elected by the advisory group.

(c) The advisory group shall serve as the state advisory group on statewide criminal justice information policy and funding issues. The advisory group shall study and make recommendations to the governor, the supreme court, and the legislature on criminal justice information funding and policy issues such as related data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards.

(d) The advisory group shall have the additional duties of reviewing and advising the bureau superintendent on:

(1) audits, accreditation reports, and internal reviews of bureau operations;

(2) emerging technologies in the law enforcement and forensic science fields;

(3) policies and practices that impact individual privacy interests; and

(4) other programmatic and operational initiatives of the bureau at the request of the superintendent.

Sec. 23. Minnesota Statutes 2020, section 299C.65, subdivision 3a, is amended to read:

Subd. 3a. **Report.** The advisory group shall file a biennial report with the governor, supreme court, and chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy by January 15 in each odd-numbered year. The report must provide the following:

(1) status and review of current statewide criminal justice information systems;

(2) recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently; ~~and~~

(3) a summary of the activities of the advisory group, including any funding and grant requests; and

(4) a summary of any reviews conducted by the advisory group of bureau audits, reports, policies, programs, and procedures and any recommendations provided to the bureau related to the reviews.

Sec. 24. Minnesota Statutes 2020, section 299F.362, is amended to read:

299F.362 SMOKE ~~DETECTOR~~ ALARM; INSTALLATION; RULES; PENALTY.

Subdivision 1. **Definitions.** For the purposes of this section, the following definitions shall apply:

(a) "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

(b) "Dwelling" is any building, or any portion thereof, which is not an apartment house, lodging house, or a hotel and which contains one or two "dwelling units" which are, or are intended or designed to be, occupied for living purposes.

(c) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

(d) "Hotel" is any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(e) "Lodging house" is any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

Subd. 2. **Rules, smoke ~~detector~~ alarm location.** The commissioner of public safety shall promulgate rules concerning the placement of smoke ~~detectors~~ alarms in dwellings, apartment houses, hotels, and lodging houses. The rules shall take into account designs of the guest rooms or dwelling units.

Subd. 3. **Smoke ~~detector~~ alarm for any dwelling.** Every dwelling unit within a dwelling must be provided with a smoke ~~detector~~ alarm meeting the requirements of the State Fire Code. The ~~detector~~ alarm must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling unit.

Subd. 3a. **Smoke ~~detector~~ alarm for new dwelling.** In construction of a new dwelling, each smoke ~~detector~~ alarm must be attached to a centralized power source.

Subd. 4. **Smoke ~~detector~~ alarm for apartment, lodging house, or hotel.** Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes must be provided with a smoke ~~detector~~ alarm conforming to the requirements of the State Fire Code. In dwelling units, ~~detectors~~ alarms must be mounted in accordance with the rules regarding smoke ~~detector~~ alarm location adopted under subdivision 2. When actuated, the ~~detector~~ alarm must provide an alarm in the dwelling unit or guest room.

Subd. 5. **Maintenance responsibilities.** For all occupancies covered by this section where the occupant is not the owner of the dwelling unit or the guest room, the owner is responsible for maintenance of the smoke ~~detectors~~ alarms. An owner may file inspection and maintenance reports with the local fire marshal for establishing evidence of inspection and maintenance of smoke ~~detectors~~ alarms.

Subd. 5a. **Inform owner; no added liability.** The occupant of a dwelling unit must inform the owner of the dwelling unit of a nonfunctioning smoke ~~detector~~ alarm within 24 hours of discovering that the smoke ~~detector~~ alarm in the dwelling unit is not functioning. If the occupant fails to inform the owner under this subdivision, the occupant's liability for damages is not greater than it otherwise would be.

Subd. 6. **Penalties.** (a) Any person who violates any provision of this section ~~shall be~~ is subject to the same penalty and the enforcement mechanism that is provided for violation of the State Fire Code, as specified in section 299F.011, subdivision 6.

(b) An occupant who willfully disables a smoke ~~detector~~ alarm or causes it to be nonfunctioning, resulting in damage or injury to persons or property, is guilty of a misdemeanor.

Subd. 7. **Local government preempted.** This section prohibits a local unit of government from adopting standards different from those provided in this section.

Subd. 9. **Local government ordinance; installation in single-family residence.** Notwithstanding subdivision 7, or other law, a local governing body may adopt, by ordinance, rules for the installation of a smoke ~~detector~~ alarm in single-family homes in the city that are more restrictive than the standards provided by this section. Rules adopted pursuant to this subdivision may be enforced through a truth-in-housing inspection.

Subd. 10. **Public fire safety educator.** The position of Minnesota public fire safety educator is established in the Department of Public Safety.

Subd. 11. **Insurance claim.** No insurer shall deny a claim for loss or damage by fire for failure of a person to comply with this section.

Sec. 25. Minnesota Statutes 2020, section 326.3361, subdivision 2, is amended to read:

Subd. 2. **Required contents.** The rules adopted by the board must require:

(1) 12 hours of preassignment or on-the-job certified training within the first 21 days of employment, or evidence that the employee has successfully completed equivalent training before the start of employment. Notwithstanding any statute or rule to the contrary, this clause is satisfied if the employee provides a prospective employer with a certificate or a copy of a certificate demonstrating that the employee successfully completed this training prior to employment with a different Minnesota licensee and completed this training within three previous calendar years, or successfully completed this training with a Minnesota licensee while previously employed with a Minnesota licensee. The certificate or a copy of the certificate is the property of the employee who completed the training, regardless of who paid for the training or how training was provided. A current or former licensed employer must provide a copy of a certificate demonstrating the employee's successful completion of training to a current or former employee upon the current or former employee's request. For purposes of sections 181.960 to 181.966, the person who completed the training is entitled to access a copy of the certificate and a current or former employer is obligated to comply with the provisions thereunder;

(2) certification by the board of completion of certified training for a license holder, qualified representative, Minnesota manager, partner, and employee to carry or use a firearm, a weapon other than a firearm, or an immobilizing or restraint technique; and

(3) six hours a year of certified continuing training for all license holders, qualified representatives, Minnesota managers, partners, and employees, and an additional six hours a year for individuals who are armed with firearms or armed with weapons, which must include annual certification of the individual.

An individual may not carry or use a weapon while undergoing on-the-job training under this subdivision.

Sec. 26. Minnesota Statutes 2020, section 340A.304, is amended to read:

340A.304 LICENSE SUSPENSION AND REVOCATION.

The commissioner shall revoke, or suspend for up to 60 days, a license issued under section 340A.301 ~~or~~, 340A.302, or 340A.550, or impose a fine of up to \$2,000 for each violation, on a finding that the licensee has violated a state law or rule of the commissioner relating to the possession, sale, transportation, or importation of alcoholic beverages. A license revocation or suspension under this section is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 27. Minnesota Statutes 2020, section 340A.417, is amended to read:

340A.417 WINE SHIPMENTS INTO MINNESOTA.

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter except for section 340A.550, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than ~~two~~ 12 cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. ~~Delivery of a shipment under this section may not be deemed a sale in this state.~~

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

(c) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(d) Except for a violation of section 295.75 or chapters 297A and 297G, no criminal penalty may be imposed on a person for a violation of this section or section 340A.550 other than a violation described in paragraph (e) or (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, or section 340A.550 and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than ~~seven~~ 20 days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(e) Any person who violates this section or section 340A.550 within two years of a violation for which a cease and desist order was issued under paragraph (d), is guilty of a misdemeanor.

(f) Any person who commits a third or subsequent violation of this section or section 340A.550 within any subsequent two-year period is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 28. **[340A.550] DIRECT SHIPMENTS OF WINE; LICENSING, TAXATION, AND RESTRICTIONS.**

Subdivision 1. Definitions. (a) "Direct ship purchaser" means a person who purchases wine for personal use and not for resale from a winery located in a state other than Minnesota for delivery to a Minnesota address.

(b) "Direct ship winery" means a winery licensed in a state other than Minnesota that manufactures and makes a retail sale of wine and ships the wine to a direct ship purchaser as authorized under section 340A.417.

Subd. 2. License requirements. (a) A direct ship winery must apply to the commissioner for a direct ship license. The commissioner must not issue a license under this section unless the applicant:

(1) is a licensed winery in a state other than Minnesota and provides a copy of its current license in any state in which it is licensed to manufacture wine;

(2) provides a shipping address list, including all addresses from which it intends to ship wine;

(3) agrees to comply with the requirements of subdivision 4; and

(4) consents to the jurisdiction of the Departments of Public Safety and Revenue, the courts of this state, and any statute, law, or rule in this state related to the administration or enforcement of this section, including any provision authorizing the commissioners of public safety and revenue to audit a direct ship winery for compliance with this and any related section.

(b) A direct ship winery obtaining a license under this section must annually renew its license by January 1 of each year and must inform the commissioner at the time of renewal of any changes to the information previously provided in paragraph (a).

(c) The application fee for a license is \$50. The fee for a license renewal is \$50. The commissioner must deposit all fees received under this subdivision in the alcohol enforcement account in the special revenue fund established under section 299A.706.

Subd. 3. Direct ship wineries; restrictions. (a) A direct ship winery may only ship wine from an address provided to the commissioner as required in subdivision 2, paragraph (a), clause (2), or through a third-party provider whose name and address the licensee provided to the commissioner in the licensee's application for a license.

(b) A direct ship winery or its third-party provider may only ship wine from the direct ship winery's own production.

Subd. 4. Taxation. A direct ship winery must:

(1) collect and remit the liquor gross receipts tax as required in section 295.75;

(2) apply for a permit as required in section 297A.83 and collect and remit the sales and use tax imposed as required in chapter 297A;

(3) remit the tax as required in chapter 297G; and

(4) provide a statement to the commissioner, on a form prescribed by the commissioner, detailing each shipment of wine made to a resident of this state and any other information required by the commissioner.

Subd. 5. Private or nonpublic data; classification and sharing. (a) Data collected, created, or maintained by the commissioner as required under this section are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

Subd. 6. Enforcement; penalties. Section 340A.417, paragraphs (d) to (f), apply to this section.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 29. **[340A.555] COMMON CARRIER REGULATIONS FOR DIRECT SHIPMENTS OF WINE.**

Subdivision 1. Monthly report required. Each common carrier that contracts with a winery under section 340A.417 for delivery of wine into this state must file with the commissioner a monthly report of known wine shipments made by the carrier. The report must be made in a form and manner as prescribed by the commissioner and must contain:

(1) the name of the common carrier making the report;

(2) the period of time covered by the report;

(3) the name and business address of the consignor;

(4) the name and address of the consignee;

(5) the weight of the package delivered to the consignee;

(6) a unique tracking number; and

(7) the date of delivery.

Subd. 2. Record availability and retention. Upon written request by the commissioner, any records supporting the report in subdivision 1 must be made available to the commissioner within 30 days of the request. Any records containing information relating to a required report must be retained and preserved for a period of two years, unless destruction of the records prior to the end of the two-year period is authorized in writing by the commissioner. All retained records must be open and available for inspection by the commissioner upon written request. The commissioner must make the required reports available to any law enforcement agency or regulatory body of any local government in the state in which the common carrier making the report resides or does business.

Subd. 3. Penalty. If a common carrier willfully violates the requirement to report a delivery under this section or violates any rule related to the administration and enforcement of this section, the commissioner must notify the common carrier in writing of the violation. The commissioner may impose a fine in an amount not to exceed \$500 for each subsequent violation.

Subd. 4. Exemptions. This section does not apply to common carriers regulated as provided by United States Code, title 49, section 10101, et. seq.; or to rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service, as provided by Code of Federal Regulations, title 49, section 1090.1; or highway TOFC/COFC service provided by a rail carrier, either itself or jointly with a motor carrier, as part of continuous intermodal freight transportation, including but not limited to any other TOFC/COFC transportation as defined under federal law.

Subd. 5. Private or nonpublic data; classification and sharing. (a) Data collected, created, or maintained by the commissioner as required under subdivision 1, clauses (4) to (6), are classified as private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12.

(b) The commissioner must share data classified as private or nonpublic under this section with the commissioner of revenue for purposes of administering section 295.75 and chapters 289A, 297A, and 297G.

EFFECTIVE DATE. This section is effective July 1, 2022.

Sec. 30. Minnesota Statutes 2020, section 403.02, is amended by adding a subdivision to read:

Subd. 17d. Public safety telecommunicator. "Public safety telecommunicator" means a person who is employed by a primary, secondary, or Tribal public safety answering point, an emergency medical dispatch service provider, or both, and serves as an initial first responder to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point. Public safety telecommunicator includes persons who supervise public safety telecommunicators. Pursuant to section 403.051, after August 1, 2024, public safety telecommunicators and those who directly manage or supervise public safety telecommunicators must be certified by the commissioner.

Sec. 31. **[403.051] PUBLIC SAFETY TELECOMMUNICATORS; CERTIFICATION; TRAINING; CONTINUING EDUCATION.**

Subdivision 1. Certification required. After August 1, 2024, a public safety telecommunicator must be certified by the commissioner to serve in that role.

Subd. 2. **Certification requirements; rulemaking.** (a) The commissioner of public safety, in coordination with the Statewide Emergency Communications Board, must adopt rules for certification requirements for public safety telecommunicators and establish in rule criteria for training, certification, and continuing education that incorporate the requirements set forth in paragraph (b).

(b) The commissioner must require that candidates for public safety telecommunicator certification and recertification demonstrate, at a minimum, proficiency in the following areas:

- (1) public safety telecommunicator roles and responsibilities;
- (2) applicable legal concepts;
- (3) interpersonal skills;
- (4) emergency communications technology and information systems;
- (5) 911 call processing;
- (6) emergency management;
- (7) radio communications for the public safety telecommunicator;
- (8) stress management; and
- (9) quality performance standards management.

Subd. 3. **Continuing education.** To maintain certification under this section, a public safety telecommunicator must complete 48 hours of approved continuing education coursework every two years.

Sec. 32. Minnesota Statutes 2021 Supplement, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, to offset administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program, to make distributions provided for in section 403.113, and to offset the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and ~~may~~ must be appropriated ~~from time to time~~ to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services, including public safety telecommunicator training, certification, and continuing education.

(c) The fee may not be more than 95 cents a month on or after July 1, 2010, for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of management and budget, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized

under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

(e) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

Sec. 33. Minnesota Statutes 2021 Supplement, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes a violation of or an attempt to violate sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3458 (sexual extortion); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an emergency call); 617.261 (nonconsensual dissemination of private sexual images); and 629.75 (violation of domestic abuse no contact order); and similar laws of other states, the United States, the District of Columbia, Tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 34. Minnesota Statutes 2020, section 609.281, subdivision 3, is amended to read:

Subd. 3. **Debt bondage.** ~~"Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal property or real estate to a creditor as security for a debt or the performance of a contract or other obligation, if the value of the property or real estate is not applied toward the liquidation of the debt or the length and nature of the performance of the contract or other obligation are not respectively limited and defined.~~ "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of the debtor's personal property or real estate to a creditor as security for a debt or the performance of a contract or other obligation, if the value of the property or real estate is not applied toward the liquidation of the debt or the length and nature of the performance of the contract or other obligation are not respectively limited and defined.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 35. Minnesota Statutes 2020, section 609.281, subdivision 4, is amended to read:

Subd. 4. **Forced or coerced labor or services.** "Forced or coerced labor or services" means labor or services of any kind that are performed or provided by another person and are obtained or maintained through an actor's:

(1) threat, either implicit or explicit, scheme, plan, ~~or~~ pattern, or other action or statement intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another ~~person~~ would suffer ~~bodily harm~~ or physical restraint; sexual contact, as defined in section 609.341, subdivision 11, paragraph (b); or bodily, psychological, economic, or reputational harm;

(2) ~~physically restraining or threatening to physically restrain~~ sexual contact, as defined in section 609.341, subdivision 11, paragraph (b), with a person;

(3) physical restraint of a person;

(4) infliction of bodily, psychological, economic, or reputational harm;

~~(3)~~ (5) abuse or threatened abuse of the legal process, including the use or threatened use of a law or legal process, whether administrative, civil, or criminal; or

~~(4) knowingly destroying, concealing, removing, confiscating, or possessing~~ (6) destruction, concealment, removal, confiscation, withholding, or possession of any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or

~~(5) use of blackmail.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 36. Minnesota Statutes 2020, section 609.281, subdivision 5, is amended to read:

Subd. 5. **Labor trafficking.** "Labor trafficking" means:

(1) the recruitment, transportation, transfer, harboring, enticement, provision, obtaining, or receipt of a person by any means, ~~for the purpose~~ in furtherance of:

(i) debt bondage ~~or~~;

(ii) forced labor or services;

~~(ii)~~ (iii) slavery or practices similar to slavery; or

~~(iii)~~ (iv) the removal of organs through the use of coercion or intimidation; or

(2) receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 37. Minnesota Statutes 2020, section 609.282, subdivision 1, is amended to read:

Subdivision 1. ~~Individuals under age 18~~ **Labor trafficking resulting in death.** Whoever knowingly engages in the labor trafficking of an individual ~~who is under the age of 18~~ is guilty of a crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or to payment of a fine of not more than \$40,000, or both if the labor trafficking victim dies and the death arose out of and in the course of the labor trafficking or the labor and services related to the labor trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 38. Minnesota Statutes 2020, section 609.282, is amended by adding a subdivision to read:

Subd. 1a. **Individuals under age 18; extended period of time; great bodily harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than \$40,000, or both if any of the following circumstances exist:

(1) the labor trafficking victim is under the age of 18;

(2) the labor trafficking occurs over an extended period of time; or

(3) the labor trafficking victim suffers great bodily harm and the great bodily harm arose out of and in the course of the labor trafficking or the labor and services related to the labor trafficking.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 39. Minnesota Statutes 2020, section 609.87, is amended by adding a subdivision to read:

Subd. 17. **Data.** "Data" means records or information in digital form on a computer or in software that can be stored, transmitted, or processed.

Sec. 40. Minnesota Statutes 2020, section 609.89, subdivision 1, is amended to read:

Subdivision 1. **Acts.** Whoever does any of the following is guilty of computer theft and may be sentenced as provided in subdivision 2:

(a) intentionally and without authorization or claim of right accesses or causes to be accessed any computer, computer system, computer network or any part thereof for the purpose of obtaining services or property; ~~or~~

(b) intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network;

(c) intentionally and without authorization or claim of right accesses or copies any computer software or data and uses, alters, transfers, retains, or publishes the software or data; or

(d) intentionally retains copies of any computer software or data beyond the individual's authority.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 41. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

(1) the certification of postsecondary schools to provide programs of professional peace officer education;

(2) minimum courses of study and equipment and facilities to be required at each certified school within the state;

(3) minimum qualifications for coordinators and instructors at certified schools offering a program of professional peace officer education located within this state;

(4) minimum standards of physical, mental, and educational fitness which shall govern the admission to professional peace officer education programs and the licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota State Patrol;

(5) board-approved continuing education courses that ensure professional competence of peace officers and part-time peace officers;

(6) minimum standards of conduct which would affect the individual's performance of duties as a peace officer. These standards shall be established and published. The board shall review the minimum standards of conduct described in this clause for possible modification in 1998 and every three years after that time;

(7) a set of educational learning objectives that must be met within a certified school's professional peace officer education program. These learning objectives must concentrate on the knowledge, skills, and abilities deemed essential for a peace officer. Education in these learning objectives shall be deemed satisfactory for the completion of the minimum basic training requirement;

(8) the establishment and use by any political subdivision or state law enforcement agency that employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984;

(9) the issues that must be considered by each political subdivision and state law enforcement agency that employs persons licensed by the board in establishing procedures under section 626.5532 to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The adoption of specific procedures and requirements is within the authority of the political subdivision or agency;

(10) supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993;

(11) citizenship requirements for peace officers and part-time peace officers;

(12) driver's license requirements for peace officers and part-time peace officers; and

(13) such other matters as may be necessary consistent with sections 626.84 to 626.863. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.863.

(b) In adopting and enforcing the rules described under paragraph (a), the board shall prioritize the goal of promoting public safety. Promoting public safety includes the promotion of human rights. "Public safety" means reducing or preventing crime by diverting people away from the criminal justice system whenever possible, effecting arrest or detention practices that are the least restrictive necessary to protect the public, and promoting the rehabilitation of those who engage in criminal activity through the provision of evidence-based programming and services, while still maintaining the basic rights, freedoms, and privileges that belong to every person, including the right to dignity, fairness, equality, respect, and freedom from discrimination.

Sec. 42. Minnesota Statutes 2020, section 626A.35, is amended by adding a subdivision to read:

Subd. 2b. **Exception; stolen motor vehicles.** (a) The prohibition under subdivision 1 does not apply to the use of a mobile tracking device on a stolen motor vehicle when:

(1) the consent of the owner of the vehicle has been obtained; or

(2) the owner of the motor vehicle has reported to law enforcement that the vehicle is stolen, and the vehicle is occupied when the tracking device is installed.

(b) Within 24 hours of a tracking device being attached to a vehicle pursuant to the authority granted in paragraph (a), clause (2), an officer employed by the agency that attached the tracking device to the vehicle must remove the device, disable the device, or obtain a search warrant granting approval to continue to use the device in the investigation.

(c) A peace officer employed by the agency that attached a tracking device to a stolen motor vehicle must remove the tracking device if the vehicle is recovered and returned to the owner.

(d) Any tracking device evidence collected after the motor vehicle is returned to the owner is inadmissible.

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

Sec. 43. Minnesota Statutes 2021 Supplement, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section 609.282 may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section 609.282 where the victim was 18 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.322, 609.342 to 609.345, and 609.3458 may be found or made at any time after the commission of the offense.

(f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, paragraph (a), clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision 2, paragraph (a), clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(j) Indictments or complaints for violation of section 609.746 shall be found or made and filed in the proper court within the later of three years after the commission of the offense or three years after the offense was reported to law enforcement authorities.

⊕ ~~(k)~~ In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

⊕ ~~(l)~~ The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

⊕ ~~(m)~~ The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

⊕ ~~(n)~~ The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 44. Minnesota Statutes 2020, section 629.341, subdivision 3, is amended to read:

Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;
- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the Office of Justice Programs in the Department of ~~Corrections~~ Public Safety.

Sec. 45. Minnesota Statutes 2020, section 629.341, subdivision 4, is amended to read:

Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under

section 13.82, subdivision 17, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney, or organizations designated by the Office of Justice Programs in the Department of Public Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic abuse. The officer shall submit the report to the officer's supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Sec. 46. Minnesota Statutes 2020, section 629.72, subdivision 6, is amended to read:

Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of ~~the area battered women's shelter as~~ programs that provide services to victims of domestic abuse designated by the Office of Justice Programs in the Department of Public Safety.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

(c) Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

Sec. 47. Laws 2021, First Special Session chapter 11, article 2, section 12, is amended to read:

Sec. 12. **299A.477 HOMETOWN HEROES ASSISTANCE PROGRAM.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Critical illness" means cardiac disease and cancer as well as other illnesses covered by a policy of insurance issued by an insurer in compliance with chapter 60A.

~~(c)~~ (c) "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state.

~~(d)~~ (d) "Minnesota Firefighter Initiative" means a collaborative that is established by major fire service organizations in Minnesota, is a nonprofit organization, and is tax exempt under section 501(c)(3) of the Internal Revenue Code.

Subd. 2. **Program established.** The commissioner of public safety shall award a grant to the Minnesota Firefighter Initiative to administer a hometown heroes assistance program for Minnesota firefighters. The Minnesota Firefighter Initiative shall use the grant funds:

(1) to ~~provide a onetime~~ establish and fund critical illness coverage that provides monetary support ~~payment payments~~ to each firefighter who is diagnosed with ~~cancer or heart disease~~ a critical illness on or after August 1, 2021, and who applies for the payment. Monetary support shall be provided according to the requirements in subdivision 3;

(2) to develop a psychotherapy program customized to address emotional trauma experienced by firefighters and to offer all firefighters in the state up to five psychotherapy sessions per year under the customized program, provided by mental health professionals;

(3) to ~~offer~~ coordinate additional psychotherapy sessions to firefighters who need them;

(4) to develop, annually update, and annually provide to all firefighters in the state at least two hours of training on critical illnesses, such as cancer; and heart disease, and emotional trauma as causes of illness and death for firefighters; steps and best practices for firefighters to limit the occupational risks of cancer, heart disease, and emotional trauma; provide evidence-based suicide prevention strategies; and ways for firefighters to address occupation-related emotional trauma and promote emotional wellness. The training shall be presented by firefighters who attend an additional course to prepare them to serve as trainers; and

(5) for administrative and overhead costs of the Minnesota Firefighter Initiative associated with conducting the activities in clauses (1) to (4).

Subd. 3. **Critical illness monetary support program.** (a) The Minnesota Firefighter Initiative shall establish and administer a critical illness monetary support program which shall provide ~~a onetime~~ support ~~payment payments~~ of up to \$20,000 to each eligible firefighter ~~diagnosed with cancer or heart disease~~. ~~A firefighter may apply for monetary support from the program, in a form specified by the Minnesota Firefighter Initiative, if the firefighter has a current diagnosis of cancer or heart disease or was diagnosed with cancer or heart disease in the year preceding the firefighter's application.~~ A firefighter who is diagnosed with a critical illness on or after August 1, 2021, is eligible to apply for benefits under the monetary support program and has 12 months from the diagnosis to submit an application. A firefighter's application for monetary support must include a certification from the firefighter's health care provider of the firefighter's diagnosis ~~with cancer or heart disease~~ of an eligible critical illness. The Minnesota Firefighter Initiative shall establish criteria to guide disbursement of monetary support payments under this program, and shall scale the amount of monetary support provided to each firefighter according to the severity of the firefighter's diagnosis.

(b) The commissioner of public safety may access the accounts of the critical illness monetary support program ~~and may~~ to conduct periodic audits of the program to ensure that payments are being made in compliance with this section and disbursement criteria established by the Minnesota Firefighter Initiative.

Subd. 4. **Money from nonstate sources.** The commissioner may accept contributions from nonstate sources to supplement state appropriations for the hometown heroes assistance program. Contributions received under this subdivision are appropriated to the commissioner for the grant to the Minnesota Firefighter Initiative for purposes of this section.

Sec. 48. **TASK FORCE ON A COORDINATED APPROACH TO JUVENILE WELLNESS AND JUSTICE.**

Subdivision 1. Establishment. The Task Force on a Coordinated Approach to Juvenile Wellness and Justice is established to review the juvenile justice system in Minnesota, examine approaches taken in other jurisdictions, and make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) a district court judge serving as the presiding judge in a district juvenile court appointed by the governor;

(2) the state public defender or a designee;

(3) a county attorney appointed by the Minnesota County Attorneys Association;

(4) the warden of the Minnesota correctional facility for juveniles in Red Wing or a designee;

(5) a representative from a Tribal social services agency or a Tribal Council appointed by the Indian Affairs Council;

(6) a representative from an Ojibwe Indian Tribe and a representative from a Dakota Indian Tribe appointed by the Indian Affairs Council;

(7) a probation agent who supervises juveniles appointed by the Minnesota Association of Community Corrections Act Counties;

(8) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the governor from a list of three candidates submitted jointly by the Minnesota Chiefs of Police Association, the Minnesota Sheriffs' Association, and the Minnesota Police and Peace Officers Association;

(9) a high school principal appointed by the governor from a list of two candidates submitted jointly by the commissioner of education and the executive director of Education Minnesota;

(10) a representative from a county social services agency that has responsibility for public child welfare and child protection services, appointed by the governor;

(11) an individual who was the victim of an offense committed by a juvenile, appointed by the governor;

(12) a representative from a community-driven nonprofit law firm that represents juveniles in delinquency matters, appointed by the governor;

(13) an individual who is a children's mental health professional appointed by AspireMN;

(14) an individual who is the family member of youth impacted by the juvenile justice system; and

(15) ten youths under age 25 with interest or experience in the juvenile justice, juvenile protection, and foster care systems.

(b) To the extent possible, the demographics of the public members identified in paragraph (a), clause (15), must be inclusive and represent the ethnic and racial diversity of the state, including gender and sexual orientation, immigrant status, and religious and linguistic background. At least two of those public members must be from outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

(c) Appointments must be made no later than September 15, 2022.

(d) Public members identified in paragraph (a), clause (15), are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3. All other members shall serve without compensation.

(e) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) At its first meeting, the members of the task force shall elect cochair of the task force, at least one of whom must be a public member identified in subdivision 2, paragraph (a), clause (15). The task force may elect other officers as necessary.

(b) The executive director of the Office of Justice Programs shall convene the first meeting of the task force no later than October 15, 2022, and shall provide meeting space and administrative assistance through the Office of Justice Programs as necessary for the task force to conduct its work.

(c) The task force shall meet at least monthly or upon the call of a cochair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. **Duties.** (a) The task force shall, at a minimum:

(1) review Minnesota's juvenile justice system;

(2) identify areas of overlap and conflict between Minnesota's juvenile justice and child protection systems, including areas of collaboration and coordination, provision of duplicated services, and any inconsistent expectations placed on juveniles;

(3) review alternative approaches to juvenile justice in Minnesota counties, Tribal communities, and other states or jurisdictions;

(4) identify social, emotional, and developmental factors that contribute to delinquent acts by juveniles;

(5) identify approaches to juvenile justice that involve the affected juvenile and address any underlying factors that contribute to delinquent acts by juveniles;

(6) identify approaches to juvenile justice that hold juvenile offenders accountable to victims and the community in ways that seek to strengthen the juvenile's connection to the community; and

(7) make recommendations for community and legislative action to address juvenile justice in Minnesota.

(b) At its discretion, the task force may examine other related issues consistent with this section.

Subd. 5. **Report.** By January 15, 2024, the task force shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy, judiciary finance and policy, human services finance and policy, and education finance and policy.

Subd. 6. **Expiration.** The task force expires the day after submitting its final report under subdivision 5.

Sec. 49. **EMERGENCY COMMUNITY SAFETY GRANTS.**

Subdivision 1. **Definition.** "Re-entry program" means county remote monitoring, county dosage probation programs, county probation check-in stations, and any program primarily aimed at supporting individuals with a criminal record, including but not limited to employment programs, housing programs, and education programs.

Subd. 2. **Expedited disbursement; distribution.** (a) Application materials for grants issued under this section must be prepared and made available to the public by July 15, 2022.

(b) Applications must be reviewed and considered by the commissioner as they are received, and the commissioner shall approve applications when they are determined to meet eligibility requirements and all applicable grant standards.

(c) Half of the total amount awarded must be provided to programs that do not involve law enforcement agencies and are for the purposes identified in subdivision 3, paragraph (c), clauses (1) to (8).

Subd. 3. **Eligible recipients.** (a) A county; city; town; local law enforcement agency, including a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for emergency community safety grants to support crime prevention programs.

(b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a multijurisdictional collaboration with other counties, cities, towns, or federally recognized Indian Tribes.

(c) As used in this section, "crime prevention programs" includes but is not limited to:

(1) re-entry programs;

(2) victim services programs;

(3) homelessness assistance programs;

(4) mobile crisis teams and embedded social worker programs;

(5) restorative justice programs;

(6) co-responder programs;

(7) juvenile diversion programs;

(8) community violence interruption programs;

(9) increasing the recruitment of officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as peace officers for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(10) increasing patrols outside of squad cars, on foot or in transportation options that provide more interaction between police and community members;

(11) increasing, establishing, maintaining, or expanding crisis response teams in which social workers or mental health providers are sent as first responders when calls for service indicate that an individual is having a mental health crisis;

(12) establishing, maintaining, or expanding co-responder teams;

(13) purchasing equipment to perform patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members;

(14) hiring additional non-law-enforcement personnel to conduct functions typically performed by law enforcement with the intent of freeing up additional law enforcement to perform patrols or respond to service calls;

(15) increasing recruitment of additional detectives, investigators, or other individuals with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor vehicle theft, including hiring, on a temporary or permanent basis, retired officers utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as peace officers for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(16) increasing recruitment of additional peace officers to replace officers transferred or promoted to detective, investigator, or a comparable rank and assigned to investigate homicides, nonfatal shootings, or motor vehicle theft;

(17) ensuring retention of peace officers identified as a detective, investigator, or a comparable rank and assigned to investigate homicides and nonfatal shootings;

(18) acquiring, upgrading, or replacing investigative or evidence-processing technology or equipment;

(19) hiring additional evidence-processing personnel;

(20) ensuring that personnel responsible for evidence processing have sufficient resources and training;

(21) hiring and training personnel to analyze violent crime, specifically with regards to the use of intelligence information of criminal networks and the potential for retaliation among gangs or groups, and the geographic trends among homicides, nonfatal shootings, and carjackings;

(22) ensuring that victim services and personnel are sufficiently funded, staffed, and trained;

(23) ensuring that victims and family members of homicides and nonfatal shootings have access to resources, including:

(i) convenient mental health treatment and grief counseling;

(ii) funeral and burial expenses;

(iii) relocation expenses;

(iv) emergency shelter;

(v) emergency transportation; and

(vi) lost wage assistance;

(24) developing competitive and evidence-based programs to improve homicide and nonfatal shooting clearance rates; or

(25) developing best practices for improving access to, and acceptance of, victim services, including those that promote medical and psychological wellness, ongoing counseling, legal advice, and financial compensation.

Subd. 4. Application for grants. (a) A crime prevention program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 3. The application must be on forms and pursuant to procedures developed by the commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the commissioner.

(b) An applicant may not spend in any fiscal year more than ten percent of the grant awarded for administrative costs.

(c) Grant recipients may use funds to partner with or support other programs.

Subd. 5. Reporting by crime prevention programs required. The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner.

Sec. 50. **LOCAL CO-RESPONDER GRANTS.**

Subdivision 1. Expedited disbursement; distribution. (a) Application materials for grants issued under this section must be prepared and made available to the public by August 15.

(b) The commissioner must prioritize awarding grants to applicants who are not eligible to apply for local community innovation grants, local community policing grants, or local investigation grants.

(c) Half of the total amount awarded must be provided to programs that do not involve law enforcement agencies and are for the purposes identified in subdivision 3, paragraph (c), clauses (1) to (8).

Subd. 2. Eligible recipients. (a) A county; city; town; local law enforcement agency, including a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e); or a federally recognized Indian Tribe may apply for local co-responder grants for the purposes identified in this subdivision.

(b) A county, city, town, or a federally recognized Indian Tribe may apply as part of a multijurisdictional collaboration with other counties, cities, towns, or federally recognized Indian Tribes.

(c) Qualifying programs must partner with local law enforcement organizations and must include:

(1) embedded social workers;

(2) mobile crisis teams; or

(3) violence interrupters who work with law enforcement agencies.

Subd. 3. **Application for grants.** (a) A co-responder program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 3. The application must be on forms and pursuant to procedures developed by the commissioner.

(b) An applicant may not spend in any fiscal year more than ten percent of the grant awarded for administrative costs.

(c) Grant recipients may use funds to partner with or support other programs.

Subd. 4. **Reporting by co-responder programs required.** The recipient of a grant under this section shall file a report with the commissioner of public safety by December 15 of each calendar year in which funds were received or used. Reports must itemize the expenditures made, indicate the purpose of those expenditures, and describe the ultimate disposition, if any, of each case. The report must be on forms and pursuant to procedures developed by the commissioner.

Sec. 51. **LOCAL COMMUNITY INNOVATION GRANTS.**

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

(b) "Community violence interruption" means a program that works with other organizations and persons in the community to develop community-based responses to violence that use and adapt critical incident response methods, provide targeted interventions to prevent the escalation of violence after the occurrence of serious incidents, and de-escalate violence with the use of community-based interventions. The programs may work with local prosecutorial offices to provide an alternative to adjudication through a restorative justice model.

(c) "Co-responder teams" means a partnership between a group or organization that provides mental health or crisis-intervention services and local units of government or Tribal governments that:

(1) provides crisis-response teams to de-escalate volatile situations;

(2) responds to situations involving a mental health crisis;

(3) promotes community-based efforts designed to enhance community safety and wellness; or

(4) supports community-based strategies to interrupt, intervene in, or respond to violence.

(d) "Qualified local government entity" means a city or town, or a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates.

(e) "Re-entry program" means county remote monitoring, county dosage probation programs, county probation check-in stations, and any program primarily aimed at supporting individuals with a criminal record, including but not limited to employment programs, housing programs, and education programs.

(f) "Restorative justice program" has the meaning given in Minnesota Statutes, section 611A.775, and includes Native American sentencing circles.

Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public safety shall publish the following lists by August 1 of each year to determine eligibility for the formula grant:

(1) the qualified local government entities with at least three recorded violent crimes in the previous fiscal year and the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1) and have experienced at least three recorded violent crimes in the previous fiscal year and the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity that reports statistics on crime rates may apply as part of a multijurisdictional collaboration with counties or local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. **Grant distribution.** (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. **Application materials.** (a) Applicants must submit an application in the form and manner established by the commissioner of public safety.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime in a specific subsection of the county or qualified local government entity through the creation or expansion of programs, including but not limited to the following:

(1) re-entry programs;

(2) victim services programs;

(3) homelessness assistance programs;

(4) mobile crisis teams and embedded social worker programs;

(5) restorative justice programs;

(6) co-responder programs;

(7) juvenile diversion programs;

(8) community violence interruption programs;

(9) blight elimination programs; or

(10) programs that provide technical assistance to service providers who are doing work that would promote public safety.

Subd. 7. **Awards.** (a) Preference in awarding grants should be given to applicants whose proposals are based on evidence-based practices, provide resources to geographic areas that have been historically underinvested, and incorporate input from community stakeholders.

(b) Grant recipients may use funds to partner with or support other programs.

(c) Grant funds may not be used to fund the activities of law enforcement agencies or offset the costs of counties or qualified local government entities.

(d) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 52. **LOCAL COMMUNITY POLICING GRANTS.**

Subdivision 1. Definition. As used in this section, "qualified local government entity" means a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates, or a city or town that has a local law enforcement agency.

Subd. 2. Expedited disbursement. (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. Final review panel. (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. Eligible applicants; identification and notice. (a) The commissioner of public safety shall publish the following lists by August 1 of each year:

(1) the qualified local government entities that have recorded at least three violent crimes in the previous fiscal year and have the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year, and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity may apply as part of a multijurisdictional collaboration with counties and local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. Grant distribution. (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. Application materials. (a) Applicants must submit an application in the form and manner established by the commissioner.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement community policing efforts through approaches, including but not limited to the following:

(1) increasing the recruitment of officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as a peace officer for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(2) increasing patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members;

(3) increasing, establishing, maintaining, or expanding crisis response teams in which social workers or mental health providers are sent as first responders when calls for service indicate that an individual is having a mental health crisis;

(4) establishing, maintaining, or expanding co-responder teams;

(5) purchasing equipment to perform patrols outside of squad cars on foot or in transportation options that provide more interaction between police and community members; or

(6) hiring additional non-law-enforcement personnel to conduct functions typically performed by law enforcement with the intent of freeing up additional law enforcement to perform patrols or respond to service calls.

Subd. 7. Awards. (a) Preference in awarding grants should be given to applicants whose proposals:

(1) involve community policing strategies;

(2) include collaboration with non-law-enforcement entities such as community-based violence prevention programs, social worker programs, or mental health specialists;

(3) are based on academic studies or based on evidence-based policing research or findings; or

(4) involve increased law enforcement accountability or transparency.

(b) Grant recipients may use funds to partner with or support other programs.

(c) Grant funds may not be used to offset the costs of law enforcement agencies, counties, or qualified local government entities.

(d) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 53. **LOCAL INVESTIGATION GRANTS.**

Subdivision 1. **Definition.** As used in this section, "qualified local government entity" means a federally recognized Indian Tribe with a law enforcement agency that reports statistics on crime rates, or a city or town that has a local law enforcement agency.

Subd. 2. **Expedited disbursement.** (a) Application materials for grants issued under this section must be prepared and made available to the public by September 1.

(b) Applications must be received and reviewed, and successful applicants must be notified of approval, within six months of an appropriation being made to fund the grants.

Subd. 3. **Final review panel.** (a) The Office of Justice Programs shall establish a final review panel of office staff to make final decisions on grants awarded under this section.

(b) Staff serving on the final review panel must represent the office's responsibility for community outreach, research and analysis, crime victim reparations, crime victim justice, financial compliance, or grant management. At a minimum, the final review panel shall include:

(1) three individuals with specialized knowledge of, or an advanced degree in, criminology, sociology, urban studies, or social work;

(2) an individual with professional duties that include research and analysis; and

(3) an individual with professional duties that include grant compliance or grant management.

(c) If the commissioner rejects or otherwise does not follow the final review panel's decisions or recommendations regarding awarding or not awarding a grant, the commissioner shall notify the chair and ranking minority members of the legislative committees with jurisdiction over public safety within three business days and must identify the reasons for the commissioner's decision.

Subd. 4. **Eligible applicants; identification and notice.** (a) The commissioner of public safety shall publish the following lists by August 1 of each year:

(1) the qualified local government entities that have recorded at least three violent crimes in the previous fiscal year and have the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(2) the counties with the 20 highest per capita crime rates in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System;

(3) the qualified local government entities that are not included in the list generated pursuant to clause (1), have recorded at least three violent crimes in the previous fiscal year, and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System; and

(4) the counties that are not included in the list generated pursuant to clause (2) and have experienced the 20 fastest increases in the per capita rate of crime in the previous fiscal year based on the Uniform Crime Reports or National Incident Based Reporting System.

(b) A county or qualified local government entity identified in any list produced pursuant to paragraph (a), clauses (1) to (4), may apply for a grant under this section. A listed county or qualified local government entity may apply as part of a multijurisdictional collaboration with counties and local government entities that are not listed provided the portion of programs or services provided through the grant funding that are performed in the listed county or qualified local government entity is at least equal to its proportion of the membership of the multijurisdictional collaboration.

(c) The commissioner of public safety shall post the lists described in paragraph (a), clauses (1) to (4), on a publicly facing website and shall work with the League of Minnesota Cities, Association of Minnesota Counties, the three ethnic councils established under Minnesota Statutes, section 15.0145, and the Indian Affairs Council established under Minnesota Statutes, section 3.922, to notify entities that are eligible to apply for grants under this section.

Subd. 5. Grant distribution. (a) Half of the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (1) or (2).

(b) Half the total amount appropriated under this section must be awarded to counties or qualified local government entities identified in subdivision 4, paragraph (a), clause (3) or (4).

Subd. 6. Application materials. (a) Applicants must submit an application in the form and manner established by the commissioner of public safety.

(b) Applicants must describe the ways in which grant funds will be used to reduce crime by increasing the capacity, efficiency, and effectiveness of law enforcement investigations through approaches, including but not limited to the following:

(1) increasing recruitment of additional detectives, investigators, or other individuals with a comparable rank or designation to investigate homicides, nonfatal shootings, or motor vehicle theft, including hiring, on a temporary or permanent basis, retired officers by utilizing advertisements, or bonuses or scholarships for peace officers who remain continuously employed as a peace officer for at least 12 months and have not been subject to disciplinary action in the previous 12 months;

(2) increasing recruitment of additional peace officers to replace officers transferred or promoted to detective, investigator, or a comparable rank and assigned to investigate homicides, nonfatal shootings, or motor vehicle theft;

(3) ensuring retention of peace officers identified as a detective, investigator, or a comparable rank and assigned to investigate homicides and nonfatal shootings;

(4) acquiring, upgrading, or replacing investigative or evidence-processing technology or equipment;

(5) hiring additional evidence-processing personnel;

(6) ensuring that personnel responsible for evidence processing have sufficient resources and training;

(7) hiring and training personnel to analyze violent crime, specifically with regards to the use of intelligence information of criminal networks and the potential for retaliation among gangs or groups, and the geographic trends among homicides, nonfatal shootings, and carjackings;

(8) ensuring that victim services and personnel are sufficiently funded, staffed, and trained;

(9) ensuring that victims and family members of homicides and nonfatal shootings have access to resources, including:

(i) convenient mental health treatment and grief counseling;

(ii) assistance for funeral and burial expenses;

(iii) assistance for relocation expenses;

(iv) emergency shelter;

(v) emergency transportation; and

(vi) lost wage assistance;

(10) developing competitive and evidence-based programs to improve homicide and nonfatal shooting clearance rates; or

(11) developing best practices for improving access to, and acceptance of, victim services, including those that promote medical and psychological wellness, ongoing counseling, legal advice, and financial compensation.

Subd. 7. **Awards.** (a) Grant recipients may use funds to partner with or support other programs.

(b) Grant funds may not be used to fund undercover peace officer work or offset the costs of law enforcement agencies, counties, or qualified local government entities.

(c) Any funds that are not encumbered or spent six years after being awarded must be returned to the commissioner of public safety and awarded as part of a local community innovation grant.

Subd. 8. **Evaluation.** Each grant recipient shall complete a standardized evaluation established by the Minnesota Statistical Analysis Center every two years.

Sec. 54. **REPEALER.**

Minnesota Statutes 2020, sections 299A.49, subdivision 7; 403.02, subdivision 17c; 609.281, subdivision 2; 609.293, subdivisions 1 and 5; 609.34; and 609.36, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

ARTICLE 3
LAW ENFORCEMENT POLICY

Section 1. Minnesota Statutes 2020, section 214.10, subdivision 10, is amended to read:

Subd. 10. **Board of Peace Officers Standards and Training; receipt of complaint.** Notwithstanding the provisions of subdivision 1 to the contrary, when the executive director or any member of the Board of Peace Officer Standards and Training produces or receives a written statement or complaint that alleges a violation of a statute or rule that the board is empowered to enforce, the executive director shall designate the appropriate law enforcement agency to investigate the complaint and ~~shall~~ may order it to conduct an inquiry into the complaint's allegations. The investigating agency must complete the inquiry and submit a written summary of it to the executive director within 30 days of the order for inquiry.

Sec. 2. Minnesota Statutes 2020, section 541.073, subdivision 2, is amended to read:

Subd. 2. **Limitations period.** (a) Except as provided in paragraph (b), an action for damages based on sexual abuse: (1) must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older; (2) may be commenced at any time in the case of alleged sexual abuse of an individual under the age of 18, except as provided for in subdivision 4; and (3) must be commenced before the plaintiff is 24 years of age in a claim against a natural person alleged to have sexually abused a minor when that natural person was under 14 years of age.

(b) An action for damages based on sexual abuse may be commenced at any time in the case of alleged sexual abuse by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c).

~~(b)~~ (c) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

~~(c)~~ (d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

EFFECTIVE DATE. (a) This section is effective the day following final enactment. Except as provided in paragraph (b), this section applies to actions that were not time-barred before the effective date.

(b) Notwithstanding any other provision of law, in the case of alleged sexual abuse of an individual by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 541.073, or other time limit, an action for damages against a peace officer may be commenced no later than five years following the effective date of this section.

Sec. 3. Minnesota Statutes 2020, section 573.02, subdivision 1, is amended to read:

Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. An action to recover damages for a death caused by a peace officer, as defined in section 626.84, subdivision 1, paragraph (c), must be commenced within six years after the

Bureau of Criminal Apprehension or affected agency receives notice of declination of charges or at the completion of criminal proceedings. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just in reference to the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

(b) If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of damages for the exclusive benefit of the surviving spouse and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

EFFECTIVE DATE. (a) This section is effective the day following final enactment. Except as provided in paragraph (b), this section applies to actions that were not time-barred before the effective date.

(b) Notwithstanding any other provision of law, in the case of a death caused by a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), if the action would otherwise be time-barred under a previous version of Minnesota Statutes, section 573.02, or other time limit, an action for damages against a peace officer may be commenced no later than five years following the effective date of this section.

Sec. 4. Minnesota Statutes 2020, section 626.76, is amended by adding a subdivision to read:

Subd. 2a. Compliance review officers. (a) Except as provided for in paragraph (c), when a major public safety event requires a joint operation involving three or more law enforcement agencies, including at least one state law enforcement agency, at least one representative from each state law enforcement agency's internal affairs unit must be temporarily reassigned as a compliance review officer. Compliance review officers assigned to a major public safety event must be present on the scene and perform the following functions:

(1) inspect and inform senior officers of any policy, regulatory, or state law violations by state law enforcement;

(2) proactively speak with media and the public to gather information on law enforcement's response to determine compliance with policy, regulation, and state law when it does not obstruct police operation or place officers in jeopardy; and

(3) note and report any policy, regulation, or state law violations by state law enforcement to the proper authority.

(b) A compliance review officer assigned to perform the duties under paragraph (a) shall not participate in subsequent investigations related to that major public safety event except for as a witness.

(c) The requirement to have compliance review officers on scene under paragraph (a) does not apply if the presence of compliance review officers would obstruct law enforcement operations or place compliance review officers or peace officers in danger.

(d) For purposes of this section, "major public safety event" means:

(1) an event where more than 50 peace officers are needed to respond;

(2) an event that is expected to, or has, a crowd in excess of 200 persons; or

(3) an event that is expected to, or has, a crowd in excess of 50 persons and a local or statewide state of emergency is declared.

Sec. 5. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to read:

Subd. 1c. Physical strength and agility examinations. (a) Beginning on December 1, 2022, physical strength and agility screening examinations required by law enforcement agencies for applicants must be scientifically content-validated and job-related. This requirement does not apply to tests of an applicant's cardiovascular health or general physical fitness to serve as a peace officer.

(b) The board must enact rules establishing standards for physical strength and agility examinations required by law enforcement agencies that comply with the requirements set forth in this subdivision.

Sec. 6. Minnesota Statutes 2020, section 626.843, is amended by adding a subdivision to read:

Subd. 1d. Rules governing certain misconduct. No later than January 1, 2024, the board must adopt rules under chapter 14 that permit the board to take disciplinary action on a licensee for a violation of a standard of conduct in Minnesota Rules, chapter 6700, whether or not criminal charges have been filed and in accordance with the evidentiary standards and civil processes for boards under chapter 214.

Sec. 7. Minnesota Statutes 2020, section 626.8473, subdivision 3, is amended to read:

Subd. 3. Written policies and procedures required. (a) The chief officer of every state and local law enforcement agency that uses or proposes to use a portable recording system must establish and enforce a written policy governing its use. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as provided in subdivision 2. Use of a portable recording system without adoption of a written policy meeting the requirements of this section is prohibited. The written policy must be posted on the agency's website, if the agency has a website.

(b) At a minimum, the written policy must incorporate and require compliance with the following:

(1) the requirements of section 13.825 and other data classifications, access procedures, retention policies, and data security safeguards that, at a minimum, meet the requirements of chapter 13 and other applicable law. The policy must prohibit altering, erasing, or destroying any recording made with a peace officer's portable recording system or data and metadata related to the recording prior to the expiration of the applicable retention period under section 13.825, subdivision 3, except that the full, unedited, and unredacted recording of a peace officer using deadly force must be maintained indefinitely;

(2) mandate that a portable recording system be:

(i) worn where it affords an unobstructed view, and above the mid-line of the waist;

(ii) activated during all contacts with citizens in the performance of official duties other than community engagement, to the extent practical without compromising officer safety; and

(iii) activated when the officer arrives on scene of an incident and remain active until the conclusion of the officer's duties at the scene of the incident;

(3) mandate that officers assigned a portable recording system wear and operate the system in compliance with the agency's policy adopted under this section while performing law enforcement activities under the command and control of another chief law enforcement officer or federal law enforcement official;

(4) mandate that, notwithstanding any law to the contrary, a deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children be entitled to view any and all recordings from a peace officer's portable recording system, redacted no more than what is required by law, of an officer's use of deadly force no later than five business days following an incident where deadly force used by a peace officer results in the death of an individual, except that a chief law enforcement officer may deny a request if the investigating agency requests and can articulate a compelling reason as to why allowing the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children to review the recordings would interfere with a thorough investigation. If the chief law enforcement officer denies a request under this paragraph, the involved officer's agency must issue a prompt, written denial and provide notice to the deceased individual's next of kin, legal representative of the next of kin, or other parent of the deceased individual's children that relief may be sought from the district court;

(5) mandate that, notwithstanding any law to the contrary, an involved officer's agency shall release all body-worn camera recordings of an incident where a peace officer used deadly force and an individual dies to the public no later than 14 business days after the incident, except that a chief law enforcement officer shall not release the video if the investigating agency asserts in writing that allowing the public to view the recordings would interfere with the ongoing investigation;

(6) procedures for testing the portable recording system to ensure adequate functioning;

~~(3)~~ (7) procedures to address a system malfunction or failure, including requirements for documentation by the officer using the system at the time of a malfunction or failure;

(4) ~~(8)~~ circumstances under which recording is mandatory, prohibited, or at the discretion of the officer using the system;

~~(5)~~ (9) circumstances under which a data subject must be given notice of a recording;

~~(6)~~ (10) circumstances under which a recording may be ended while an investigation, response, or incident is ongoing;

~~(7)~~ (11) procedures for the secure storage of portable recording system data and the creation of backup copies of the data; and

~~(8)~~ (12) procedures to ensure compliance and address violations of the policy, which must include, at a minimum, supervisory or internal audits and reviews, and the employee discipline standards for unauthorized access to data contained in section 13.09.

(c) The board has authority to inspect state and local law enforcement agency policies to ensure compliance with this section. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's or licensee's failure to comply with this section.

Sec. 8. Minnesota Statutes 2020, section 626.89, subdivision 17, is amended to read:

Subd. 17. **Civilian review.** (a) As used in this subdivision, the following terms have the meanings given:

(1) "civilian oversight council" means a civilian review board, commission, or other oversight body established by a local unit of government to provide civilian oversight of a law enforcement agency and officers employed by the agency; and

(2) "misconduct" means a violation of law, standards promulgated by the Peace Officer Standards and Training Board, or agency policy.

(b) A local unit of government may establish a civilian review board, commission, or other oversight body shall not have council and grant the council the authority to make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. A civilian review board, commission, or other oversight body may make a recommendation regarding the merits of a complaint, however, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief law enforcement officer of any unit of government.

(c) At the conclusion of any criminal investigation or prosecution, if any, a civilian oversight council may conduct an investigation into allegations of peace officer misconduct and retain an investigator to facilitate an investigation. Subject to other applicable law, a council may subpoena or compel testimony and documents in an investigation. Upon completion of an investigation, a council may make a finding of misconduct and recommend appropriate discipline against peace officers employed by the agency. If the governing body grants a council the authority, the council may impose discipline on peace officers employed by the agency. A council may submit investigation reports that contain findings of peace officer misconduct to the chief law enforcement officer and the Peace Officer Standards and Training Board's complaint committee. A council may also make policy recommendations to the chief law enforcement officer and the Peace Officer Standards and Training Board.

(d) The chief law enforcement officer of a law enforcement agency under the jurisdiction of a civilian oversight council shall cooperate with the council and facilitate the council's achievement of its goals. However, the officer is under no obligation to agree with individual recommendations of the council and may oppose a recommendation. If the officer fails to implement a recommendation that is within the officer's authority, the officer shall inform the council of the failure along with the officer's underlying reasons.

(e) Peace officer discipline decisions imposed pursuant to the authority granted under this subdivision shall be subject to the applicable grievance procedure established or agreed to under chapter 179A.

(f) Data collected, created, received, maintained, or disseminated by a civilian oversight council related to an investigation of a peace officer are personnel data as defined under section 13.43, subdivision 1, and are governed by that section.

Sec. 9. Minnesota Statutes 2020, section 626.93, is amended by adding a subdivision to read:

Subd. 8. **Exception; Leech Lake Band of Ojibwe.** Notwithstanding any contrary provision in subdivision 3 or 4, the Leech Lake Band of Ojibwe has concurrent jurisdictional authority under this section with the local county sheriff within the geographical boundaries of the band's reservation to enforce state criminal law if the requirements of subdivision 2 are met, regardless of whether a cooperative agreement pursuant to subdivision 4 is entered into.

Sec. 10. Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3, is amended to read:

Subd. 3. Peace Officer Training Assistance

Philando Castile Memorial Training Fund. \$6,000,000 each year is to support and strengthen law enforcement training and implement best practices. This funding shall be named the "Philando Castile Memorial Training Fund." These funds may only be used to reimburse costs related to training courses that qualify for reimbursement under Minnesota Statutes, sections 626.8469 (training in crisis response, conflict management, and cultural diversity) and 626.8474 (autism training).

Each sponsor of a training course is required to include the following in the sponsor's application for approval submitted to the board: course goals and objectives; a course outline including at a minimum a timeline and teaching hours for all courses; instructor qualifications, ~~including skills and concepts such as crisis intervention, de escalation, and cultural competency that are relevant to the course provided~~; and a plan for learning assessments of the course and documenting the assessments to the board during review. Upon completion of each course, instructors must submit student evaluations of the instructor's teaching to the sponsor.

The board shall keep records of the applications of all approved and denied courses. All continuing education courses shall be reviewed after the first year. The board must set a timetable for recurring review after the first year. For each review, the sponsor must submit its learning assessments to the board to show that the course is teaching the learning outcomes that were approved by the board.

A list of licensees who successfully complete the course shall be maintained by the sponsor and transmitted to the board following the presentation of the course and the completed student evaluations of the instructors. Evaluations are available to chief law enforcement officers. The board shall establish a data retention schedule for the information collected in this section.

Each year, if funds are available after reimbursing all eligible requests for courses approved by the board under this subdivision, the board may use the funds to reimburse law enforcement agencies for other board-approved law enforcement training courses. The base for this activity is \$0 in fiscal year 2026 and thereafter.

Sec. 11. **TASK FORCE ON ALTERNATIVE COURSES TO PEACE OFFICER LICENSURE.**

Subdivision 1. **Establishment.** The Task Force on Alternative Courses to Peace Officer Licensure is established to increase recruitment of new peace officers, increase the diversity of the racial makeup and professional background of licensed peace officers, promote education and training in community policing models, maintain the high standards of education and training required for licensure, and make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) the chair of the Peace Officer Standards and Training Board, or a designee;

(2) a member of the Peace Officer Standards and Training Board representing the general public appointed by the chair of the Peace Officer Standards and Training Board;

(3) the chief of the State Patrol, or a designee;

(4) the superintendent of the Bureau of Criminal Apprehension, or a designee;

(5) the attorney general, or a designee;

(6) the president of the Minnesota Chiefs of Police Association, or a designee;

(7) the president of the Minnesota Sheriffs' Association, or a designee;

(8) a peace officer who is employed by a law enforcement agency of a federally recognized Tribe, as defined in United States Code, title 25, section 450b(e), appointed by the Indian Affairs Council;

(9) the executive director of the Minnesota Police and Peace Officers Association, or a designee;

(10) a peace officer appointed by the executive director of the Minnesota Police and Peace Officers Association;

(11) a member of a civilian review board appointed by the governor;

(12) an attorney who provides legal advice to victims of police brutality or who advocates for civil liberties appointed by the governor;

(13) a representative from an organization that provides direct services to families or communities impacted by police violence appointed by the governor; and

(14) two representatives from postsecondary schools certified to provide programs of professional peace officer education appointed by the governor.

(b) Appointments must be made no later than August 30, 2022.

(c) Members shall serve without compensation.

(d) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. Officers; meetings. (a) The task force shall elect a chair and vice-chair from among its members. The task force may elect other officers as necessary.

(b) The chair of the Peace Officer Standards and Training Board shall convene the first meeting of the task force no later than September 15, 2022, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

(c) The task force shall meet at least monthly or upon the call of the chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. Duties. (a) The task force shall, at a minimum:

(1) identify barriers to recruiting peace officers;

(2) develop strategies for recruiting new peace officers;

(3) develop policies and procedures to increase the diversity of the racial makeup and professional background of licensed peace officers;

(4) identify or develop curriculum that utilizes community policing models;

(5) provide recommendations on how to create and support an expedited pathway for individuals to become peace officers; and

(6) assure that any alternative courses to licensure maintain the high standards of education and training required for licensure as a peace officer in Minnesota.

(b) At its discretion, the task force may examine, as necessary, other related issues consistent with this section.

Subd. 5. **Report.** By January 15, 2024, the task force must submit a report on its findings and recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy and the Minnesota Sentencing Guidelines Commission.

Subd. 6. **Expiration.** The task force expires the day after submitting its report under subdivision 5.

Sec. 12. **TITLE.**

Sections 2 and 3 may be known as "Justin Teigen's Law."

ARTICLE 4 CONTROLLED SUBSTANCE POLICY

Section 1. Minnesota Statutes 2020, section 152.01, subdivision 9a, is amended to read:

Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity except as provided in ~~subdivision 16;~~ sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2, paragraph (b); and 152.023, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 9b. **Marijuana flower.** "Marijuana flower" means the flower, leaves, stems, seeds, or plant form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 3. Minnesota Statutes 2020, section 152.01, is amended by adding a subdivision to read:

Subd. 9c. **Nonflower marijuana.** "Nonflower marijuana" means the resinous form of marijuana.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 4. Minnesota Statutes 2020, section 152.01, subdivision 12a, is amended to read:

Subd. 12a. **Park zone.** "Park zone" means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, or a park and recreation board in a city of the first class or a federally recognized Indian Tribe. "Park zone" includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2020, section 152.01, subdivision 16, is amended to read:

Subd. 16. **Small amount.** "Small amount" as applied to marijuana means: (1) 42.5 grams or less. ~~This provision shall not apply to the resinous form of marijuana flowers; or (2) eight grams or less of any nonflower marijuana mixture. Nonflower marijuana mixtures weighing eight grams or less may not be considered in determining the 42.5 gram limit in clause (1).~~ The weight of fluid used in a water pipe may not be considered in determining a small amount ~~except in cases where the marijuana is mixed with four or more fluid ounces of fluid.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2021 Supplement, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances, including but not limited to the permitted uses of marijuana, under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, ~~(3) testing the strength, effectiveness, or purity of a controlled substance, or (4) (3) enhancing the effect of a controlled substance.~~

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of: ~~(1) hypodermic needles or syringes in accordance with section 151.40, subdivision 2; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.~~

Sec. 7. Minnesota Statutes 2020, section 152.021, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves two aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 500 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2020, section 152.022, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing cocaine or methamphetamine and:

(i) the person or an accomplice possesses on their person or within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

(ii) the offense involves three aggravating factors;

(3) the person unlawfully possesses one or more mixtures of a total weight of six grams or more containing heroin;

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(5) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(6) the person unlawfully possesses one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols, or possesses 100 or more marijuana plants.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2020, section 152.023, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than heroin;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing heroin;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxyamphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

(b) For the purposes of this subdivision, the weight of fluid used in a water pipe may not be considered in measuring the weight of a marijuana mixture. For other mixtures, the weight of fluid may not be considered except in cases where the mixture contains four or more fluid ounces of fluid.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2020, section 152.025, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person convicted under the provisions of subdivision 2, clause (1), who has not been previously convicted of a violation of this chapter or a similar offense in another jurisdiction, is guilty of a gross misdemeanor if:

(1) the amount of the controlled substance possessed, other than heroin or a small amount of marijuana, is less than 0.25 grams or one dosage unit or less if the controlled substance was possessed in dosage units; ~~or~~

(2) the controlled substance possessed is heroin and the amount possessed is less than 0.05 grams; or

(3) the controlled substance possessed is marijuana and the amount possessed is:

(i) more than 42.5 grams but not more than 85 grams of marijuana flowers; or

(ii) more than eight grams but not more than 16 grams of any nonflower marijuana mixture.

(b) A person convicted under the provisions of subdivision 1; subdivision 2, clause (1), unless the conduct is described in paragraph (a); or subdivision 2, clause (2), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2020, section 152.027, subdivision 4, is amended to read:

Subd. 4. **Possession or sale of small amounts of marijuana.** ~~(a)~~ A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor ~~and shall be required to participate in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.~~

~~(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.~~

~~(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.~~

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to acts committed on or after that date.

Sec. 12. Minnesota Statutes 2020, section 152.0271, is amended to read:

152.0271 NOTICE OF DRUG CONVICTIONS; DRIVER'S LICENSE REVOCATION.

When a person is convicted of violating a provision of sections 152.021 to ~~152.0262~~ 152.0262 or section 152.027 and 152.0262, subdivision 1, 2, 3, 5, 6, or 7, the sentencing court shall determine whether the person unlawfully sold or possessed the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the person's driver's license for 30 days. If the person does not have a driver's license or if the person's driver's license is suspended or revoked at the time of the conviction, the commissioner shall delay the issuance or reinstatement of the person's driver's license for 30 days after the person applies for the issuance or reinstatement of the license. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to convictions that take place on or after that date.

Sec. 13. Minnesota Statutes 2020, section 152.096, subdivision 1, is amended to read:

Subdivision 1. **Prohibited acts; penalties.** Any person who conspires to commit any felony act prohibited by this chapter, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2020, section 152.18, subdivision 3, is amended to read:

Subd. 3. **Expungement of certain marijuana offenses.** Any person who has been found guilty of: (1) a violation of section 152.09 with respect to a small amount of marijuana which violation occurred prior to April 11, 1976, and whose conviction would have been a petty misdemeanor under the provisions of section 152.15, subdivision 2, clause (5) in effect on April 11, 1978, but whose conviction was for an offense more serious than a petty misdemeanor under laws in effect prior to April 11, 1976; or (2) a violation of section 152.025 that occurred before August 1, 2022, where the violation would have been a petty misdemeanor under section 152.027, subdivision 4, in effect on August 1, 2022, may petition the court in which the person was convicted to expunge from all official records, other than the nonpublic record retained by the Department of Public Safety pursuant to section 152.15, subdivision 2, clause (5), all recordation relating to the person's arrest, indictment or information, trial and conviction of an offense more serious than a petty misdemeanor. The court, upon being satisfied that a small amount was involved in the conviction, shall order all the recordation expunged. This shall restore the person's ability to possess, receive, ship, or transport firearms and handle firearms and ammunition. No person as to whom an order has been entered pursuant to this subdivision shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge conviction of an offense greater than a petty misdemeanor, unless possession of marijuana is material to a proceeding.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 15. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision to read:

Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from participating in the registry program under sections 152.22 to 152.37 as a condition of probation, parole, pretrial conditional release, or supervised release or revoke a patient's probation, parole, pretrial conditional release, or supervised release or otherwise sanction a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh participation in the registry program, or positive drug test for cannabis components or metabolites by registry participants, or both, as a factor when considering penalties for violations of probation, parole, pretrial conditional release, or supervised release.

(b) The commissioner of corrections, probation agent, or parole officer shall not prohibit a person from participating in the registry program under sections 152.22 to 152.37 as a condition of parole, supervised release, or conditional release or revoke a patient's parole, supervised release, or conditional release or otherwise sanction a patient on parole, supervised release, or conditional release solely for participating in the registry program or for a positive drug test for cannabis components or metabolites.

Sec. 16. **[152.325] CRIMINAL AFFIRMATIVE DEFENSE.**

It is an affirmative defense to a charge of possession of marijuana that the defendant was enrolled in the registry program under sections 152.22 to 152.37 and possessed the marijuana to use for a qualifying medical condition or was a visiting patient and possessed the marijuana for medical use as authorized under the laws or regulations of the visiting patient's jurisdiction of residence. This affirmative defense applies to a charge of violating:

(1) section 152.025, subdivision 2, involving possession of the amount of marijuana identified in section 152.025, subdivision 4, paragraph (a), clause (3); or

(2) section 152.027, subdivision 3 or 4.

Sec. 17. Minnesota Statutes 2020, section 260B.198, subdivision 1, is amended to read:

Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(1) counsel the child or the parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(3) if the court determines that the child is a danger to self or others, subject to the supervision of the court, transfer legal custody of the child to one of the following:

(i) a child-placing agency;

(ii) the local social services agency;

(iii) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16;

(iv) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(v) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) transfer legal custody by commitment to the commissioner of corrections;

(5) if the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;

(6) require the child to pay a fine of up to \$1,000. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(7) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(8) if the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize;

(9) if the court believes that it is in the best interest of the child and of public safety that the child is enrolled in school, the court may require the child to remain enrolled in a public school until the child reaches the age of 18 or completes all requirements needed to graduate from high school. Any child enrolled in a public school under this clause is subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

(10) if the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.0262 or section 152.027, subdivision 1, 2, 3, 5, 6, or 7, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing;

(11) if the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court must be experienced in the evaluation and treatment of juvenile sex offenders. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or 260B.171, or chapter 260E, the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

(i) medical data under section 13.384;

- (ii) corrections and detention data under section 13.85;
- (iii) health records under sections 144.291 to 144.298;
- (iv) juvenile court records under section 260B.171; and
- (v) local welfare agency records under chapter 260E.

Data disclosed under this clause may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law; or

(12) if the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

(b) Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered and shall also set forth in writing the following information:

- (1) why the best interests of the child are served by the disposition ordered; and
- (2) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case. Clause (1) does not apply to a disposition under subdivision 1a.

EFFECTIVE DATE. This section is effective August 1, 2022, and applies to findings by the court made on or after that date.

Sec. 18. Minnesota Statutes 2020, section 609.165, subdivision 1a, is amended to read:

Subd. 1a. **Certain convicted felons ineligible to possess firearms or ammunition.** The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm or ammunition for the remainder of the person's lifetime. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms and ammunition has been restored under subdivision 1d or section 152.18, subdivision 3, shall not be subject to the restrictions of this subdivision.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 19. Minnesota Statutes 2020, section 609.165, subdivision 1b, is amended to read:

Subd. 1b. **Violation and penalty.** (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm or ammunition, commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

(b) A conviction and sentencing under this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

(c) The criminal penalty in paragraph (a) does not apply to any person who has received a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms and ammunition has been restored under subdivision 1d or section 152.18, subdivision 3.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 20. Minnesota Statutes 2020, section 609A.02, is amended by adding a subdivision to read:

Subd. 1a. **Certain petty misdemeanor controlled substance offenses.** Records related to petty misdemeanor violations of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia shall be sealed without the filing of a petition as provided in section 609A.027.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 21. **[609A.027] NO PETITION REQUIRED FOR CERTAIN PETTY MISDEMEANOR CONTROLLED SUBSTANCE VIOLATIONS AFTER ONE-YEAR WAITING PERIOD.**

(a) At the conclusion of one year following conviction for a petty misdemeanor violation of section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia and the payment of any fines, fees, and surcharges and, if applicable, the successful completion of any required drug education program, or following the dismissal of a petty misdemeanor charge for violating section 152.027, subdivision 4, or 152.092 involving marijuana-related drug paraphernalia, the court shall order, without the filing of a petition, the sealing of all records relating to the arrest, charge, trial, dismissal, and conviction.

(b) A record sealed under paragraph (a) may be opened only as provided in section 609A.03, subdivision 7a.

EFFECTIVE DATE. This section is effective August 1, 2022.

Sec. 22. **TASK FORCE ON ABUSE OF CONTROLLED SUBSTANCES.**

Subdivision 1. **Establishment.** The Task Force on Abuse of Controlled Substances is established to review the ways in which the state's justice, social service, and health systems currently respond to individuals who abuse controlled substances or commit controlled substance offenses, to examine approaches taken in other jurisdictions, and to make policy and funding recommendations to the legislature.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) the commissioner of public safety;

(2) the commissioner of human services;

(3) the commissioner of corrections, or a designee;

(4) the commissioner of health, or a designee;

(5) the chief justice, or a designee;

(6) the state public defender, or a designee;

(7) a county attorney appointed by the Minnesota County Attorneys Association;

(8) a representative from Indian health services or a Tribal council appointed by the Indian Affairs Council;

(9) a representative of the Community Corrections Act counties appointed by the Minnesota Association of Community Corrections Act Counties;

(10) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), who is a member of a multijurisdictional drug task force appointed by the Minnesota Chiefs of Police Association;

(11) a peace officer, as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the Minnesota Sheriffs' Association;

(12) a member of the Minnesota State Board of Pharmacy appointed by the board's president;

(13) a member of the Opiate Epidemic Response Advisory Council appointed by the council's chair;

(14) a representative from a community health board appointed by the commissioner of health;

(15) a member representing sober living programs or substance use disorder programs licensed under Minnesota Statutes, chapter 245G, appointed by the commissioner of human services;

(16) a member of the Minnesota Association of County Social Service Administrators appointed by the association's president;

(17) a member of the public with a substance use disorder who has experience in the criminal justice system appointed by the governor; and

(18) a member of the public who has been the victim of a crime relating to substance abuse appointed by the governor.

(b) Appointments must be made no later than August 30, 2022.

(c) Public members identified in paragraph (a), clauses (17) and (18), are eligible for compensation and expense reimbursement consistent with Minnesota Statutes, section 15.059, subdivision 3. All other members shall serve without compensation.

(d) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. Officers; meetings. (a) The commissioners of public safety and human services shall cochair the task force. The task force may elect other officers as necessary.

(b) The commissioner of public safety shall convene the first meeting of the task force no later than September 15, 2022, and shall provide meeting space and administrative assistance through the Office of Justice Programs as necessary for the task force to conduct its work.

(c) The task force shall meet at least monthly or upon the call of a cochair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. Duties. (a) The task force shall, at a minimum:

(1) collect and analyze data on controlled substance offenses, deaths and hospitalizations from controlled substance overdoses, and other societal impacts related to controlled substance use disorders;

(2) analyze the law enforcement response to controlled substance abuse in Minnesota and other jurisdictions;

(3) analyze the judicial system response to controlled substance abuse in Minnesota and other jurisdictions, including a review of treatment courts and diversion programs;

(4) analyze the prosecutorial response to controlled substance abuse in Minnesota and other jurisdictions, including charging decisions, plea bargains, and the use of pretrial and precharge diversion programs;

(5) analyze the correctional response to controlled substance abuse in Minnesota and other jurisdictions, including the use of mandatory drug testing, required participation in substance abuse treatment programs as a condition of probation, the effectiveness of substance abuse treatment programs offered to incarcerated individuals, and the effectiveness of the challenge incarceration program;

(6) analyze the human services and health response to controlled substance abuse in Minnesota and other jurisdictions, including the effectiveness of prevention programs, availability of inpatient and outpatient treatment programs, funding for participation in those programs, and the outcomes for participants in those programs;

(7) receive input from members of communities that have been affected by criminal activity and other social costs associated with controlled substance abuse;

(8) receive input from members of communities that have been affected by the criminalization of controlled substance abuse; and

(9) make recommendations for coordination of services, adoption of prevention models, expansion of effective treatment services, levels of funding, statutory changes, and other community and legislative action to address controlled substance abuse in Minnesota.

(b) At its discretion, the task force may examine other related issues consistent with this section.

Subd. 5. Reports. (a) The task force shall submit annual reports to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy, human services finance and policy, health finance and policy, and judiciary finance and policy.

(b) The task force shall submit a preliminary report on or before March 1, 2023.

(c) The task force shall submit a supplemental report on or before February 1, 2024.

(d) The task force shall submit a final report on or before January 15, 2025.

Subd. 6. Expiration. The task force expires the day after submitting its final report under subdivision 5.

ARTICLE 5 CORRECTIONS AND SENTENCING

Section 1. Minnesota Statutes 2020, section 13.871, subdivision 14, is amended to read:

Subd. 14. Expungement petitions. (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 2. Minnesota Statutes 2020, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting or citing law enforcement agency and direct that agency to seal its records related to the charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 3. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first issuance of a license granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Sec. 4. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) ~~issue~~ grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 2c. **Searches.** The commissioner shall not grant a license to any county, municipality, or agency to operate a facility for the detention, care, and training of delinquent children and youth unless the county, municipality, or agency institutes a policy strictly prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth received by the facility except during a health care procedure conducted by a medically licensed person.

Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any county, municipality, or agency to operate a facility for the detention, care, and training of delinquent children and youth unless the county, municipality, or agency institutes a policy strictly prohibiting the use of disciplinary room time for children and youth received by the facility.

Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals incarcerated, detained, or supervised by the Department of Corrections. The commissioner shall develop written policy and annual training to implement language access for LEP individuals.

Sec. 8. Minnesota Statutes 2020, section 241.90, is amended to read:

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified service, and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly

competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

Sec. 9. Minnesota Statutes 2020, section 242.192, is amended to read:

242.192 CHARGES TO COUNTIES.

(a) The commissioner shall charge counties or other appropriate jurisdictions 65 percent of the per diem cost of confinement, excluding educational costs and nonbillable service, of juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to juveniles committed to the commissioner of corrections and juveniles admitted to the Minnesota Correctional Facility-Red Wing under established admissions criteria. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall determine the per diem cost of confinement based on projected population, pricing incentives, and market conditions. ~~All money received under this section must be deposited in the state treasury and credited to the general fund.~~

(b) The first 65 percent of all money received under paragraph (a) must be deposited in the state treasury and credited to the general fund. The next 35 percent of all money received under paragraph (a) must be credited to the prevention services account, which is hereby established in the special revenue fund. Interest earned in the account accrues to the account. Funds in the prevention services account are annually appropriated to the commissioner of public safety to provide grants for prevention services and dual status youth programs. Recipients must use funds to prevent juveniles from entering the criminal or juvenile justice system or provide services for youth who are in both the child welfare and juvenile justice systems.

Sec. 10. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release Board is established to review eligible cases and make release decisions for inmates serving indeterminate sentences under the authority of the commissioner.

(b) The board shall consist of five members as follows:

(1) four persons appointed by the governor from two recommendations of each of the majority leaders and minority leaders of the house of representatives and the senate; and

(2) the commissioner of corrections who shall serve as chair.

(c) The members appointed from the legislative recommendations must meet the following qualifications at a minimum:

(1) a bachelor's degree in criminology, corrections, or a related social science, or a law degree;

(2) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; and

(3) demonstrated knowledge of victim issues and correctional processes.

Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered terms except that the terms of the initial members of the board must be as follows:

(1) two members must be appointed for terms that expire January 1, 2024; and

(2) two members must be appointed for terms that expire January 1, 2026.

(b) A member is eligible for reappointment.

(c) Vacancies on the board shall be filled in the same manner as the initial appointments under subdivision 1.

(d) Member compensation and removal of members on the board shall be as provided in section 15.0575.

Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a quorum.

(b) The commissioner of corrections shall provide the board with personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the board.

Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority to revoke an inmate's release for a violation of the inmate's terms of release or impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the legislative committees with jurisdiction over criminal justice policy a written report detailing the number of inmates reviewed and identifying persons granted release in the preceding year. The report shall also include the board's recommendations for policy modifications that influence the board's duties.

Sec. 11. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the board members, give supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The ~~commissioner~~ board shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The ~~commissioner~~ board must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while

incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. ~~The commissioner~~ board may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision;

(1) "board" means the Indeterminate Sentence Release Board under section 244.049; and

(2) "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 12. Minnesota Statutes 2020, section 244.09, subdivision 10, is amended to read:

Subd. 10. **Research director.** The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director ~~and other staff~~ shall be in the unclassified service of the state ~~and their~~. The compensation of the research director and other staff shall be established pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Sec. 13. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings on any matter shall be without a jury and may be conducted in an informal manner, except that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings conducted pursuant to section 260B.125 except to the extent that the rules themselves provide that they do not apply.

(b) When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260B.001 to 260B.421.

(c) Except as otherwise provided in this paragraph, the court shall exclude the general public from hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. The court shall permit the victim of a child's delinquent act to attend any related delinquency proceeding, except that the court may exclude the victim:

(1) as a witness under the Rules of Criminal Procedure; and

(2) from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public.

The court shall open the hearings to the public in ~~delinquency or~~ extended jurisdiction juvenile proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case.

Sec. 14. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision to read:

Subd. 1a. **Risk assessment instrument.** If a peace officer or probation or parole officer who took a child into custody does not release the child as provided in subdivision 1, the peace officer or probation or parole officer shall communicate with or deliver the child to a juvenile secure detention facility to determine whether the child should be released or detained. Before detaining a child, the supervisor of the facility shall use an objective and racially, ethnically, and gender-responsive juvenile detention risk assessment instrument developed by the commissioner of corrections, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternatives Initiative. The risk assessment instrument must assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing. The instrument must identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or placement in a noncustodial community-based supervision setting. The instrument must also identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing. If, after using the instrument, a determination is made that the child should be released, the person taking the child into custody or the supervisor of the facility shall release the child as provided in subdivision 1.

EFFECTIVE DATE. This section is effective August 15, 2022.

Sec. 15. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention.

(b) No child may be detained in a secure detention facility after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over the age of 12.

~~(c)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a petition has been filed and the judge or referee determines pursuant to section 260B.178 that the child shall remain in detention.

~~(d)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, after being taken into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless:

(1) a petition has been filed under section 260B.141; and

(2) a judge or referee has determined under section 260B.178 that the child shall remain in detention.

After August 1, 1991, no child described in this paragraph may be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail or municipal lockup in a standard metropolitan statistical area, unless the requirements of this paragraph have been met and, in addition, a motion to refer the child for adult prosecution has been made under section 260B.125. Notwithstanding this paragraph, continued detention of a child in an adult detention facility outside of a standard metropolitan statistical area county is permissible if:

(i) the facility in which the child is detained is located where conditions of distance to be traveled or other ground transportation do not allow for court appearances within 24 hours. A delay not to exceed 48 hours may be made under this clause; or

(ii) the facility is located where conditions of safety exist. Time for an appearance may be delayed until 24 hours after the time that conditions allow for reasonably safe travel. "Conditions of safety" include adverse life-threatening weather conditions that do not allow for reasonably safe travel.

The continued detention of a child under clause (i) or (ii) must be reported to the commissioner of corrections.

~~(d)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours, excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate juvenile secure detention facility or approved jail within the county or elsewhere in the state, or in determining suitable alternatives. The commissioner shall direct that a child detained in a jail be detained after eight days from and including the date of the original detention order in an approved juvenile secure detention facility with the approval of the administrative authority of the facility. If the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice to the commissioner shall not be required.

~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile facility or program, or when a child is detained in an adult jail or municipal lockup as provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal guardian consents, have a children's mental health screening conducted with a screening instrument approved by the commissioner of human services, unless a screening has been performed within the previous 180 days or the child is currently under the care of a mental health professional. The screening shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use of the screening instrument. The screening shall be conducted after the initial detention hearing has been held and the court has ordered the child continued in detention. The results of the screening may only be presented to the court at the dispositional phase of the court proceedings on the matter unless the parent or legal guardian consents to presentation at a different time. If the screening indicates a need for assessment, the local social services agency or probation officer, with the approval of the child's parent or legal guardian, shall have a diagnostic assessment conducted, including a functional assessment, as defined in section 245.4871.

Sec. 16. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03, subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from an infant with a disability with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or advanced practice registered nurse's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or advanced practice registered nurse's reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under section 260C.227;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13 years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.503, subdivision 2, is not in the best interests of the child.

Sec. 17. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE FOR EXPUNGEMENT.

(a) The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to petty misdemeanor and misdemeanor offenses that may become eligible for expungement pursuant to section 609A.015, do not require fingerprinting pursuant to section 299C.10, and are not linked to an arrest record in the criminal history system.

(b) This data is private data on individuals under section 13.02, subdivision 12.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 18. Minnesota Statutes 2020, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) adults and juveniles admitted to jails or detention facilities;

(4) persons reasonably believed by the arresting officer to be fugitives from justice;

(5) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes;

(6) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense; and

(7) persons currently involved in the criminal justice process, on probation, on parole, or in custody for any offense whom the superintendent of the bureau identifies as being the subject of a court disposition record which cannot be linked to an arrest record, and whose fingerprints are necessary to reduce the number of suspense files, or to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall include the requirement that fingerprints be taken in post-arrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours of taking the fingerprints and data, the fingerprint records and other identification data specified under paragraph (a) must be electronically entered into a bureau-managed searchable database in a manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). Law enforcement may take fingerprints of an individual who is presently on probation.

(d) Finger and thumb prints must be obtained no later than:

(1) release from booking; or

(2) if not booked prior to acceptance of a plea of guilty or not guilty.

Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger and thumb prints have not been successfully received by the bureau, an individual may, upon order of the court, be taken into custody for no more than eight hours so that the taking of prints can be completed. Upon notice and motion of the prosecuting attorney, this time period may be extended upon a showing that additional time in custody is essential for the successful taking of prints.

(e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

EFFECTIVE DATE. This section is effective August 15, 2022, and applies to individuals arrested, appearing in court, or convicted on or after that date.

Sec. 19. Minnesota Statutes 2020, section 299C.111, is amended to read:

299C.111 SUSPENSE FILE REPORTING.

The superintendent shall immediately notify the appropriate entity or individual when a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received that cannot be linked to an arrest record.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 20. Minnesota Statutes 2020, section 299C.17, is amended to read:

299C.17 REPORT BY COURT ADMINISTRATOR.

The superintendent shall require the court administrator of every court which sentences a defendant for a felony, gross misdemeanor, ~~or targeted misdemeanor,~~ or petty misdemeanor to electronically transmit within 24 hours of the disposition of the case a report, in a form prescribed by the superintendent providing information required by the superintendent with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 21. Minnesota Statutes 2020, section 609A.01, is amended to read:

609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.

This chapter provides the grounds and procedures for expungement of criminal records under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other applicable law. The remedy available is limited to a court order sealing the records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority. Nothing in this chapter authorizes the destruction of records or their return to the subject of the records.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 22. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

Subdivision 1. Eligibility; dismissal; exoneration. A person who is the subject of a criminal record or delinquency record is eligible for a grant of expungement relief without the filing of a petition:

(1) if the person was arrested and all charges were dismissed after a case was filed unless dismissal was based on a finding that the defendant was incompetent to proceed; or

(2) if all pending actions or proceedings were resolved in favor of the person.

For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the person. For purposes of this chapter, an action or proceeding is resolved in favor of the person if the petitioner received an order under section 590.11 determining that the person is eligible for compensation based on exoneration.

Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant of expungement relief if the person has successfully completed the terms of a diversion program or stay of adjudication for an offense that is not a felony or a gross misdemeanor violation of section 609.3451, subdivision 1a, and has not been petitioned or charged with a new offense, other than an offense that would be a petty misdemeanor, for one year immediately following completion of the diversion program or stay of adjudication.

Subd. 3. Eligibility; certain criminal and delinquency proceedings. (a) A person is eligible for a grant of expungement relief if the person:

(1) was adjudicated delinquent for, convicted of, or received a stayed sentence for a qualifying offense;

(2) has not been convicted of a new offense, other than an offense that would be a petty misdemeanor, in Minnesota during the applicable waiting period immediately following discharge of the disposition or sentence for the crime; and

(3) is not charged with an offense in Minnesota at the time the person reaches the end of the applicable waiting period.

(b) As used in this subdivision, "qualifying offense" means an adjudication, conviction, or stayed sentence for:

(1) any petty misdemeanor offense other than a violation of a traffic regulation relating to the operation or parking of motor vehicles;

(2) any misdemeanor offense other than:

(i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving while impaired);

(ii) section 518B.01, subdivision 14 (violation of an order for protection);

(iii) section 609.224 (assault in the fifth degree);

(iv) section 609.2242 (domestic assault);

(v) section 609.748 (violation of a harassment restraining order);

(vi) section 609.78 (interference with emergency call);

(vii) section 609.79 (obscene or harassing phone calls);

(viii) section 617.23 (indecent exposure);

(ix) section 609.746 (interference with privacy); or

(x) section 629.75 (violation of domestic abuse no contact order); or

(3) any gross misdemeanor offense other than:

(i) section 169A.25 (second-degree driving while impaired);

(ii) section 169A.26 (third-degree driving while impaired);

(iii) section 518B.01, subdivision 14 (violation of an order for protection);

(iv) section 609.2231 (assault in the fourth degree);

(v) section 609.224 (assault in the fifth degree);

(vi) section 609.2242 (domestic assault);

(vii) section 609.233 (criminal neglect);

(viii) section 609.3451 (criminal sexual conduct in the fifth degree);

(ix) section 609.377 (malicious punishment of child);

(x) section 609.485 (escape from custody);

(xi) section 609.498 (tampering with witness);

(xii) section 609.582, subdivision 4 (burglary in the fourth degree);

(xiii) section 609.746 (interference with privacy);

(xiv) section 609.748 (violation of a harassment restraining order);

(xv) section 609.749 (harassment; stalking);

(xvi) section 609.78 (interference with emergency call);

(xvii) section 617.23 (indecent exposure);

(xviii) section 617.261 (nonconsensual dissemination of private sexual images); or

(xix) section 629.75 (violation of domestic abuse no contact order).

(c) As used in this subdivision, "applicable waiting period" means:

(1) if the offense was a petty misdemeanor or a misdemeanor, two years; and

(2) if the offense was a gross misdemeanor, four years.

(d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross misdemeanor offenses ineligible for a grant of expungement under this section remain ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an automatic expungement under this section of that eligibility at any hearing where the court dismisses and discharges proceedings against a person under section 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled substance; concludes that all pending actions or proceedings were resolved in favor of the person; grants a person's placement into a diversion program; or sentences a person or otherwise imposes a consequence for a qualifying offense.

(b) To the extent possible, prosecutors, defense counsel, supervising agents, and coordinators or supervisors of a diversion program shall notify a person who may become eligible for an automatic expungement under this section of that eligibility.

(c) If any party gives notification under this subdivision, the notification shall inform the person that:

(1) an expunged record of a conviction may be opened for purposes of a background study by the Department of Human Services under section 245C.08 and for purposes of a background check by the Professional Educator Licensing and Standards Board as required under section 122A.18, subdivision 8;

(2) an expunged record of conviction does not restore the right to ship, transport, possess, or receive a firearm, but the person may seek a relief of disability under United States Code, title 18, section 925, or restoration of the ability to possess firearms under section 609.165, subdivision 1d; and

(3) the person can file a petition pursuant to section 609A.03 to expunge the record and request that it be directed to the commissioner of human services and the Professional Educator Licensing and Standards Board.

Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant expungement relief.** (a) The Bureau of Criminal Apprehension shall identify adjudications and convictions that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1, 2, or 3.

(b) In making the determination under paragraph (a), the Bureau of Criminal Apprehension shall identify individuals who are the subject of relevant records through the use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall identify individuals through the use of the person's name and date of birth. Records

containing the same name and date of birth shall be presumed to refer to the same individual unless other evidence establishes, by a preponderance of the evidence, that they do not refer to the same individual. The Bureau of Criminal Apprehension is not required to review any other evidence in making its determination.

(c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying persons and seal the bureau's records without requiring an application, petition, or motion. Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional information establishes that the records are not eligible for expungement.

(d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension and subject to a grant of expungement relief shall display a notation stating "expungement relief granted pursuant to section 609A.015."

(e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases for which expungement relief was granted pursuant to this section. Notification may be through electronic means and may be made in real time or in the form of a monthly report. Upon receipt of notice, the judicial branch shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

(f) Unless an order issued under paragraph (e) notifies the law enforcement agency that made the arrest or issued the citation, the Bureau of Criminal Apprehension shall inform each arresting or citing law enforcement agency whose records are affected by the grant of expungement relief that expungement has been granted. Notification shall be made at the time and under the conditions described in paragraph (c), except that notice may be sent in real time or in the form of a monthly report sent no more than 30 days after the expiration of the deadline established in paragraph (c). Notification may be through electronic means. Each notified law enforcement agency shall seal all records relating to an arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted.

(g) Data on the person whose offense has been expunged under this subdivision, including any notice sent pursuant to paragraph (f), are private data on individuals as defined in section 13.02, subdivision 12.

(h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic expungement under this section in the manner provided in section 611A.03, subdivisions 1 and 2.

(i) In any subsequent prosecution of a person granted expungement relief, the expunged criminal record may be pleaded and has the same effect as if the relief had not been granted.

(j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a system to provide criminal justice agencies with uniform statewide access to criminal records sealed by expungement.

(k) A grant of expungement under this section does not entitle a person to ship, transport, possess, or receive a firearm. A person whose conviction is expunged under this section may seek a relief of disability under United States Code, title 18, section 925, or restoration of the ability to possess firearms under section 609.165, subdivision 1d.

Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or the decision to exercise or the decision to decline to exercise, the powers granted by this section or for any act or omission occurring within the scope of the performance of their duties under this section.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to offenses that meet the eligibility criteria on or after that date and retroactively to offenses that met those qualifications before January 1, 2024, and are stored in the Bureau of Criminal Apprehension's criminal history system as of January 1, 2024.

Sec. 23. Minnesota Statutes 2020, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph (b), expungement of a criminal record under this section is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

- (1) sealing the record; and
- (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) In making a determination under this subdivision, the court shall consider:

- (1) the nature and severity of the underlying crime, the record of which would be sealed;
- (2) the risk, if any, the petitioner poses to individuals or society;
- (3) the length of time since the crime occurred;
- (4) the steps taken by the petitioner toward rehabilitation following the crime;
- (5) aggravating or mitigating factors relating to the underlying crime, including the petitioner's level of participation and context and circumstances of the underlying crime;
- (6) the reasons for the expungement, including the petitioner's attempts to obtain employment, housing, or other necessities;
- (7) the petitioner's criminal record;
- (8) the petitioner's record of employment and community involvement;
- (9) the recommendations of interested law enforcement, prosecutorial, and corrections officials;
- (10) the recommendations of victims or whether victims of the underlying crime were minors;
- (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted; and
- (12) other factors deemed relevant by the court.

(d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court issues an expungement order it may require that the criminal record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

(e) Information relating to a criminal history record of an employee, former employee, or tenant that has been expunged before the occurrence of the act giving rise to the civil action may not be introduced as evidence in a civil action against a private employer or landlord or its employees or agents that is based on the conduct of the employee, former employee, or tenant.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 24. Minnesota Statutes 2021 Supplement, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court;

(7) a prosecutor may request and the district court shall provide certified records of conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025, and the certified records of conviction may be disclosed and introduced in criminal court proceedings as provided by the rules of court and applicable law; and

(8) the subject of an expunged record may request and the court shall provide certified or uncertified records of conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services or the Professional Educator Licensing and Standards Board of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services or the Professional Educator Licensing and Standards Board under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015, and grants of expungement relief issued on or after January 1, 2024.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 25. Minnesota Statutes 2020, section 609A.03, subdivision 9, is amended to read:

Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 26. Minnesota Statutes 2020, section 611A.03, subdivision 1, is amended to read:

Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(1) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; ~~and~~

(2) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court; ~~and~~

(3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

EFFECTIVE DATE. This section is effective January 1, 2024, and applies to plea agreements entered into on or after that date.

Sec. 27. Minnesota Statutes 2020, section 638.01, is amended to read:

638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~

The Board of Pardons shall consist of the governor, the chief justice of the supreme court, and the attorney general. The governor, in conjunction with the board, may grant pardons and reprieves and commute the sentence of any person convicted of any offense against under the laws of the this state, in the manner and under the conditions and rules hereinafter prescribed, but not otherwise in this chapter. A majority vote of the board is required for pardons and commutations with the governor in that majority.

Sec. 28. **[638.09] CLEMENCY REVIEW COMMISSION.**

(a) Notwithstanding the provisions of chapter 15, the Clemency Review Commission is established to review applications for pardons or commutations before they are considered by the Board of Pardons. By majority vote, the commission shall make a recommendation on each eligible application as to whether it should be granted or denied. The commission shall provide its recommendations to the board with the vote of each commission member reported in writing.

(b) The commission shall consist of nine members, each serving a four-year term. The governor, the attorney general, and the chief justice of the supreme court shall each appoint three members and replace members upon expiration of the members' terms. In the event of a vacancy, the board member who selected the previous incumbent shall make an interim appointment to expire at the end of the prior incumbent's four-year term. A person may serve no more than two terms on the commission, excluding interim appointments.

(c) The commission shall biennially elect one of its members as chair and one as vice-chair. The chair of the commission shall serve as secretary of the board.

(d) Each member of the commission shall be compensated at the rate of \$55 for each day or part thereof spent on commission activities. Each member shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties.

(e) The commission may obtain office space and supplies and hire administrative staff to carry out the commission's official functions.

(f) At least six members of the commission shall constitute a quorum for official administrative business.

Sec. 29. **[638.10] PARDONS AND COMMUTATIONS.**

Subdivision 1. **Pardons and commutations.** (a) The Board of Pardons may pardon a criminal conviction imposed under the laws of this state or commute a criminal sentence imposed by a court of this state to time served or a lesser sentence. Every pardon or commutation shall be in writing and shall have no force or effect unless granted by a majority vote of the board with the governor in that majority. Every conditional pardon shall state the terms and conditions upon which it was granted and every commutation shall specify the terms of the commuted sentence.

(b) When granted, a pardon has the effect of setting aside the conviction and purging the conviction from the person's record. The person then is not required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

Subd. 2. **Eligibility for a pardon.** (a) Any person convicted of a crime in any court of this state may apply for a pardon of the person's conviction on or after five years from the date of the expiration of the person's sentence or the date of the person's discharge. Upon a showing of unusual circumstances and special need, the board may waive the required waiting period by a majority vote with the governor in that majority.

(b) The Clemency Review Commission shall review all requests for a waiver of the waiting period and make recommendations by majority vote to the board. Consideration of requests to waive the waiting period are exempt from the meeting requirements of this chapter.

Subd. 3. **Eligibility for a commutation.** (a) Any person may apply for a commutation of an unexpired criminal sentence imposed by a court of this state, including those confined in a correctional facility or on probation, parole, supervised release, or conditional release. An application for commutation may not be filed until the date that the

person has served at least one-half of the sentence imposed or on or after five years from the date of the conviction, whichever is less. Upon a showing of unusual circumstances and special need, the board may waive the required waiting period by a majority vote with the governor in that majority.

(b) The commission shall review all requests for a waiver of the waiting period and make recommendations by majority vote to the board. Consideration of requests to waive the waiting period are exempt from the meeting requirements of this chapter.

Subd. 4. **Filing of a pardon or commutation.** After granting a pardon or commutation, the board shall file a copy of the pardon or commutation with the district court of the county in which the conviction and sentence were imposed. In the case of a pardon, the court shall order the conviction set aside, include a copy of the pardon in the court file, and send copies of the order and the pardon to the Bureau of Criminal Apprehension. In the case of a commutation, the court shall amend the sentence to reflect the specific relief granted by the board, include a copy of the commutation in the court file, and send copies of the amended sentencing order and commutation to the commissioner of corrections and the Bureau of Criminal Apprehension.

Subd. 5. **Reapplication.** (a) Once an application for a pardon or commutation has been considered and denied on the merits, no subsequent application may be filed for five years after the date of the most recent denial unless permission is granted from at least two board members. A person may request permission to reapply prior to the expiration of the five-year period based only on new and substantial information that was not and could not have been previously considered by the board or the commission. If a request to reapply contains new and substantial information, the commission shall review the request and make a recommendation by majority vote to the board. Consideration of requests to reapply are exempt from the meeting requirements under this chapter.

(b) The denial or grant of an application for a commutation of sentence does not preclude a person from later seeking a pardon of the criminal conviction once the eligibility requirements of subdivision 2 have been satisfied.

Sec. 30. **[638.11] APPLICATIONS.**

(a) Each application for a pardon or commutation shall be in writing, signed under oath by the applicant, and contain a brief statement of the relief sought and the reasons why it should be granted. The application shall also contain the following information and any additional information that the commission or board requires:

(1) the applicant's name, address, date of birth, place of birth, and every alias by which the applicant is or has been known;

(2) the name of the offense for which relief is requested, the date and county of conviction, the sentence imposed, and the expiration or discharge date of the sentence;

(3) the names of the sentencing judge, prosecuting attorney, and any victims of the offense;

(4) a brief description of the offense;

(5) the date and outcome of any prior applications for a pardon or commutation;

(6) a statement of other felony or gross misdemeanor convictions and any pending criminal charges or investigations; and

(7) a statement by the applicant consenting to the disclosure to the commission and the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the relief is sought, including conviction and arrest records.

(b) Applications shall be made on forms approved by the commission or the board and shall be filed with the commission by the deadlines set by the commission or the board. The commission shall review applications for completeness. Any application that is considered incomplete shall be returned to the applicant who may then provide the missing information and resubmit the application within a time period prescribed by the commission.

Sec. 31. **[638.12] NOTIFICATIONS.**

Subdivision 1. **Notice to victim.** After receiving an application for a pardon or commutation, the Clemency Review Commission shall make all reasonable efforts to locate any victim of the applicant's crime. At least 30 days before the date of the commission meeting at which the application shall be heard, the commission shall notify any located victim of the application, the time and place of the meeting, and the victim's right to attend the meeting and submit an oral or written statement to the commission.

Subd. 2. **Notice to sentencing judge and prosecuting attorney.** At least 30 days before the date of the commission meeting at which the application shall be heard, the commission shall notify the sentencing judge and prosecuting attorney or their successors of the application and solicit the judge's and attorney's views on whether clemency should be granted.

Subd. 3. **Notice to applicant.** Following its initial investigation of an application for a pardon or commutation, the commission shall notify the applicant of the scheduled date, time, and location that the applicant shall appear before the commission for consideration.

Sec. 32. **[638.13] MEETINGS.**

Subdivision 1. **Commission meetings.** (a) The Clemency Review Commission shall meet at least four times each year for one or more days each meeting to hear eligible applications of pardons or commutations and make recommendations to the board on each application. One or more of the meetings may be held at facilities operated by the Department of Corrections. All commission meetings shall be open to the public as provided in chapter 13D.

(b) Applicants for pardons or commutations must appear before the commission either in person or through any available form of telecommunication. The victim of an applicant's crime may appear and speak at the commission's meeting or submit a written statement to the commission. The commission may treat a victim's statement as confidential and not disclose the statement to the applicant or the public if there is or has been a recent order for protection, restraining order, or other no contact order prohibiting the applicant from contacting the victim. In addition, any law enforcement agency may appear and speak at the meeting or submit a written statement to the commission, giving the agency's recommendation on whether clemency should be granted or denied.

(c) The commission must consider any statement provided by a victim or law enforcement agency when making its recommendation on an application. Whenever possible, the commission shall record its meetings by audio or audiovisual means. Any recordings and statements from victims or law enforcement agencies shall be provided to the board along with the commission's recommendations.

(d) Not later than ten working days after the date of its decision, the commission shall notify the applicant in writing of its decision to recommend a grant or denial of clemency to the board.

Subd. 2. **Board meetings.** (a) The board shall meet at least two times each year to consider applications for pardons or commutations that have received a favorable recommendation from the commission and any other applications that have received further consideration from at least one board member. Whenever the commission recommends denial of an application and the board does not disapprove or take other action with respect to that recommendation, it shall be presumed that the board concurs with the adverse recommendation and that the application has been considered and denied on the merits. All board meetings shall be open to the public as provided in chapter 13D.

(b) Applicants, victims, and law enforcement agencies may not submit oral or written statements at a board meeting, unless the board requests additional testimony. The board shall consider any statements provided to the commission when making a decision on an application for a pardon or commutation.

(c) The commission shall notify the applicant in writing of the board's decision to grant or deny clemency not later than ten working days from the date of the board's decision.

Sec. 33. **[638.14] GROUNDS FOR RECOMMENDING CLEMENCY.**

Subdivision 1. **Factors.** When making recommendations on applications for pardons or commutations, the Clemency Review Commission shall consider any factors the commission deems appropriate, including but not limited to:

(1) the nature, seriousness, circumstances, and age of the applicant's offense;

(2) the successful completion or revocation of previous probation, parole, supervised release, or conditional release;

(3) the number, nature, and circumstances of the applicant's other criminal convictions;

(4) the extent to which the applicant has demonstrated rehabilitation through postconviction conduct, character, and reputation;

(5) the extent to which the applicant has accepted responsibility, demonstrated remorse, and made restitution to victims;

(6) whether the sentence is clearly excessive in light of the applicant's offense, criminal history, and any sentence received by an accomplice, with due regard given to any plea agreement, the sentencing judge's views, and the sentencing ranges established by law;

(7) whether the applicant's age or medical status indicates that it is in the best interest of society that the applicant receive clemency;

(8) recommendations from victims, sentencing judges, and prosecuting attorneys;

(9) the applicant's asserted need for a pardon or commutation, including family needs and barriers to housing or employment created by the conviction; and

(10) the amount of time already served by the applicant and the availability of other forms of judicial or administrative relief.

Subd. 2. **Denial recommendation.** The commission may recommend denial without a hearing of an application for a commutation when the applicant is presently challenging the conviction or sentence through court proceedings, has failed to exhaust all available state court remedies for challenging the sentence, or the matter should first be considered by the parole authority.

Sec. 34. **[638.15] ACCESS TO RECORDS; ISSUANCE OF PROCESS.**

Subdivision 1. **Access to records.** Upon receipt of an application for a pardon or commutation, the Board of Pardons or Clemency Review Commission may request and obtain any relevant reports, data, and other information from a district court, law enforcement agency, or state agency. The commission and board shall have access to sealed court records, presentence investigation reports, police reports, criminal history reports, prison records, and any other relevant information. District courts, law enforcement agencies, and state agencies shall promptly respond to record requests from the commission and the board.

Subd. 2. **Legal process.** The commission and the board may issue process requiring the presence of any person before the commission or board and the production of papers, records, and exhibits in any pending matter. When any person is summoned before the commission or the board, the person may be allowed compensation for travel and attendance as the commission or the board may deem reasonable.

Sec. 35. **[638.16] RULES.**

The Board of Pardons and the Clemency Review Commission may adopt rules under chapter 14 for the effective enforcement of their powers and duties.

Sec. 36. **[638.17] RECORDS.**

The Clemency Review Commission shall keep a record of every application received, its recommendation on each application, and the final disposition of each application by the Board of Pardons. The records and files shall be kept by the commission and shall be open to public inspection at all reasonable times, except for sealed court records, presentence investigation reports, Social Security numbers, financial account numbers, driver's license information, medical records, confidential Bureau of Criminal Apprehension records, and confidential victim statements as provided in section 638.12.

Sec. 37. **[638.18] REPORT TO LEGISLATURE.**

By February 15 of each year, the Clemency Review Commission shall submit a written report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety, corrections, and judiciary containing at a minimum the following information:

(1) the number of applications for pardons and commutations received by the commission during the preceding calendar year;

(2) the number of favorable and adverse recommendations made by the commission for each category;

(3) the number of applications granted and denied by the Board of Pardons for each category; and

(4) the crimes for which the applications were granted by the board, the year of each conviction, and the age of the offender at the time of the offense.

Sec. 38. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the

prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program. The county shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline, or a current mental health provider or calls for the purpose of providing case management or mental health services as defined in section 245.462 to prisoners.

Sec. 39. **TASK FORCE ON FELONY MURDER.**

Subdivision 1. Establishment. The Task Force on Felony Murder is established to continue the work of the Task Force on Aiding and Abetting Felony Murder established in Laws 2021, First Special Session chapter 11, article 2, section 53, and to make recommendations to the legislature.

Subd. 2. Membership. (a) The task force consists of the following members:

(1) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader;

(2) two members of the senate, one appointed by the majority leader and one appointed by the minority leader;

(3) the commissioner of corrections or a designee;

(4) the executive director of the Minnesota Sentencing Guidelines Commission or a designee;

(5) the attorney general or a designee;

(6) the state public defender or a designee;

(7) the statewide coordinator of the Violent Crime Coordinating Council;

(8) one defense attorney, appointed by the Minnesota Association of Criminal Defense Lawyers;

(9) three county attorneys, appointed by the Minnesota County Attorneys Association;

(10) two members representing victims' rights organizations, appointed by the Office of Justice Programs director in the Department of Public Safety;

(11) one member of a criminal justice advocacy organization, appointed by the governor;

(12) one member of a statewide civil rights organization, appointed by the governor;

(13) two impacted persons who are directly related to a person who has been convicted of felony murder, appointed by the governor; and

(14) one person with expertise regarding the laws and practices of other states relating to aiding and abetting felony murder, appointed by the governor.

(b) Appointments must be made no later than July 30, 2022.

(c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve as ex officio, nonvoting members of the task force.

(d) Members shall serve without compensation.

(e) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The commissioner of corrections shall convene the first meeting of the task force no later than August 1, 2022, and shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

(c) The task force shall meet at least monthly or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. **Duties.** (a) The task force shall develop proposed legislation to implement the recommendations contained in the "Task Force on Aiding and Abetting Felony Murder, Report to the Minnesota Legislature," dated February 1, 2022.

(b) The task force shall also examine issues discussed in the fourth recommendation contained in the report dated February 1, 2022. The examination shall include a review of laws governing offenses in which a person causes the death of another while the person is committing an underlying felony offense and a review of laws establishing liability for crimes committed by another. The examination must identify any disparate impact from those laws and include a determination as to whether such laws promote public safety. The examination is not limited to the intersection of the two legal concepts.

(c) At its discretion, the task force may examine, as necessary, other related issues consistent with this section.

Subd. 5. **Report.** On or before January 15, 2023, the task force shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over criminal sentencing on the recommendations of the task force including a copy of proposed legislation.

Subd. 6. **Expiration.** The task force expires the day after submitting its report under subdivision 5.

Sec. 40. **TASK FORCE ON THE COLLECTION OF CHARGING AND RELATED DATA.**

Subdivision 1. **Establishment.** The Task Force on the Collection of Charging and Related Data is established to identify data that should be collected and analyzed to determine the ways in which individuals are charged and prosecuted in Minnesota.

Subd. 2. **Membership.** (a) The task force consists of the following members:

(1) the attorney general or a designee;

(2) the chief justice of the supreme court or a designee;

(3) the commissioner of corrections or a designee;

(4) the state public defender or a designee;

(5) the executive director of the Minnesota Sentencing Guidelines Commission;

(6) one private criminal defense attorney appointed by the governor;

(7) one probation, supervised release, or parole officer appointed by the governor;

(8) one county attorney from within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota County Attorneys Association;

(9) one county attorney from outside the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, appointed by the board of directors of the Minnesota County Attorneys Association;

(10) one assistant county attorney appointed by the board of directors of the Minnesota County Attorneys Association;

(11) one city attorney appointed by the governor;

(12) one peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), appointed by the governor; and

(13) three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

(b) Members of the task force serve without compensation.

(c) Members of the task force serve at the pleasure of the appointing authority or until the task force expires. Vacancies shall be filled by the appointing authority consistent with the qualifications of the vacating member required by this subdivision.

Subd. 3. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and may elect other officers as necessary.

(b) The executive director of the Minnesota Sentencing Guidelines Commission shall convene the first meeting of the task force no later than September 1, 2022.

(c) The task force shall meet at least quarterly or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

Subd. 4. **Staff.** The Minnesota Sentencing Guidelines Commission shall provide meeting space and administrative assistance as necessary for the task force to conduct its work.

Subd. 5. **Duties.** (a) The duties of the task force shall, at a minimum, include:

(1) determining what data are generated when prosecutors make decisions on initial criminal charges and amended criminal charges;

(2) assessing what factors prosecutorial offices use to make decisions about what criminal charges to bring, dismiss, or amend;

(3) assessing what factors prosecutorial offices use to recommend or support referring a defendant for pretrial services;

(4) determining what additional information should be collected to accurately track and inform decisions made by prosecutorial offices regarding bringing and amending criminal charges and offering pretrial diversion;

(5) determining what incident data is needed to increase consistency in charging decisions, how that data should be collected, and what components a uniform data collection process would contain;

(6) reviewing the current practices of data collection and storage by law enforcement agencies, what data should be collected and reported from law enforcement agencies, and whether data from law enforcement agencies should be consistent with data collected from prosecutorial offices;

(7) examining how data could be best collected and reported, including whether the data should be reported to a central location and, if so, what location;

(8) assessing whether data should be collected regarding the specific reason for dismissing cases, in cases where the highest charge is a gross misdemeanor or misdemeanor, and in cases involving delinquency petitions;

(9) estimating the costs associated with additional data collection and reporting, and making recommendations about appropriate funding levels to support that collection; and

(10) recommending methods of collecting and storing data that does not promote or reward filing charges in cases that do not meet the appropriate standards.

(b) At its discretion, the task force may examine other related issues consistent with this section.

Subd. 6. **Report.** By January 15, 2024, the task force shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the work of the task force. The report shall include recommendations for legislative action, if needed.

Subd. 7. **Expiration.** The task force expires upon submission of the report required by subdivision 6.

Sec. 41. STAFF TRANSITION TO CLASSIFIED SERVICE.

On and after the effective date of this section, all positions of employment with the Minnesota Sentencing Guidelines Commission in the unclassified service of the state, except for the research director, shall be placed in the classified service without loss of compensation or seniority. A person employed as of the effective date of this section in a position placed in the classified service under this section shall not be required to complete a probationary period if the employee was employed in the same position on January 1, 2022.

Sec. 42. REPEALER.

Minnesota Statutes 2020, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; and 638.08, are repealed.

ARTICLE 6
INTERSTATE COMPACTS

Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER SUPERVISION.

Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate Compact for Juveniles established by section 260.515 and consist of the following individuals or their designees:

- (1) the governor;
- (2) the chief justice of the supreme court;
- (3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;
- (4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;
- (5) the compact administrator, selected as provided in section 243.1607;
- (6) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;
- ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of Public Safety; and
- (8) the deputy compact administrator as defined in section 260.515;
- (9) a representative from the State Public Defender's Office;
- (10) a representative from the Minnesota County Attorneys Association;
- (11) a representative from the Minnesota Sheriff's Association;
- (12) a representative from the Minnesota Association of County Probation Officers;
- (13) a representative from the Minnesota Association of Community Corrections Act Counties;
- (14) a representative from the community at large;
- (15) a representative from a community organization working with victims of crimes; and
- ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council shall appoint the compact administrator as the state's commissioner. In addition to these duties, the council shall develop a model policy concerning the operations and procedures of the compact within the state.

Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor and the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy on its activities along with providing a copy of the annual report published by the national commission that includes the activities of the interstate commission and executive committee as described in section 243.1605 for the preceding year. The council's annual report must include information required of the State Advisory Council for the Interstate Compact for Juveniles under section 260.515, Article IV.

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

260.515 INTERSTATE COMPACT FOR JUVENILES.

The Interstate Compact for Juveniles is enacted into law and entered into with all other states legally joining in it in substantially the following form:

ARTICLE I PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, United States Code, title 4, section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

(A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;

(B) ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;

(C) return juveniles who have run away, absconded, or escaped from supervision or control or have been accused of an offense to the state requesting their return;

(D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;

(E) provide for the effective tracking and supervision of juveniles;

(F) equitably allocate the costs, benefits, and obligations of the compact states;

(G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

(H) insure immediate notice to jurisdictions where defined juvenile offenders are authorized to travel or to relocate across state lines;

(I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of compact activities to heads of state; executive, judicial, and legislative branches; and juvenile criminal justice administrators;

(K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;

(L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

(M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise.

It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the information of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purpose and policies of the compact.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Bylaws" means those bylaws established by the commission for its governance, or for directing or controlling its actions or conduct.

B. "Compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

C. "Compacting state" means any state which has enacted the enabling legislation for this compact.

D. "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

F. "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact.

G. "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

H. "Juvenile" means any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) nonoffender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

I. "Noncompacting state" means any state which has not enacted the enabling legislation for this compact.

J. "Probation" or "parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

K. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

L. "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas.

ARTICLE III INTERSTATE COMMISSION FOR JUVENILES

A. The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Advisory Council for Interstate Supervision of Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact administrator. The commissioner of corrections or the commissioner's designee shall serve as the compact administrator, who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the

Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (nonvoting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administer enforcement and compliance with the provisions of the compact, its bylaws, and rules; and perform such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. relate solely to the Interstate Commission's internal personnel practices and procedures;
2. disclose matters specifically exempted from disclosure by statute;
3. disclose trade secrets or commercial or financial information which is privileged or confidential;
4. involve accusing any person of a crime or formally censuring any person;
5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. disclose investigative records compiled for law enforcement purposes;

7. disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

8. disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity;

9. specifically relate to the Interstate Commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

J. For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

K. The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The commission shall have the following powers and duties:

1. To provide for dispute resolution among compacting states.
2. To promulgate rules to affect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.
3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws adopted and rules promulgated by the Interstate Commission.
4. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
5. To establish and maintain offices which shall be located within one or more of the compacting states.
6. To purchase and maintain insurance and bonds.
7. To borrow, accept, hire, or contract for services of personnel.
8. To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

10. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

13. To establish a budget, make expenditures, and levy dues as provided in Article VIII of this compact.

14. To sue and be sued.

15. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

16. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

17. To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

18. To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

19. To establish uniform standards of the reporting, collecting, and exchanging of data.

20. The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

ARTICLE V
ORGANIZATION AND OPERATION
OF THE INTERSTATE COMMISSION

Section A. Bylaws.

1. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

a. establishing the fiscal year of the Interstate Commission;

b. establishing an executive committee and such other committees as may be necessary;

c. provide: (i) for the establishment of committees, and (ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

d. providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;

- e. establishing the titles and responsibilities of the officers of the Interstate Commission;
- f. providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;
- g. providing "start-up" rules for initial administration of the compact;
- h. establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff.

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chair and a vice-chair, each of whom shall have such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budget funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.
2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified immunity, defense, and indemnification.

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.
3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the attorney general of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant has a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act,

error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI
RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

3. When promulgating a rule, the Interstate Commission shall, at a minimum:

- a. publish the proposed rule's entire text stating the reasons for that proposed rule;
- b. allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record, and be made publicly available;
- c. provide an opportunity for an informal hearing if petitioned by ten or more persons; and
- d. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

4. The Interstate Commission shall allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model (State) Administrative Procedures Act.

5. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

6. The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

7. Upon determination by the Interstate Commission that a state of emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

ARTICLE VII
OVERSIGHT, ENFORCEMENT, AND DISPUTE
RESOLUTION BY THE INTERSTATE COMMISSION

Section A. Oversight.

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

3. The compact administrator shall assess and collect fines, fees, and costs from any state or local entity deemed responsible by the compact administrator for a default as determined by the Interstate Commission under Article XI.

Section B. Dispute resolution.

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII
FINANCE

1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state, and shall promulgate a rule binding upon all compacting states which governs said assessment.

3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for Juveniles fund is established as a special fund in the Department of Corrections. The fund consists of money appropriated for the purpose of meeting financial obligations imposed on the state as a result of Minnesota's participation in this compact. An assessment levied or any other financial obligation imposed under this compact is effective against the state only to the extent that money to pay the assessment or meet the financial obligation has been appropriated and deposited in the fund established in this paragraph.

ARTICLE IX THE STATE ADVISORY COUNCIL

Each member state shall create a State Advisory Council for the Interstate Compact for Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~exists~~ shall be combined with the Advisory Council on Interstate Adult Offender Supervision established by section 243.1606 and consist of the following individuals or their designees:

- (1) the governor;
- (2) the chief justice of the Supreme Court;
- (3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;
- (4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;
- (5) a representative from the Department of Human Services regarding the Interstate Compact for the Placement of Children;
- (6) the compact administrator, selected as provided in Article III;
- (7) the executive director of the Office of Justice Programs or designee;
- (8) the deputy compact administrator; ~~and~~
- (9) a representative from the State Public Defender's Office;
- (10) a representative from the Minnesota County Attorneys Association;
- (11) a representative from the Minnesota Sheriffs' Association;
- (12) a representative from the Minnesota Association of County Probation Officers;

(13) a representative from the Minnesota Association of Community Corrections Act Counties;

(14) a representative from the community at large;

(15) a representative from a community organization working with victims of crimes; and

~~(9)~~ (16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

The council shall oversee and administer the state's participation in the compact as described in Article III. The council shall appoint the compact administrator as the state's commissioner.

The state advisory council will advise and exercise advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

Expiration; expenses. The provisions of section 15.059 apply to the council except that it does not expire.

ARTICLE X
COMPACTING STATES, EFFECTIVE DATE,
AND AMENDMENT

1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

2. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

3. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI
WITHDRAWAL, DEFAULT, TERMINATION,
AND JUDICIAL ENFORCEMENT

Section A. Withdrawal.

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chair of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical assistance, fines, suspension, termination, and default.

1. If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

a. remedial training and technical assistance as directed by the Interstate Commission;

b. alternative dispute resolution;

c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

d. suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice, or the chief judicial officer of the state; the majority and minority leaders of the defaulting state's legislature; and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly promulgated rules and any other grounds designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination.

2. Within 60 days of the effective date of termination of a defaulting state, the commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

3. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

5. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial enforcement.

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

Section D. Dissolution of compact.

1. The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII SEVERABILITY AND CONSTRUCTION

1. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of this compact shall be enforceable.

2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIII BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting state.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning of interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

ARTICLE 7
COMMUNITY SUPERVISION REFORM

Section 1. Minnesota Statutes 2020, section 241.272, is amended to read:

241.272 FEE COLLECTION; PROHIBITED.

Subdivision 1. **Definition.** (a) As used in this section, the following terms have the meanings given ~~them~~.

(b) "Correctional fees" include fees for the following correctional services:

(1) ~~community service work placement and supervision;~~

(2) ~~restitution collection;~~

(3) ~~supervision;~~

(4) ~~(2) court-ordered investigations; or~~

(5) ~~(3) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections, a local unit of government, or a community corrections agency.~~

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

~~Subd. 2. **Correctional fees established.** To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.~~

~~Subd. 2a. **Prohibition.** The commissioner of corrections, local units of government, and community corrections agencies are prohibited from assessing and collecting correctional fees from persons on probation, parole, supervised release, or conditional release except as otherwise provided in this section.~~

~~Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.~~

~~(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.~~

~~Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.~~

~~Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.~~

~~Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is provided. These fees may only be used in accordance with section 244.18, subdivision 6.~~

~~Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.~~

Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize sex offender treatment providers to charge and collect treatment co-pays from all offenders in their treatment program. The amount of treatment co-pay assessed to each offender is based upon a fee schedule approved by the commissioner. Fees collected under this authority are used by the treatment provider to fund the cost of treatment.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 2. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

~~(h) Unless the district court directs otherwise, state parole and probation agents may require a person who is under the supervision of the commissioner of corrections to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Agents may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12 month period, beginning with the date on which community work service is first imposed. The commissioner may authorize an additional 40 hours of community work services, for a total of 64 hours per offender per 12 month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, parole and probation agents are required to provide written notice to the offender that states:~~

- ~~(1) the condition of probation that has been violated;~~
- ~~(2) the number of hours of community work service imposed for the violation; and~~
- ~~(3) the total number of hours of community work service imposed to date in the 12 month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a parole or probation agent must identify community options to address and correct~~

~~the violation including, but not limited to, inpatient chemical dependency treatment. If a probation or parole agent determines that community options are appropriate, the agent shall seek to restructure the offender's terms of release to incorporate those options. If an offender on probation stipulates in writing to restructure the terms of release, a probation agent must forward a report to the district court containing:~~

~~(1) the specific nature of the technical violation of probation;~~

~~(2) the recommended restructure to the terms of probation; and~~

~~(3) a copy of the offender's signed stipulation indicating that the offender consents to the restructuring of probation.~~

~~The recommended restructuring of probation becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation and amend the terms of the sentence imposed by the court under section 609.135. If a nonviolent controlled substance offender's parole or probation is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order of probation or a condition of parole, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.~~

Sec. 3. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's supervised release imposed by the commissioner, the commissioner may:

(1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate, or transferring the inmate's case to a specialized caseload; or

(2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

~~Prior to revoking a nonviolent controlled substance an offender's supervised release based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, the commissioner must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If the commissioner determines that community options are appropriate, the commissioner shall restructure the inmate's terms of release to incorporate those options. If a nonviolent controlled substance offender's supervised release is revoked, the offender's agent must first attempt to place the offender in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.~~

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, except that if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the conditional release term.

Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of counties has established a human services board pursuant to chapter 402, the district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as

necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide adult misdemeanor and juvenile probation services to district courts in one of the following ways:

(1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;

(2) when two or more counties offer probation services the district court through the county boards may appoint common salaried county probation officers to serve in the several counties;

(3) a county or a district court may request the commissioner of corrections to furnish probation services in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or court that fails to provide its own probation officer by one of the two procedures listed above;

(4) if a county or district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the district court, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;

~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to serve in the county or counties they are now serving if a county receiving probation services under clause (3) decides to provide those services under clause (1) or (2), the probation officers and other employees displaced by the changeover shall be employed by the county at no loss in salary. Years of service in the state are to be given full credit for future sick leave and vacation accrual purposes.~~

(b) A county or counties providing probation services under paragraph (a), clause (1) or (2), is designated a CPO county for purposes of receiving a grant under chapter 401. A county or counties receiving probation services under paragraph (a), clause (3), is not eligible for a grant under chapter 401, and the commissioner of corrections is appropriated the county's share of funding for the purpose of providing probation services, and authority to seek reimbursement from the county under subdivision 5.

(c) A county that requests the commissioner of corrections to provide probation services under paragraph (a), clause (3), shall collaborate with the commissioner to develop a comprehensive plan as described in section 401.06.

~~(b)~~ (d) The commissioner of management and budget shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of management and budget is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board, and in addition thereto shall be reimbursed for all necessary expenses incurred in the performance of their official duties.~~ In all counties which obtain probation services from the commissioner of corrections the commissioner shall, out of appropriations provided therefor, pay probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone and telegraph services, and travel and subsistence. Each county receiving probation services from the commissioner of corrections shall reimburse the department of corrections for the total cost and expenses of such services as incurred by the commissioner of corrections, excluding the cost and expense of services provided under the state's obligation in section 244.20. ~~Total annual costs for each county shall be that portion of the total costs and expenses for the services of one probation officer represented by the ratio which the county's population bears to the total population served by one officer. For the purposes of this section, the population of any county shall be the most recent estimate made by the Department of Health.~~ At least every six months the commissioner of corrections shall bill for the total cost and expenses incurred by the commissioner on behalf of each county which has received probation services. The commissioner of corrections shall notify each county of the cost and expenses and the county shall pay to the commissioner the amount due for reimbursement. All such reimbursements shall be deposited in the general fund used to provide services for each county according to their reimbursement amount. Objections by a county to all allocation of such cost and expenses shall be presented to and determined by the commissioner of corrections. Each county providing probation services under this section is hereby authorized to use unexpended funds and to levy additional taxes for this purpose.

The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

Sec. 6. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to 244.1995, the following terms have the meanings given them.

(b) "Commissioner" means the commissioner of corrections.

(c) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(d) "Court services director" means the director or designee of a county probation agency that is not organized under section 244.19 or an agency organized under chapter 401.

(e) "Detain" means to take into actual custody, including custody within a local correctional facility.

(f) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

(g) "Probation agency" means the Department of Corrections field office or a probation agency organized under section 244.19 or chapter 401.

(h) "Probation officer" means a court services director, county probation officer, or any other community supervision officer employed by the commissioner or by a probation agency organized under section 244.19 or chapter 401.

~~(g)~~ (i) "Release" means to release from actual custody.

Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to read:

Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a probation officer may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the person's rehabilitation, or both. A probation officer may impose up to eight hours of community work service for each violation and up to a total of 24 hours per person per 12-month period, beginning on the date on which community work service is first imposed. The court services director or probation agency may authorize an additional 40 hours of community work service, for a total of 64 hours per person per 12-month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the person that states:

(1) the condition of probation that has been violated;

(2) the number of hours of community work service imposed for the violation; and

(3) the total number of hours of community work service imposed to date in the 12-month period.

(b) A person on supervision may challenge the imposition of community work service by filing a petition in district court within five days of receiving written notice that community work service is being imposed. If the person challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.

(c) Community work service includes sentencing to service.

Sec. 8. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to read:

Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference technology at the discretion of the probation agent.

Sec. 9. Minnesota Statutes 2020, section 244.20, is amended to read:

244.20 PROBATION SUPERVISION.

Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the Department of Corrections shall have exclusive responsibility for providing probation services for adult felons in counties that do not take part in the Community Corrections Act. ~~In counties that do not take part in the Community Corrections Act, the responsibility for providing probation services for individuals convicted of gross misdemeanor offenses shall be discharged according to local judicial policy.~~

Sec. 10. Minnesota Statutes 2020, section 244.21, is amended to read:

244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.

Subdivision 1. **Collection of information by probation service providers; report required.** (a) By January 1, 1998, probation service providers shall begin collecting and maintaining information on offenders under supervision. The commissioner of corrections shall specify the nature and extent of the information to be collected. By April 1 of every year, each probation service provider shall report a summary of the information collected to the commissioner as a condition of state grant funding under chapter 401.

(b) Beginning August 1, 2023, and each year thereafter, each entity required to submit a report under paragraph (a) must include in their report the total number of days in the previous fiscal year that offenders supervised by the entity had their probation or supervised release revoked.

Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the commissioner of corrections shall report to the chairs of the ~~senate crime prevention and house of representatives judiciary~~ legislative committees with jurisdiction over public safety and finance on recommended methods of coordinating the exchange of information collected on offenders under subdivision 1: (1) between probation service providers; and (2) between probation service providers and the Department of Corrections, ~~without requiring service providers to acquire uniform computer software.~~

Sec. 11. Minnesota Statutes 2020, section 401.01, is amended to read:

401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.

Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is authorized to make grants to assist counties in the development, implementation, and operation of community-based corrections programs including preventive or diversionary correctional programs, conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.~~

Subd. 1a. **Credit for early discharge.** In calculating grants authorized under subdivision 1, the commissioner must not reduce the amount of a grant based on offenders being discharged from community supervision prior to the sentence expiration date imposed by the sentencing court.

Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following terms have the meanings given them.

(b) "CCA county" means a county that participates in the Community Corrections Act.

(c) "Commissioner" means the commissioner of corrections or a designee.

(d) "Conditional release" means parole, supervised release, conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and any other authorized temporary release from a correctional facility.

(e) "County probation officer" means a probation officer appointed under section 244.19.

(f) "CPO county" means a county that participates in funding under this act by providing local corrections service for all juveniles and individuals on probation for misdemeanors, pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

(g) "Detain" means to take into actual custody, including custody within a local correctional facility.

~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision 1.

~~(i)~~ (j) "Local correctional service" means those services authorized by and employees, officers, and agents appointed under section 244.19, subdivision 1.

~~(j)~~ (k) "Release" means to release from actual custody.

(l) "Tribal government" means one of the federally recognized Tribes described in section 3.922.

Sec. 12. Minnesota Statutes 2020, section 401.02, is amended to read:

401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.

Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more counties, ~~having an aggregate population of 30,000 or more persons, or Tribal governments~~ may qualify for a grant as provided in section 401.01 by ~~the enactment of appropriate resolutions creating and establishing a corrections advisory board, designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section sections 401.01 and 401.11, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the Department of Corrections, and providing for centralized administration and control of those correctional services described in section 401.01.~~ Counties participating as a CCA county must also enact the appropriate resolutions creating and establishing a corrections advisory board.

Where counties or Tribal governments combine as authorized in this section, they shall comply with the provisions of section 471.59.

(b) A county that has participated in the Community Corrections Act for five or more years is eligible to continue to participate in the Community Corrections Act.

(c) If a county or Tribal government withdraws from the grant program as outlined in subdivision 1 of this section and asks the commissioner of corrections, or the legislative body or the state of Minnesota mandates the commissioner of corrections to furnish probation services to the county, the probation officers and other employees displaced by the changeover shall be employed by the commissioner of corrections. Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes.

Subd. 2. **Planning counties; advisory board members expenses.** To assist counties which have complied with the provisions of subdivision 1 and require financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to section 401.08, the commissioner may designate counties as "planning counties", and, upon receipt of resolutions by the governing boards of the counties certifying the need for and inability to pay the expenses described in this subdivision, advance to the counties an amount not to exceed five percent of the maximum quarterly ~~subsidy~~ grant for which the counties are eligible. The expenses described in this subdivision shall be paid in the same manner and amount as for state employees.

Subd. 3. **Establishment and reorganization of administrative structure.** Any county or group of counties which have qualified for participation in the ~~community corrections subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an administrative structure and provide for the budgeting, staffing, and operation of court services and probation, construction or improvement to juvenile detention and juvenile correctional facilities and adult detention and correctional facilities, and other activities required to conform to the purposes of this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision.

~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county probation officers may require a person committed to the officer's care by the court to perform community work service for violating a condition of probation imposed by the court. Community work service may be imposed for the purpose of protecting the public, to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours of community work service for each violation and up to a total of 24 hours per offender per 12 month period, beginning on the date on which community work service is first imposed. The chief executive officer of a community corrections agency may authorize an additional 40 hours of community work service, for a total of 64 hours per offender per 12 month period, beginning with the date on which community work service is first imposed. At the time community work service is imposed, probation officers are required to provide written notice to the offender that states:~~

- ~~(1) the condition of probation that has been violated;~~
- ~~(2) the number of hours of community work service imposed for the violation; and~~
- ~~(3) the total number of hours of community work service imposed to date in the 12 month period.~~

~~An offender may challenge the imposition of community work service by filing a petition in district court. An offender must file the petition within five days of receiving written notice that community work service is being imposed. If the offender challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that the imposition of community work service is reasonable under the circumstances.~~

~~Community work service includes sentencing to service.~~

Sec. 13. Minnesota Statutes 2020, section 401.04, is amended to read:

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state and local correctional services presently provided in counties, employment shall be given to those state and local officers, employees and agents thus displaced; if hired by a county, employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state or local correctional service.

State or local employees displaced by county participation in the ~~subsidy grant~~ program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

Sec. 14. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

No county or group of counties or Tribal government or group of Tribal governments electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the ~~subsidy grant~~ herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for CCA and CPO counties and Tribal governments to receive ~~funds grants~~ under sections 401.01 to 401.16. To remain eligible for ~~subsidy grants~~ counties and Tribal governments shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating counties and Tribal governments, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements. When the commissioner provides supervision to a county that elects not to provide the supervision, the commissioner shall prepare a comprehensive plan for the county and shall present it to the local county board of commissioners. The Department of Corrections shall be subject to all the standards and requirements established in sections 401.01 to 401.16 and promulgated rules.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties or Tribal government or group of Tribal governments is not in substantial compliance with minimum standards, at least 30 days' notice shall be given the county or counties or Tribal government or group of Tribal governments and a hearing conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any ~~subsidy grant~~ until the required standard of operation has been met.

Sec. 15. Minnesota Statutes 2020, section 401.09, is amended to read:

401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.

Failure of a county or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state facility as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the ~~subsidy grant~~ due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of ~~subsidy grant~~ to which the participating county or counties are eligible.

Sec. 16. Minnesota Statutes 2020, section 401.10, is amended to read:

401.10 COMMUNITY CORRECTIONS AID.

Subdivision 1. ~~Aid calculations~~ **Funding formula.** To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply the following formula:

(1) For each of the 87 counties in the state, a percent score must be calculated for each of the following five factors:

(i) ~~percent of the total state population aged ten to 24 residing within the county according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the most recent estimate of the state demographer;~~

(ii) ~~percent of the statewide total number of felony case filings occurring within the county, as determined by the state court administrator;~~

(iii) ~~percent of the statewide total number of juvenile case filings occurring within the county, as determined by the state court administrator;~~

(iv) ~~percent of the statewide total number of gross misdemeanor case filings occurring within the county, as determined by the state court administrator; and~~

(v) ~~percent of the total statewide number of convicted felony offenders who did not receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines Commission.~~

~~The percents in items (ii) to (v) must be calculated by combining the most recent three year period of available data. The percents in items (i) to (v) each must sum to 100 percent across the 87 counties.~~

(2) ~~For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must be weighted, summed, and divided by the sum of the weights to yield an average percent for each county, referred to as the county's "composite need percent." When performing this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.~~

(3) ~~For each of the 87 counties, the county's "adjusted net tax capacity percent" is the county's adjusted net tax capacity amount, defined in the same manner as it is defined for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the 87 counties.~~

(4) ~~For each of the 87 counties, the county's composite need percent must be divided by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by the county's composite need percent, results in the county's "tax base adjusted need percent."~~

(5) ~~For each of the 87 counties, the county's tax base adjusted need percent must be added to twice the composite need percent, and the sum must be divided by 3, to yield the county's "weighted need percent."~~

(6) ~~Each participating county's weighted need percent must be added to the weighted need percent of each other participating county to yield the "total weighted need percent for participating counties."~~

~~(7) Each participating county's weighted need percent must be divided by the total weighted need percent for participating counties to yield the county's "share percent." The share percents for participating counties must sum to 100 percent.~~

~~(8) Each participating county's "base funding amount" is the aid amount that the county received under this section for fiscal year 1995 plus the amount received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section may be less than its base funding amount, provided that the total amount appropriated for this purpose is at least as much as the aggregate base funding amount defined in clause (9).~~

~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts for all participating counties. If a county that participated under this section chooses not to participate in any given year, then the aggregate base funding amount must be reduced by that county's base funding amount. If a county that did not participate under this section in fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995 plus the estimated amount it would have received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount of increase shall be that county's base funding amount.~~

~~(10) In any given year, the total amount appropriated for this purpose first must be allocated to participating counties in accordance with each county's base funding amount. Then, any remaining amount in excess of the aggregate base funding amount must be allocated to participating counties in proportion to each county's share percent, and is referred to as the county's "formula amount."~~

~~Each participating county's "community corrections aid amount" equals the sum of (i) the county's base funding amount, and (ii) the county's formula amount.~~

~~(11) However, if in any year the total amount appropriated for the purpose of this section is less than the aggregate base funding amount, then each participating county's community corrections aid amount is the product of (i) the county's base funding amount multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding amount.~~

~~For each participating county, the county's community corrections aid amount calculated in this subdivision is the total amount of subsidy to which the county is entitled under sections 401.01 to 401.16.~~

(a) The state shall institute one funding formula for supervising people in the community. For fiscal year 2023, the commissioner shall use the following formula to determine each county and Tribal government grant and the department's funding for supervision in counties or Tribal jurisdictions served by the department. Funding and allocations for intensive supervised release are not included in the formula and regardless of the results of the formula, in fiscal year 2023, the commissioner shall provide 50 percent funding to CPO counties as previously required in section 244.19, subdivision 6. The following amounts shall be summed to arrive at the total for a county, Tribal government, or the department:

(1) \$250,000;

(2) ten percent of the total appropriation for community supervision and postrelease services to the department for community supervision in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total population;

(3) ten percent of the total appropriation to the department for community supervision in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total geographic area;

(4) the result of the following methodology:

(i) use the county's felony supervision population as reflected in the most recent probation survey by the department and analysis conducted in 2021 by an independent contractor;

(ii) use the hours required to supervise the felony population based on 2,080 hours of full-time equivalent officer time in one year; and

(iii) assume a \$100,000 cost for each full-time equivalent officer and multiply that amount by the average full-time equivalent time for the county for one year; and

(5) the department may prorate the total amount distributed in clauses (2), (3), and (4), as necessary, so as to not exceed the total appropriation for fiscal year 2023.

(b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a), clause (4), the state shall implement a workload methodology developed by the Supervision Standards Committee to calculate the average per diem costs of supervising people in communities and accounting for people of different risk and need levels who are juveniles, on probation for a misdemeanor, on probation for a gross misdemeanor, on probation for a felony, on supervised or conditional release, or on intensive supervised release. The Department of Corrections and the Supervision Standards Committee shall report the methodology and the calculated fiscal impacts of the formula described in this paragraph estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety finance and policy, to the governor, and to the Department of Management and Budget by October 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent years as necessary, so as to not exceed the total appropriation for that fiscal year.

(c) The reimbursement formulas developed under paragraphs (a) and (b) must:

(1) limit the weight of a misdemeanor case to no more than one-half of the weight assigned to a felony case with a comparable risk level assessment for purposes of calculating weighted caseloads; and

(2) account for the absence of work performed in an entity's caseload that occurs when offenders under the entity's supervision are reincarcerated. The formulas must reduce an entity's current grant award by the amount of savings that would have been generated in the prior year from supervision that was not performed because of offender reincarceration.

Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and ways and means of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds, including funds available due the withdrawal of a county under section 401.16, in any appropriation to the Department of Corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction over community corrections funding decisions in the house of representatives and the senate, in consultation with the Department of Corrections and any interested county organizations, must review the formula in subdivision 1 and make recommendations to the legislature for its continuation, modification, replacement, or discontinuation.~~ (a) For fiscal year 2024 and subsequent fiscal years, the commissioner shall make a funding recommendation based upon the following two components:

(1) for the first component the following amounts shall be summed to arrive at the total for a county, Tribal government, or the department:

(i) \$250,000;

(ii) ten percent of the total appropriation to the department for community supervision in the previous fiscal year multiplied by the county's percentage of the state's total population according to 2020 census data; and

(iii) ten percent of the total appropriation to the department for community supervision in the previous fiscal year multiplied by the county's percentage of the state's total geographic area as reflected in square miles; and

(2) for the second component funding shall reflect the results of the workload study in subdivision 1, paragraph (b).

(b) Every six years the workload study shall be repeated and updated by the Department of Corrections in consultation with the Community Supervision Advisory Board if established.

(c) For the purposes of the recommendations required under this section, every six years the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5 probation officer full-time equivalent employees.

Sec. 17. Minnesota Statutes 2020, section 401.11, is amended to read:

401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.

Subdivision 1. Items. The comprehensive plan submitted to the commissioner for approval shall include those items prescribed by rule of the commissioner, which may require the inclusion of the following: (a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner of corrections will be provided; (c) a program for the detention, supervision, and treatment of persons under pretrial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration of program.

Subd. 2. Review. In addition to the foregoing requirements made by this section, each participating CCA county or group of counties shall develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action will be taken on them. A description of this procedure must be made available to members of the public upon request.

Sec. 18. Minnesota Statutes 2020, section 401.12, is amended to read:

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.

Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any ~~subsidy grant~~ received pursuant to sections 401.01 to 401.16; rather the ~~subsidy grant~~ herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the ~~subsidy grant~~ to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01. If in any biennium the ~~subsidy grant~~ is increased by an inflationary adjustment which results in the county receiving more actual ~~subsidy grant~~ than it did in the previous calendar year, the county shall be eligible for that increase only if the current level of spending is increased by a percentage equal to that increase within the same biennium.

Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy grant and proceed to pay same in accordance with applicable rules.

Sec. 20. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

Subd. 3. **Installment payments.** The commissioner of corrections shall make payments for community corrections services to each county in 12 installments per year. The commissioner shall ensure that the pertinent payment of the allotment for each month is made to each county on the first working day after the end of each month of the calendar year, except for the last month of the calendar year. The commissioner shall ensure that each county receives its payment of the allotment for that month no later than the last working day of that month. ~~The payment described in this subdivision for services rendered during June 1985 shall be made on the first working day of July 1985.~~

Sec. 21. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded each county by the equalization formula provided in section 401.10 and compute the subsidy grant rate accordingly.

Sec. 22. Minnesota Statutes 2020, section 401.16, is amended to read:

401.16 WITHDRAWAL FROM PROGRAM.

Any participating county or Tribal government may, at the beginning of any calendar quarter, by resolution of its board of commissioners or Tribal government leaders, notify the commissioner of its intention to withdraw from the subsidy grant program established by sections 401.01 to 401.16, and the withdrawal shall be effective the last day ~~of the last month of the third quarter in~~ after which the notice was given. ~~Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.~~

Sec. 23. **SUPERVISION STANDARDS COMMITTEE.**

Subdivision 1. Establishment; members. (a) The commissioner of corrections shall establish a supervision standards committee to develop standards for probation, supervised release, and community supervision. The committee consists of 13 members as follows:

(1) two directors appointed by the Minnesota Association of Community Corrections Act Counties;

(2) two probation directors appointed by the Minnesota Association of County Probation Officers;

(3) two county commissioner representatives appointed by the Association of Minnesota Counties;

(4) two behavioral health, treatment, or programming providers who work directly with individuals on correctional supervision, one appointed by the Department of Human Services and one appointed by the Minnesota Association of County Social Service Administrators;

(5) two representatives appointed by the Minnesota Indian Affairs Council;

(6) the commissioner of corrections or a designee and one additional representative of the department appointed by the commissioner; and

(7) the chair of the statewide evidence-based practice advisory committee.

(b) When an appointing authority selects an individual for membership on the committee, the authority shall make reasonable efforts to reflect geographic diversity and to appoint qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02, subdivision 33.

(c) The commissioner shall convene the first meeting of the committee on or before July 15, 2022.

Subd. 2. **Terms; removal; reimbursement.** (a) In the case of a vacancy on the committee, the appointing authority shall appoint a person to fill the vacancy. The members of the committee shall elect any officers and create any subcommittees necessary for the efficient discharge of committee duties.

(b) A member may be removed by the appointing authority at any time at the pleasure of the appointing authority.

(c) A member of the committee shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties in the same manner as other employees of the state. The public members of the committee shall be compensated at the rate of \$55 for each day or part thereof spent on committee activities.

Subd. 3. **Duties.** (a) The committee shall comply with the requirements of section 401.10.

(b) By June 30, 2023, the committee shall provide written advice and recommendations to the commissioner of corrections for creation of administrative rules and policy regarding the following:

(1) developing statewide supervision standards and definitions to be applied to community supervision provided by CPO counties, CCA counties, and the Department of Corrections;

(2) requiring community supervision agencies to use the same agreed-upon risk screener and risk and needs assessment tools, as the main supervision assessment methods, or a universal five-level matrix allowing for consistent supervision levels and that all tools in use be validated on Minnesota's community supervision population and revalidated every five years;

(3) requiring the use of assessment-driven, formalized collaborative case planning to focus case planning goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals;

(4) limiting standard conditions required for all people on supervision across all supervision systems and judicial districts, ensure that conditions of supervision are directly related to the offense of the person on supervision, and tailor special conditions to people on supervision identified as high risk and need;

(5) providing gender-responsive, culturally appropriate services and trauma-informed approaches;

(6) developing a statewide incentives and sanctions grid to guide responses to client behavior while under supervision to be reviewed and updated every five years to maintain alignment with national best practices; and

(7) developing performance indicators for supervision success as well as recidivism.

(c) The committee shall explore the role of a permanent state Community Supervision Advisory Board for the purposes of the required report in subdivision 6.

Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the commissioner must respond in writing to the committee's advice and recommendations. The commissioner's response must explain whether the agency will promulgate rules based on the recommendations, the timeline for rulemaking, and an explanation of why the commissioner will not or cannot include any individual recommendations of the committee in the agency's promulgation of rules. The commissioner must also submit the advice and recommendations of the committee and the commissioner's written response, to the Governor's Council on Justice Reinvestment and to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance at the same time.

Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the committee with staff support, a meeting room, and access to office equipment and services.

Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance and the Governor's Council on Justice Reinvestment on progress regarding the development of standards and recommendations under subdivision 3.

(b) On January 15, 2025, the committee shall submit a final report to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety and finance and the Governor's Council on Justice Reinvestment on the standards and recommendations developed according to subdivision 3. The recommendations must include, at a minimum, a proposed state-level Community Supervision Advisory Board with a governance structure and duties for the board.

Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day after the final report is submitted to the legislature and the Governor's Council on Justice Reinvestment.

Sec. 24. REPEALER.

(a) Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24; 244.30; and 401.025, are repealed.

(b) Minnesota Statutes 2020, sections 244.18; and 609.102, subdivisions 1, 2, and 2a, are repealed.

EFFECTIVE DATE. Paragraph (a) is effective July 1, 2022. Paragraph (b) is effective July 1, 2023.

ARTICLE 8
APPROPRIATIONS

Section 1. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are added to or, if shown in parentheses, subtracted from the appropriations in Laws 2021, First Special Session chapter 11, article 1, to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the addition to or subtraction from the appropriation listed under them is available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. Supplemental appropriations and reductions to appropriations for the fiscal year ending June 30, 2022, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2022 **2023**

Sec. 2. **SUPREME COURT**

Subdivision 1. **Total Appropriation**

\$-0- **\$63,760,000**

Subd. 2. **Supreme Court Operations**

-0- **4,054,000**

(a) Compensation

Compensation for staff is increased by a minimum of six percent. Justices' compensation is increased by six percent.

(b) Maintain Core Operations

\$2,304,000 in fiscal year 2023 is for maintaining core operations.

(c) Cybersecurity

\$1,750,000 in fiscal year 2023 is for cybersecurity.

Subd. 3. **Civil Legal Services**

-0- **59,706,000**

(a) Salary Equity

\$4,304,000 in fiscal year 2023 is for salary equity.

(b) COVID-19 Response

\$7,463,000 in fiscal year 2023 is for COVID-19 response. The general fund base for this appropriation is \$7,051,000 in fiscal year 2024 and \$7,051,000 in fiscal year 2025.

(c) Increased Legal Services

\$47,939,000 in fiscal year 2023 is for increased legal services. The ongoing base for this appropriation is \$58,806,000 beginning in fiscal year 2024.

Sec. 3. **COURT OF APPEALS**

\$-0- **\$621,000**

Compensation

Compensation for staff is increased by a minimum of six percent. Judges' compensation is increased by six percent.

Sec. 4. **DISTRICT COURTS**

\$-0- **\$16,799,000**

(a) Compensation

Compensation for staff is increased by a minimum of six percent. Judges' compensation is increased by six percent.

(b) Psychological Services

1,996,000 in fiscal year 2023 is for mandated psychological services.

(c) Base Adjustment

The general fund base is increased by \$200,000 beginning in fiscal year 2024 to maintain funding for interpreter pay.

Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	<u>\$-0-</u>	<u>\$909,000</u>
Sec. 6. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$1,740,000</u>	<u>\$52,453,000</u>

(a) Electronic File Storage and Remote Hearing Access

\$627,000 in fiscal year 2022 is for electronic file storage and remote hearing access. This is a onetime appropriation.

(b) Salary Equity

\$1,113,000 in fiscal year 2022 and \$2,266,000 in fiscal year 2023 are for salary equity.

(c) Increased Services

\$50,000,000 in fiscal year 2023 is for increased public defender services.

(d) Postconviction Relief Petitions

\$187,000 in fiscal year 2023 is for contract attorneys to represent individuals who file postconviction relief petitions. This is a onetime appropriation.

Sec. 7. <u>HUMAN RIGHTS</u>	<u>\$-0-</u>	<u>\$2,543,000</u>
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(a) Improve Caseload Processing

\$492,000 in fiscal year 2023 is to improve caseload processing. The general fund base for this appropriation is \$461,000 in fiscal year 2024 and \$461,000 in fiscal year 2025.

(b) Bias and Discrimination Data Gathering and Reporting

\$388,000 in fiscal year 2023 is to improve bias and discrimination data gathering and reporting. The general fund base for this appropriation is \$243,000 in fiscal year 2024 and \$243,000 in fiscal year 2025.

(c) Bias Response Community Equity Outreach

\$1,185,000 in fiscal year 2023 is for bias response community equity outreach. The general fund base for this appropriation is \$1,001,000 in fiscal year 2024 and \$1,001,000 in fiscal year 2025.

(d) Equity and Inclusion Strategic Compliance

\$228,000 in fiscal year 2023 is for equity and inclusion strategic compliance.

(e) Equity and Inclusion Strategic Compliance Data Consultant

\$250,000 in fiscal year 2023 is for an equity and inclusion strategic compliance data consultant. These funds are available until June 30, 2024. This is a onetime appropriation.

Sec. 8. **BOARD OF APPELLATE COUNSEL FOR PARENTS**

\$-0-**\$699,000****Establishment**

\$699,000 in fiscal year 2023 is to establish and operate the Board of Appellate Counsel for Parents and appellate counsel program. The ongoing base for this program is \$1,835,000 beginning in fiscal year 2024.

ARTICLE 9
CIVIL POLICY WITH FISCAL IMPACT

Section 1. **[260C.419] STATE BOARD OF APPELLATE COUNSEL FOR PARENTS.**

Subdivision 1. **Structure; membership.** (a) The State Board of Appellate Counsel for Parents is established in the judicial branch. The board is not subject to the administrative control of the judiciary. The board shall consist of seven members, including:

(1) three public members appointed by the governor;

(2) one member appointed by the state Indian Affairs Council; and

(3) three members appointed by the supreme court, at least one of whom must have experience representing parents in juvenile court and who include two attorneys admitted to practice law in the state and one public member.

(b) The appointing authorities may not appoint any of the following to be a member of the State Board of Appellate Counsel for Parents:

(1) a person who is a judge;

(2) a person serving as a guardian ad litem or counsel for a guardian ad litem;

(3) a person who serves as counsel for children in juvenile court;

(4) a person under contract with or employed by the Department of Human Services or a county department of human or social services; or

(5) a current city or county attorney or assistant city or county attorney.

(c) All members shall demonstrate an interest in maintaining a high quality, independent appellate defense system for parents in juvenile protection proceedings who are unable to obtain adequate representation. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. To the extent practicable, the membership of the board must include persons with disabilities, reflect the ethnic diversity of the state, take into consideration race and gender, and include persons from throughout the state. The members shall be well acquainted with representing parents in appellate proceedings related to child protection matters as well as the laws that affect a parent appellate attorney's work, including chapter 260C, the Minnesota Rules of Juvenile Protection Procedure, the Minnesota Rules of Civil Appellate Procedure, the Indian Child Welfare Act, and the Minnesota Indian Family Preservation Act. The terms, compensation, and removal of members shall be as provided in section 15.0575. The members shall elect the chair from among the membership for a term of two years.

Subd. 2. **Head appellate counsel for parents; assistant and contracted attorneys.** (a) Beginning January 1, 2024, and for every four years after that date, the State Board of Appellate Counsel for Parents shall appoint a head appellate counsel in charge of appellate services, who shall provide for sufficient appellate counsel for parents and other personnel necessary to discharge the functions of the office. The head appellate counsel shall serve a four-year term and may be removed only for cause upon the order of the State Board of Appellate Counsel for Parents. The head appellate counsel shall be a full-time qualified attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies of the office shall be filled by the appointing authority for the unexpired term. The head appellate counsel shall devote full time to the performance of duties and shall not engage in the general practice of law. The compensation of the head appellate counsel shall be set by the State Board of Appellate Counsel for Parents and shall be commensurate with county attorneys in the state.

(b) Consistent with the decisions of the State Board of Appellate Counsel for Parents, the head appellate counsel shall employ assistants or hire independent contractors to serve as appellate counsel for parents. Each assistant appellate counsel and independent contractor serves at the pleasure of the head appellate counsel. The compensation of assistant appellate counsel and independent contractors shall be set by the State Board of Appellate Counsel for Parents and shall be commensurate with assistant county attorneys in the state.

(c) A person serving as appellate counsel shall be a qualified attorney licensed to practice law in this state. A person serving as appellate counsel practicing in Tribal court shall be a licensed attorney qualified to practice law in Tribal courts in the state. Assistant appellate counsel and contracted appellate counsel may engage in the general practice of law where not employed or contracted to provide services on a full-time basis.

Subd. 3. **Program administrator.** The State Board of Appellate Counsel for Parents shall appoint a program administrator who must be chosen solely on the basis of training, experience, and other qualifications and who serves at the pleasure of the board. The program administrator need not be licensed to practice law. The program administrator shall attend all meetings of the board, but may not vote, and shall:

(1) enforce all resolutions, standards, rules, regulations, policies, and orders of the board;

(2) present to the board and the head appellate counsel plans, studies, and reports prepared for the board's and the head appellate counsel's purposes and recommend to the board and the head appellate counsel for adoption measures necessary to enforce or carry out the powers and duties of the board and the head appellate counsel or to efficiently administer the affairs of the board and the head appellate counsel;

(3) keep the board fully advised as to the board's financial condition and prepare and submit to the board the annual appellate counsel for parents program and the State Board of Appellate Counsel for Parents budget and other financial information as requested by the board;

(4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and the state appellate counsel for parents program;

(5) work cooperatively and collaboratively with sovereign Tribal Nations in the state;

(6) work cooperatively and collaboratively with counties to implement the appellate counsel program; and

(7) perform other duties prescribed by the board.

Subd. 4. Duties and responsibilities. (a) The State Board of Appellate Counsel for Parents shall create and administer a statewide, independent appellate counsel program to represent indigent parents who are eligible for the appointment of counsel under section 260C.163, subdivision 3, on appeal in juvenile protection matters.

(b) The board shall approve and recommend to the legislature a budget for the board and the appellate counsel for parents program.

(c) The board shall establish procedures for distribution of funding under this section to the appellate program.

(d) The head appellate counsel with the approval of the board shall establish appellate program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect appellate counsel's work. The standards must include but are not limited to:

(1) standards needed to maintain and operate an appellate counsel for parents program, including requirements regarding the qualifications, training, and size of the legal and supporting staff for an appellate counsel program;

(2) standards for appellate counsel caseloads;

(3) standards and procedures for the eligibility of appointment, assessment, and collection of the costs for legal representation provided by appellate counsel;

(4) standards for contracts between contracted appellate counsel and the state appellate counsel program for the legal representation of indigent persons;

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the independent, competent, and efficient representation of clients whose cases present conflicts of interest.

(e) The board may:

(1) propose statutory changes to the legislature and rule changes to the supreme court that are in the best interests of the operation of the appellate counsel for parents program; and

(2) require the reporting of statistical data, budget information, and other cost factors by the appellate counsel for parents program.

Subd. 5. Limitation. In no event shall the board or its members interfere with the discretion, judgment, or zealous advocacy of counsel in their handling of individual cases as a part of the judicial branch of government.

Subd. 6. **Budget; county opt-in.** The establishment of the office and its employees and support staff and the board shall be funded by the state. Counties must utilize this office to provide appellate representation to indigent parents in their county who are seeking an appeal.

Subd. 7. **Collection of costs; appropriation.** If any of the costs provided by appellate counsel are assessed and collected or otherwise reimbursed from any source, payments shall be deposited in the general fund.

Sec. 2. Minnesota Statutes 2021 Supplement, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. **Transmittal of fees to commissioner of management and budget.** (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of management and budget for deposit in the state treasury and credit to the general fund. ~~\$30~~ \$45 of each fee collected in a dissolution action under subdivision 2, clause (1), must be deposited by the commissioner of management and budget in the special revenue fund and is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of management and budget for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapters 260, 260A, 260B, and 260C;

(6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

(e) No fee is required under this section from any federally recognized Indian Tribe or its representative in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525; or

(4) court relief under chapters 260, 260A, 260B, 260C, and 260D.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 3. Minnesota Statutes 2020, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in marriage dissolution actions the fee is \$315.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$285, except in marriage dissolution actions the fee is \$315. This subdivision does not apply to the filing of an Application for Discharge of Judgment. Section 548.181 applies to an Application for Discharge of Judgment.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$14, ~~and \$8 for an uncertified copy.~~

(3) Issuing a subpoena, \$16 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$75.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.

- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopathic physicians, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- (11) For the deposit of a will, \$27.
- (12) For recording notary commission, \$20.
- (13) Filing a motion or response to a motion for modification of child support, a fee of \$50.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents. No fee may be charged for an uncertified copy of an instrument from a civil or criminal proceeding.

Sec. 4. Minnesota Statutes 2020, section 484.85, is amended to read:

484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

~~(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul municipality or subdivision of government within Ramsey County and one-third credited to the state general fund; and~~

~~(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one half paid to the treasurer of the municipality or subdivision of government and one half credited to the state general fund.~~

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

- (1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or
- (2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. **Disposition of license fee.** (a) Of the civil marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local registrar must pay \$90 to the commissioner of management and budget to be deposited as follows:

- (1) ~~\$55~~ \$40 in the general fund;
- (2) \$3 in the state government special revenue fund to be appropriated to the commissioner of public safety for parenting time centers under section 119A.37;
- (3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255;
- (4) ~~\$25~~ \$40 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96; and
- (5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the University of Minnesota for the Minnesota couples on the brink project under section 137.32.

(b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the county. The local registrar must pay \$15 to the commissioner of management and budget to be deposited as follows:

- (1) \$5 as provided in paragraph (a), clauses (2) and (3); and
- (2) \$10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the Minnesota Family Resiliency Partnership under section 116L.96.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 6. Minnesota Statutes 2020, section 590.01, subdivision 4, is amended to read:

Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than two years after the later of:

- (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or
- (2) an appellate court's disposition of petitioner's direct appeal.

(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief if:

- (1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim;

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;

(3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or a Minnesota appellate court and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case;

(4) the petition is brought pursuant to subdivision 3; ~~or~~

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice; or

(6) the petitioner is either placed into immigration removal proceedings, or detained for the purpose of removal from the United States, or received notice to report for removal, as a result of a conviction that was obtained by relying on incorrect advice or absent advice from counsel on immigration consequences.

(c) Any petition invoking an exception provided in paragraph (b) must be filed within two years of the date the claim arises.

ARTICLE 10 GOVERNMENT DATA PRACTICES AND PRIVACY

Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:

5B.02 DEFINITIONS.

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means an individual's work address, school address, or residential street address, as specified on the individual's application to be a program participant under this chapter.

(c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.

(d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.

(f) "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding ~~packages, parcels, (1) periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal government or a state or county government agency of the continental United States, Hawaii, District of Columbia, or United States territories.

(g) "Program participant" means an individual certified as a program participant under section 5B.03.

(h) "Harassment" or "stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

5B.05 USE OF DESIGNATED ADDRESS.

(a) When a program participant presents the address designated by the secretary of state to any person or entity, that address must be accepted as the address of the program participant. The person may not require the program participant to submit any address that could be used to physically locate the participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location. Notwithstanding a person's or entity's knowledge of a program participant's physical location, the person or entity must use the program participant's designated address for all mail correspondence with the program participant.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all mail sent to the designated address to the proper program participants.

(d) If a program participant has notified a person in writing, on a form prescribed by the program, that the individual is a program participant and of the requirements of this section, the person must not knowingly disclose the participant's name or address identified by the participant on the notice. If identified on the notice, the individual receiving the notice must not knowingly disclose the program participant's name, home address, work address, or school address, unless the person to whom the address is disclosed also lives, works, or goes to school at the address disclosed, or the participant has provided written consent to disclosure of the participant's name, home address, work address, or school address for the purpose for which the disclosure will be made. This paragraph applies to the actions and reports of guardians ad litem, except that guardians ad litem may disclose the program participant's name. This paragraph does not apply to records of the judicial branch governed by rules adopted by the supreme court or government entities governed by section 13.045.

Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

Subdivision 1. **Display by landlord.** If a program participant has notified the program participant's landlord in writing that the individual is a program participant and of the requirements of this section, a local ordinance ~~or the landlord~~ must not require the display of, and the landlord shall not display, the program participant's name at an address otherwise protected under this chapter.

Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

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

(1) "program participant" has the meaning given in section 5B.02, paragraph (g);

(2) "location data" means ~~any~~ data the participant specifies that may be used to physically locate a program participant, ~~including but not limited to~~ such as the program participant's residential address, work address, ~~and~~ or school address, and that is collected, received, or maintained by a government entity prior to the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(3) "identity data" means data that may be used to identify a program participant, including the program participant's name, phone number, e-mail address, address designated under chapter 5B, Social Security number, or driver's license number, and that is collected, received, or maintained by a government entity before the date a program participant's certification expires, or the date the entity receives notice that the program participant has withdrawn from the program, whichever is earlier;

(4) "county recorder" means the county official who performs the functions of the county recorder or registrar of titles to record a document as part of the county real estate document recording system, regardless of title or office; and

(5) "real property records" means any record of data that is maintained ~~by a county~~ as part of the county real estate document recording system for use by the public, data on assessments, data on real or personal property taxation, and other data on real property.

Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice, in writing, to notify~~ the responsible authority of any government entity other than the county recorder in writing, on a form prescribed by the secretary of state, that the participant is certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The notice must include the program participant's name, ~~names of other program participants in the household,~~ date of birth, address designated under chapter 5B, program participant signature, signature of the participant's parent or guardian if the participant is a minor, date the program participant's certification in the program expires, and any other information specified by the secretary of state. A program participant may submit a subsequent notice of certification, if the participant's certification is renewed. The contents of the notification of certification are private data on individuals. A notice provided pursuant to this paragraph is a request to protect location data unless the participant requests that specific identity data also be protected.

(b) To affect real property records, ~~including but not limited to documents maintained in a public recording system, data on assessments and taxation, and other data on real property,~~ a program participant must submit a real property notice in writing to the county recorder in the county where the property identified in the real property notice is located. To affect real property records maintained by any other government entity, a program participant must submit a real property notice in writing to the other government entity's responsible authority. A real property notice must be on a form prescribed by the secretary of state and must include:

- (1) the full legal name of the program participant, including middle name;
- (2) the last four digits of the program participant's Social Security number;
- (3) the participant's date of birth;
- ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of state, including lot number;
- ~~(4) the date the program participant's certification in the program expires;~~
- (5) the legal description and street address, if any, of the real property affected by the notice;
- (6) the address of the Office of the Secretary of State; and
- (7) the signature of the program participant.

Only one parcel of real property may be included in each notice, but more than one notice may be presented ~~to the county recorder~~. The ~~county recorder~~ recipient of the notice may require a program participant to provide additional information necessary to identify the records of the program participant or the real property described in the notice. A program participant must submit a subsequent real property notice for the real property if the participant's ~~certification is renewed~~ legal name changes. The real property notice is private data on individuals.

Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

Subd. 3. **Classification of identity and location data; amendment of records; sharing and dissemination.**

(a) Identity and location data ~~on for which~~ a program participant ~~who submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise classified by law are private data on individuals. ~~Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity except as provided in paragraph (b).~~

~~(b) Private or confidential location data on a program participant must not be shared or disclosed by a government entity~~ Notwithstanding any provision of law to the contrary, private or confidential location data on a program participant who submits a notice under subdivision 2, paragraph (a), may not be shared with any other government entity or nongovernmental entity unless:

(1) the program participant has expressly consented in writing to sharing or dissemination of the data for the purpose for which the sharing or dissemination will occur;

(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6;

(3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

(4) the location data related to county of residence are needed to provide public assistance or other government services, or to allocate financial responsibility for the assistance or services;

(5) the data are necessary to perform a government entity's health, safety, or welfare functions, including the provision of emergency 911 services, the assessment and investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection of services or locations for compliance with health, safety, or professional standards; or

(6) the data are necessary to aid an active law enforcement investigation of the program participant.

(c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the purposes authorized in this subdivision and may not be further disclosed to any other person or government entity. Government entities receiving or sharing private or confidential data under this subdivision shall establish procedures to protect the data from further disclosure.

(d) Real property record data are governed by subdivision 4a.

(e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records to replace a participant's location data with the participant's designated address.

Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity must not disclose the program participant's identity data in conjunction with the property identified in the written notice in the entity's real property records, unless:

(1) the program participant has consented to sharing or dissemination of the data for the purpose identified in a writing acknowledged by the program participant;

(2) the data are subject to sharing or dissemination pursuant to court order under section 13.03, subdivision 6; ~~or~~

(3) the secretary of state authorizes the sharing or dissemination of the data under subdivision 4b for the purpose identified in the authorization; or

(4) the data are shared with a government entity subject to this chapter for the purpose of administering assessment and taxation laws.

This subdivision does not prevent ~~the~~ a county recorder from returning original documents to the individuals that submitted the documents for recording. This subdivision does not prevent the public disclosure of the participant's name and address designated under chapter 5B in the county reception index if the participant's name and designated address are not disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall establish procedures for recording or filing documents to comply with this subdivision. These procedures may include masking identity or location data and making documents or certificates of title containing the data private and not viewable except as allowed by this paragraph. The procedure must comply with the requirements of chapters 386, 507, 508, and 508A and other laws as appropriate, to the extent these requirements do not conflict with this section. The procedures must provide public notice of the existence of recorded documents and certificates of title that are not publicly viewable and the provisions for viewing them under this subdivision. Notice that a document or certificate is private and viewable only under this subdivision or subdivision 4b is deemed constructive notice of the document or certificate.

~~(b) A real property notice is notice only to the county recorder. A notice that does not conform to the requirements of a real property notice under subdivision 2, paragraph (b), is not effective as a notice to the county recorder. On receipt of a real property notice, the county recorder shall provide a copy of the notice to the person who maintains the property tax records in that county, and~~ If the recipient of the real property notice is the county recorder, the county recorder shall notify the county's responsible authority and provide a copy to the secretary of state at the address specified in the notice. If the recipient of the notice is the responsible authority, the responsible authority shall provide a copy to the secretary of state at the address specified by the secretary of state in the notice.

(c) Paragraph (a) applies only to the records recorded or filed concurrently with the real property notice specified in subdivision 2, paragraph (b), and real property records affecting the same real property created or recorded subsequent to the ~~county's~~ government entity's receipt of the real property notice.

(d) The prohibition on disclosure in paragraph (a) continues until:

(1) the program participant has consented to the termination of the real property notice in a writing acknowledged by the program participant. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;

(2) the real property notice is terminated pursuant to a court order. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination;

(3) the program participant no longer holds a record interest in the real property identified in the real property notice. Notification under this paragraph must be given by the government entity to the secretary of state within 90 days of the termination; or

(4) the secretary of state has given written notice to the ~~county recorder~~ government entity who provided the secretary of state with a copy of a participant's real property notice that the program participant's certification has terminated. Notification under this paragraph must be given by the secretary of state within 90 days of the termination.

Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.

Sec. 8. **[13.204] POLITICAL SUBDIVISIONS LICENSING DATA.**

(a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data:

(1) a tax return, as defined by section 270B.01, subdivision 2; and

(2) a bank account statement.

(b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.

Sec. 9. Minnesota Statutes 2020, section 13.32, subdivision 1, is amended to read:

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

(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.

(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

(c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(d) "School-issued device" means hardware or software that a public educational agency or institution, acting independently or with a technology provider, provides to an individual student for that student's dedicated personal use. A school-issued device includes a device issued through a one-to-one program.

~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

~~(d)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

(g) "Technology provider" means a person who:

(1) contracts with a public educational agency or institution, as part of a one-to-one program or otherwise, to provide a school-issued device for student use; and

(2) creates, receives, or maintains educational data pursuant or incidental to a contract with a public educational agency or institution.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 10. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31(a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings;

(r) with Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student; or

(s) a student's name, home address, telephone number, e-mail address, or other personal contact information may be disclosed to a government entity that is determined to have a legitimate educational interest in the data and that is conducting a service, activity, or event sponsored by or endorsed by the educational agency or institution for students or former students.

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

Sec. 11. Minnesota Statutes 2020, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** ~~Information~~ (a) Educational data designated as directory information is public data on individuals to the extent required under federal law. Directory information must be designated pursuant to the provisions of:

(1) this subdivision; and

(2) United States Code, title 20, section 1232g, and Code of Federal Regulations, title 34, section 99.37, which are ~~were~~ in effect on January 3, 2012, is public data on individuals, to the extent required under federal law.

(b) When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate ~~any or all~~ specified data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

(c) An educational agency or institution may not designate a student's home address, telephone number, e-mail address, or other personal contact information as directory information under this subdivision. This paragraph does not apply to a postsecondary institution.

EFFECTIVE DATE. This section is effective the day following final enactment. Beginning upon the effective date of this section, a student's personal contact information subject to this section must be treated by an educational agency or institution as private educational data under Minnesota Statutes, section 13.32, regardless of whether that contact information was previously designated as directory information under Minnesota Statutes, section 13.32, subdivision 5.

Sec. 12. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 13. **Technology providers.** (a) A technology provider is subject to the provisions of section 13.05, subdivision 11.

(b) All educational data created, received, maintained, or disseminated by a technology provider pursuant or incidental to a contract with a public educational agency or institution are not the technology provider's property.

(c) If educational data maintained by the technology provider are subject to a breach of the security of the data, as defined in section 13.055, the technology provider must, following discovery of the breach, disclose to the public educational agency or institution all information necessary to fulfill the requirements of section 13.055.

(d) Unless renewal of the contract is reasonably anticipated, within 30 days of the expiration of the contract, a technology provider must destroy or return to the appropriate public educational agency or institution all educational data created, received, or maintained pursuant or incidental to the contract.

(e) A technology provider must not sell, share, or disseminate educational data, except as provided by this section or as part of a valid delegation or assignment of its contract with a public educational agency or institution. An assignee or delegee that creates, receives, or maintains educational data is subject to the same restrictions and obligations under this section as the technology provider.

(f) A technology provider must not use educational data for any commercial purpose, including but not limited to marketing or advertising to a student or parent.

(g) A technology provider must establish written procedures to ensure appropriate security safeguards for educational data. These procedures must require that:

(1) the technology provider's employees or contractors have access to educational data only if authorized; and

(2) the technology provider's employees or contractors may be authorized to access educational data only if access is necessary to fulfill the official duties of the employee or contractor.

These written procedures are public data.

(h) Within 30 days of the start of each school year, a public educational agency or institution must give parents and students direct, timely notice, by United States mail, e-mail, or other direct form of communication, of any curriculum, testing, or assessment technology provider contract affecting a student's educational data. The notice must:

(1) identify each curriculum, testing, or assessment technology provider with access to educational data;

(2) identify the educational data affected by the curriculum, testing, or assessment technology provider contract; and

(3) include information about the contract inspection and, if applicable, the parent or student's ability to opt out of any program or activity that allows a curriculum, testing, or assessment technology provider to access a student's educational data.

(i) A public educational agency or institution must provide parents and students an opportunity to inspect a complete copy of any contract with a technology provider.

(j) A public educational agency or institution must not penalize or withhold an educational benefit from a parent or student who opts out of any program or activity that allows a technology provider to access a student's educational data.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 13. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 14. School-issued devices. (a) Except as provided in paragraph (b), a government entity or technology provider must not electronically access or monitor:

(1) any location-tracking feature of a school-issued device;

(2) any audio or visual receiving, transmitting, or recording feature of a school-issued device; or

(3) student interactions with a school-issued device, including but not limited to keystrokes and web-browsing activity.

(b) A government entity or technology provider may only engage in activities prohibited by paragraph (a) if:

(1) the activity is limited to a noncommercial educational purpose for instruction by district employees, technical support by district employees, or exam-proctoring by staff contracted by a district, a vendor, or the Department of Education and notice is provided in advance;

(2) the activity is permitted under a judicial warrant;

(3) the public educational agency or institution is notified or becomes aware that the device is missing or stolen;

(4) the activity is necessary to respond to an imminent threat to life or safety and the access is limited to that purpose;

(5) the activity is necessary to comply with federal or state law; or

(6) the activity is necessary to participate in federal or state funding programs, including but not limited to the E-Rate program.

(c) If a government entity or technology provider interacts with a school-issued device as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the student to whom the school-issued device was issued or that student's parent and provide a written description of the interaction, including which features of the device were accessed and a description of the threat. This notice is not required at any time when the notice itself would pose an imminent threat to life or safety, but must instead be given within 72 hours after that imminent threat has ceased.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 14. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to read:

Subd. 15. Application to postsecondary institutions; exemption. (a) A postsecondary institution is exempt from subdivisions 13 and 14. This exemption extends to a technology provider for purposes of a contract with a postsecondary institution.

(b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider solely for purposes of providing access to employment, educational scholarships and programs, financial aid, or postsecondary educational opportunities, if the provider secures express digital or written consent of the student or the student's parent or guardian, in response to clear and conspicuous notice.

EFFECTIVE DATE. This section is effective for the 2022-2023 school year and later.

Sec. 15. **[13.463] EDUCATION SUPPORT SERVICES DATA.**

Subdivision 1. Definition. As used in this section, "education support services data" means data on individuals collected, created, maintained, used, or disseminated relating to programs administered by a government entity or entity under contract with a government entity designed to eliminate disparities and advance equities in educational achievement for youth by coordinating services available to participants, regardless of the youth's involvement with other government services. Education support services data does not include welfare data under section 13.46.

Subd. 2. Classification. (a) Unless otherwise provided by law, all education support services data are private data on individuals and must not be disclosed except according to section 13.05 or a court order.

(b) The responsible authority for a government entity maintaining education support services data must establish written procedures to ensure that only individuals authorized by law may enter, update, or access not public data collected, created, or maintained by the driver and vehicle services information system. An authorized individual's ability to enter, update, or access data in the system must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, and all actions in which education support services data are entered, updated, accessed, shared, or disseminated, must be recorded in a data audit trail. Data contained in the audit trail have the same classification as the underlying data tracked by the audit trail.

Sec. 16. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended to read:

Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized by this section shall not be used in place of a statutorily mandated or authorized background check.

(b) An authorized law enforcement agency may conduct a criminal history check of an individual who is an applicant for employment, current employee, applicant for licensure, or current licensee. Prior to conducting the criminal history check, the authorized law enforcement agency must receive the informed consent of the individual.

(c) The authorized law enforcement agency ~~shall not~~ may disseminate criminal history data ~~and to either the hiring or licensing authority of the city or county requesting checks for applicants, licensees, or current employees. The authorized law enforcement agency and the hiring or licensing authority of the city or county must maintain a criminal history data securely with the agency's office and act consistently with section 364.05. The authorized law enforcement agency can indicate whether the applicant for employment or applicant for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a hiring authority, or would prevent the issuance of a license to the department that issues the license.~~

ARTICLE 11 UNIFORM CANADIAN JUDGMENTS

Section 1. [548.64] SHORT TITLE.

Sections 548.64 to 548.74 may be cited as the "Uniform Registration of Canadian Money Judgments Act."

Sec. 2. [548.65] DEFINITIONS.

In sections 548.64 to 548.74:

(1) "Canada" means the sovereign nation of Canada and its provinces and territories. "Canadian" has a corresponding meaning.

(2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment that recognizes the judgment of another foreign country.

Sec. 3. [548.66] APPLICABILITY.

(a) Sections 548.64 to 548.74 apply to a Canadian judgment to the extent the judgment is within the scope of sections 548.54 to 548.63, if recognition of the judgment is sought to enforce the judgment.

(b) A Canadian judgment that grants both recovery of a sum of money and other relief may be registered under sections 548.64 to 548.74, but only to the extent of the grant of recovery of a sum of money.

(c) A Canadian judgment regarding subject matter both within and not within the scope of sections 548.64 to 548.74 may be registered under sections 548.64 to 548.74, but only to the extent the judgment is with regard to subject matter within the scope of sections 548.64 to 548.74.

Sec. 4. [548.67] REGISTRATION OF CANADIAN JUDGMENT.

(a) A person seeking recognition of a Canadian judgment described in section 548.66 to enforce the judgment may register the judgment in the office of the court administrator of a court in which an action for recognition of the judgment could be filed under section 548.59.

(b) A registration under paragraph (a) must be executed by the person registering the judgment or the person's attorney and include:

(1) a copy of the Canadian judgment authenticated in the same manner as a copy of a foreign judgment is authenticated in an action under section 548.59 as an accurate copy by the court that entered the judgment;

(2) the name and address of the person registering the judgment;

(3) if the person registering the judgment is not the person in whose favor the judgment was rendered, a statement describing the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement;

(4) the name and last-known address of the person against whom the judgment is being registered;

(5) if the judgment is of the type described in section 548.66, paragraph (b) or (c), a description of the part of the judgment being registered;

(6) the amount of the judgment or part of the judgment being registered, identifying:

(i) the amount of interest accrued as of the date of registration on the judgment or part of the judgment being registered, the rate of interest, the part of the judgment to which interest applies, and the date when interest began to accrue;

(ii) costs and expenses included in the judgment or part of the judgment being registered, other than an amount awarded for attorney fees; and

(iii) the amount of an award of attorney fees included in the judgment or part of the judgment being registered;

(7) the amount, as of the date of registration, of post-judgment costs, expenses, and attorney fees claimed by the person registering the judgment or part of the judgment;

(8) the amount of the judgment or part of the judgment being registered which has been satisfied as of the date of registration;

(9) a statement that:

(i) the judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered;

(ii) the judgment or part of the judgment being registered is within the scope of sections 548.64 to 548.74; and

(iii) if a part of the judgment is being registered, the amounts stated in the registration under clauses (6), (7), and (8) relate to the part;

(10) if the judgment is not in English, a certified translation of the judgment into English; and

(11) the filing fee stated in section 548.30.

(c) On receipt of a registration that includes the documents, information, and filing fee required by paragraph (b), the court administrator shall file the registration, assign a docket number, and enter the Canadian judgment in the court's docket.

(d) A registration substantially in the following form complies with the registration requirements under paragraph (b) if the registration includes the attachments specified in the form:

REGISTRATION OF CANADIAN MONEY JUDGMENT

Complete and file this form, together with the documents required by Part V of this form, with the court administrator. When stating an amount of money, identify the currency in which the amount is stated.

PART I. IDENTIFICATION OF CANADIAN JUDGMENT

Canadian Court Rendering the Judgment:

.....

Case/Docket Number in Canadian Court:

.....

Name of Plaintiff(s):

.....

Name of Defendant(s):

.....

The Canadian Court entered the judgment:

on in in
[Date] [City] [Province or Territory]

The judgment includes an award for the payment of money in favor of

in the amount of

If only part of the Canadian judgment is subject to registration (see Minnesota Statutes, section 548.66, paragraphs (b) and (c)), describe the part of the judgment being registered:

.....

PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

Provide the following information for all persons seeking to register the judgment under this registration and all persons against whom the judgment is being registered under this registration. Name of Person(s) Registering Judgment:

.....

If a person registering the judgment is not the person in whose favor the judgment was rendered, describe the interest the person registering the judgment has in the judgment which entitles the person to seek its recognition and enforcement:

.....

Address of Person(s) Registering Judgment:

.....

Additional Contact Information for Person(s) Registering Judgment (Optional):

Telephone Number: Fax Number:

E-mail Address:

Name of Attorney for Person(s) Registering Judgment, if any:

.....

Address:

Telephone Number: Fax Number:

E-mail Address:

Name of Person(s) Against Whom Judgment is Being Registered:

.....

Address of Person(s) Against Whom Judgment is Being Registered:

..... (provide the most recent address known)

Additional Contact Information for Person(s) Against Whom Judgment is Being Registered (Optional) (provide most recent information known):

Telephone Number: Fax Number:

E-mail Address:

PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS SOUGHT

Identify the currency or currencies in which each amount is stated.

The amount of the Canadian judgment or part of the judgment being registered is:

.....

The amount of interest accrued as of the date of registration on the part of the judgment being registered is:

.....

The applicable rate of interest is:

The date when interest began to accrue is:

The part of the judgment to which the interest applies is:

The Canadian Court awarded costs and expenses relating to the part of the judgment being registered in the amount of:

.....

(exclude any amount included in the award of costs and expenses which represents an award of attorney fees).

The person registering the Canadian judgment claims post-judgment costs and expenses in the amount of:

.....

and post-judgment attorney fees in the amount of
.....

relating to the part of the judgment being registered (include only costs, expenses, and attorney fees incurred before registration).

The amount of the part of the judgment being registered which has been satisfied as of the date of registration is
.....

The total amount for which enforcement of the part of the judgment being registered is sought is
.....

PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

I,, state:
(Person Registering Judgment or Attorney for Person Registering Judgment)

1. The Canadian judgment is final, conclusive, and enforceable under the law of the Canadian jurisdiction in which it was rendered.

2. The Canadian judgment or part of the judgment being registered is within the scope of Minnesota Statutes, sections 548.64 to 548.74.

3. If only a part of the Canadian judgment is being registered, the amounts stated in Part III of this form relate to that part.

PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

Attached are (check to signify required items are included):

..... A copy of the Canadian judgment authenticated in the same manner a copy of a foreign judgment is authenticated in an action under Minnesota Statutes, section 548.59, as an accurate copy by the Canadian court that entered the judgment.

..... If the Canadian judgment is not in English, a certified translation of the judgment into English.

..... The registration fee stated in Minnesota Statutes, section 548.30.

I declare that the information provided on this form is true and correct to the best of my knowledge and belief.

Submitted by:
Signature of Person Registering Judgment or
Attorney for Person Registering Judgment

Date of submission:

Sec. 5. **[548.68] EFFECT OF REGISTRATION.**

(a) Subject to paragraph (b), a Canadian judgment registered under section 548.67 has the same effect provided in section 548.60 for a judgment a court determines to be entitled to recognition.

(b) A Canadian judgment registered under section 548.67 may not be enforced by sale or other disposition of property, or by seizure of property or garnishment, until 31 days after notice under section 548.69 of registration is served. The court for cause may provide for a shorter or longer time. This paragraph does not preclude use of relief available under law of this state other than sections 548.64 to 548.74 to prevent dissipation, disposition, or removal of property.

Sec. 6. **[548.69] NOTICE OF REGISTRATION.**

(a) A person that registers a Canadian judgment under section 548.67 shall cause notice of registration to be served on the person against whom the judgment has been registered.

(b) Notice under this section must be served in the same manner that a summons and complaint must be served in an action seeking recognition under section 548.59 of a foreign-country money judgment.

(c) Notice under this section must include:

(1) the date of registration and court in which the judgment was registered;

(2) the docket number assigned to the registration;

(3) the name and address of:

(i) the person registering the judgment; and

(ii) the person's attorney, if any;

(4) a copy of the registration, including the documents required under section 548.67, paragraph (b); and

(5) a statement that:

(i) the person against whom the judgment has been registered, not later than 30 days after the date of service of notice, may petition the court to vacate the registration; and

(ii) the court for cause may provide for a shorter or longer time.

(d) Proof of service of notice under this section must be filed with the court administrator.

Sec. 7. **[548.70] PETITION TO VACATE REGISTRATION.**

(a) Not later than 30 days after notice under section 548.69 is served, the person against whom the judgment was registered may petition the court to vacate the registration. The court for cause may provide for a shorter or longer time for filing the petition.

(b) A petition under this section may assert only:

(1) a ground that could be asserted to deny recognition of the judgment under sections 548.54 to 548.63; or

(2) a failure to comply with a requirement of sections 548.64 to 548.74 for registration of the judgment.

(c) A petition filed under this section does not itself stay enforcement of the registered judgment.

(d) If the court grants a petition under this section, the registration is vacated, and any act under the registration to enforce the registered judgment is void.

(e) If the court grants a petition under this section on a ground under paragraph (b), clause (1), the court also shall render a judgment denying recognition of the Canadian judgment. A judgment rendered under this section has the same effect as a judgment denying recognition to a judgment on the same ground under sections 548.54 to 548.63.

Sec. 8. [548.71] STAY OF ENFORCEMENT OF JUDGMENT PENDING DETERMINATION OF PETITION.

A person that files a petition under section 548.70, paragraph (a), to vacate registration of a Canadian judgment may request the court to stay enforcement of the judgment pending determination of the petition. The court shall grant the stay if the person establishes a likelihood of success on the merits with regard to a ground listed in section 548.70, paragraph (b), for vacating a registration. The court may require the person to provide security in an amount determined by the court as a condition of granting the stay.

Sec. 9. [548.72] RELATIONSHIP TO UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT.

(a) Sections 548.64 to 548.74 supplement the Uniform Foreign-Country Money Judgments Recognition Act, and sections 548.54 to 548.63, other than section 548.59, apply to a registration under sections 548.64 to 548.74.

(b) A person may seek recognition of a Canadian judgment described in section 548.66 either:

(1) by registration under sections 548.64 to 548.74; or

(2) under section 548.59.

(c) Subject to paragraph (d), a person may not seek recognition in this state of the same judgment or part of a judgment described in section 548.66, paragraph (b) or (c), with regard to the same person under both sections 548.59 and 548.64 to 548.74.

(d) If the court grants a petition to vacate a registration solely on a ground under section 548.70, paragraph (b), clause (2), the person seeking registration may:

(1) if the defect in the registration can be cured, file a new registration under sections 548.64 to 548.74; or

(2) seek recognition of the judgment under section 548.59.

Sec. 10. [548.73] UNIFORMITY OF APPLICATION AND INTERPRETATION.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 11. [548.74] TRANSITIONAL PROVISION.

Sections 548.64 to 548.74 apply to the registration of a Canadian judgment entered in a proceeding that is commenced in Canada on or after the effective date of sections 548.64 to 548.74.

Sec. 12. EFFECTIVE DATE.

Sections 1 to 11 are effective January 1, 2023.

ARTICLE 12
HUMAN RIGHTS

Section 1. Minnesota Statutes 2020, section 363A.03, is amended by adding a subdivision to read:

Subd. 36a. **Race.** "Race" is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locks, and twists.

Sec. 2. Minnesota Statutes 2020, section 363A.08, is amended by adding a subdivision to read:

Subd. 8. **Inquiries into pay history prohibited.** (a) "Pay history," as used in this subdivision, means any prior or current wage, salary, earnings, benefits, or any other compensation about an applicant for employment.

(b) An employer, employment agency, or labor organization shall not inquire into, consider, or require disclosure from any source the pay history of an applicant for employment for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant. There is a rebuttable presumption that use of pay history received on an applicant for employment to determine the future wages, salary, earnings, benefits, or other compensation for that applicant is an unfair discriminatory employment practice under subdivisions 1 to 3. The general prohibition against inquiring into the pay history of an applicant does not apply if the job applicant's pay history is a matter of public record under federal or state law, unless the employer, employment agency, or labor organization sought access to those public records with the intent of obtaining pay history of the applicant for the purpose of determining wages, salary, earnings, benefits, or other compensation for that applicant.

(c) Nothing in this subdivision shall prevent an applicant for employment from voluntarily and without prompting disclosing pay history for the purposes of negotiating wages, salary, benefits, or other compensation. If an applicant for employment voluntarily and without prompting discloses pay history to a prospective employer, employment agency, or labor organization, nothing in this subdivision shall prohibit that employer, employment agency, or labor organization from considering or acting on that voluntarily disclosed salary history information to support a wage or salary higher than initially offered by the employer, employment agency, or labor organization.

(d) Nothing in this subdivision limits, prohibits, or prevents a person from bringing a charge, grievance, or any other cause of action alleging wage discrimination because of race, color, creed, religion, national origin, sex, gender identity, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation, or age, as otherwise provided in this chapter.

(e) Nothing in this subdivision shall be construed to prevent an employer from:

(1) providing information about the wages, benefits, compensation, or salary offered in relation to a position; or

(2) inquiring about or otherwise engaging in discussions with an applicant about the applicant's expectations or requests with respect to wages, salary, benefits, or other compensation.

EFFECTIVE DATE. This section is effective January 1, 2023. For employment covered by collective bargaining agreements, this section is not effective until the date of implementation of the applicable collective bargaining agreement that is after January 1, 2023.

Sec. 3. Minnesota Statutes 2020, section 363A.11, subdivision 2, is amended to read:

Subd. 2. **General prohibitions.** This subdivision lists general prohibitions against discrimination on the basis of disability. For purposes of this subdivision, "individual" or "class of individuals" refers to the clients or customers of the covered public accommodation that enter into the contractual, licensing, or other arrangement.

(1) It is discriminatory to:

(i) subject an individual or class of individuals on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity;

(ii) afford an individual or class of individuals on the basis of the disability of that individual or class, directly or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that are not equal to those afforded to other individuals; ~~and~~

(iii) provide an individual or class of individuals, on the basis of a disability of that individual or class, directly or through contractual, licensing, or other arrangements, with goods, services, facilities, privileges, advantages, or accommodations that are different or separate from those provided to other individuals, unless the action is necessary to provide the individual or class of individuals with goods, services, facilities, privileges, advantages, or accommodations, or other opportunities that are as effective as those provided to others; and

(iv) not provide a deaf or hard-of-hearing individual or class of deaf or hard-of-hearing individuals with closed-captioned television when television services are provided to other individuals.

(2) Goods, services, facilities, privileges, advantages, and accommodations must be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(3) Notwithstanding the existence of separate or different programs or activities provided in accordance with sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the individual with a disability may not be denied the opportunity to participate in the programs or activities that are not separate or different.

(4) An individual or entity may not, directly or through contractual or other arrangements, use standards or criteria and methods of administration:

(i) that have the effect of discriminating on the basis of disability; or

(ii) that perpetuate the discrimination of others who are subject to common administrative control.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2020, section 363A.21, subdivision 1, is amended to read:

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; ~~or.~~

~~(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.~~

Sec. 5. Minnesota Statutes 2021 Supplement, section 363A.50, is amended to read:

363A.50 NONDISCRIMINATION IN ACCESS TO TRANSPLANTS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given unless the context clearly requires otherwise.

(b) "Anatomical gift" has the meaning given in section 525A.02, subdivision 4.

(c) "Auxiliary aids and services" include, but are not limited to:

(1) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments and to non-English-speaking individuals;

(2) qualified readers, taped texts, texts in accessible electronic format, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) the provision of information in a format that is accessible for individuals with cognitive, neurological, developmental, intellectual, or physical disabilities;

(4) the provision of supported decision-making services; and

(5) the acquisition or modification of equipment or devices.

(d) "Covered entity" means:

(1) any licensed provider of health care services, including licensed health care practitioners, hospitals, nursing facilities, laboratories, intermediate care facilities, psychiatric residential treatment facilities, institutions for individuals with intellectual or developmental disabilities, and prison health centers; or

(2) any entity responsible for matching anatomical gift donors to potential recipients.

(e) "Disability" has the meaning given in section 363A.03, subdivision 12.

(f) "Organ transplant" means the transplantation or infusion of a part of a human body into the body of another for the purpose of treating or curing a medical condition.

(g) "Qualified individual" means an individual who, with or without available support networks, the provision of auxiliary aids and services, or reasonable modifications to policies or practices, meets the essential eligibility requirements for the receipt of an anatomical gift.

(h) "Reasonable modifications" include, but are not limited to:

(1) communication with individuals responsible for supporting an individual with postsurgical and post-transplantation care, including medication; and

(2) consideration of support networks available to the individual, including family, friends, and home and community-based services, including home and community-based services funded through Medicaid, Medicare, another health plan in which the individual is enrolled, or any program or source of funding available to the individual, in determining whether the individual is able to comply with post-transplant medical requirements.

(i) "Supported decision making" has the meaning given in section 524.5-102, subdivision 16a.

Subd. 2. **Prohibition of discrimination.** (a) A covered entity may not, on the basis of a qualified individual's race, ethnicity, mental disability, or physical disability:

(1) deem an individual ineligible to receive an anatomical gift or organ transplant;

(2) deny medical or related organ transplantation services, including evaluation, surgery, counseling, and postoperative treatment and care;

(3) refuse to refer the individual to a transplant center or other related specialist for the purpose of evaluation or receipt of an anatomical gift or organ transplant;

(4) refuse to place an individual on an organ transplant waiting list or place the individual at a lower-priority position on the list than the position at which the individual would have been placed if not for the individual's race, ethnicity, or disability; or

(5) decline insurance coverage for any procedure associated with the receipt of the anatomical gift or organ transplant, including post-transplantation and postinfusion care.

(b) Notwithstanding paragraph (a), a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the physical or mental disability has been found by a physician, following an individualized evaluation of the potential recipient to be medically significant to the provision of the anatomical gift or organ transplant. The provisions of this section may not be deemed to require referrals or recommendations for, or the performance of, organ transplants that are not medically appropriate given the individual's overall health condition.

(c) If an individual has the necessary support system to assist the individual in complying with post-transplant medical requirements, an individual's inability to independently comply with those requirements may not be deemed to be medically significant for the purposes of paragraph (b).

(d) A covered entity must make reasonable modifications to policies, practices, or procedures, when such modifications are necessary to make services such as transplantation-related counseling, information, coverage, or treatment available to qualified individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such services.

(e) A covered entity must take such steps as may be necessary to ensure that no qualified individual with a disability is denied services such as transplantation-related counseling, information, coverage, or treatment because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the services being offered or result in an undue burden. A covered entity is not required to provide supported decision-making services.

(f) A covered entity must otherwise comply with the requirements of Titles II and III of the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and the Minnesota Human Rights Act.

(g) The provisions of this section apply to each part of the organ transplant process.

Subd. 3. **Remedies.** In addition to all other remedies available under this chapter, any individual who has been subjected to discrimination in violation of this section may initiate a civil action in a court of competent jurisdiction to enjoin violations of this section.

Sec. 6. **REPEALER.**

Minnesota Statutes 2020, sections 363A.20, subdivision 3; and 363A.27, are repealed.

ARTICLE 13
OTHER CIVIL LAW POLICY

Section 1. Minnesota Statutes 2021 Supplement, section 169A.63, subdivision 8, is amended to read:

Subd. 8. **Administrative forfeiture procedure.** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) Within 60 days from when a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Upon motion by the appropriate agency or prosecuting authority, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English. This requirement does not preclude the appropriate agency from printing the notice in other languages in addition to English.

Substantially the following language must appear conspicuously in the notice:

"WARNING: If you were the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not file a lawsuit and serve the prosecuting authority within 60 days. You may file your lawsuit in conciliation court if the property is worth \$15,000 or less; otherwise, you must file in district court. You do not have to pay a filing fee for your lawsuit.

WARNING: If you have an ownership interest in the above-described property and were not the person arrested when the property was seized, you will automatically lose the above-described property and the right to be heard in court if you do not notify the prosecuting authority of your interest in writing within 60 days."

(d) If notice is not sent in accordance with paragraph (b), and no time extension is granted or the extension period has expired, the appropriate agency shall return the vehicle to the owner. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time.

(e) Within 60 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture. The claimant may

serve the complaint by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim ~~must~~ may be served personally or ~~by mail~~ as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(f) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(g) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

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

Sec. 2. Minnesota Statutes 2020, section 259.11, is amended to read:

259.11 ORDER; FILING COPIES.

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has a criminal history in this or any other state. The court may conduct a search of national records through the Federal Bureau of Investigation by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension. If it is determined that the person has a criminal history in this or any other state, the court shall, within ten days after the name change application is granted, report the name change to the Bureau of Criminal Apprehension. The person whose name is changed shall also report the change to the Bureau of Criminal Apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the Bureau of Criminal Apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

(c) Paragraph (b) does not apply to ~~either~~:

(1) a request for a name change as part of an application for a marriage license under section 517.08; ~~or~~

(2) a request for a name change in conjunction with a marriage dissolution under section 518.27; or

(3) a request for a name change filed under section 259.14.

Sec. 3. **[259.14] POSTDISSOLUTION NAME CHANGE.**

(a) A person who has resided in this state for at least six months and obtained the person's most recent final marriage dissolution from a district court in this state may apply to the district court in the county where the person resides to change the person's name to the legal name on the person's birth certificate. A person applying for a name change must submit a certified copy of the certificate of dissolution issued pursuant to section 518.148 and a certified copy of the person's birth certificate.

(b) A court shall not require a person applying for a name change to pay filing fees for an application submitted pursuant to this section. Notwithstanding section 259.10, a court shall not require the person applying for a name change to provide proof of the person's identity by two witnesses unless the proof of identity is necessary to determine whether the person has an intent to defraud or mislead the court.

(c) Upon meeting the requirements of this section, the court shall grant the application for a name change unless the court finds that (1) the person has an intent to defraud or mislead the court; or (2) section 259.13 prohibits granting the name change. The court shall notify the person applying for a name change that using a different surname without complying with section 259.13, if applicable, is a gross misdemeanor.

Sec. 4. **[325E.72] DIGITAL FAIR REPAIR.**

Subdivision 1. **Short title.** This act may be cited as the "Digital Fair Repair Act."

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

(b) "Authorized repair provider" means an individual or business who is unaffiliated with an original equipment manufacturer and who has (1) an arrangement with the original equipment manufacturer, for a definite or indefinite period, under which the original equipment manufacturer grants to the individual or business a license to use a trade name, service mark, or other proprietary identifier to offer the services of diagnosis, maintenance, or repair of digital electronic equipment under the name of the original equipment manufacturer, or (2) other arrangements with the original equipment manufacturer to offer diagnostic, maintenance, or repair services on behalf of the original equipment manufacturer. An original equipment manufacturer that offers diagnostic, maintenance, or repair services for the original equipment manufacturer's digital electronic equipment is considered an authorized repair provider with respect to the digital electronic equipment if the original equipment manufacturer does not have an arrangement described in this paragraph with an unaffiliated individual or business.

(c) "Digital electronic equipment" or "equipment" means any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product.

(d) "Documentation" means a manual, diagram, reporting output, service code description, schematic diagram, or similar information provided to an authorized repair provider to affect the services of diagnosis, maintenance, or repair of digital electronic equipment.

(e) "Embedded software" means any programmable instructions provided on firmware delivered with digital electronic equipment or with a part for the equipment to operate equipment. Embedded software includes all relevant patches and fixes made by the manufacturer of the equipment or part for these purposes.

(f) "Fair and reasonable terms" for obtaining a part, tool, or documentation means at costs and terms, including convenience of delivery and rights of use, equivalent to what is offered by the original equipment manufacturer to an authorized repair provider, using the net costs that would be incurred by an authorized repair provider to obtain an equivalent part, tool, or documentation from the original equipment manufacturer, accounting for any discounts, rebates, or other incentive programs in arriving at the actual net costs. For documentation, including any relevant updates, fair and reasonable terms means at no charge, except that when the documentation is requested in physical printed form a fee for the reasonable actual costs to prepare and send the copy may be charged.

(g) "Firmware" means a software program or set of instructions programmed on digital electronic equipment or on a part for the equipment to allow the equipment or part to communicate with other computer hardware.

(h) "Independent repair provider" means an individual or business operating in Minnesota that (1) does not have an arrangement described in paragraph (b) with an original equipment manufacturer, (2) is not affiliated with any individual or business that has an arrangement described in paragraph (b), and (3) is engaged in the services of diagnosis, maintenance, or repair of digital electronic equipment. An original equipment manufacturer or, with respect to the original equipment manufacturer, an individual or business that has an arrangement with the original equipment manufacturer or is affiliated with an individual or business that has such an arrangement with that original equipment manufacturer is considered an independent repair provider for purposes of the instances it engages in the services of diagnosis, maintenance, or repair of digital electronic equipment that is not manufactured by or sold under the name of the original equipment manufacturer.

(i) "Manufacturer of motor vehicle equipment" means a business engaged in the business of manufacturing or supplying components used to manufacture, maintain, or repair a motor vehicle.

(j) "Motor vehicle" means a vehicle that is designed to transport persons or property on a street or highway and is certified by the manufacturer under all applicable federal safety and emissions standards and requirements for distribution and sale in the United States. Motor vehicle does not include:

(1) a motorcycle; or

(2) a recreational vehicle or an auto home equipped for habitation.

(k) "Motor vehicle dealer" means an individual or business that, in the ordinary course of business, (1) is engaged in the business of selling or leasing new motor vehicles to an individual or business pursuant to a franchise agreement, (2) has obtained a license under section 168.27, and (3) is engaged in the services of diagnosis, maintenance, or repair of motor vehicles or motor vehicle engines pursuant to the franchise agreement.

(l) "Motor vehicle manufacturer" means a business engaged in the business of manufacturing or assembling new motor vehicles.

(m) "Original equipment manufacturer" means a business engaged in the business of selling or leasing to any individual or business new digital electronic equipment manufactured by or on behalf of the original equipment manufacturer.

(n) "Owner" means an individual or business that owns or leases digital electronic equipment purchased or used in Minnesota.

(o) "Part" means any replacement part, either new or used, made available by an original equipment manufacturer to affect the services of maintenance or repair of digital electronic equipment manufactured or sold by the original equipment manufacturer.

(p) "Trade secret" has the meaning given in section 325C.01, subdivision 5.

Subd. 3. Requirements. (a) For digital electronic equipment and parts for the equipment sold or used in Minnesota, an original equipment manufacturer must make available on fair and reasonable terms any documentation, parts, and tools, inclusive of any updates to information or embedded software, to any independent repair provider or to the owner of digital electronic equipment manufactured by or on behalf of, or sold by, the original equipment manufacturer for purposes of diagnosis, maintenance, or repair. Nothing in this section requires an original equipment manufacturer to make available a part if the part is no longer available to the original equipment manufacturer.

(b) For equipment that contains an electronic security lock or other security-related function, the original equipment manufacturer must make available to the owner and to independent repair providers, on fair and reasonable terms, any special documentation, tools, and parts needed to reset the lock or function when disabled in the course of diagnosis, maintenance, or repair of the equipment. Documentation, tools, and parts may be made available through appropriate secure release systems.

Subd. 4. Enforcement by attorney general. A violation of this section is an unlawful practice under section 325D.44. All remedies, penalties, and authority granted to the attorney general under chapter 8 are available to the attorney general to enforce this section.

Subd. 5. Limitations. (a) Nothing in this section requires an original equipment manufacturer to divulge a trade secret to an owner or an independent service provider, except as necessary to provide documentation, parts, and tools on fair and reasonable terms.

(b) Nothing in this section alters the terms of any arrangement described in subdivision 2, paragraph (b), in force between an authorized repair provider and an original equipment manufacturer, including but not limited to the performance or provision of warranty or recall repair work by an authorized repair provider on behalf of an original equipment manufacturer pursuant to such arrangement. A provision in the terms of an arrangement described in subdivision 2, paragraph (b), that purports to waive, avoid, restrict, or limit the original equipment manufacturer's obligations to comply with this section is void and unenforceable.

(c) Nothing in this section requires an original equipment manufacturer or an authorized repair provider to provide to an owner or independent repair provider access to information, other than documentation, that is provided by the original equipment manufacturer to an authorized repair provider pursuant to the terms of an arrangement described in subdivision 2, paragraph (b).

Subd. 6. Exclusions. (a) Nothing in this section applies to (1) a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity, or (2) any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

(b) Nothing in this section applies to manufacturers or distributors of a medical device as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 301 et seq., or a digital electronic product or software manufactured for use in a medical setting, including diagnostic, monitoring, or control equipment or any product or service that they offer.

Subd. 7. Applicability. This section applies to equipment sold or in use on or after January 1, 2023.

EFFECTIVE DATE. This section is effective January 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 357.17, is amended to read:

357.17 NOTARIES PUBLIC.

(a) The maximum fees to be charged and collected by a notary public shall be as follows:

(1) for protest of nonpayment of note or bill of exchange or of nonacceptance of such bill; where protest is legally necessary, and copy thereof, \$5;

(2) for every other protest and copy, \$5;

(3) for making and serving every notice of nonpayment of note or nonacceptance of bill and copy thereof, \$5;

(4) for any affidavit or paper for which provision is not made herein, \$5 per folio, and \$1 per folio for copies;

(5) for each oath administered, \$5;

(6) for acknowledgments of deeds and for other services authorized by law, the legal fees allowed other officers for like services;

(7) for recording each instrument required by law to be recorded by the notary, \$5 per folio.

(b) A notary public may charge a fee for performing a marriage in excess of the fees in paragraph (a) if the notary is commissioned pursuant to chapter 359.

Sec. 6. Minnesota Statutes 2020, section 359.04, is amended to read:

359.04 POWERS.

Every notary public so appointed, commissioned, and qualified shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing or electronic records; to receive, make out, and record notarial protests; to perform civil marriages consistent with this chapter and chapter 517; and to perform online remote notarial acts in compliance with the requirements of sections 358.645 and 358.646.

Sec. 7. **[359.115] CIVIL MARRIAGE OFFICIANT.**

A notary public shall have the power to solemnize civil marriages throughout the state if the notary public has filed a copy of the notary public's notary commission with the local registrar of a county in this state. When a local registrar records a commission for a notary public, the local registrar shall provide a certificate of filing to the notary whose commission is recorded. A notary public shall endorse and record the county where the notary public's commission is recorded upon each certificate of civil marriage granted by the notary.

Sec. 8. Minnesota Statutes 2020, section 517.04, is amended to read:

517.04 PERSONS AUTHORIZED TO PERFORM CIVIL MARRIAGES.

Civil marriages may be solemnized throughout the state by an individual who has attained the age of 21 years and is a judge of a court of record, a retired judge of a court of record, a court administrator, a retired court administrator with the approval of the chief judge of the judicial district, a former court commissioner who is employed by the court system or is acting pursuant to an order of the chief judge of the commissioner's judicial

district, a notary commissioned pursuant to chapter 359, the residential school superintendent of the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, a licensed or ordained minister of any religious denomination, or by any mode recognized in section 517.18. For purposes of this section, a court of record includes the Office of Administrative Hearings under section 14.48.

Sec. 9. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated civil marriage. Examination upon oath of the parties under this section may include contemporaneous video or audio transmission or receipt of a verified statement signed by both parties attesting to the legality of the marriage. The local registrar may accept civil marriage license applications, signed by both parties, by mail, facsimile, or electronic filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the civil marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The verification statement must be accompanied by a copy of proof of age of the party.~~ The civil marriage license must not be released until ~~the verification statement and~~ proof of age has been received by the local registrar. If the local registrar is satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after the civil marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (b), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital records the reports of civil marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a civil marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The civil marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the civil marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize civil marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize civil marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the civil marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(d) If section 259.13 applies to the request for a civil marriage license, the local registrar shall grant the civil marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the civil marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the civil marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2021.

Sec. 10. Minnesota Statutes 2020, section 604.21, is amended to read:

604.21 INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL SERVICES CONTRACTS VOID.

(a) A provision contained in, or executed in connection with, a design professional services contract is void and unenforceable to the extent it attempts to require an indemnitor to indemnify, to hold harmless, or to defend an indemnitee from or against liability for loss or damage resulting from the negligence or fault of anyone other than the indemnitor or others for whom the indemnitor is legally liable.

(b) For purposes of this section, "design professional services contract" means a contract under which some portion of the work or services is to be performed or supervised by a person licensed under section 326.02, and is furnished in connection with any actual or proposed maintenance of or improvement to real property, highways, roads, or bridges.

(c) This section does not apply to the extent that the obligation to indemnify, to hold harmless, or to defend an indemnitee is ~~able to be~~ covered by insurance.

(d) This section does not apply to agreements referred to in section 337.03 or 337.04.

(e) A provision contained in, or executed in connection with, a design professional services contract for any actual or proposed maintenance of, or improvement to, real property, highways, roads, or bridges located in Minnesota that makes the contract subject to the laws of another state or requires that any litigation, arbitration, or other dispute resolution process on the contract occur in another state is void and unenforceable.

(f) This section supersedes any other inconsistent provision of law.

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

Sec. 11. Minnesota Statutes 2021 Supplement, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority for that county. The claimant may serve the complaint on the prosecuting authority by certified mail or any means permitted by court rules. If the value of the seized property is \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. A copy of the conciliation court statement of claim may be served personally or as permitted by the Rules of Conciliation Court Procedure on the prosecuting authority having jurisdiction over the

forfeiture within 60 days following service of the notice of seizure and forfeiture under this subdivision. The claimant does not have to pay the court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The district court administrator shall schedule the hearing as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure and, where applicable, by the Rules of Conciliation Court Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

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

Sec. 12. Minnesota Statutes 2020, section 609.748, subdivision 2, is amended to read:

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

(b) The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor.

(c) A minor may seek a restraining order if the minor demonstrates that the minor is emancipated and the court finds that the order is in the best interests of the emancipated minor. A minor demonstrates the minor is emancipated by a showing that the minor is living separate and apart from parents and managing the minor's own financial affairs, and shows, through an instrument in writing or other agreement or by the conduct of the parties, that all parents who have a legal parent and child relationship with the minor have relinquished control and authority over the minor.

(d) An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

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

Delete the title and insert:

"A bill for an act relating to state government; providing policy for general crimes and public safety, law enforcement, controlled substances, corrections and sentencing, and judiciary; modifying wine shipment policy; providing for public safety communicators; modifying interstate compact for juveniles; establishing Office for Missing and Murdered Black Women and Girls; establishing reward fund for information on missing and murdered

Indigenous relatives; providing for community supervision reform; modifying certain expungement law; establishing clemency review commission; establishing supervision standards committee for probation, supervised release, and community supervision; establishing a State Board of Appellate Counsel for Parents; modifying certain fees; eliminating fee for uncertified copies of instruments from civil or criminal proceedings; modifying time limit for postconviction relief for petitioners with immigration consequences; appropriating money for the courts, State Guardian Ad Litem Board, Board of Public Defense, human rights, and State Board of Appellate Counsel for Parents; modifying various data practices, human rights, and civil law provisions; classifying data; adopting the Uniform Registration of Canadian Money Judgments Act; establishing task forces and boards; providing for grants; imposing penalties; requiring reports; providing for rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3, 4a; 13.32, subdivisions 1, 3, 5, by adding subdivisions; 13.6905, by adding a subdivision; 13.825, subdivision 2; 13.871, subdivision 14; 152.01, subdivisions 9a, 12a, 16, by adding subdivisions; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2; 152.025, subdivision 4; 152.027, subdivision 4; 152.0271; 152.096, subdivision 1; 152.18, subdivisions 1, 3; 152.32, by adding a subdivision; 214.10, subdivision 10; 241.01, subdivision 3a; 241.021, subdivisions 2a, 2b, by adding subdivisions; 241.272; 241.90; 242.192; 243.05, subdivision 1; 243.1606; 244.05, subdivisions 3, 5; 244.09, subdivisions 5, 10; 244.19, subdivisions 1, 5; 244.195, subdivision 1, by adding subdivisions; 244.20; 244.21; 256I.04, subdivision 2g; 259.11; 260.515; 260B.163, subdivision 1; 260B.176, subdivision 2, by adding a subdivision; 260B.198, subdivision 1; 260C.007, subdivision 6; 299A.01, subdivision 2, by adding a subdivision; 299A.49, subdivision 2; 299A.50, subdivision 1; 299A.51; 299A.706; 299A.78, subdivision 1; 299A.79, subdivision 3; 299C.10, subdivision 1; 299C.111; 299C.17; 299C.46, subdivision 1; 299C.65, subdivisions 1a, 3a; 299F.362; 326.3361, subdivision 2; 340A.304; 340A.417; 357.021, subdivision 2; 357.17; 359.04; 363A.03, by adding a subdivision; 363A.08, by adding a subdivision; 363A.11, subdivision 2; 363A.21, subdivision 1; 401.01; 401.02; 401.04; 401.09; 401.10; 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 2; 401.16; 403.02, by adding a subdivision; 484.85; 517.04; 517.08, subdivisions 1b, 1c; 541.073, subdivision 2; 573.02, subdivision 1; 590.01, subdivision 4; 604.21; 609.165, subdivisions 1a, 1b; 609.281, subdivisions 3, 4, 5; 609.282, subdivision 1, by adding a subdivision; 609.748, subdivision 2; 609.87, by adding a subdivision; 609.89, subdivision 1; 609A.01; 609A.02, by adding a subdivision; 609A.03, subdivisions 5, 9; 611A.03, subdivision 1; 626.76, by adding a subdivision; 626.843, subdivision 1, by adding subdivisions; 626.8473, subdivision 3; 626.89, subdivision 17; 626.93, by adding a subdivision; 626A.35, by adding a subdivision; 629.341, subdivisions 3, 4; 629.72, subdivision 6; 638.01; 641.15, subdivision 2; Minnesota Statutes 2021 Supplement, sections 152.01, subdivision 18; 169A.63, subdivision 8; 253B.18, subdivision 5a; 253D.14, subdivision 2; 299C.72, subdivision 2; 357.021, subdivision 1a; 363A.50; 401.06; 403.11, subdivision 1; 609.02, subdivision 16; 609.5314, subdivision 3; 609A.03, subdivision 7a; 628.26; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; article 2, section 12; proposing coding for new law in Minnesota Statutes, chapters 13; 152; 244; 259; 260C; 299A; 299C; 325E; 340A; 359; 403; 548; 609A; 638; repealing Minnesota Statutes 2020, sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30; 299A.49, subdivision 7; 363A.20, subdivision 3; 363A.27; 401.025; 403.02, subdivision 17c; 609.102, subdivisions 1, 2, 2a; 609.281, subdivision 2; 609.293, subdivisions 1, 5; 609.34; 609.36; 638.02; 638.03; 638.04; 638.05; 638.06; 638.07; 638.075; 638.08."

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

The report was adopted.

Moran from the Committee on Ways and Means to which was referred:

S. F. No. 4062, A bill for an act relating to state government; appropriating money for environment and natural resources and tourism; modifying previous appropriations; establishing new programs and modifying existing programs; modifying fees; creating accounts; authorizing sales and conveyances of certain land; modifying environmental laws; modifying game and fish laws; modifying water laws; modifying natural resource and environment laws; modifying mining laws; allowing expansion in West Newton Special Use District; requiring

reports; making technical corrections; amending Minnesota Statutes 2020, sections 84.027, subdivision 14a, by adding a subdivision; 84.632; 84.788, subdivision 5; 84.82, subdivision 2, by adding a subdivision; 84.821, subdivision 2; 84.84; 84.86, subdivision 1; 84.87, subdivision 1; 84.922, subdivision 4; 85.015, subdivision 10; 90.181, subdivision 2; 97A.015, subdivisions 29, 51; 97A.126, as amended; 97A.137, subdivisions 3, 5; 97A.405, subdivision 5; 97B.031, subdivision 1; 97B.071; 97B.311; 97B.318, subdivision 1; 97B.415; 97B.668; 97C.211, subdivision 2a; 97C.315, subdivision 1; 97C.515, subdivision 2; 103G.201; 103G.211; 103G.223; 103G.271, subdivision 7, by adding a subdivision; 103G.285, by adding a subdivision; 103G.287, subdivisions 4, 5, by adding subdivisions; 103G.289; 115.03, subdivision 1; 115.455; 115.55, by adding a subdivision; 115.77, subdivision 1; 115.84, subdivisions 2, 3; 115A.03, subdivision 35, by adding subdivisions; 115B.52, subdivision 4; 116.03, subdivision 2b; 116.07, subdivision 4d, by adding a subdivision; 116B.03, subdivision 1; 116B.10, by adding a subdivision; 116D.04, subdivision 2a; 116U.55, by adding a subdivision; 127A.353, subdivision 2; 282.04, subdivision 1, by adding a subdivision; 282.08; 297A.94; Minnesota Statutes 2021 Supplement, sections 84.63; 84.631; 84.92, subdivision 8; 85.052, subdivision 6; 92.502; 103G.271, subdivision 4a; 127A.353, subdivision 4; Laws 2015, First Special Session chapter 4, article 4, section 136, as amended; Laws 2021, First Special Session chapter 6, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 93; 115A; repealing Minnesota Statutes 2020, section 97C.515, subdivisions 4, 5; Laws 2012, chapter 236, section 28, subdivision 9, as amended; Laws 2013, chapter 121, section 53; Minnesota Rules, parts 6100.5000, subparts 3, 4, 5; 6100.5700, subpart 4; 6232.0350.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1
APPROPRIATIONS

Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium" is fiscal years 2022 and 2023. Appropriations for the fiscal year ending June 30, 2022, are effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2022</u>	<u>2023</u>
Sec. 2. <u>POLLUTION CONTROL AGENCY</u>		
Subdivision 1. <u>Total Appropriation</u>	<u>\$-0-</u>	<u>\$58,535,000</u>
<u>Appropriations by Fund</u>		
	<u>2022</u>	<u>2023</u>
<u>General</u>	<u>-0-</u>	<u>51,533,000</u>
<u>Environmental</u>	<u>-0-</u>	<u>5,472,000</u>
<u>Remediation</u>	<u>-0-</u>	<u>1,530,000</u>

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

Subd. 2. Agency Appropriations

(a) \$10,000,000 the second year is to support local government units and Tribal governments in planning, designing, and implementing resiliency projects to withstand local flooding. Of this amount, \$9,550,000 is for grants to local government units and Tribal governments to upgrade local infrastructure, critical facilities, and other assets for protection against localized flooding and urban heat impacts and \$450,000 is for technical assistance. The commissioner may contract with an independent third party to provide the technical assistance. This appropriation is available until June 30, 2026. The base for this appropriation in fiscal year 2024 and later is \$133,000.

(b) \$5,602,000 the second year is for agency operating adjustments. Of this amount, \$38,000 is from the general fund, \$4,167,000 is from the environmental fund, and \$1,397,000 is from the remediation fund, of which \$854,000 is for the purposes of the petroleum remediation program. The commissioner must make necessary adjustments to program appropriations in this section to distribute these funds. By September 1, 2022, the commissioner must report to the chairs of the legislative committees and divisions with jurisdiction over environment and natural resources finance the distribution of funds and resulting base-level appropriations for each program.

(c) \$1,000,000 the second year is to create a community-based brownfield grant program to provide grants to complete contamination site investigations and cleanup planning at brownfield sites in underserved areas. Of this amount, \$500,000 is for use in the seven-county metropolitan area and \$500,000 is for use outside the seven-county metropolitan area. This is a onetime appropriation and is available until June 30, 2025.

(d) \$2,000,000 the second year is to support efforts to prevent perfluoroalkyl and polyfluoroalkyl substances (PFAS) contamination. Of this amount, \$1,400,000 is for grants to support projects designed to prevent PFAS releases to the environment, identify sources of PFAS, and implement reduction strategies. This is a onetime appropriation and is available until June 30, 2025.

(e) \$10,000,000 the second year is to establish a waste prevention and recycling grant and loan program. Of this amount, \$9,360,000 is for grants and loans for infrastructure improvement projects related to waste prevention, recycling, and composting. This is a onetime appropriation and is available until June 30, 2025. All loan proceeds must be deposited in the environmental fund.

(f) \$50,000 the second year is for completing the St. Louis River mercury total maximum daily load study. This is a onetime appropriation and is available until June 30, 2025.

(g) The unspent amount, estimated to be \$50,000, from the appropriation in Laws 2021, First Special Session chapter 6, article 1, section 2, subdivision 2, paragraph (i), for the St. Louis River mercury total maximum daily load study is canceled on June 29, 2022.

(h) \$1,800,000 the second year is to address the Pig's Eye Landfill. Of this amount, \$800,000 is for the purposes of the Pig's Eye Area Task Force as provided in this act and \$1,000,000 is for preliminary assessment and cleanup. This is a onetime appropriation and is available until June 30, 2026.

(i) \$50,000 the second year is for the petroleum tank release cleanup program duties and report required under this act. This is a onetime appropriation.

(j) \$500,000 the second year is to implement feedlot financial assurance requirements and compile the annual feedlot and manure storage area lists required under Minnesota Statutes, section 116.07, subdivisions 7f and 7g. Of this amount, \$250,000 is from the environmental fund.

(k) \$700,000 the second year is for distribution to delegated counties based on registered feedlots and manure storage areas for inspections of manure storage areas and the abandoned manure storage area reports required under this act. This is a onetime appropriation and is available until June 30, 2024.

(l) \$250,000 the second year is for a grant to the Minnesota Association of County Feedlot Officers to provide training concerning state feedlot requirements, working efficiently and effectively with producers, and reducing the incidence of manure or nutrients entering surface water or groundwater. This is a onetime appropriation.

(m) \$5,000,000 the second year is for grants for pilot projects that encourage composting by residents of multifamily buildings under Minnesota Statutes, section 115A.5591. This is a onetime appropriation.

(n) \$9,080,000 the second year from the general fund is for implementation of the environmental justice, cumulative impact analysis, and demographic analysis requirements under this act. The general fund appropriation is onetime and is available until June 30, 2024. The base for this appropriation in fiscal year 2024 is \$8,979,000 from the environmental fund and the base in fiscal year 2025 and later is \$8,603,000 from the environmental fund.

(o) \$5,000,000 the second year is for development of a statewide air quality monitoring program, including air monitoring devices and other necessary equipment. This is a onetime appropriation and is available until June 30, 2027.

(p) \$540,000 the second year is to purchase three air monitoring devices to measure pollutants in ambient air. The monitoring devices must be placed within a census tract that the commissioner has determined is located in an environmental justice area, as defined in Minnesota Statutes, section 116.06, subdivision 10b. This is a onetime appropriation.

(q) \$500,000 the second year is for grants for a community air monitoring system pilot program under this act and to pay the agency's reasonable costs to administer the pilot grant program. This is a onetime appropriation and is available until June 30, 2024.

(r) \$500,000 the second year is to adopt rules to regulate air toxics emissions as specified in this act. This is a onetime appropriation and is available until June 30, 2025.

(s) \$1,000,000 the second year is for a lead tackle reduction program that provides outreach, education, and opportunities to safely dispose of and exchange lead tackle throughout the state.

(t) \$175,000 the second year is for the seed disposal rulemaking required under this act. This is a onetime appropriation and is available until June 30, 2024.

(u) \$100,000 the second year is for transfer to the commissioner of agriculture to enforce the treated seed provisions under Minnesota Statutes, section 21.86, subdivision 2.

(v) \$2,000,000 the second year is to develop protocols to be used by agencies and departments for sampling and testing groundwater, surface water, public drinking water, and private wells for microplastics and nanoplastics and to begin implementation. The commissioner may transfer money appropriated under this paragraph to the commissioners of agriculture, natural resources, and health to implement the protocols developed under this paragraph. This is a onetime appropriation. For the purposes of this paragraph, "microplastics" and "nanoplastics" have the meanings given under Minnesota Statutes, section 116.06, subdivisions 14a and 14b.

(w) \$1,500,000 the second year is for the zero-waste grant program under Minnesota Statutes, section 115A.561. This is a onetime appropriation.

(x) \$17,000 the second year is from the environmental fund to support the expedited rule process to update the capital assistance program grant limits and eligibility. This is a onetime appropriation and is available until June 30, 2024.

(y) \$74,000 the second year is from the environmental fund to complete compliance monitoring and testing for cadmium and lead in consumer products.

(z) \$150,000 the second year is from the environmental fund for the carpet stewardship report required under this act. This is a onetime appropriation.

(aa) \$452,000 the second year is from the environmental fund to adopt rules establishing water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) as required under this act. This is a onetime appropriation and is available until June 30, 2025.

(bb) The amount added to the base for implementing and enforcing perfluoroalkyl and polyfluoroalkyl substances provisions under Minnesota Statutes, sections 116.943 to 116.947, in fiscal year 2024 is \$598,000 from the environmental fund and in fiscal year 2025 and later is \$928,000 from the environmental fund. Of these amounts, \$165,000 may be transferred to the commissioner of health.

(cc) \$314,000 the second year is from the environmental fund for the perfluoroalkyl and polyfluoroalkyl substances disclosure requirements under Minnesota Statutes, section 116.948. The base for this appropriation is \$300,000 in fiscal year 2024 and \$154,000 in fiscal year 2025 and later.

(dd) \$48,000 the second year is from the environmental fund for the public informational meeting requirements under Minnesota Statutes, section 115.071, subdivision 3a.

(ee) \$133,000 the second year is from the remediation fund for staffing to fulfill the statutory obligations under Minnesota Statutes, chapter 115E, regarding railroad safety. The base for this appropriation in fiscal year 2024 and later is \$133,000.

Subd. 3. Transfers

By June 30, 2023, the commissioner of management and budget must transfer \$29,055,000 from the general fund to the metropolitan landfill contingency action trust account in the remediation fund to restore the money transferred from the account as intended under Laws 2003, chapter 128, article 1, section 10, paragraph (e), and Laws 2005, First Special Session chapter 1, article 3, section 17, and compensate the account for the estimated lost investment income.

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

Sec. 3. **NATURAL RESOURCES**

Subdivision 1. **Total Appropriation**

\$-0-

\$54,727,000

Appropriations by Fund

	<u>2022</u>	<u>2023</u>
General	-0-	52,962,000
Natural Resources	-0-	1,750,000
Game and Fish	-0-	15,000

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

Subd. 2. **Department Appropriations**

(a) \$25,000,000 the second year is for modernizing and enhancing department-managed infrastructure, lands, and waters to mitigate and adapt to climate change. Of this amount, \$10,000,000 is for public water access sites; \$10,000,000 is for hatcheries; and \$5,000,000 is for native plant restoration in state parks. The commissioner may reallocate across these purposes based on project readiness and priority. This is a onetime appropriation and is available until June 30, 2026.

(b) \$300,000 the second year is to provide aggregate resource maps for local governments. The base for this appropriation in fiscal year 2024 and beyond is \$100,000.

(c) \$5,000,000 the second year is to enhance grasslands and restore wetlands on state-owned wildlife management areas to increase carbon sequestration and enhance climate resiliency. This is a onetime appropriation and is available until June 30, 2026.

(d) \$250,000 the second year is to evaluate fish designated as rough fish in the state to determine if fish species are properly designated and if there are rough fish species that are in need of additional protection through regulations and to determine any research needs. The commissioner must submit a report with the results of the evaluation and any recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources by June 30, 2023. This is a onetime appropriation.

(e) \$1,400,000 the second year is for designating swan resting areas under this act and to provide increased education and outreach promoting the protection of swans in the state, including education regarding the restrictions on taking swans. This is a onetime appropriation and is available until June 30, 2025.

(f) \$421,000 the second year is to complete a centralized aquifer-property database to provide needed data for site characterization. This is a onetime appropriation and is available until June 30, 2024.

(g) \$30,000 the second year is to stock at least 7,000,000 walleye fry near spawning riffles in the Rat Root River in Koochiching County. This is a onetime appropriation.

(h) \$1,841,000 the second year is for grants to lake associations, local governments, and Tribal governments to manage aquatic invasive plant species, including starry stonewort. This is a onetime appropriation.

(i) \$1,383,000 is added to the base beginning in fiscal year 2025 for implementing the transition of the farmed Cervidae program from the Board of Animal Health to the Department of Natural Resources as required under this act.

(j) \$3,300,000 the second year is for improved maintenance at scientific and natural areas under Minnesota Statutes, section 86A.05, subdivision 5, including additional natural resource specialists and technicians, coordinators, seasonal crews, equipment, supplies, and administrative support. This is a onetime appropriation and is available until June 30, 2025.

(k) \$11,000,000 the second year is for grants to local units of government to replace trees removed to address emerald ash borer. Priority must be given to environmental justice areas. Money appropriated in this paragraph may be used to acquire and plant trees that are climate adaptive to Minnesota. This is a onetime appropriation and is available until June 30, 2025. For purposes of this appropriation, an environmental justice area is one or more census blocks with a history of higher than average cumulative impacts from air pollution located in the state:

(1) in which, based on the most recent data published by the United States Census Bureau:

(i) 40 percent or more of the population is nonwhite;

(ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or

(iii) 40 percent or more of the population over the age of five has limited English proficiency; or

(2) that is in Indian Country, as defined in United States Code, title 18, section 1151.

(l) \$1,000,000 the second year is for grants to prekindergarten to grade 12 schools, including public and private schools, to plant trees on school grounds while providing hands-on learning opportunities for students. A grant application under this paragraph must be prepared jointly with the parent-teacher organization or similar parent organization for the school. This is a onetime appropriation and is available until June 30, 2024.

(m) \$1,000,000 the second year is for public meeting and water-use permit requirements under Minnesota Statutes, sections 103G.271, subdivisions 2a and 4b, and 103G.287, subdivision 5. The base for this appropriation in fiscal year 2024 and beyond is \$250,000.

(n) \$1,000,000 the second year is for a grant to the Fond du Lac Band of Lake Superior Chippewa to expand Minnesota's wild elk population and range. Consideration must be given to moving elk from existing herds in northwest Minnesota to the area of the Fond du Lac State Forest and the Fond du Lac Reservation in Carlton and southern St. Louis Counties. The Fond du Lac Band of Lake Superior Chippewa's elk reintroduction efforts must undergo thorough planning with the Department of Natural Resources to develop necessary capture and handling protocols, including protocols related to cervid disease management, and to produce postrelease state and Tribal elk co-management plans. This is a onetime appropriation.

(o) \$250,000 the second year is for testing farmed white-tailed deer for chronic wasting disease using a real-time quaking-induced conversion (RT-QuIC) test as required in this act. The commissioner must issue a request for proposal for the RT-QuIC testing required. This is a onetime appropriation.

(p) \$500,000 the second year is to address chronic wasting disease in white-tailed deer in and around the city of Grand Rapids. This is a onetime appropriation.

(q) \$600,000 the second year is for grants for natural-resource-based education and recreation programs serving youth under Minnesota Statutes, section 84.976. The base for this appropriation in fiscal year 2024 and beyond is \$300,000.

(r) \$70,000 the second year is for the nongame wildlife management program.

(s) Notwithstanding Minnesota Statutes, section 297A.94, \$15,000 the second year is from the heritage enhancement account in the game and fish fund for implementing nontoxic shot requirements under Minnesota Statutes, section 97B.673. This is a onetime appropriation and is available until June 30, 2025.

(t) \$750,000 the second year is from the natural resources fund for state trail, park, and recreation area operations. This appropriation is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (2). This is a onetime appropriation.

(u) \$500,000 the second year is from the all-terrain vehicle account in the natural resources fund for a grant to St. Louis County to match other funding sources for design, right-of-way acquisition, permitting, and construction of trails within the Voyageur Country ATV trail system. This is a onetime appropriation and is available until June 30, 2025. This appropriation may be used as a local match to a 2022 state bonding award.

(v) \$500,000 the second year is from the all-terrain vehicle account in the natural resources fund for a grant to St. Louis County to match other funding sources for design, right-of-way acquisition, permitting, and construction of a new trail within the Prospector trail system. This is a onetime appropriation and is available until June 30, 2025. This appropriation may be used as a local match to a 2022 state bonding award.

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

Sec. 4. **BOARD OF WATER AND SOIL RESOURCES**

\$-0-

\$68,920,000

(a) \$10,000,000 the second year is for water storage and management projects and practices to control water volume and rates to protect infrastructure, improve water quality, and provide other related public benefits consistent with Minnesota Statutes, section 103F.05. Of this amount, \$5,000,000 is for projects in the seven-county metropolitan area and \$5,000,000 is for projects outside the seven-county metropolitan area. This appropriation is available until June 30, 2026. The base for this appropriation is \$167,000 in fiscal year 2024 and beyond.

(b) \$595,000 the second year is to offset unreimbursed costs caused by the COVID-19 pandemic. This is a onetime appropriation.

(c) \$5,000,000 the second year is to accelerate the adoption of soil health practices consistent with Minnesota Statutes, sections 103C.101, subdivision 10a, and 103F.49. This appropriation is available until June 30, 2028.

(d) \$125,000 the second year is to accomplish the objectives of Minnesota Statutes, section 10.65, and related Tribal government coordination. The base for fiscal year 2024 is \$129,000 and \$133,000 for fiscal year 2025 and each year thereafter.

(e) \$10,000,000 the second year is to provide onetime state incentive payments to enrollees in the federal Conservation Reserve Program (CRP) during the continuous enrollment period and to enroll complementary areas in conservation easements consistent with Minnesota Statutes, section 103F.515. The board may establish payment rates based on land valuation and on environmental benefit criteria, including but not limited to surface water or groundwater pollution reduction, drinking water protection, soil health, pollinator and wildlife habitat, and other conservation enhancements. The board may use state funds to implement the program and to provide technical assistance to landowners or their agents to fulfill enrollment and contract provisions. The board must consult with the commissioners of agriculture, health, natural resources, and the Pollution Control Agency and the United States Department of Agriculture in establishing program criteria. This is a onetime appropriation and is available until June 30, 2026.

(f) \$5,000,000 the second year is for the lawns to legumes program under Minnesota Statutes, section 103B.104. The base for this appropriation in fiscal year 2024 and beyond is \$1,250,000.

(g) \$200,000 the second year is to establish the drainage registry information portal required under Minnesota Statutes, section 103E.122. This is a onetime appropriation.

(h) \$30,000,000 the second year is to purchase and restore permanent conservation sites via easements or contracts to treat and store water on the land for water quality improvement purposes and related technical assistance. Minnesota Statutes, section 103F.515, applies to this program. The board must give priority to leveraging federal money by enrolling targeted new lands or enrolling environmentally sensitive lands that have expiring federal conservation agreements. The board may enter into new agreements and amend past agreements with landowners as required by Minnesota Statutes, section 103F.515, subdivision 5, to allow for restoration. Up to \$1,700,000 is for deposit in a monitoring and enforcement account. This is a onetime appropriation and is available until June 30, 2026.

(i) \$8,000,000 the second year is for an accelerated conservation planting program. This is a onetime appropriation and is available until June 30, 2026. The work must be carried out consistent with the provisions of Minnesota Statutes, section 103C.501. The appropriation must be used for financial and technical assistance to landowners via local units of government for the purpose of establishing or enhancing tree, shrub, and associated conservation practices that will reduce greenhouse gas emissions and add resiliency to the landscape by sequestering carbon, conserving energy, and improving water quality and habitat. Of this amount, \$500,000 must be used to address invasive species control via cooperative weed management agreements. Money appropriated in this paragraph may be used to acquire and plant trees that are climate adaptive to Minnesota.

Sec. 5. CONSERVATION CORPS MINNESOTA\$-0-\$500,000

Conservation Corps Minnesota may receive money appropriated under this section only as provided in an agreement with the commissioner of natural resources. \$250,000 is added to the base in fiscal year 2024 and beyond.

Sec. 6. METROPOLITAN COUNCIL\$-0-\$13,085,000Appropriations by Fund

	<u>2022</u>	<u>2023</u>
<u>General</u>	<u>-0-</u>	<u>\$12,335,000</u>
<u>Natural Resources</u>	<u>-0-</u>	<u>\$750,000</u>

(a) \$2,500,000 the second year is to develop a decision-making support toolset to help local partners quantify the risks of a changing climate and prioritize strategies that mitigate those risks. This is a onetime appropriation and is available until June 30, 2026.

(b) \$2,500,000 the second year is for grants to cities within the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, for capital improvements in municipal wastewater collection systems to reduce the amount of inflow and infiltration to the Metropolitan Council's metropolitan sanitary sewer disposal system. Grants from this appropriation are for up to 50 percent of the cost to mitigate inflow and infiltration in the publicly owned municipal wastewater collection systems. To be eligible for a grant, a city must be identified by the council as a contributor of excessive inflow and infiltration in the metropolitan disposal system or have a measured flow rate within 20 percent of its allowable council-determined inflow and infiltration limits. The council must award grants based on applications from cities that identify eligible capital costs and include a timeline for inflow and infiltration mitigation construction pursuant to guidelines established by the council. This is a onetime appropriation and is available until June 30, 2024.

(c) \$2,500,000 the second year is for grants to cities within the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, to provide financial assistance to private property owners to replace or repair private sewer lines to reduce the amount of inflow and infiltration to the Metropolitan Council's metropolitan sanitary sewer disposal system. Financial assistance from this appropriation is for up to 50 percent of the cost of the replacement or repair. To be eligible for a grant, a city must be identified by the council as a contributor of excessive inflow and infiltration in the metropolitan disposal system or have a measured flow rate within 20 percent of its allowable council-determined inflow and infiltration limits. This is a onetime appropriation and is available until June 30, 2024.

(d) \$2,335,000 the second year is for grants to cities and other public water suppliers to replace the privately owned portion of residential lead service lines. Grants from this appropriation must first be used to supplement any federal money provided to the state as principal forgiveness or grants under Public Law 117-58, the Infrastructure Investment and Jobs Act, to cover 100 percent of the cost to replace privately owned residential lead service lines. Laborers and mechanics performing work on a project funded by a grant under this paragraph, including removal of lead service lines and installation of replacement service lines, must be paid the prevailing wage rate for the work as defined in Minnesota Statutes, section 177.42, subdivision 6. The project is subject to the requirements and enforcement provisions of Minnesota Statutes, sections 177.30 and 177.41 to 177.45. This is a onetime appropriation and is available until June 30, 2024. For the purposes of this appropriation, "lead service line" has the meaning given under Minnesota Statutes, section 473.121, subdivision 38.

(e) \$2,500,000 the second year is for metropolitan area regional parks operation and maintenance according to Minnesota Statutes, section 473.351. This is a onetime appropriation and is available until June 30, 2024.

(f) \$750,000 the second year is from the natural resources fund for metropolitan-area regional parks and trails maintenance and operations. This appropriation is from revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (h), clause (3). This is a onetime appropriation.

Sec. 7. **ZOOLOGICAL BOARD**

\$-0-

\$-0-

\$45,000 is added to the base in fiscal year 2024 only and is for purposes of the prairie butterfly conservation program.

Sec. 8. **SCIENCE MUSEUM**

\$-0-

\$500,000

\$500,000 the second year is to support the Science Museum of Minnesota. This is a onetime appropriation.

Sec. 9. **EXPLORE MINNESOTA TOURISM**

\$-0-

\$10,465,000

(a) \$215,000 the second year is to build additional administrative capacity to provide support in the areas of brand strategy, communications, and industry relations.

(b) \$10,000,000 the second year is for a tourism industry recovery grant program. The grant program must provide money to organizations, Tribal governments, and communities to accelerate the recovery of the state's tourism industry. Grant money may be used to support meetings, conventions and group business, multicomunity and high-visibility events, and tourism marketing. Explore Minnesota Tourism must accept applications under this

paragraph for at least five business days beginning at 8:00 a.m. on the first business day and, if total applications exceed \$10,000,000, the grants must be awarded to eligible applicants at random until the funding is exhausted. Of this amount, Explore Minnesota Tourism must not retain any portion for administrative costs. This is a onetime appropriation.

(c) \$250,000 the second year is for a grant to the Grand Portage Band to focus tourism to Grand Portage. This is a onetime appropriation.

Sec. 10. **MINNESOTA OUTDOOR RECREATION OFFICE**

\$-0-

\$1,750,000

\$1,750,000 the second year is for the Minnesota Outdoor Recreation Office under Minnesota Statutes, section 86A.50. The base for this appropriation in fiscal year 2024 and beyond is \$250,000.

Sec. 11. **UNIVERSITY OF MINNESOTA**

\$-0-

\$180,000

\$180,000 the second year is to develop a soil health action plan, in consultation with the Minnesota Office for Soil Health, the United States Department of Agriculture's Natural Resources Conservation Service, and other state and federal agencies, academic institutions, local governments, and practitioners, that will provide recommendations for standardized specifications for soil health and related conservation and climate protection practices and projects to achieve soil health goals, including recommendations for research, implementation, outreach, and prioritization of the use of future funding. By January 15, 2023, the plan must be submitted to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over agriculture and environment and natural resources policy. This is a onetime appropriation.

ARTICLE 2
STATUTORY CHANGES

Section 1. Minnesota Statutes 2020, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall not exceed 120 percent of the salary of the governor. This limit must be adjusted annually on January 1. The new limit must equal the limit for the prior year increased by the percentage increase, if any, in the Consumer Price Index for all urban consumers from October of the second prior year to October of the immediately prior year. The commissioner of management and budget must publish the limit on the department's website. This subdivision applies to the following positions:

Executive director of Gambling Control Board;

Commissioner of Iron Range resources and rehabilitation;

Commissioner, Bureau of Mediation Services;

Ombudsman for mental health and developmental disabilities;

Ombudsperson for corrections;

Chair, Metropolitan Council;

School trust lands director;

Executive director of pari-mutuel racing; ~~and~~

Commissioner, Public Utilities Commission; and

Director of the Minnesota Outdoor Recreation Office.

Sec. 2. Minnesota Statutes 2020, section 18B.09, subdivision 2, is amended to read:

Subd. 2. **Authority.** (a) Statutory and home rule charter cities may enact an ordinance, which may include penalty and enforcement provisions, containing one or both of the following:

(1) the pesticide application warning information contained in subdivision 3, ~~including their own licensing, penalty, and enforcement provisions;~~ and

(2) the pesticide prohibition contained in subdivision 4.

(b) Statutory and home rule charter cities may not enact an ordinance that contains more restrictive pesticide application warning information than is contained in subdivision ~~subdivisions~~ 3 and 4.

Sec. 3. Minnesota Statutes 2020, section 18B.09, is amended by adding a subdivision to read:

Subd. 4. **Application of certain pesticides prohibited.** (a) A person may not apply or use a pollinator-lethal pesticide within the geographic boundaries of a city that has enacted an ordinance under subdivision 2 prohibiting such use.

(b) For purposes of this subdivision, "pollinator-lethal pesticide" means a pesticide that has a pollinator protection box on the label or labeling or a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the label or labeling.

(c) This subdivision does not apply to:

(1) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal;

(2) personal care products used to mitigate lice and bedbugs;

(3) indoor pest control products used to mitigate insects indoors, including ant bait;

(4) a pesticide as used or applied by the Metropolitan Mosquito Control District for public health protection if the pesticide includes vector species on the label; and

(5) a pesticide-treated wood product.

(d) The commissioner must maintain a list of pollinator-lethal pesticides on the department's website.

Sec. 4. Minnesota Statutes 2020, section 21.81, is amended by adding a subdivision to read:

Subd. 5a. **Coated agricultural seed.** "Coated agricultural seed" means any seed unit covered with a coating material.

Sec. 5. Minnesota Statutes 2020, section 21.86, subdivision 2, is amended to read:

Subd. 2. **Miscellaneous violations.** No person may:

~~(a)~~ (1) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or alter or falsify any seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, variety, history, quality, or origin of the seed;

~~(b)~~ (2) hinder or obstruct in any way any authorized person in the performance of duties under sections 21.80 to 21.92;

~~(c)~~ (3) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

~~(d)~~ (4) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

~~(e)~~ (5) use the word "trace" as a substitute for any statement which is required;

~~(f)~~ (6) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed; ~~or~~

~~(g)~~ (7) advertise or sell seed containing patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety of seed; or

(8) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid pesticide.

Sec. 6. **[21.915] PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER GUIDANCE REQUIRED.**

(a) The commissioner, in consultation with the commissioner of the Pollution Control Agency, must develop and maintain consumer guidance regarding the proper use and disposal of seed treated with neonicotinoid pesticide.

(b) A person selling seed treated with neonicotinoid pesticide at retail must post in a conspicuous location the guidance developed by the commissioner under paragraph (a).

Sec. 7. **[84.0345] PEAT SOIL GOAL.**

It is the goal of the state of Minnesota to protect, restore, and enhance at least the following amounts of the state's presettlement peat soils, or histosols, that were drained for and as of August 1, 2022, are used for agricultural cultivation or pasture:

(1) 25 percent by August 1, 2030; and

(2) 50 percent by August 1, 2040.

Sec. 8. **[84.9735] INSECTICIDES ON STATE LANDS.**

A person may not use a pesticide containing an insecticide in a wildlife management area, state park, state forest, aquatic management area, or scientific and natural area if the insecticide is from the neonicotinoid class of insecticides or contains chlorpyrifos.

Sec. 9. Minnesota Statutes 2020, section 84D.02, subdivision 3, is amended to read:

Subd. 3. **Management plan.** By December 31, 2022, and every five years thereafter, the commissioner ~~shall~~ must prepare ~~and maintain~~ a long-term plan, which may include specific plans for individual species and actions, for the statewide management of invasive species of aquatic plants and wild animals. The plan must address:

- (1) coordinated detection and prevention of accidental introductions;
- (2) coordinated dissemination of information about invasive species of aquatic plants and wild animals among resource management agencies and organizations;
- (3) a coordinated public education and awareness campaign;
- (4) coordinated control of selected invasive species of aquatic plants and wild animals on lands and public waters;
- (5) participation by lake associations, local citizen groups, and local units of government in the development and implementation of local management efforts;
- (6) a reasonable and workable inspection requirement for watercraft and equipment including those participating in organized events on the waters of the state;
- (7) the closing of points of access to infested waters, if the commissioner determines it is necessary, for a total of not more than seven days during the open water season for control or eradication purposes;
- (8) maintaining public accesses on infested waters to be reasonably free of aquatic macrophytes; ~~and~~
- (9) notice to travelers of the penalties for violation of laws relating to invasive species of aquatic plants and wild animals; and
- (10) the impacts of climate change on invasive species management.

Sec. 10. Minnesota Statutes 2020, section 85.015, subdivision 10, is amended to read:

Subd. 10. **Luce Line Trail, Hennepin, McLeod, and Meeker Counties.** (a) The trail shall originate at Gleason Lake in Plymouth Village, Hennepin County, ~~and shall~~ follow the route of the Chicago Northwestern Railroad, and include a connection to Greenleaf Lake State Recreation Area.

(b) The trail shall be developed for multiuse wherever feasible. The department shall cooperate in maintaining its integrity for modes of use consistent with local ordinances.

(c) In establishing, developing, maintaining, and operating the trail, the commissioner shall cooperate with local units of government and private individuals and groups. Before acquiring any parcel of land for the trail, the commissioner of natural resources shall develop a management program for the parcel and conduct a public hearing on the proposed management program in the vicinity of the parcel to be acquired. The management program of the commissioner shall include but not be limited to the following:

- ~~(a)~~ (1) fencing ~~of~~ portions of the trail where necessary to protect adjoining landowners; and

~~(b) the maintenance of~~ (2) maintaining the trail in a ~~litter-free~~ litter-free condition to the extent practicable.

(d) The commissioner shall not acquire any of the right-of-way of the Chicago Northwestern Railway Company until the abandonment of the line described in this subdivision has been approved by the Surface Transportation Board or the former Interstate Commerce Commission. Compensation, in addition to the value of the land, shall include improvements made by the railroad, including but not limited to, bridges, trestles, public road crossings, or any portion thereof, it being the desire of the railroad that such improvements be included in the conveyance. The fair market value of the land and improvements shall be recommended by two independent appraisers mutually agreed upon by the parties. The fair market value thus recommended shall be reviewed by a review appraiser agreed to by the parties, and the fair market value thus determined, and supported by appraisals, may be the purchase price. The commissioner may exchange lands with landowners abutting the right-of-way described in this section to eliminate diagonally shaped separate fields.

Sec. 11. Minnesota Statutes 2020, section 85A.01, subdivision 1, is amended to read:

Subdivision 1. **Creation.** (a) The Minnesota Zoological Garden is established under the supervision and control of the Minnesota Zoological Board. The board consists of 30 public and private sector members having a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen members shall be appointed by the board after consideration of a list supplied by board members serving on a nominating committee, and 15 members shall be appointed by the governor. One member of the board must be a resident of Dakota County and shall be appointed by the governor after consideration of the recommendation of the Dakota County Board. Board appointees shall not be subject to the advice and consent of the senate.

(b) To the extent possible, the board and governor shall appoint members who are residents of the various geographic regions of the state. Terms, compensation, and removal of members are as provided in section 15.0575, except that a member may be compensated at the rate of up to \$125 a day. In making appointments, the governor and board shall utilize the appointment process as provided under section 15.0597 and consider, among other factors, the ability of members to garner support for the Minnesota Zoological Garden.

(c) A member of the board may not be an employee of or have a direct or immediate family financial interest in a business that provides goods or services to the zoo. A member of the board may not be an employee of the zoo.

Sec. 12. ~~[86A.50]~~ **MINNESOTA OUTDOOR RECREATION OFFICE.**

Subdivision 1. **Establishment.** The Minnesota Outdoor Recreation Office is established. The governor, in consultation with the commissioner of natural resources and the director of Explore Minnesota Tourism, must appoint the director of the Minnesota Outdoor Recreation Office. The director's appointment is subject to the advice and consent of the senate.

Subd. 2. **Office; administration.** The commissioner of administration must provide administrative services for the Minnesota Outdoor Recreation Office. The Minnesota Outdoor Recreation Office must have locations in the cities of Ely and Winona.

Subd. 3. **Purpose; goals.** The purpose of the Minnesota Outdoor Recreation Office is to:

(1) increase participation in outdoor recreation by advancing equity, diversity, and inclusivity across the state's outdoor recreation sector;

(2) unite the state's outdoor recreation community; and

(3) unify communications among the state's diverse outdoor recreation sector by developing a shared narrative about the health, economic, and other benefits of outdoor recreation.

Subd. 4. **Duties.** To achieve the purposes of the Minnesota Outdoor Recreation Office, the director must:

(1) increase participation by:

(i) bringing outdoor recreation stakeholders together, including historically underrepresented populations, to develop a shared strategy to build community, improve cultural relevance, foster relationships, and facilitate an inclusive and safe outdoor recreation experience for all;

(ii) creating and implementing a marketing strategy to coordinate across public and private entities that welcomes historically underrepresented populations into the outdoor recreation community;

(iii) welcoming and integrating underrepresented populations as customers, owners, employees, and vendors of outdoor recreation agencies, groups, and businesses;

(iv) identifying and developing solutions to overcome barriers such as cost and transportation and creating new ways for accessing outdoor recreation activities;

(v) promoting and facilitating a culture of welcoming everyone outdoors by practicing inclusivity and ensuring that historically underrepresented populations are equally valued;

(vi) promoting conservation strategies that connect diverse outdoor recreation groups under a unified mission;

(vii) reviewing outdoor recreation trends and use patterns provided by the commissioner of natural resources, Explore Minnesota Tourism, and other agencies; and

(viii) identifying what the public feels is missing in outdoor recreation and then collaborating with other state agencies, residents, and businesses to provide those opportunities;

(2) unite the state's outdoor recreation community by:

(i) bringing together users, government agencies, nonprofit organizations, for-profit companies, and Tribal governments with an interest in outdoor recreation to build a united community, drive relationships, and facilitate a shared vision for outdoor recreation in Minnesota;

(ii) identifying stewardship and conservation priorities that will bring together diverse outdoor stakeholders around a common goal;

(iii) annually convening outdoor recreation stakeholders, including underrepresented populations, and measuring and sharing the benefits of coordinating at the event;

(iv) developing coordinated messaging and welcoming new narratives for Minnesota's outdoors;

(v) ensuring all of Minnesota's varied geographies, landscapes, and recreation opportunities are positioned as equal tenants within Minnesota's brand;

(vi) building, strengthening, and growing public-private partnerships at local, regional, state, national, and international levels to unite the outdoor recreation community;

(vii) encouraging private sector partnerships to recognize the market potential of historically underrepresented audiences;

(viii) promoting partnerships between communities, conservation, and stewardship groups as well as outdoor user groups to maintain recreational infrastructure and preserve Minnesota's natural spaces; and

(ix) encouraging conservation and outdoor recreation groups to work together more for the common good; and

(3) unify communications by:

(i) defining and promoting Minnesota's unique value as a world-class inclusive outdoor destination;

(ii) developing new communication mediums such as applications and mobile-first strategies to reach target audiences;

(iii) strengthening land and water stewardship messaging and education in order to grow public investment and attention from people who will help steward Minnesota's outdoor resources;

(iv) developing best practices for outdoor recreation communication for the commissioner of natural resources and Explore Minnesota Tourism;

(v) developing methods to amplify communication resources and to do more with less through communication partnership creation and focusing these efforts both in and outside Minnesota; and

(vi) measuring and communicating the return on investment of outdoor recreation investments, specifically focused on measurable economic, health, and well-being benefits.

Subd. 5. **Powers.** The director of the Minnesota Outdoor Recreation Office may:

(1) direct and control money appropriated to the director;

(2) apply for, receive, and spend money for the purposes of this section;

(3) employ assistants and other officers, employees, and agents that the director considers necessary for the purposes of this section;

(4) enter into interdepartmental agreements with any other state agency; and

(5) enter into joint powers agreements under chapter 471.

Subd. 6. **Report.** By January 15 each year, the director of the Minnesota Outdoor Recreation Office must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources and tourism on the office's performance in achieving its purpose under subdivision 3 and how money appropriated to the office was expended.

Sec. 13. **[86B.30] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 86B.30 to 86B.341.

Subd. 2. **Accompanying operator.** "Accompanying operator" means a person 21 years of age or older who:

(1) is in a personal watercraft or other type of motorboat;

(2) is within immediate reach of the controls of the motor; and

(3) possesses a valid operator's permit or is an exempt operator.

Subd. 3. **Adult operator.** "Adult operator" means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older and who was:

(1) effective July 1, 2024, born on or after July 1, 2003;

(2) effective July 1, 2025, born on or after July 1, 1999;

(3) effective July 1, 2026, born on or after July 1, 1995; and

(4) effective July 1, 2027, born on or after July 1, 1987.

Subd. 4. **Exempt operator.** "Exempt operator" means a motorboat operator, including a personal watercraft operator, who is 12 years of age or older and who:

(1) possesses a valid license to operate a motorboat issued for maritime personnel by the United States Coast Guard under Code of Federal Regulations, title 46, part 10, or a marine certificate issued by the Canadian government;

(2) is not a resident of the state or country, is temporarily using the waters of the state for a period not to exceed 60 days, and:

(i) meets any applicable requirements of the state of residency; or

(ii) possesses a Canadian pleasure craft operator's card;

(3) is operating a motorboat under a dealer's license according to section 86B.405; or

(4) is operating a motorboat during an emergency.

Subd. 5. **Motorboat rental business.** "Motorboat rental business" means a person engaged in the business of renting or leasing motorboats, including personal watercraft, for a period not exceeding 30 days. Motorboat rental business includes a person's agents and employees.

Subd. 6. **Young operator.** "Young operator" means a motorboat operator, including a personal watercraft operator, younger than 12 years of age.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 14. **[86B.302] WATERCRAFT OPERATOR'S PERMIT.**

Subdivision 1. **Generally.** The commissioner must issue a watercraft operator's permit to a person 12 years of age or older who successfully completes a water safety course and written test according to section 86B.304, paragraph (a), or who provides proof of completion of a program subject to a reciprocity agreement or certified by the commissioner as substantially similar.

Subd. 2. **Issuing permit to certain young operators.** The commissioner may issue a permit under this section to a person who is at least 11 years of age, but the permit is not valid until the person becomes an adult operator.

Subd. 3. **Personal possession required.** (a) A person who is required to have a watercraft operator's permit must have in personal possession:

(1) a valid watercraft operator's permit;

(2) a driver's license that has a valid watercraft operator's permit indicator issued under section 171.07, subdivision 20; or

(3) an identification card that has a valid watercraft operator's permit indicator issued under section 171.07, subdivision 20.

(b) A person who is required to have a watercraft operator's permit must display one of the documents described in paragraph (a) to a conservation officer or peace officer upon request.

Subd. 4. **Using electronic device to display proof of permit.** If a person uses an electronic device to display a document described in subdivision 3 to a conservation officer or peace officer:

(1) the officer is immune from liability for any damage to the device, unless the officer does not exercise due care in handling the device; and

(2) this does not constitute consent for the officer to access other contents on the device.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 15. **[86B.303] OPERATING PERSONAL WATERCRAFT AND OTHER MOTORBOATS.**

Subdivision 1. **Adult operators.** An adult operator may not operate a motorboat, including a personal watercraft, unless:

(1) the adult operator possesses a valid watercraft operator's permit;

(2) the adult operator is an exempt operator; or

(3) an accompanying operator is in the motorboat.

Subd. 2. **Young operators.** (a) A young operator may not operate a personal watercraft or any motorboat powered by a motor with a factory rating of more than 75 horsepower.

(b) A young operator may operate a motorboat that is not a personal watercraft and that is powered by a motor with a factory rating of up to 75 horsepower if an accompanying operator is in the motorboat.

Subd. 3. **Accompanying operators.** For purposes of this section and section 169A.20, an accompanying operator, as well as the actual operator, is operating and is in physical control of a motorboat.

Subd. 4. **Owners may not allow unlawful use.** An owner or other person in lawful control of a motorboat may not allow the motorboat to be operated contrary to this section.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 16. **[86B.304] WATERCRAFT SAFETY PROGRAM.**

(a) The commissioner must establish a water safety course and testing program for personal watercraft and watercraft operators and must prescribe a written test as part of the course. The course must be approved by the National Association of State Boating Law Administrators and must be available online. The commissioner may allow designated water safety courses administered by third parties to meet the requirements of this paragraph and may enter into reciprocity agreements or otherwise certify boat safety education programs from other states that are substantially similar to in-state programs. The commissioner must establish a working group of interested parties to develop course content and implementation. The course must include content on aquatic invasive species mitigation best management practices, reducing conflicts among user groups, and limiting the ecological impacts of watercraft.

(b) The commissioner must create or designate a short boater safety examination to be administered by motorboat rental businesses, as required by section 86B.306, subdivision 3. The examination developed pursuant to this paragraph must be one that can be administered electronically or on paper, at the option of the motorboat rental business administering the examination.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 17. **[86B.306] MOTORBOAT RENTAL BUSINESSES.**

Subdivision 1. **Requirements.** A motorboat rental business must not rent or lease a motorboat, including a personal watercraft, to any person for operation on the waters of the state unless the renter or lessee:

(1) has a valid watercraft operator's permit or is an exempt operator; and

(2) is 18 years of age or older.

Subd. 2. **Authorized operators.** A motorboat rental business must list on each motorboat rental or lease agreement the name and age of each operator who is authorized to operate the motorboat or personal watercraft. The renter or lessee of the motorboat must ensure that only listed authorized operators operate the motorboat or personal watercraft.

Subd. 3. **Summary of boating regulations; examination.** (a) A motorboat rental business must provide each authorized operator a summary of the statutes and rules governing operation of motorboats and personal watercraft in the state and instructions for safe operation.

(b) Each authorized operator must review the summary provided under this subdivision and must take a short boater safety examination in a form approved by the commissioner before the motorboat or personal watercraft leaves the motorboat rental business premises, unless the authorized operator has taken the examination during the previous 60 days.

Subd. 4. **Safety equipment for personal watercraft.** A motorboat rental business must provide at no additional cost a United States Coast Guard (USCG) approved wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water-skiing and any other required safety equipment to all persons who rent a personal watercraft.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 18. Minnesota Statutes 2020, section 86B.313, subdivision 4, is amended to read:

Subd. 4. **Dealers and rental operations.** (a) A dealer of personal watercraft shall distribute a summary of the laws and rules governing the operation of personal watercraft and, upon request, shall provide instruction to a purchaser regarding:

(1) the laws and rules governing personal watercraft; and

(2) the safe operation of personal watercraft.

(b) ~~A person who offers personal watercraft for rent:~~

~~(1) shall provide a summary of the laws and rules governing the operation of personal watercraft and provide instruction regarding the laws and rules and the safe operation of personal watercraft to each person renting a personal watercraft;~~

~~(2) shall provide a United States Coast Guard (USCG) approved wearable personal flotation device with a USCG label indicating it either is approved for or does not prohibit use with personal watercraft or water skiing and any other required safety equipment to all persons who rent a personal watercraft at no additional cost; and~~

~~(3) shall require that a watercraft operator's permit from this state or from the operator's state of residence be shown each time a personal watercraft is rented to any person younger than age 18 and shall record the permit on the form provided by the commissioner.~~

~~(c) Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and must be made available for inspection by sheriff's deputies or conservation officers during normal business hours.~~

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 19. Minnesota Statutes 2020, section 89A.03, subdivision 5, is amended to read:

Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059, except that a council member may be compensated at the rate of up to \$125 a day.

Sec. 20. Minnesota Statutes 2020, section 90.181, subdivision 2, is amended to read:

Subd. 2. **Deferred payments.** (a) If the amount of the statement is not paid or payment is not postmarked within 30 days of the statement date ~~thereof, it shall bear,~~ the amount bears interest at the rate determined pursuant to section 16A.124, except that the purchaser ~~shall not be~~ is not required to pay interest that totals \$1 or less. If the amount is not paid within 60 days, the commissioner shall place the account in the hands of the commissioner of revenue according to chapter 16D, who shall proceed to collect the ~~same amount due.~~ When deemed in the best interests of the state, the commissioner shall take possession of the timber for which an amount is due wherever it may be found and sell the same timber informally or at public auction after giving reasonable notice.

(b) The proceeds of the sale ~~shall~~ must be applied, first, to the payment of the expenses of seizure and sale; and, second, to the payment of the amount due for the timber, with interest; ~~and.~~ The surplus, if any, ~~shall belong~~ belongs to the state; ~~and.~~ In case a sufficient amount is not realized to pay these amounts in full, the balance ~~shall~~ must be collected by the attorney general. ~~Neither~~ Payment of the amount, ~~nor the~~ recovery of judgment therefor for the amount, ~~nor~~ satisfaction of the judgment, ~~nor the~~ or seizure and sale of timber, ~~shall~~ does not.

(1) release the sureties on any security deposit given pursuant to this chapter, ~~or~~;

(2) preclude the state from afterwards claiming that the timber was cut or removed contrary to law and recovering damages for the trespass thereby committed; or

(3) preclude the state from prosecuting the offender criminally.

Sec. 21. Minnesota Statutes 2020, section 97A.015, is amended by adding a subdivision to read:

Subd. 32b. Native swan. "Native swan" means trumpeter swans and tundra swans and does not include mute swans.

Sec. 22. Minnesota Statutes 2020, section 97A.126, as amended by Laws 2021, First Special Session chapter 6, article 2, section 52, is amended to read:

97A.126 WALK-IN ACCESS PROGRAM.

Subdivision 1. **Establishment.** A walk-in access program is established to provide public access to wildlife habitat on private land for hunting, bird-watching, nature photography, and similar compatible uses, excluding trapping, as provided under this section. The commissioner may enter into agreements with other units of government and landowners to provide private land hunting access.

Subd. 2. **Use of enrolled lands.** (a) From September 1 to May 31, a person must have a walk-in access ~~hunter~~ validation in possession to hunt, photograph, and watch wildlife on private lands, including agricultural lands, that are posted as being enrolled in the walk-in access program.

(b) Hunting, bird-watching, nature photography, and similar compatible uses on private lands that are posted as enrolled in the walk-in access program ~~is~~ are allowed from one-half hour before sunrise to one-half hour after sunset.

(c) ~~Hunter~~ Access on private lands that are posted as enrolled in the walk-in access program is restricted to nonmotorized use, except by ~~hunters~~ persons with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.

(d) The general provisions for use of wildlife management areas adopted under sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to ~~hunters on~~ use of lands enrolled in the walk-in access program.

(e) Any use of enrolled lands other than ~~hunting according to~~ use authorized under this section is prohibited, including:

(1) harvesting bait, including minnows, leeches, and other live bait;

(2) training dogs or using dogs for activities other than hunting; and

(3) constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.

Subd. 3. **Walk-in-access hunter validation; fee.** The fee for a walk-in-access ~~hunter~~ validation is \$3.

Sec. 23. Minnesota Statutes 2020, section 97A.137, subdivision 3, is amended to read:

Subd. 3. **Use of motorized vehicles by ~~disabled hunters~~ people with disabilities.** The commissioner may ~~issue~~ provide an accommodation by issuing a special permit, without a fee, authorizing a ~~hunter~~ person with a permanent physical disability to use a snowmobile, highway licensed vehicle, all terrain vehicle, an other power-driven mobility device, as defined under Code of Federal Regulations, title 28, section 35.104, or a motor boat in wildlife management areas. To qualify for a permit under this subdivision, the ~~disabled~~ person must possess:

~~(1) the required hunting licenses; and~~

~~(2) a permit to shoot from a stationary vehicle under section 97B.055, subdivision 3.~~ provide credible assurance to the commissioner that the device or motor boat is used because of a disability.

Sec. 24. Minnesota Statutes 2020, section 97A.475, subdivision 41, is amended to read:

Subd. 41. **Turtle licenses license.** ~~(a) The fee for a turtle seller's license to sell turtles and to take, transport, buy, and possess turtles for sale is \$250.~~

~~(b)~~ The fee for a recreational turtle license to take, transport, and possess turtles for personal use is \$25.

~~(c) The fee for a turtle seller's apprentice license is \$100.~~

Sec. 25. **[97B.673] NONTOXIC SHOT REQUIRED FOR TAKING SMALL GAME IN CERTAIN AREAS.**

Subdivision 1. **Nontoxic shot on wildlife management areas in farmland zone.** After July 1, 2023, a person may not take small game, rails, or common snipe on any wildlife management area within the farmland zone with shot other than:

(1) steel shot;

(2) copper-plated, nickel-plated, or zinc-plated steel shot; or

(3) shot made of other nontoxic material approved by the director of the United States Fish and Wildlife Service.

Subd. 2. **Farmland zone.** For the purposes of this section, the farmland zone is the portion of the state that falls south and west of Minnesota Highway 70 westward from the Wisconsin border to Minnesota Highway 65 to Minnesota Highway 23 to U.S. Highway 169 at Milaca to Minnesota Highway 18 at Garrison to Minnesota Highway 210 at Brainerd to U.S. Highway 10 at Motley to U.S. Highway 59 at Detroit Lakes northward to the Canadian border.

Sec. 26. **[97B.735] SWANS.**

A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a native swan in violation of the game and fish laws is guilty of a gross misdemeanor.

Sec. 27. Minnesota Statutes 2020, section 97C.605, subdivision 1, is amended to read:

Subdivision 1. **Resident angling license required Taking turtles; requirements.** ~~In addition to any other license required in this section, (a) A person may not take, possess, or transport turtles without a resident angling license, except as provided in subdivision 2c and a recreational turtle license.~~

(b) Turtles taken from the wild are for personal use only and may not be resold.

Sec. 28. Minnesota Statutes 2020, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. **License exemptions.** (a) A person does not need a turtle seller's license or an angling license the licenses specified under subdivision 1:

~~(1) when buying turtles for resale at a retail outlet;~~

~~(2) (1) when buying a turtle at a retail outlet; or~~

~~(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or~~

~~(4) (2) to take, possess, and rent or sell up to 25 turtles greater than four inches in length for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles.~~

(b) A person with an aquatic farm license with a turtle endorsement or a private fish hatchery license with a turtle endorsement may sell, obtain, possess, transport, and propagate turtles and turtle eggs according to Minnesota Rules, part 6256.0900, without the licenses specified under subdivision 1.

Sec. 29. Minnesota Statutes 2021 Supplement, section 97C.605, subdivision 3, is amended to read:

Subd. 3. **Taking; methods prohibited.** ~~(a)~~ A person may not take turtles by using:

(1) explosives, drugs, poisons, lime, and other harmful substances;

~~(2) traps, except as provided in paragraph (b) and rules adopted under this section;~~

(3) nets other than anglers' fish landing nets;

~~(4) commercial equipment, except as provided in rules adopted under this section;~~

(5) firearms and ammunition;

(6) bow and arrow or crossbow; or

(7) spears, harpoons, or any other implements that impale turtles.

~~(b) Until new rules are adopted under this section, a person with a turtle seller's license may take turtles with a floating turtle trap that:~~

~~(1) has one or more openings above the water surface that measure at least ten inches by four inches; and~~

~~(2) has a mesh size of not less than one half inch, bar measure.~~

Sec. 30. Minnesota Statutes 2021 Supplement, section 97C.611, is amended to read:

97C.611 TURTLE SPECIES; LIMITS.

Subdivision 1. **Snapping turtles.** A person may not possess more than three snapping turtles of the species *Chelydra serpentina* ~~without a turtle seller's license~~. Until new rules are adopted under section 97C.605, a person may not take snapping turtles of a size less than ten inches wide including curvature, measured from side to side across the shell at midpoint. After new rules are adopted under section 97C.605, a person may only take snapping turtles of a size specified in the adopted rules.

Subd. 2. **Western painted turtles.** (a) A person may not possess more than three Western painted turtles of the species *Chrysemys picta* ~~without a turtle seller's license~~. Western painted turtles must be between 4 and 5-1/2 inches in shell length.

(b) This subdivision does not apply to persons acting under section 97C.605, subdivision 2c, paragraph (a), clause ~~(4)~~ (2).

Subd. 3. **Spiny softshell.** A person may not possess spiny softshell turtles of the species *Apalone spinifera* ~~after December 1, 2021~~, without an aquatic farm or private fish hatchery license with a turtle endorsement.

Subd. 4. **Other species.** A person may not possess any other species of turtle ~~without~~ except with an aquatic farm or private fish hatchery license with a turtle endorsement or as specified under section 97C.605, subdivision 2c.

Sec. 31. Minnesota Statutes 2020, section 103B.101, subdivision 2, is amended to read:

Subd. 2. **Voting members.** (a) The members are:

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives;
- (4) three citizens who are not employed by, or the appointed or elected officials of, a state governmental office, board, or agency;
- (5) one township officer;
- (6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;
- (7) the commissioner of agriculture;
- (8) the commissioner of health;
- (9) the commissioner of natural resources;
- (10) the commissioner of the Pollution Control Agency; and
- (11) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to (6), must be distributed across the state with at least four members but not more than six members from the metropolitan area, as defined by section 473.121, subdivision 2.

(c) Members in paragraph (a), clauses (1) to (6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to (6), are as provided in section 15.0575, except that a member may be compensated at the rate of up to \$125 a day.

Sec. 32. Minnesota Statutes 2020, section 103B.103, is amended to read:

103B.103 EASEMENT STEWARDSHIP ACCOUNTS.

Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation easement stewardship account and the mitigation easement stewardship account are created in the special revenue fund. The accounts consist of money credited to the accounts and interest and other earnings on money in the accounts. The State Board of Investment must manage the accounts to maximize long-term gain.

(b) Revenue from contributions and money appropriated for any purposes of the account as described in subdivision 2 must be deposited in the water and soil conservation easement stewardship account. Revenue from contributions, ~~wetland banking~~ mitigation fees designated for stewardship purposes by the board, easement stewardship payments authorized under subdivision 3, and money appropriated for any purposes of the account as described in subdivision 2 must be deposited in the mitigation easement stewardship account.

Subd. 2. **Appropriation; purposes of accounts.** (a) Five percent of the balance on July 1 each year in the water and soil conservation easement stewardship account and five percent of the balance on July 1 each year in the mitigation easement stewardship account are annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing easements held by the board, including costs associated with:

(1) repairing or replacing structures;

(2) monitoring;

(3) landowner contacts;

(4) records storage and management;

(5) processing landowner notices;

(6) requests for approval or amendments;

(7) enforcement; and

(8) legal services associated with easement management activities.

(b) In addition to the amounts appropriated under paragraph (a), up to ten percent of the balance on July 1 each year in the water and soil conservation easement stewardship account and up to ten percent of the balance on July 1 each year in the mitigation easement stewardship account are annually appropriated to the board for emergency repair and replacement of water control structures when the amount appropriated in paragraph (a) is insufficient to cover the costs. The board must include a summary of how money appropriated under this paragraph in the prior two fiscal years was used in the report required under section 103B.101, subdivision 9, paragraph (a), clause (7).

Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the water and soil conservation easement stewardship account for each conservation easement acquired by the board. The board shall seek a financial contribution or assess an easement stewardship payment to the mitigation easement stewardship account for each wetland ~~banking~~ mitigation easement acquired by the board. Unless otherwise provided by law, the board shall determine the amount of the contribution or payment, which must be an amount calculated to earn sufficient money to meet the costs of managing the easement at a level that neither significantly overrecovers nor underrecovers the costs. In determining the amount of the financial contribution, the board shall consider:

(1) the estimated annual staff hours needed to manage the conservation easement, taking into consideration factors such as easement type, size, location, and complexity;

(2) the average hourly wages for the class or classes of state and local employees expected to manage the easement;

(3) the estimated annual travel expenses to manage the easement;

(4) the estimated annual miscellaneous costs to manage the easement, including supplies and equipment, information technology support, and aerial flyovers;

(5) the estimated annualized costs of legal services, including the cost to enforce the easement in the event of a violation; ~~and~~

(6) the estimated annualized costs for repairing or replacing water control structures; and

~~(7)~~ (7) the expected rate of return on investments in the account.

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

Sec. 33. **[103B.104] LAWNS TO LEGUMES PROGRAM.**

The Board of Water and Soil Resources must establish a program to provide grants or payments to plant residential lawns with native vegetation and pollinator-friendly forbs and legumes to protect a diversity of pollinators. The board must establish criteria for grants or payments awarded under this section. Grants or payments awarded under this section may be made for up to 75 percent of the costs of the project, except that, in areas identified by the United States Fish and Wildlife Service as areas where there is a high potential for rusty patched bumble bees to be present, grants may be awarded for up to 90 percent of the costs of the project.

Sec. 34. **[103C.701] SOIL HEALTH GOALS.**

The state of Minnesota's soil health goals are that:

(1) at least 5,750,000 acres employ cover crops, perennial crops, no-till, or managed rotational grazing by 2030;

(2) at least 11,500,000 acres employ cover crops, perennial crops, no-till, or managed rotational grazing by 2035; and

(3) at least 23,000,000 acres employ cover crops, perennial crops, no-till, or managed rotational grazing by 2040.

Sec. 35. **[103E.122] DRAINAGE REGISTRY INFORMATION PORTAL.**

(a) The executive director of the Board of Water and Soil Resources must establish and maintain a drainage registry information portal that includes a searchable electronic database of all documents initiating proceedings and nonpetitioned repairs under this chapter. The database must permit members of the public to easily search for and retrieve documents by:

(1) the name of the county or watershed district where the petition or document was filed;

(2) the type of petition or document filed;

(3) the date of the petition or document; and

(4) other identifiers that allow members of the public to easily access information on the proceeding or repair.

(b) For each proceeding, the database must include the contact information for a local contact that can provide additional information on the proceeding or repair.

(c) For any proceeding or nonpetitioned repair brought under this chapter, the drainage authority must file with the executive director an electronic copy of the petition or other document initiating the drainage project or repair. The petition or other document must be filed within ten calendar days of filing the petition or other document with the county auditor or secretary or, for nonpetitioned repairs, within ten days of ordering the repair. A drainage authority may not take any action on a drainage proceeding or repair if the proceeding does not comply with this section.

(d) For any repair or maintenance undertaken under this chapter without a petition, the drainage authority must file with the executive director an electronic copy of the drainage inspection report or other document initiating the repair or maintenance within ten calendar days of the drainage inspection report or other document being presented to the drainage authority. A drainage authority may not take any action on a drainage inspector's report or otherwise order a repair or maintenance until the drainage inspector's report has been posted on the drainage registry information portal for 30 days.

Sec. 36. **[103F.49] SOIL HEALTH COST-SHARE PROGRAM.**

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

(b) "Board" means the Board of Water and Soil Resources.

(c) "Local units of government" has the meaning given under section 103B.305, subdivision 5.

(d) "Soil health" has the meaning given under section 103C.101, subdivision 10a.

Subd. 2. **Establishment.** The board must administer a cost-share program consistent with section 103C.501 to establish soil health practices that mitigate climate change impacts, improve water quality, and provide related public benefits.

Subd. 3. **Financial assistance.** (a) The board may provide financial assistance to local units of government, private sector providers, and farmers for the costs of soil health and related water-quality practices consistent with a plan approved according to chapter 103B, 103C, or 103D. The board must establish costs eligible for financial and technical assistance under this section.

(b) The board may enter into agreements with local units of government receiving financial assistance under this subdivision.

(c) Financial assistance under this subdivision must give priority to multiyear contracts and to leveraging contributions from nonstate sources.

(d) Financial assistance under this subdivision must give priority to multiyear contracts that prioritize long-term soil health practices, including but not limited to no-till, field borders, prairie strips, and other practices sanctioned by the board or the United States Department of Agriculture's Natural Resources Conservation Service, that, separately or together with other conservation practices, provide durable soil health and related benefits.

Subd. 4. Technical assistance; review. (a) The board may employ or contract with experts to implement the soil health program under this section.

(b) When implementing the soil health program, the board must:

(1) assist local units of government in achieving the objectives of the program;

(2) review and assess practice standards; and

(3) evaluate the effectiveness of completed practices.

Subd. 5. Federal aid availability. The board must regularly complete an analysis of the availability of federal funds and programs to supplement or complement state and local efforts consistent with the purposes of this section.

Sec. 37. [103G.134] ORDERS AND INVESTIGATIONS.

(a) The commissioner has the following powers and duties when acting pursuant to the enforcement provisions of this chapter:

(1) to adopt, issue, reissue, modify, deny, revoke, enter into, or enforce reasonable orders, schedules of compliance, and stipulation agreements;

(2) to issue notices of violation;

(3) to require a person holding a permit issued under this chapter or otherwise impacting the public waters of the state without a permit issued under this chapter to:

(i) make reports;

(ii) install, use, and maintain monitoring equipment or methods;

(iii) perform tests according to methods, at locations, at intervals, and in a manner as the commissioner prescribes; and

(iv) provide other information as the commissioner may reasonably require; and

(4) to conduct investigations; issue notices, public and otherwise; and order hearings as the commissioner deems necessary or advisable to discharge duties under this chapter, including but not limited to issuing permits and authorizing an employee or agent appointed by the commissioner to conduct the investigations and other authorities cited in this section.

Sec. 38. **[103G.146] DUTY OF CANDOR.**

(a) A person must not knowingly:

(1) make a false statement of fact or fail to correct a false statement of material fact regarding any matter pertaining to this chapter;

(2) fail to disclose information that the person knows is necessary for the commissioner to make an informed decision under this chapter; or

(3) offer information that the person knows to be false.

(b) If a person has offered material information to the commissioner and the person comes to know the information is false, the person must take reasonable remedial measures to provide the accurate information.

Sec. 39. Minnesota Statutes 2020, section 103G.271, is amended by adding a subdivision to read:

Subd. 2a. **Public meeting.** Before issuing a water-use permit or a plan for consumptive use of more than 100,000,000 gallons per year average, the commissioner must hold a public meeting. The meeting may be held in the county affected most by the potential impact to the public groundwater resource or by using interactive technology that allows members of the public to participate from a remote location, including providing public comments during the public comment period of the meeting. At least 21 days before the public meeting, the commissioner must publish notice of the meeting in a newspaper of general circulation in the county and must mail the notice to persons who have registered their names with the commissioner for this purpose.

Sec. 40. Minnesota Statutes 2020, section 103G.287, subdivision 5, is amended to read:

Subd. 5. **Sustainability standard.** (a) The commissioner may issue water-use permits for appropriation from groundwater only if the commissioner determines that the groundwater use is sustainable to supply the needs of future generations and the proposed use will not harm ecosystems, degrade water, or reduce water levels beyond the reach of public water supply and private domestic wells constructed according to Minnesota Rules, chapter 4725.

(b) When determining whether a consumptive use of groundwater is sustainable, the commissioner must make a determination that the level of recharge to the aquifer impacted is sufficient to replenish the groundwater supply to meet the needs of future generations.

Sec. 41. Minnesota Statutes 2020, section 103G.299, subdivision 1, is amended to read:

Subdivision 1. **Authority to issue administrative penalty orders.** (a) As provided in paragraph (b), the commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of sections 103G.271 and 103G.275, and any rules adopted under those sections.

(b) An order under this section may be issued to a person for water appropriation activities without a required permit or for violating the terms of a required permit.

(c) The order must be issued as provided in this section and in accordance with the plan prepared under subdivision 12.

Sec. 42. Minnesota Statutes 2020, section 103G.299, subdivision 2, is amended to read:

Subd. 2. **Amount of penalty; considerations.** (a) The commissioner may issue orders assessing administrative penalties ~~based on potential for harm and deviation from compliance. For a violation that presents: up to \$40,000.~~

~~(1) a minor potential for harm and deviation from compliance, the penalty will be no more than \$1,000;~~

~~(2) a moderate potential for harm and deviation from compliance, the penalty will be no more than \$10,000; and~~

~~(3) a severe potential for harm and deviation from compliance, the penalty will be no more than \$20,000.~~

(b) In determining the amount of a penalty the commissioner may consider:

(1) the gravity of the violation, including potential for, or real, damage to the public interest or natural resources of the state;

(2) the history of past violations;

(3) the number of violations;

(4) the economic benefit gained by the person by allowing or committing the violation based on data from local or state bureaus or educational institutions; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(c) For a violation after an initial violation, including a continuation of the initial violation, the commissioner must, in determining the amount of a penalty, consider the factors in paragraph (b) and the:

(1) similarity of the most recent previous violation and the violation to be penalized;

(2) time elapsed since the last violation;

(3) number of previous violations; and

(4) response of the person to the most recent previous violation identified.

Sec. 43. Minnesota Statutes 2020, section 103G.299, subdivision 5, is amended to read:

Subd. 5. **Penalty.** (a) Except as provided in paragraph (b), if the commissioner determines that the violation has been corrected or appropriate steps have been taken to correct the action, the penalty must be forgiven. Unless the person requests review of the order under subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or

(2) on the 20th day after the person receives the commissioner's determination under subdivision 4, paragraph (c), if the person subject to the order has provided information to the commissioner that the commissioner determines is not sufficient to show that the violation has been corrected or that appropriate steps have been taken toward correcting the violation.

(b) For repeated or serious violations, the commissioner may issue an order with a penalty that is not forgiven after the corrective action is taken. The penalty is due by 31 days after the order ~~was~~ is received, unless review of the order under subdivision 6 or 7 ~~has been~~ is sought.

(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty ~~was~~ is received.

Sec. 44. Minnesota Statutes 2020, section 103G.299, subdivision 10, is amended to read:

Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a corrective order assessing penalties is in addition to other remedies available under statutory or common law, ~~except that the state may not seek civil penalties under any other provision of law for the violations covered by the administrative penalty order.~~ The payment of a penalty does not preclude the use of other enforcement provisions, ~~under which penalties are not assessed,~~ in connection with the violation for which the penalty was assessed.

Sec. 45. **[103G.299] PENALTIES; ENFORCEMENT.**

Subdivision 1. **Civil penalties.** (a) The commissioner, according to section 103G.134, may issue a notice to a person who violates:

(1) this chapter;

(2) a permit issued under this chapter or a term or condition of a permit issued under this chapter;

(3) a duty under this chapter to permit an inspection, entry, or monitoring activity or a duty under this chapter to carry out an inspection or monitoring activity;

(4) a rule adopted under this chapter;

(5) a stipulation agreement, variance, or schedule of compliance entered into under this chapter; or

(6) an order issued by the commissioner under this chapter.

(b) A person issued a notice forfeits and must pay to the state a penalty, in an amount to be determined by the district court, of not more than \$10,000 per day of violation.

(c) In the discretion of the district court, a defendant under this section may be required to:

(1) forfeit and pay to the state a sum that adequately compensates the state for the reasonable value of restoration, monitoring, and other expenses directly resulting from the unauthorized use of or damage to natural resources of the state; and

(2) forfeit and pay to the state an additional sum to constitute just compensation for any damage, loss, or destruction of the state's natural resources and for other actual damages to the state caused by an unauthorized use of natural resources of the state.

(d) As a defense to damages assessed under paragraph (c), a defendant may prove that the violation was caused solely by:

(1) an act of God;

(2) an act of war;

(3) negligence on the part of the state;

(4) an act or failure to act that constitutes sabotage or vandalism; or

(5) any combination of clauses (1) to (5).

(e) The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state in Ramsey County District Court. Civil penalties and damages provided for in this subdivision may be resolved by the commissioner through a negotiated stipulation agreement according to the authority granted to the commissioner in section 103G.134.

Subd. 2. **Enforcement.** This chapter and rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the commissioner under this chapter or any other law for preventing, controlling, or abating damage to natural resources may be enforced by one or more of the following:

(1) criminal prosecution;

(2) action to recover civil penalties;

(3) injunction;

(4) action to compel performance; or

(5) other appropriate action according to this chapter.

Subd. 3. **Injunctions.** A violation of this chapter or rules, standards, orders, stipulation agreements, variances, schedules of compliance, and permits adopted or issued under this chapter constitutes a public nuisance and may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Subd. 4. **Actions to compel performance.** (a) In an action to compel performance of an order issued by the commissioner for any purpose related to preventing, controlling, or abating damage to natural resources under this chapter, the court may require a defendant adjudged responsible to do and perform any and all acts and things within the defendant's power that are reasonably necessary to accomplish the purposes of the order.

(b) In case a municipality or its governing or managing body or any of its officers is a defendant, the court may require the municipality to exercise its powers, without regard to any limitation of a requirement for an election or referendum imposed thereon by law and without restricting the powers of the commissioner, to do any or all of the following, without limiting the generality hereof:

(1) levy taxes or special assessments;

(2) prescribe service or use charges;

(3) borrow money;

(4) issue bonds;

(5) employ assistance;

(6) acquire real or personal property;

(7) let contracts;

(8) otherwise provide for doing work or constructing, installing, maintaining, or operating facilities; and

(9) do all other acts and things reasonably necessary to accomplish the purposes of the order.

(c) The court must grant a municipality under paragraph (b) the opportunity to determine the appropriate financial alternatives to be used to comply with the court-imposed requirements.

(d) An action brought under this subdivision must be venued in Ramsey County District Court.

Sec. 46. Minnesota Statutes 2020, section 115.061, is amended to read:

115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.

(a) Except as provided in paragraph (b), it is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.

(b) Notification is not required under paragraph (a) for a discharge of five gallons or less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not affect the other requirements of paragraph (a).

(c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly owned treatment works or a publicly or privately owned domestic sewer system owner must provide notice to the potentially impacted public and to any downstream drinking water facility that may be impacted by the discharge. Notice to the public and to any drinking water facility must be made using the most efficient communications system available to the facility owner such as in person, phone call, radio, social media, web page, or another expedited form. In addition, signs in sufficient number to alert the public must be posted at all impacted public use areas within the same jurisdiction or notice must be provided to the entity that has jurisdiction over any impacted public use areas. A notice under this paragraph must include the date and time of the discharge, a description of the material released, a warning of the potential public health risk, and the permittee's contact information. The agency must provide guidance that includes but is not limited to methods and protocols for providing timely notice under this section.

Sec. 47. Minnesota Statutes 2020, section 115.071, is amended by adding a subdivision to read:

Subd. 3a. Public informational meeting. (a) The commissioner, before finalizing a stipulation agreement or consent decree with a facility in which the agency is seeking a settlement amount greater than \$25,000, must hold a public informational meeting at a convenient time at a location near the facility to:

(1) notwithstanding section 13.39, subdivision 2, describe the amount, frequency, duration, and chemical nature of the pollution released or emitted by the facility and the risks to public health and the environment from that exposure; and

(2) allow members of the public, including those persons potentially exposed to pollution released or emitted from the facility, to make the agency aware of:

(i) interactions between the facility and the public regarding the facility's operations;

(ii) operational problems or incidents that have occurred at the facility; and

(iii) suggestions regarding supplemental environmental projects that the public may prefer as part of a stipulation agreement or consent decree between the facility and the agency.

(b) For the purposes of this section, "supplemental environmental project" means a project that benefits the environment or public health and that a regulated facility agrees to undertake as part of a settlement with respect to an enforcement action taken by the agency to resolve noncompliance.

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

Sec. 48. **[115A.5591] COMPOSTING; MULTIFAMILY BUILDINGS; COMPETITIVE GRANT PROGRAM.**

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

(b) "Common interest community" has the meaning given in section 515B.1-103, clause (10).

(c) "Composting" means the controlled biological decomposition of source-separated food wastes through an aerobic method of accelerating natural decomposition that takes place at a site separate from the residence or location of any generator of source-separated food wastes.

(d) "Homeowners association" means an association of residential unit owners that is organized to govern and administer a common interest community, regardless of whether the common interest community is subject to chapter 515B.

(e) "Minnesota Tribal government" has the meaning given in section 10.65, subdivision 2, paragraph (a), clause (4).

(f) "Multifamily building" means an apartment facility containing four or more dwelling units, each to be rented by a person or family for use as a residence.

(g) "Source-separated food wastes" means food wastes that are separated at the source by waste generators for the purpose of preparing them for composting.

Subd. 2. Grant program established. The commissioner must establish a competitive grant program to provide financial assistance to develop and implement pilot projects that encourage and increase composting by residents of multifamily buildings in areas where compost is not collected at curbside. Each grant must include an educational component on the methods and benefits of composting.

Subd. 3. Eligible applicants. A grant may be awarded under this section to:

(1) a political subdivision;

(2) an owner of a multifamily building;

(3) an organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code;

(4) a Minnesota Tribal government; or

(5) a homeowners association.

Subd. 4. Application. The commissioner must develop forms and procedures for soliciting and reviewing applications for grants under this section.

Subd. 5. Eligible expenditures. Appropriations made for the grant program under this section may be used only to:

(1) provide grants as specified in this section; and

(2) reimburse the reasonable expenses of the Pollution Control Agency in administering the grant program.

Subd. 6. **Grant awards.** In awarding grants under this section, the commissioner shall give priority to applications filed by applicants who meet the conditions of subdivision 3, clause (3).

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

Sec. 49. **[115A.561] ZERO-WASTE GRANT PROGRAM.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following definitions apply.

(b) "Adaptive management practices" means the integration of project design, management, and monitoring to identify project impacts and outcomes as they arise and adjust behaviors to improve outcomes.

(c) "Eligible entity" means a nonprofit or unit of government.

(d) "Embodied energy" means energy that was used to create a product or material.

(e) "Living wage" means the minimum income necessary to allow a person working 40 hours per week to afford the cost of housing, food, and other material necessities.

(f) "Organics recycling" means the biological processes by which organics streams are converted to compost that is not harmful to humans, plants, or animals.

(g) "Recycling" means the mechanical processing of materials that have reached the end of their current use into materials to be used in the production of new products. Recycling does not include incineration or any energy recovery process or depolymerization or a similar process.

(h) "Reuse" does not mean incineration, but does mean:

(1) using a product, packaging, or resource more than once for the same or a new function with little or no processing; or

(2) repairing a product so it can be used longer, sharing or renting it, or selling or donating it to another party.

(i) "Source reduction" does not mean incineration, but does mean:

(1) activities that reduce consumption of products or services that create physical outputs, such as packaging, that are secondary to the intended use of the item being consumed;

(2) measures or techniques that reduce the amount of waste generated during production processes; and

(3) reducing or eliminating use of materials that are not able to be recycled without degrading the quality of the material.

(j) "Source-separated" means the separation of a stream of recyclable materials at the point of waste creation before materials are collected and centralized. Source-separated does not include technologies that sort mixed municipal solid waste into recyclable and nonrecyclable materials.

(k) "Waste prevention" means reuse, recycling, and other methods to reduce the amount of materials disposed of in landfills or incinerated.

(l) "Zero waste" means conservation of all resources by means of responsible production, consumption, reuse, and recovery of products, packaging, and materials without burning or otherwise destroying embodied energy, with no discharges to land, water, or air that threaten the environment or human health.

(m) "Zero-waste practice" means a practice used to help achieve zero waste, including source reduction and waste prevention.

Subd. 2. **Establishment.** The commissioner must establish a competitive grant program for eligible entities to pursue projects that are consistent with zero-waste practices, including projects in the following four categories:

(1) electronic waste reuse and recycling under subdivision 3;

(2) source reduction under subdivision 4;

(3) market development under subdivision 5; and

(4) organics recycling infrastructure under subdivision 6.

Subd. 3. **Electronic waste reuse and recycling.** Projects under this subdivision must relate to electronic waste reuse and recycling and must be carried out by an organization certified in sustainable electronic waste standards by an organization accredited by the National Accreditation Board of the American National Standards Institute and the American Society for Quality, or another accrediting body as determined by the commissioner. Grant funds for the projects may be used for infrastructure, technology, research and development, and product refurbishment. Projects must not include an electronic waste buy-back program that provides compensation for used electronics as a credit toward the purchase of additional electronics.

Subd. 4. **Source reduction.** Projects under this subdivision must relate to source reduction. Grants for the projects may be used for educational programming and outreach activities to encourage consumer behavior change or for product or manufacturing redesign or redevelopment to reduce by-products, packaging, and other outputs. For projects involving product or manufacturing redesign or redevelopment, the applicable manufacturer must pay a living wage and the redevelopment or redesign must not result in higher toxicity or more complicated recyclability of the product or by-products or increased volume of the by-products.

Subd. 5. **Market development.** Projects under this subdivision must relate to market development with respect to source reduction or waste prevention, including creating demand for sorted recyclable commodities and refurbished goods. The projects must target easily or commonly recycled materials that are disproportionately disposed of in landfills or incinerated and must reduce the volume, weight, or toxicity of waste and waste by-products. Projects must not conflict with other laws or requirements as identified by the commissioner.

Subd. 6. **Organics recycling infrastructure.** Projects under this subdivision must relate to organics recycling infrastructure. Grants for the projects may be used for facilities, machinery, equipment, and other physical necessities required for organics collection or processing on a city- or county-wide scale. Projects under this subdivision must result in increased capacity for residential and commercial source-separated organics streams and generate a usable product that has demonstrable environmental benefits when compared to the input materials, such as compost with added nutritional content. Projects may not include mixed-waste composting.

Subd. 7. **Grant process.** (a) The commissioner must award grants to eligible entities through a competitive grant process.

(b) To receive a grant, an eligible entity must submit a written application to the commissioner using the form developed by the commissioner and including any information requested by the commissioner.

(c) The application must demonstrate that the eligible entity has set specific source reduction or waste prevention targets and that the project will take place in a community in the 80th percentile or higher for one or more pollutants as noted in the EJSscreen tool, or any successor system, of the federal Environmental Protection Agency.

Subd. 8. **Award criteria.** In awarding grants under this section, the commissioner must give priority to eligible entities with projects that:

(1) could lead to the creation of new jobs that pay a living wage, with additional preference for jobs for individuals with barriers to employment;

(2) achieve source reduction or waste prevention in schools;

(3) employ adaptive management practices to identify, prevent, or address any negative environmental consequences of the proposed project;

(4) demonstrate need for additional investment in infrastructure and projects to achieve source reduction and waste prevention targets set by the local unit of government responsible for waste and recycling projects in the geographic area;

(5) will develop innovative or new technologies or strategies for source reduction and waste prevention;

(6) will encourage further investment in source reduction and waste prevention projects; or

(7) will incorporate multistakeholder involvement, including nonprofit, commercial, and public sector partners.

Subd. 9. **Report to the legislature.** By January 15, 2024, the commissioner must submit a report as required under section 3.195 that details the use of grant money. A copy of this report must also be sent to the chairs and ranking minority members of the legislative committees with jurisdiction over economic development and environment.

Sec. 50. **[115A.993] PROHIBITED DISPOSAL METHODS.**

A person must not dispose of seed treated with neonicotinoid pesticide in a manner inconsistent with the product label, where applicable, or by:

(1) burying near a drinking water source or any creek, stream, river, lake, or other surface water;

(2) composting; or

(3) incinerating within a home or other dwelling.

Sec. 51. Minnesota Statutes 2020, section 115B.17, subdivision 14, is amended to read:

Subd. 14. Requests for review, investigation, and oversight. (a) The commissioner may, upon request, assist a person in determining whether real property has been the site of a release or threatened release of a hazardous substance, pollutant, or contaminant. The commissioner may also assist in, or supervise, the development and implementation of reasonable and necessary response actions. Assistance may include review of agency records and files, and review and approval of a requester's investigation plans and reports and response action plans and implementation.

(b) Except as otherwise provided in this paragraph, the person requesting assistance under this subdivision shall pay the agency for the agency's cost, as determined by the commissioner, of providing assistance. A state agency, political subdivision, or other public entity is not required to pay for the agency's cost to review agency records and files. ~~Money received by the agency for assistance under this section~~ The first \$350,000 received annually by the agency for assistance under this subdivision from persons who are not otherwise responsible under sections 115B.01 to 115B.18 must be deposited in the remediation fund and is exempt from section 16A.1285. Money received after the first \$350,000 must be deposited in the state treasury and credited to an account in the special revenue fund. Money in the account is annually appropriated to the commissioner for the purposes of administering this subdivision.

(c) When a person investigates a release or threatened release in accordance with an investigation plan approved by the commissioner under this subdivision, the investigation does not associate that person with the release or threatened release for the purpose of section 115B.03, subdivision 3, paragraph (a), clause (4).

Sec. 52. Minnesota Statutes 2020, section 115B.171, is amended to read:

115B.171 TESTING FOR PRIVATE WELLS; EAST METROPOLITAN AREA.

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

(b) "East metropolitan area" means:

(1) the cities of Afton, Cottage Grove, Lake Elmo, Maplewood, Newport, Oakdale, St. Paul Park, and Woodbury;

(2) the townships of Denmark, Grey Cloud Island, and West Lakeland; and

(3) other areas added by the commissioner that have a potential for significant groundwater pollution from ~~PFCs~~ PFAS.

(c) "~~PFCs~~" "PFAS" means ~~per- and poly-fluorinated chemicals~~ perfluoroalkyl and polyfluoroalkyl substances.

Subd. 2. **Testing for private wells.** To provide results of ~~PFC~~ PFAS groundwater monitoring to the public, the commissioner of the Pollution Control Agency must develop a web page that may include, but is not limited to, the following:

(1) the process for private and public well ~~PFC~~ PFAS sampling in the east metropolitan area;

(2) an interactive map system that allows the public to view locations of the Department of Health well advisories and areas projected to be sampled for ~~PFCs~~ PFAS; and

(3) how to contact the Pollution Control Agency or Department of Health staff to answer questions on sampling of private wells.

Subd. 3. **Test reporting.** (a) By ~~January~~ February 15 each year, the commissioner of the Pollution Control Agency must report to each community in the east metropolitan area a summary of the results of the testing for private wells in the community. The report must include information on the number of wells tested and trends of ~~PFC~~ PFAS contamination in private wells in the community. Reports to communities under this section must also be published on the Pollution Control Agency's website.

(b) By ~~January~~ February 15 each year, the commissioner of the Pollution Control Agency must report to the legislature, as provided in section 3.195, on the testing for private wells conducted in the east metropolitan area, including copies of the community reports required in paragraph (a), the number of requests for well testing in each community, and the total amount spent for testing private wells in each community.

Sec. 53. Minnesota Statutes 2020, section 115B.52, subdivision 4, is amended to read:

Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the commissioner of natural resources must jointly submit:

(1) by April 1, 2019, an implementation plan detailing how the commissioners will:

(i) determine how the priorities in the settlement will be met and how the spending will move from the first priority to the second priority and the second priority to the third priority outlined in the settlement; and

(ii) evaluate and determine what projects receive funding;

(2) by ~~February 1 and August~~ October 1 each year, a ~~biannual~~ report to the chairs and ranking minority members of the legislative policy and finance committees with jurisdiction over environment and natural resources on expenditures from the water quality and sustainability account during the previous ~~six months~~ fiscal year; and

(3) by ~~August 1, 2019, and October 1~~ October 1 each year ~~thereafter~~, a report to the legislature on expenditures from the water quality and sustainability account during the previous fiscal year and a spending plan for anticipated expenditures from the account during the current fiscal year.

Sec. 54. Minnesota Statutes 2020, section 116.06, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** The definitions given in this section shall obtain for the purposes of sections 116.01 to ~~116.075~~ 116.076 except as otherwise expressly provided or indicated by the context.

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

Sec. 55. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 6a. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

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

Sec. 56. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 10a. **Environmental justice.** "Environmental justice" means that:

(1) communities of color, Indigenous communities, and low-income communities have a healthy environment and are treated fairly when environmental statutes, rules, and policies are developed, adopted, implemented, and enforced; and

(2) in all decisions that have the potential to affect the environment of an environmental justice area or the public health of its residents, due consideration is given to the history of the area's and its residents' cumulative exposure to pollutants and to any current socioeconomic conditions that increase the physical sensitivity of those residents to additional exposure to pollutants.

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

Sec. 57. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 10b. **Environmental justice area.** "Environmental justice area" means one or more census tracts in the state:

(1) in which, based on the most recent data published by the United States Census Bureau:

(i) 40 percent or more of the population is nonwhite;

(ii) 35 percent or more of the households have an income at or below 200 percent of the federal poverty level; or

(iii) 40 percent or more of the population over the age of five has limited English proficiency; or

(2) that is in Indian Country, as defined in United States Code, title 18, section 1151.

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

Sec. 58. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 14a. **Microplastics.** "Microplastics" means small pieces of plastic debris in the environment that are less than five millimeters in length and that result from the disposal and breakdown of consumer products and industrial waste.

Sec. 59. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 14b. **Nanoplastics.** "Nanoplastics" means particles with a size ranging from one to 1,000 nanometers that are unintentionally produced from the manufacture or degradation of plastic objects and that exhibit a colloidal behavior.

Sec. 60. Minnesota Statutes 2020, section 116.06, is amended by adding a subdivision to read:

Subd. 17a. **Plastic.** "Plastic" means an organic or petroleum derivative synthetic or a semisynthetic organic solid that is moldable and to which additives or other substances may have been added. Plastic does not mean natural polymers that have not been chemically modified.

Sec. 61. **[116.062] AIR TOXICS EMISSIONS REPORTING.**

(a) The commissioner must require each facility operating under an air quality permit issued by the agency to annually report the facility's air toxics emissions to the agency, including a facility not required as a condition of its air quality permit to keep records of air toxics emissions. The commissioner must determine the method to be used by a facility to directly measure or estimate air toxics emissions. The commissioner must incorporate the requirement to annually report air toxics emissions into the air quality permit of each facility subject to this section.

(b) For the purposes of this section, "air toxic" means a chemical compound or compound class that is emitted into the air by a permitted facility and that is listed, reported, or identified under any of the following categories:

(1) hazardous air pollutants listed under the federal Clean Air Act, United States Code, title 42, section 7412, as amended;

(2) chemicals reported as released into the atmosphere by a facility located in the state for the Toxic Release Inventory under the federal Emergency Planning and Community Right-to-Know Act, United States Code, title 42, section 11023, as amended;

(3) chemicals of high concern, as listed by the Department of Health under section 116.9402;

(4) chemicals for which the Department of Health has adopted health-based values or risk assessment advice;

(5) chemicals for which the risk to human health has been assessed by the federal Environmental Protection Agency's Integrated Risk Information System;

(6) chemicals for which emission limits are incorporated into current facility permits; and

(7) chemicals reported by facilities in the agency's triennial emissions inventory.

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

Sec. 62. Minnesota Statutes 2020, section 116.07, subdivision 4a, is amended to read:

Subd. 4a. **Permits.** (a) The ~~Pollution Control Agency~~ commissioner may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

(b) The ~~Pollution Control Agency~~ commissioner may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the storage, collection, transportation, processing, or disposal of waste, or for the installation or operation of any system or facility, or any part thereof, related to the storage, collection, transportation, processing, or disposal of waste.

(c) The agency commissioner may not issue ~~a permit, renew, or approve a major amendment~~ to a facility permit that potentially increases pollution levels or the toxicity of emissions in an environmental justice area without analyzing and considering:

(1) the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions: environmental justice area, including mobile sources and toxic chemicals contaminating soils; and

(2) the demographic, social, and economic characteristics of the exposed population in the environmental justice area that affect the population's sensitivity to exposure to additional pollution, as required under subdivision 4m.

~~(1) is within a half mile of a site designated by the federal government as an EPA superfund site due to residential arsenic contamination;~~

~~(2) a majority of the population are low income persons of color and American Indians;~~

~~(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;~~

~~(4) is located in a city that has experienced numerous air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and~~

~~(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic.~~

(d) The ~~Pollution Control Agency~~ commissioner may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the ~~agency~~ commissioner, to prevent or abate pollution.

(e) The ~~Pollution Control Agency~~ commissioner has the authority for approval over the siting, expansion, or operation of a solid waste facility with regard to environmental issues. However, ~~the agency's~~ issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter precludes, or shall be construed to preclude, a county from enforcing land use controls, regulations, and ordinances existing at the time of the permit application and adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard to the siting, expansion, or operation of a solid waste facility.

(f) Except as prohibited by federal law, a person may commence construction, reconstruction, replacement, or modification of any facility ~~prior to the issuance of a construction permit by the agency before the commissioner issues a construction permit.~~

(g) A permit application must indicate whether the permit action sought is likely to impact the environment or the health of residents of an environmental justice area and must include the data used by the applicant to make the determination. If the application is filed before the commissioner identifies all environmental justice areas in the state under section 116.076, the commissioner must determine whether, based on the application's projected impacts of issuing the permit, the area impacted qualifies as an environmental justice area and whether, as a result, a cumulative analysis is required.

(h) The commissioner must review the applicant's determination made under paragraph (g), and is responsible for determining whether a proposed permit will impact the environment or health of an environmental justice area.

(i) The agency's reasonable costs of complying with this subdivision are to be reimbursed by the permit applicant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to an application for a new permit, permit renewal, or major permit amendment filed with the commissioner on or after that date.

Sec. 63. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to read:

Subd. 4m. **Demographic analysis.** (a) A permit applicant subject to subdivision 4a, paragraph (c), must provide the information listed in clauses (1) to (15), if available, in the permit application. The commissioner, in collaboration with the State Demographic Center, the Minnesota Department of Health, and other state agencies, must provide an applicant with a list of sources for the information required in clauses (1) to (15). The information is intended to indicate the degree of sensitivity of the exposed population to incremental pollution emitted from a facility seeking a permit or permit amendment and the exposed population's ability to withstand, respond to, or recover from exposure to additional pollution. This required information includes:

(1) racial and ethnic characteristics;

(2) income and poverty levels;

(3) the age distribution;

(4) the birth rate;

(5) education levels;

(6) the incidence of and hospital admission rates for respiratory disease, pulmonary disease, cancer, diabetes, asthma, high levels of blood lead concentrations, compromised immune systems, and other conditions that may be exacerbated by exposure to pollution;

(7) the incidence of substandard housing conditions;

(8) the proportion of the population without access to health insurance and medical care;

(9) the proportion of the population receiving public assistance and medical assistance;

(10) the incidence of low and very low food security, as defined by the United States Department of Agriculture publication Food Security in the U. S., Definitions of Food Security (2006 and as subsequently amended);

(11) biomonitoring data indicating body burdens of environmental pollutants;

(12) the presence of subpopulations that may be particularly sensitive to exposure to additional pollutants, including workers exposed to toxic chemicals in the workplace and subsistence fishers and hunters;

(13) microclimate or topographical factors of the area that affect exposure levels;

(14) other environmental stressors, including but not limited to noise, that impact the area population; and

(15) how the factors examined under this paragraph may interact to increase the likelihood of portions of the population sustaining an adverse effect from exposure to the additional pollution emitted by the permitted facility.

(b) A permit applicant must provide the information required under this subdivision to the commissioner in a format and at a level of quality and completeness required by the commissioner.

(c) The costs of complying with this subdivision must be paid by the permit applicant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to an application for a new permit, permit renewal, or major permit amendment filed with the commissioner on or after that date.

Sec. 64. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to read:

Subd. 4n. Permits; environmental justice area. (a) At a public meeting held on a permit application required to undergo a cumulative analysis under subdivision 4a, paragraph (c), the commissioner must ensure that an accurate and complete reporting of public comments is made part of the public record on which the decision on permit issuance is based.

(b) Notwithstanding any other law, the commissioner must, after reviewing the permit application, the analysis of cumulative pollution conducted under subdivision 4a, paragraph (c), the permit applicant's demographic analysis under subdivision 4m, and any additional relevant information, including testimony and written comments received at a public meeting, determine whether the incremental environmental impacts that would result in an environmental justice area from approving the permit will, in conjunction with the cumulative pollution impacts and any heightened sensitivity to additional pollution of residents of the environmental justice area, cause or contribute to increased levels of environmental or health impacts compared with denying the permit.

(b) If the commissioner determines that approving the permit would cause or contribute to increased levels of environmental or health impacts compared with denying the permit, the commissioner must:

(1) deny the permit; or

(2) place conditions on the permit that eliminate any contribution to increased levels of environmental or health impacts from the permitted facility in an environmental justice area.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to an application for a new permit, permit renewal, or major permit amendment filed with the agency on or after that date.

Sec. 65. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to read:

Subd. 7f. Financial assurance. (a) Before the commissioner issues or renews a permit for a feedlot with a capacity of 1,000 or more animal units, the permit applicant must submit to the commissioner proof of financial assurance that satisfies the requirements under this subdivision. Financial assurance must be of an amount sufficient to pay the closure costs determined under paragraph (c) for the feedlot and manure storage area, with all terms and conditions of the financial assurance instrument approved by the commissioner. The commissioner, in evaluating financial assurance, may consult individuals with documented experience in the analysis. The applicant must pay all costs incurred by the commissioner to obtain this analysis.

(b) A permittee must maintain sufficient financial assurance for the duration of the permit and demonstrate to the commissioner's satisfaction that:

(1) the funds will be available and made payable to the commissioner if the commissioner determines the permittee is not in full compliance with the closure requirements established by the commissioner in rule for feedlots and manure storage areas;

(2) the financial assurance instrument is fully valid, binding, and enforceable under state and federal law;

(3) the financial assurance instrument is not dischargeable through bankruptcy; and

(4) the financial assurance provider will give the commissioner at least 120 days' notice before canceling the financial assurance instrument.

(c) The permit applicant must submit to the commissioner a documented estimate of costs required to implement the closure requirements established by the commissioner in rule for feedlots and manure storage areas. Cost estimates must incorporate current dollar values at the time of estimate and any additional costs required by the commissioner to oversee and hire a third party to implement the closure requirements. The applicant must not incorporate the estimated salvage or market value of manure, animals, structures, equipment, land, or other assets. The commissioner must evaluate and may modify the applicant's cost estimates and may consult individuals with documented experience in feedlot or manure storage area closure or remediation. The applicant must pay all costs incurred by the commissioner to obtain this consultation.

Sec. 66. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to read:

Subd. 7g. Abandoned manure storage areas. At least annually, the commissioner must compile a list of abandoned manure storage areas in this state. A list compiled under this subdivision is not a feedlot inventory for purposes of subdivision 7b. For purposes of this subdivision, "abandoned manure storage areas" means solid and liquid manure storage areas that have:

(1) been previously registered with the state as a feedlot with a manure storage area; and

(2) permanently ceased operation and are subject to, but not in compliance with, the closure requirements established by the commissioner in rule for feedlots and manure storage areas; or

(3) been unused for at least three years.

Sec. 67. **[116.076] ENVIRONMENTAL JUSTICE AREAS; BOUNDARIES; MAPS.**

(a) No later than December 1, 2022, the commissioner must determine the boundaries of all environmental justice areas in Minnesota. The determination of the geographic boundaries of an environmental justice area may be appealed by filing a petition that contains evidence to support amending the commissioner's determination. The petition must be signed by at least 100 residents of census tracts within or adjacent to the environmental justice area, as determined by the commissioner. The commissioner may, after reviewing the petition, amend the boundaries of an environmental justice area.

(b) The commissioner must post updated maps of each environmental justice area in the state on the agency website.

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

Sec. 68. Minnesota Statutes 2020, section 116C.03, subdivision 2a, is amended to read:

Subd. 2a. **Public members.** The membership terms, compensation, removal, and filling of vacancies of public members of the board shall be as provided in section 15.0575, except that a public member may be compensated at the rate of up to \$125 a day.

Sec. 69. Minnesota Statutes 2020, section 116D.04, is amended by adding a subdivision to read:

Subd. 2c. **Demographic analysis.** An environmental assessment worksheet and environmental impact statement that indicate that a proposed project increases pollution levels or the toxicity of emissions in an environmental justice area, as defined under section 116.06, must contain a demographic analysis of the population exposed to the proposed project's impacts as required under section 116.07, subdivision 4m.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to an environmental assessment worksheet that has been determined by a responsible governmental unit to be complete on or after that date and to an environmental impact statement determined by a responsible governmental unit to be adequate on or after that date.

Sec. 70. Minnesota Statutes 2020, section 116P.05, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) A Legislative-Citizen Commission on Minnesota Resources of 17 members is created in the legislative branch, consisting of the chairs of the house of representatives and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, four members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and four members of the house of representatives appointed by the speaker.

(b) At least two members from the senate and two members from the house of representatives must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(c) Seven citizens are members of the commission, five appointed by the governor, one appointed by the Senate Subcommittee on Committees of the Committee on Rules and Administration, and one appointed by the speaker of the house. The citizen members are selected and recommended to the appointing authorities according to subdivision 1a and must:

(1) have experience or expertise in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources;

(2) have strong knowledge in the state's environment and natural resource issues around the state; and

(3) have demonstrated ability to work in a collaborative environment.

(d) Members shall develop procedures to elect a chair that rotates between legislative and citizen members each meeting. A citizen member, a senate member, and a house of representatives member shall serve as chairs. The citizen members, senate members, and house of representatives members must select their respective chairs. The chair shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(e) Appointed legislative members shall serve on the commission for two-year terms, beginning in January of each odd-numbered year and continuing through the end of December of the next even-numbered year. Appointed citizen members shall serve four-year terms, beginning in January of the first year and continuing through the end of December of the final year. Citizen and legislative members continue to serve until their successors are appointed.

(f) A citizen member may be removed by an appointing authority for cause. Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled for the remainder of the term in the same manner under paragraphs (a) to (c).

(g) Citizen members are entitled to per diem and reimbursement for expenses incurred in the services of the commission, as provided in section 15.059, subdivision 3, except that a citizen member may be compensated at the rate of up to \$125 a day.

(h) The governor's appointments are subject to the advice and consent of the senate.

Sec. 71. Minnesota Statutes 2020, section 171.07, is amended by adding a subdivision to read:

Subd. 20. Watercraft operator's permit. (a) The department must maintain in its records information transmitted electronically from the commissioner of natural resources identifying each person to whom the commissioner of natural resources has issued a watercraft operator's permit. The records transmitted from the Department of Natural Resources must contain the full name and date of birth as required for the driver's license or identification card. Records that are not matched to a driver's license or identification card record may be deleted after seven years.

(b) After receiving information under paragraph (a) that a person has received a watercraft operator's permit, the department must include on all drivers' licenses or Minnesota identification cards subsequently issued to the person a graphic or written indication that the person has received the permit.

(c) If a person who has received a watercraft operator's permit applies for a driver's license or Minnesota identification card before that information has been transmitted to the department, the department may accept a copy of the certificate as proof of its issuance and must then follow the procedures in paragraph (b).

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 72. Minnesota Statutes 2020, section 282.08, is amended to read:

282.08 APPORTIONMENT OF PROCEEDS TO TAXING DISTRICTS.

The net proceeds from the sale or rental of any parcel of forfeited land, or from the sale of products from the forfeited land, must be apportioned by the county auditor to the taxing districts interested in the land, as follows:

(1) the portion required to pay any amounts included in the appraised value under section 282.01, subdivision 3, as representing increased value due to any public improvement made after forfeiture of the parcel to the state, but not exceeding the amount certified by the appropriate governmental authority must be apportioned to the governmental subdivision entitled to it;

(2) the portion required to pay any amount included in the appraised value under section 282.019, subdivision 5, representing increased value due to response actions taken after forfeiture of the parcel to the state, but not exceeding the amount of expenses certified by the Pollution Control Agency or the commissioner of agriculture, must be apportioned to the agency or the commissioner of agriculture and deposited in the fund from which the expenses were paid;

(3) the portion of the remainder required to discharge any special assessment chargeable against the parcel for drainage or other purpose whether due or deferred at the time of forfeiture, must be apportioned to the governmental subdivision entitled to it; and

(4) any balance must be apportioned as follows:

(i) The county board may annually by resolution set aside no more than 30 percent of the receipts remaining to be used for forest development on tax-forfeited land and dedicated memorial forests, to be expended under the supervision of the county board. It must be expended only on projects improving the health and management of the forest resource.

(ii) The county board may annually by resolution set aside no more than 20 percent of the receipts remaining to be used for the acquisition and maintenance of county parks or recreational areas as defined in sections 398.31 to 398.36, to be expended under the supervision of the county board.

(iii) The county board may by resolution set aside up to 100 percent of the receipts remaining to be used:

(1) according to section 282.09, subdivision 2;

(2) for remediating contamination at tax-forfeited properties; or

(3) for correcting blighted conditions at tax-forfeited properties.

An election made under this item is effective for a minimum of five years, unless the county board specifies a shorter duration.

(iv) Any balance remaining must be apportioned as follows: county, 40 percent; town or city, 20 percent; and school district, 40 percent, provided, however, that in unorganized territory that portion which would have accrued to the township must be administered by the county board of commissioners.

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

Sec. 73. Minnesota Statutes 2020, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of management and budget shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit in the state treasury the revenues collected under section 297A.64, subdivision 1, including interest and penalties and minus refunds, and credit them to the highway user tax distribution fund.

(e) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the estimated revenues derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The commissioner shall estimate the amount of sales tax revenue deposited under this paragraph based on the amount of revenue deposited under paragraph (d).

(g) Starting after July 1, 2017, the commissioner shall deposit an amount of the remittances monthly into the state treasury and credit them to the highway user tax distribution fund as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair parts in that month. For the remittances between July 1, 2017, and June 30, 2019, the monthly deposit amount is \$2,628,000. For remittances in each subsequent fiscal year, the monthly deposit amount is \$12,137,000. For purposes of this paragraph, "motor vehicle" has the meaning given

in section 297B.01, subdivision 11, and "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.

(h) ~~72.43~~ 97 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.

(j) The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

(1) 25 percent to the volunteer fire assistance grant account established under section 88.068;

(2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and

(3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under Laws 2017, First Special Session chapter 1, article 3, section 39.

(k) The revenues deposited under paragraphs (a) to (j) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

Sec. 74. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS; PROHIBITION.**

Subdivision 1. **Definitions.** For purposes of this section, "covered product" means any of the following products or product components:

- (1) jewelry;
- (2) toys;
- (3) cosmetics and personal care products;
- (4) puzzles, board games, card games, and similar games;
- (5) play sets and play structures;
- (6) outdoor games;
- (7) school supplies;
- (8) pots and pans;
- (9) cups, bowls, and other food containers;
- (10) craft supplies and jewelry-making supplies;
- (11) chalk, crayons, paints, and other art supplies;
- (12) fidget spinners;
- (13) costumes, costume accessories, and children's and seasonal party supplies;
- (14) keys, key chains, and key rings; and
- (15) clothing, footwear, headwear, and accessories.

Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or distribute or offer for use in this state any covered product containing:

- (1) lead at more than 0.009 percent by total weight (90 parts per million); or
- (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

(b) This section does not apply to covered products containing lead or cadmium, or both, when regulation is preempted by federal law.

Subd. 3. **Enforcement.** The commissioners of the Pollution Control Agency, commerce, and health may coordinate in enforcing this section. The commissioner of the Pollution Control Agency or commerce may, with the attorney general, enforce any federal restrictions on the sale of products containing lead or cadmium, or both, as allowed under federal law. The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner of commerce may enforce this section under section 45.027, subdivisions 1 to 6, 325F.10 to 325F.12, and 325F.14 to 325F.16. The attorney general may enforce this section under section 8.31.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 75. Minnesota Statutes 2020, section 394.36, subdivision 4, is amended to read:

Subd. 4. Nonconformities; certain classes of property. This subdivision applies to homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body. A county may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.

Sec. 76. Minnesota Statutes 2020, section 473.121, is amended by adding a subdivision to read:

Subd. 37. **Community water system.** "Community water system" has the meaning given in United States Code, title 42, section 300f(15).

Sec. 77. Minnesota Statutes 2020, section 473.121, is amended by adding a subdivision to read:

Subd. 38. **Lead service line.** "Lead service line" means a water supply connection that is made of or lined with a material consisting of lead and that connects a water main to a building. A lead pigtail, lead gooseneck, or other lead fitting is considered a lead service line, regardless of the composition of the service line or other portions of piping to which the piece is attached. A galvanized service line is considered a lead service line.

Sec. 78. Minnesota Statutes 2020, section 473.121, is amended by adding a subdivision to read:

Subd. 39. **Service line.** "Service line" means any piping, tubing, or fitting connecting a water main to a building. Service line includes the property owner side and the system side of a service line.

Sec. 79. Minnesota Statutes 2020, section 473.121, is amended by adding a subdivision to read:

Subd. 40. **System side.** "System side" means the portion of a service line that is owned by a community water system.

Sec. 80. **PERSON WITH A DISABILITY; RULEMAKING.**

(a) The commissioner of natural resources must amend Minnesota Rules, part 6230.0250, subpart 10, item A, subitem (2), by changing the word "hunter" to "person."

(b) The commissioner may use the good-cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 81. **COMMUNITY AIR MONITORING SYSTEM PILOT GRANT PROGRAM.**

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

(b) "Agency" means the Minnesota Pollution Control Agency.

(c) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

(d) "Community air monitoring system" means a system of devices monitoring ambient air quality at many locations within a small geographic area that is subject to air pollution from a variety of stationary and mobile sources in order to obtain frequent measurements of pollution levels, to detect differences in exposure to pollution over distances no larger than a city block, and to identify areas where pollution levels are inordinately elevated.

(e) "Environmental justice area" has the meaning given in Minnesota Statutes, section 116.06, subdivision 10b.

(f) "Nonprofit organization" means an organization that is exempt from taxation under section 501(c)(3) of the Internal revenue Code.

Subd. 2. **Establishment of program.** A community air monitoring system pilot grant program is established in the Pollution Control Agency to measure air pollution levels at many locations within an environmental justice area in Minneapolis.

Subd. 3. **Eligible applicants.** Grants under this section may be awarded to applicants consisting of a partnership between a nonprofit organization located in an environmental justice area in which the community air monitoring system is to be deployed and an entity that has experience deploying, operating, and interpreting data from air monitoring systems.

Subd. 4. **Eligible projects.** Grants may be awarded under this section to applicants whose proposals:

(1) use a variety of air monitoring technologies approved for use by the commissioner, including but not limited to stationary monitors, sensor-based handheld devices, and mobile devices that can be attached to vehicles or drones to measure air pollution levels;

(2) obtain data at fixed locations and from handheld monitoring devices that are carried by residents of the community on designated walking routes in the targeted community and that can provide high-frequency measurements; and

(3) use the monitoring data to generate maps of pollution levels throughout the monitored area.

Subd. 5. **Eligible expenditures.** Grants may be used only for the following activities:

(1) planning the configuration and deployment of the community air monitoring system;

(2) purchasing and installing air monitoring devices as part of the community air monitoring system;

(3) training and paying persons who operate stationary, handheld, and mobile devices to measure air pollution;

(4) developing data and mapping systems to analyze, organize, and present the air monitoring data collected; and

(5) writing a final report on the project according to subdivision 9.

Subd. 6. **Air monitoring technologies; commissioner approval.** The commissioner must approve air monitoring technologies proposed to be used in a project awarded a grant under this section. Approved air monitoring technologies must meet a reasonable level of accuracy and consistency.

Subd. 7. **Application and grant award process.** An eligible applicant must submit an application to the commissioner on a form prescribed by the commissioner. The commissioner must develop administrative procedures governing the application and grant award process. The commissioner must act as fiscal agent for the grant program and is responsible for receiving and reviewing grant applications and awarding grants under this section.

Subd. 8. **Grant awards; priorities.** In awarding grants under this section, the commissioner must give priority to proposed projects that:

(1) take place in areas with high rates of illness associated with exposure to air pollution, including asthma, chronic obstructive pulmonary disease, heart disease, chronic bronchitis, and cancer;

(2) promote public access to and transparency of air monitoring data developed through the project; and

(3) conduct outreach activities to promote community awareness of and engagement with the project.

Subd. 9. **Report to agency.** No later than 90 days after a project ends, the grantee must submit a written report to the commissioner describing the project's findings and results, and any recommendations for agency actions, programs, or activities to reduce levels of air pollution measured by the community air monitoring system. The grantee must also forward to the commissioner all air monitoring data developed by the project.

Subd. 10. **Report to legislature.** No later than January 15, 2024, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with primary jurisdiction over environment policy and finance on the results of the grant program, including:

(1) any changes in the agency's air monitoring network that will occur as a result of data developed under the program;

(2) any actions the agency has taken or proposes to take to reduce levels of pollution that impact the environmental justice areas that received grants under the program; and

(3) any recommendations for legislation, including whether the program should be extended or expanded.

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

Sec. 82. **RULEMAKING; AIR TOXICS EMISSIONS.**

Subdivision 1. **Definitions.** For the purposes of this section:

(1) "agency" means the Minnesota Pollution Control Agency;

(2) "air toxic" has the meaning given under section 116.062;

(3) "commissioner" has the meaning given in Minnesota Statutes, section 116.06, subdivision 6a;

(4) "continuous emission monitoring system" has the meaning given in Minnesota Rules, part 7017.1002, subpart 4;

(5) "environmental justice area" has the meaning given in Minnesota Statutes, section 116.06, subdivision 10b;

(6) "performance test" has the meaning given in Minnesota Rules, part 7017.2005, subpart 4; and

(7) "volatile organic compound" means any compound of carbon that participates in atmospheric photochemical reactions, except for carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

Subd. 2. **Rulemaking required.** No later than January 15, 2023, the commissioner of the Pollution Control Agency must initiate rulemaking under Minnesota Statutes, chapter 14, to regulate air toxics emissions by providing notice of a rulemaking hearing according to Minnesota Statutes, section 14.14, subdivision 1a.

Subd. 3. **Content of rules.** (a) The rules required under subdivision 2 must address, at a minimum, the following issues:

(1) the specific air toxics to be regulated, including, at a minimum, those defined in section 116.062;

(2) the types of facilities to be regulated, including, at a minimum, facilities that have been issued an air quality permit by the commissioner and:

(i) emit air toxics, whether or not the emissions are limited in a permit; or

(ii) purchase or use material containing volatile organic compounds;

(3) performance tests conducted by facilities to measure the volume of air toxics emissions and testing methods, procedures, protocols, and frequency;

(4) required air monitoring, including using continuous emission monitoring systems for certain facilities;

(5) requirements for reporting information to the agency to assist the agency in determining the volume of the facility's air toxics emissions and the facility's compliance with emission limits in the facility's permit;

(6) record keeping related to air toxics emissions; and

(7) frequency of facility inspections and inspection activities that provide information about air toxics emissions.

(b) In developing rules, the commissioner must establish testing, monitoring, reporting, record-keeping, and inspection requirements for facilities that reflect:

(1) the different risks to human health and the environment posed by the specific air toxics and volumes emitted by a facility, such that facilities posing greater risks are required to more frequently conduct performance tests and air monitoring, receive inspections, and report to the agency;

(2) the facility's record of compliance with air toxics emission limits and other permit conditions; and

(3) any exposure of residents of an environmental justice area to the facility's air toxics emissions.

(c) The rules developed under this section must specify that the commissioner, in developing air toxics emission limits for a specific facility, must consider the additive nature of risk posed by exposure to all the air toxics emitted by the facility.

Subd. 4. **Modifying permits.** After adopting the rules required in subdivision 2, the commissioner must incorporate air toxics emission limits to conform with the rule changes in existing air quality permits that:

(1) contain emission limits for air toxics; or

(2) do not contain emission limits for air toxics but are held by facilities that emit air toxics.

Subd. 5. **Relation to federal law.** The commissioner must implement this section consistent with federal law and to the fullest extent allowed by federal law. Nothing in this section may be construed to conflict with federal law.

Subd. 6. **Rulemaking cost.** The commissioner must collect the agency's costs to adopt rules required under this section and to conduct regulatory activities required as a result of the adopted rules through the annual fee paid by owners or operators of facilities required to obtain air quality permits from the agency, as required under Minnesota Statutes, section 116.07, subdivision 4d, paragraph (b).

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

Sec. 83. **PIG'S EYE AREA TASK FORCE.**

Subdivision 1. **Pig's Eye Area Task Force.** The commissioner of the Pollution Control Agency must establish a Pig's Eye Area Task Force to coordinate efforts to remediate and restore the Pig's Eye Landfill Superfund site, including adjacent contaminated sites, to address contaminated groundwater, surface water, and sediments. Contaminants to evaluate include but are not limited to perfluoroalkyl and polyfluoroalkyl substances (PFAS) within Battle Creek, Pig's Eye Lake, and nearby groundwater. The task force is subject to Minnesota Statutes, section 15.059, subdivision 6.

Subd. 2. **Membership.** The task force must consist of:

(1) the commissioner of the Pollution Control Agency or a designee;

(2) the commissioner of natural resources or a designee;

(3) the commissioner of health or a designee;

(4) a representative from the Metropolitan Council;

(5) a representative from the United States Army Corps of Engineers;

- (6) a representative from the United States Coast Guard;
- (7) a representative from the federal Environmental Protection Agency;
- (8) a representative from the National Park Service;
- (9) a representative from the United States Fish and Wildlife Service;
- (10) a representative from the Ramsey-Washington Metro Watershed District;
- (11) one representative from each of the following local governments:
 - (i) Newport;
 - (ii) St. Paul;
 - (iii) South St. Paul;
 - (iv) Dakota County;
 - (v) Ramsey County; and
 - (vi) Washington County; and
- (12) three members of the public.

Subd. 3. **Organization.** (a) By January 15, 2023, the commissioner or the commissioner's designee must convene the first meeting of the task force.

(b) The task force must meet monthly or as determined by the chair. Meetings of the task force must be open to the public.

(c) The members of the task force must annually elect a chair, vice chair, and other officers as the members deem necessary.

Subd. 4. **Staff.** The commissioner of the Pollution Control Agency must provide support staff, office space, and administrative services for the task force.

Subd. 5. **Reports.** Beginning in 2024, by February 15 each year, the commissioner of the Pollution Control Agency must submit an annual report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources on the status of the task force's work. The final report, due February 15, 2026, must:

- (1) summarize the history of the Pig's Eye Landfill, including cleanup efforts and impacts;
- (2) include a coordinated plan to:
 - (i) clean up and remediate the contamination;
 - (ii) restore and enhance wildlife habitat;
 - (iii) prevent future water contamination; and

(iv) address existing water quality issues;

(3) identify infrastructure needs;

(4) identify potential funding sources; and

(5) include any recommendations for legislative action.

Subd. 6. **Sunset.** The task force expires June 30, 2026.

Sec. 84. **TURTLE SELLER'S LICENSES; TRANSFER AND RENEWAL.**

The commissioner of natural resources must not renew or transfer a turtle seller's license after the effective date of this section.

Sec. 85. **SEED DISPOSAL RULEMAKING REQUIRED.**

The commissioner of the Pollution Control Agency, in consultation with the commissioner of agriculture and the University of Minnesota, must adopt rules under Minnesota Statutes, chapter 14, providing for the safe and lawful disposal of unwanted or unused seed treated with neonicotinoid pesticide. The rules must clearly identify the regulatory jurisdiction of state agencies and local governments with regard to such seed.

Sec. 86. **DESIGNATED SWAN RESTING AREAS.**

Subdivision 1. **Swan resting areas.** The commissioner of natural resources may designate waters within Minnesota's swan migration corridor as swan resting areas.

Subd. 2. **Public notice and meeting.** (a) Before the commissioner designates or removes a designation of a swan resting area, public comment must be received and a public meeting must be held in the county where the largest portion of the water is located.

(b) At least 90 days before the public meeting, notice of the proposed designation or removal of the designation must be posted at publicly maintained access points on the water.

(c) Before the public meeting, notice of the meeting must be published in a news release issued by the commissioner and in a newspaper of general circulation in the area where the proposed swan resting area is located. The notice must be published at least once between 30 and 60 days before the meeting and at least once between seven and 30 days before the meeting.

(d) The notices required in this subdivision must summarize the proposed action, invite public comment, and specify a deadline for receiving public comments. The commissioner must send each required notice to persons who have registered their names with the commissioner for this purpose. The commissioner must consider any public comments received in making a final decision.

Subd. 3. **Using lead sinkers.** A person may not use lead sinkers on a water designated by the commissioner as a swan resting area under subdivision 1. The commissioner must maintain a list of swan resting areas and information on the lead sinker restrictions on the department's website and in any summary of fishing regulations required under Minnesota Statutes, section 97A.051.

Subd. 4. **Report.** By January 15, 2025, the commissioner of natural resources must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment and natural resources on the implementation of this section and any recommendations.

Subd. 5. **Sunset.** This section expires January 1, 2026.

Sec. 87. SWAN RESTITUTION VALUES; RULE AMENDMENTS.

(a) The commissioner of natural resources must amend Minnesota Rules, part 6133.0030, to increase the restitution value of a tundra swan from \$200 to \$1,000 and the restitution value of a trumpeter swan from \$1,000 to \$2,500.

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 88. FEEDLOT FINANCIAL ASSURANCE REQUIREMENTS COMPLIANCE SCHEDULE.

The commissioner of the Pollution Control Agency may phase in the new financial assurance requirements under Minnesota Statutes, section 116.07, subdivision 7f, during the next reissuance of the National Pollutant Discharge Elimination System General Permit for Concentrated Animal Feeding Operations, MNG440000. The commissioner of the Pollution Control Agency must establish a schedule for permittees to come into compliance with the requirements. The schedule must require 250 permittees per year to comply starting with the operations with the largest number of animal units.

Sec. 89. MANURE STORAGE AREA REPORTS REQUIRED.

(a) No later than December 15, 2022, the commissioner of the Pollution Control Agency must develop a list based on registration data for each county of potentially abandoned manure storage areas.

(b) No later than January 15, 2024, each delegated county must report to the commissioner of the Pollution Control Agency a list of abandoned manure storage areas located in the county. The report must be submitted by the county feedlot officer.

(c) No later than January 15, 2024, the Pollution Control Agency regional feedlot staff must compile a list of abandoned manure storage areas located in counties under their regulatory jurisdiction that do not have delegation agreements with the agency.

(d) No later than February 15, 2024, the commissioner of the Pollution Control Agency must submit a compilation report and list of abandoned manure storage areas to the legislative committees with jurisdiction over agriculture and environment. The report must include recommendations for remediation. The commissioner must seek advice from the Minnesota Association of County Feedlot Officers and livestock associations for recommendations, including existing and any proposed options for remediation.

(e) For purposes of this section, "abandoned manure storage areas" has the meaning given in Minnesota Statutes, section 116.07, subdivision 7g.

(f) Reports and lists required under this section are not feedlot inventories for purposes of Minnesota Statutes, section 116.07, subdivision 7b.

Sec. 90. **PETROLEUM TANK RELEASE CLEANUP; REPORT TO LEGISLATURE.**

The commissioner of the Pollution Control Agency must perform the duties under clauses (1) to (5) with respect to the petroleum tank release cleanup program governed by Minnesota Statutes, chapter 115C, and must, no later than January 15, 2023, report the results to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over environment policy and finance. The report must include any recommendations for legislation. The commissioner must:

(1) explicitly define the conditions that must be present in order for the commissioner to classify a site as posing a low potential risk to public health and the environment and ensure that all agency staff use the definition in assessing potential risks. In determining the conditions that indicate that a site poses a low risk, the commissioner must consider the biodegradable nature of the petroleum contaminants found at the site and relevant site conditions, including but not limited to the nature of groundwater flow, soil type, and proximity of features at or near the site that could potentially become contaminated;

(2) develop guidelines to incorporate consideration of potential future uses of a contaminated property into all agency staff decisions regarding site remediation;

(3) develop measurable objectives that allow the quality of the agency's performance in remediating petroleum-contaminated properties to be evaluated and conduct such evaluations periodically;

(4) in collaboration with the Petroleum Tank Release Compensation Board and the commissioner of commerce, examine whether and how to establish technical qualifications for consultants hired to remediate petroleum-contaminated properties as a strategy to improve the quality of remediation work, and how agencies can share information on consultant performance; and

(5) in collaboration with the commissioner of commerce, make consultants who remediate petroleum-contaminated sites more accountable for the quality of their work by:

(i) developing a formal system of measures and procedures by which to evaluate the work; and

(ii) sharing evaluations with the commissioner of commerce and with responsible parties.

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

Sec. 91. **CARPET STEWARDSHIP PROGRAM; REPORT.**

Subdivision 1. **Carpet stewardship program plan.** The commissioner of the Pollution Control Agency must develop a plan for establishing a carpet stewardship program designed to reduce carpet-related waste generation by promoting the collection and recycling of discarded carpet. The plan must include:

(1) an organizational structure for the program, including roles for the state, carpet producers, retailers, collection site operators, and recyclers;

(2) a timeline for implementing the program;

(3) a fee structure that ensures the costs of the program are recovered, including recommendations for determining the amount, methods of collecting the fee, and how fee revenues will be managed;

(4) a plan for how discarded carpet will be collected and transported to recyclers in this state;

(5) strategies for improving education and training of retailers, carpet installers, and collection site operators to improve the recycling rates of carpet; and

(6) draft legislation necessary for implementing the plan.

Subd. 2. Task force; public engagement. (a) The commissioner must convene a task force to assist with developing the plan required under subdivision 1. The task force must include:

(1) one representative of a statewide association representing retailers;

(2) two representatives of producers;

(3) two representatives of recyclers;

(4) one representative of statewide associations representing waste disposal companies;

(5) one representative of an environmental organization;

(6) one representative of county or municipal waste management programs;

(7) two representatives of companies that use discarded carpet to manufacture products other than new carpet;

(8) one representative of carpet installers; and

(9) two members of the general public.

(b) Members of the task force must not be registered lobbyists.

(c) The commissioner must provide opportunities for the public to provide input on the program.

Subd. 3. Report. The commissioner must submit a report with the plan required under this section to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment by January 15, 2023.

Sec. 92. REPEALER.

(a) Minnesota Statutes 2020, section 97C.605, subdivisions 2, 2a, 2b, and 5, and Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, and 8, are repealed.

(b) Minnesota Statutes 2020, sections 325E.389; and 325E.3891, are repealed.

(c) Minnesota Statutes 2020, sections 86B.101; 86B.305; and 86B.313, subdivisions 2 and 3, are repealed.

EFFECTIVE DATE. Paragraph (b) is effective July 1, 2023. Paragraph (c) is effective July 1, 2024.

ARTICLE 3
FARMED CERVIDAE

Section 1. Minnesota Statutes 2020, section 13.643, subdivision 6, is amended to read:

Subd. 6. **Animal premises data.** (a) Except for farmed Cervidae premises location data collected and maintained under section 35.155, the following data collected and maintained by the Board of Animal Health related to registration and identification of premises and animals under chapter 35, are classified as private or nonpublic:

- (1) the names and addresses;
- (2) the location of the premises where animals are kept; and
- (3) the identification number of the premises or the animal.

(b) Except as provided in section 347.58, subdivision 5, data collected and maintained by the Board of Animal Health under sections 347.57 to 347.64 are classified as private or nonpublic.

(c) The Board of Animal Health may disclose data collected under paragraph (a) or (b) to any person, agency, or to the public if the board determines that the access will aid in the law enforcement process or the protection of public or animal health or safety.

Sec. 2. Minnesota Statutes 2020, section 35.155, subdivision 1, is amended to read:

Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed Cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify the commissioner of natural resources of the escape of farmed Cervidae if the farmed Cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed Cervidae that have left their enclosures if the person capturing the farmed Cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the commissioner of natural resources may destroy the escaped farmed Cervidae. The commissioner of natural resources must allow the owner to attempt to capture the escaped farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not captured by 24 hours after escape may be destroyed.

(d) A hunter licensed by the commissioner of natural resources under chapter 97A may kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner for the loss of the animal.

(e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of natural resources must be tested for chronic wasting disease at the owner's expense.

(f) The owner is responsible for proper disposal, as determined by the board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive for chronic wasting disease.

(g) An owner is liable for any additional costs associated with escaped farmed Cervidae that are infected with chronic wasting disease, including the cost of additional surveillance and capture caused by the escape. This paragraph may be enforced by the attorney general on behalf of any state agency affected.

EFFECTIVE DATE. This section is effective September 1, 2022.

Sec. 3. Minnesota Statutes 2020, section 35.155, subdivision 4, is amended to read:

Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent escape. Except as provided in subdivision 4a, all perimeter fences for farmed Cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed Cervidae ~~or~~ entry into the premises by free-roaming Cervidae, and physical contact between farmed Cervidae and free-roaming Cervidae. ~~After July 1, 2019,~~ All new fencing installed and all fencing used to repair deficiencies must be high tensile. ~~By December 1, 2019,~~ All entry areas for farmed Cervidae enclosure areas must have two redundant gates, which must be maintained to prevent the escape of animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner must repair the deficiency within ~~a reasonable time, as determined by the Board of Animal Health, not to exceed 45~~ 14 days. If a fence deficiency is detected during an inspection, the facility must be reinspected at least once in the subsequent three months. The farmed Cervidae owner must pay a reinspection fee equal to one-half the applicable annual inspection fee under subdivision 7a for each reinspection related to a fence violation. If the facility experiences more than one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.

EFFECTIVE DATE. This section is effective September 1, 2023.

Sec. 4. Minnesota Statutes 2020, section 35.155, is amended by adding a subdivision to read:

Subd. 4a. **Fencing; commercial herds.** In addition to the requirements in subdivision 4, commercially farmed white-tailed deer must be confined by two or more perimeter fences, with each perimeter fence at least 120 inches in height.

EFFECTIVE DATE. This section is effective September 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 35.155, subdivision 6, is amended to read:

Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by the Board of Animal Health. The identification must include a distinct number that has not been used during the previous three years and must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. Within 14 days of birth, white-tailed deer must be identified ~~before October 31 of the year in which the animal is born, at the time of weaning, or before movement from the premises, whichever occurs first~~ with an ear tag that adheres to the National Uniform Ear-Tagging System (NUES) or the Animal Identification Number (AIN) system. Elk and other cervids must be identified by December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first. As coordinated by the board, the commissioner of natural resources may destroy any animal that is not identified as required under this subdivision.

(b) The Board of Animal Health shall register farmed Cervidae. The owner must submit the registration request on forms provided by the board. The forms must include sales receipts or other documentation of the origin of the Cervidae. The board must provide copies of the registration information to the commissioner of natural resources upon request. The owner must keep written records of the acquisition and disposition of registered farmed Cervidae.

EFFECTIVE DATE. This section is effective September 1, 2023.

Sec. 6. Minnesota Statutes 2020, section 35.155, subdivision 10, is amended to read:

Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed Cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

(b) A person whose registration is revoked by the board is ineligible for future registration under this section unless the board determines that the person has undertaken measures that make future escapes extremely unlikely.

(c) The board must not allow new registrations under this section for possessing white-tailed deer. This paragraph does not prohibit a person holding a valid registration under this subdivision from selling or transferring the person's registration to a family member who resides in this state and is related to the person within the third degree of kindred according to the rules of civil law. A valid registration may be sold or transferred only once under this paragraph. Before the board approves a sale or transfer under this paragraph, the board must verify that the herd is free from chronic wasting disease and the person or eligible family member must pay a onetime transfer fee of \$500 to the board.

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

Sec. 7. Minnesota Statutes 2021 Supplement, section 35.155, subdivision 11, is amended to read:

Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (a) An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed Cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of the movement on forms approved by the Board of Animal Health. A person must not move farmed white-tailed deer from any premises to another location.

(c) All animals from farmed Cervidae herds that are over ~~12~~ six months of age that die or are slaughtered must be tested for chronic wasting disease.

(d) The owner of a premises where chronic wasting disease is detected must:

(1) allow and cooperate with inspections of the premises as determined by the Board of Animal Health and Department of Natural Resources conservation officers and wildlife managers;

~~(1)~~ (2) depopulate the premises of Cervidae after the federal indemnification process has been completed or, if an indemnification application is not submitted, within a reasonable time determined by the board in consultation with the commissioner of natural resources 30 days;

~~(2)~~ (3) maintain the fencing required under ~~subdivision~~ subdivisions 4 and 4a on the premises for ~~five~~ ten years after the date of detection; ~~and~~

~~(3)~~ (4) post the fencing on the premises with biohazard signs as directed by the board;

(5) not raise farmed Cervidae on the premises for at least ten years;

(6) before any sale or transfer of the premises, test the soil for evidence of chronic wasting disease using a method approved by the board and report the results to the board; and

(7) record with the county recorder or registrar of titles a notice, in the form required by the board, that includes the location and legal description of the premises, the date of detection, the date of depopulation, the landowner requirements under this paragraph, and any other information required by the board.

(e) An owner of farmed Cervidae that test positive for chronic wasting disease is responsible for proper disposal of the animals, as determined by the board.

Sec. 8. Minnesota Statutes 2020, section 35.155, subdivision 12, is amended to read:

Subd. 12. **Importation.** (a) A person must not import live Cervidae or Cervidae semen into the state from a herd that is:

(1) infected with or has been exposed to chronic wasting disease; or

(2) from a ~~known~~ state or province where chronic wasting disease endemic area, as determined by the board is present in farmed or wild Cervidae populations.

(b) A person may import live Cervidae or Cervidae semen into the state only from a herd that:

(1) is not ~~in a known~~ located in a state or province where chronic wasting disease endemic area, as determined by the board, is present in farmed or wild Cervidae populations; and ~~the herd~~

(2) has been subject to a ~~state or provincial approved~~ state- or provincial-approved chronic wasting disease monitoring program for at least three years.

(c) Cervidae or Cervidae semen imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

Sec. 9. **WHITE-TAILED DEER TESTING REQUIRED; CHRONIC WASTING DISEASE.**

Subdivision 1. **Live-animal testing.** No later than December 31, 2022, an owner of farmed white-tailed deer registered with the Board of Animal Health under Minnesota Statutes, section 35.155, must have each farmed white-tailed deer tested for chronic wasting disease using a real-time quaking-induced conversion (RT-QuIC) test and report the results to the Board of Animal Health in the form required by the board. If a white-tailed deer tests positive, the owner must have the animal tested a second time using an RT-QuIC test.

Subd. 2. **Postmortem testing.** If a farmed white-tailed deer tests positive twice under subdivision 1, the owner must have the animal destroyed and tested for chronic wasting disease using a postmortem test approved by the Board of Animal Health.

Subd. 3. **Herd depopulation.** If a farmed white-tailed deer tests positive for chronic wasting disease under subdivision 2, the owner must depopulate the premises of farmed Cervidae as required under Minnesota Statutes, section 35.155.

Sec. 10. **TRANSFER OF DUTIES; FARMED CERVIDAE.**

(a) Except as provided in paragraph (b), the responsibilities for administering and enforcing the statutes and rules listed in clauses (1) and (2) are transferred pursuant to Minnesota Statutes, section 15.039, from the Board of Animal Health to the commissioner of natural resources:

(1) Minnesota Statutes, sections 35.153 and 35.155; and

(2) Minnesota Rules, parts 1721.0370 to 1721.0420.

(b) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of personnel will not take place. The commissioner of natural resources may contract with the Board of Animal Health for any veterinary services required to administer this program.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 11. **REVISOR INSTRUCTION.**

The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 10. The revisor must also change the responsible agency, remove obsolete language, and make necessary cross-reference changes consistent with section 10 and the renumbering.

ARTICLE 4
POLLUTION CONTROL; PFAS

Section 1. **[116.943] PFAS IN CARPETS AND TEXTILES.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

- (1) "carpet or rug" means a fabric marketed or intended for use as a floor covering;
- (2) "fabric treatment" means a substance applied to fabric to give the fabric one or more characteristics, including but not limited to stain resistance or water resistance;
- (3) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom;
- (4) "upholstered furniture" means an article of furniture that is designed to be used for sitting, resting, or reclining and that is wholly or partly stuffed or filled with any filling material;
- (5) "textile" means an item made in whole or part from a natural or synthetic fiber, yarn, or fabric. Textile includes but is not limited to leather, cotton, silk, jute, hemp, wool, nylon, and polyester; and
- (6) "textile furnishings" means textile goods of a type customarily used in households and businesses, including but not limited to draperies, floor coverings, furnishings, beddings, towels, and tablecloths.

Subd. 2. **Prohibition.** (a) A person must not manufacture, sell, offer to sell, or distribute for sale in the state any of the following that contains perfluoroalkyl and polyfluoroalkyl substances:

- (1) a carpet or rug;
 - (2) a fabric treatment;
 - (3) upholstered furniture; or
 - (4) textile furnishings.
- (b) This subdivision does not apply to sale or resale of used products.

Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner of the Pollution Control Agency, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 2. **[116.944] PFAS IN COOKWARE.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "cookware" means durable houseware items that are used in homes and restaurants to prepare, dispense, or store food, foodstuffs, or beverages. Cookware includes pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils; and

(2) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Subd. 2. **Prohibition.** (a) A person must not manufacture, distribute, sell, or offer for sale in the state any cookware that contains perfluoroalkyl and polyfluoroalkyl substances.

(b) This subdivision does not apply to the sale or resale of used products.

Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner of the Pollution Control Agency, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 3. **[116.945] PFAS IN COSMETICS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "cosmetic product" means an article intended to be applied to the human body for cleansing, beautifying, promoting attractiveness, or altering appearance. Cosmetic product does not include a product for which a prescription is required for distribution or dispensing; and

(2) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Subd. 2. **Prohibition.** A person must not manufacture, distribute, sell, or offer for sale in the state any cosmetic product that contains perfluoroalkyl and polyfluoroalkyl substances.

Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner of the Pollution Control Agency, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 4. **[116.946] PFAS IN JUVENILE PRODUCTS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "adult mattress" means a mattress other than a crib mattress or toddler mattress;

(2) "juvenile product" means a product designed or marketed for use by infants and children under 12 years of age:

(i) including but not limited to a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; child restraint system for use in motor vehicles and aircraft; co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad, or pillow; portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable crib; stroller; and toddler mattress; and

(ii) not including a children's electronic product such as a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord; a medical device; or an adult mattress;

(3) "medical device" has the meaning given "device" under United States Code, title 21, section 321, subsection (h); and

(4) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Subd. 2. **Prohibition.** (a) A person must not manufacture, sell, offer for sale, or distribute in commerce in the state any new juvenile product that contains perfluoroalkyl and polyfluoroalkyl substances.

(b) This subdivision does not apply to sale or resale of used juvenile products.

Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner of the Pollution Control Agency, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 5. **[116.947] PFAS IN SKI WAX.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom; and

(2) "ski wax" means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

Subd. 2. **Prohibition.** (a) A person must not manufacture, distribute, sell, or offer for sale in the state ski wax or a related tuning product that contains perfluoroalkyl and polyfluoroalkyl substances.

(b) This subdivision does not apply to the sale or resale of used products.

Subd. 3. **Enforcement.** (a) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072. The commissioner may coordinate with the commissioners of commerce and health in enforcing this section.

(b) When requested by the commissioner of the Pollution Control Agency, a person must furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 6. **[116.948] DISCLOSURE OF PFAS IN PRODUCTS.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "commissioner" means the commissioner of the Pollution Control Agency;

(2) "intentionally added PFAS" means PFAS that a manufacturer intentionally adds to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product;

(3) "manufacturer" means the person that manufactures a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States;

(4) "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom;

(5) "product" means an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including the product components, sold or distributed for personal, residential, commercial, or industrial use, including for use in making other products. Product does not mean used products offered for sale or resale; and

(6) "product component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

Subd. 2. **Notice required.** (a) Except as provided under subdivision 3 and rules adopted under subdivision 4, a manufacturer of a product for sale in the state that contains intentionally added PFAS must submit to the commissioner a written notice that includes:

(1) a brief description of the product;

(2) the function served by PFAS in the product, including in any product components;

(3) the amount of each of the PFAS, identified by its Chemical Abstracts Service Registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;

(4) the name and address of the manufacturer and the name, address, and telephone number of a contact person for the manufacturer; and

(5) any other information, as required by rule adopted by the commissioner, necessary to implement this section.

(b) This subdivision does not apply to the sale or resale of used products.

(c) For products containing intentionally added PFAS that are sold, offered for sale, or distributed in the state as of the effective date of this subdivision, a manufacturer must submit the notice required under paragraph (a) to the commissioner before April 1, 2025. For products containing intentionally added PFAS that are first sold, offered for sale, or distributed in the state after the effective date of this subdivision, a manufacturer must submit the notice required under paragraph (a) to the commissioner no later than 30 days before the initial sale, offer for sale, or distribution of the products in the state.

Subd. 3. **Commissioner's authority.** (a) The commissioner may waive all or part of the notice requirement under subdivision 2 if the commissioner determines that substantially equivalent information is already publicly available.

(b) The commissioner may enter into an agreement with one or more other states or political subdivisions of a state to collect notices and may accept notices to a shared system as meeting the notice requirement under subdivision 2.

(c) The commissioner may extend the deadline for a manufacturer to submit the notice under subdivision 2 if the commissioner determines that more time is needed by the manufacturer to comply.

Subd. 4. **Rulemaking.** The commissioner must adopt rules to implement this section. The rules:

(1) may prioritize products subject to subdivision 2 based on the products that, in the commissioner's judgment, are most likely to cause contamination of the state's land or water resources;

(2) may allow a manufacturer to supply the notice under subdivision 2 for a category or type of product rather than for each individual product;

(3) must require a manufacturer to update and revise the information required in the notice under subdivision 2 when there is a substantive change in the information; and

(4) notwithstanding section 16A.1283, may establish a fee to be paid by a manufacturer upon submitting the notice under subdivision 2 to cover the commissioner's reasonable costs in developing rules to implement this section. The fees may be based on the volume of PFAS, volume of sales, or type of PFAS.

EFFECTIVE DATE. Subdivisions 1, 3, and 4 are effective the day following final enactment. Subdivision 2 is effective January 1, 2025.

Sec. 7. Minnesota Statutes 2020, section 325E.046, is amended to read:

325E.046 STANDARDS FOR LABELING PLASTIC BAGS, FOOD OR BEVERAGE PRODUCTS, AND PACKAGING.

Subdivision 1. **"Biodegradable" label.** A manufacturer, distributor, or wholesaler may not sell or offer for sale and any other person may not knowingly sell or offer for sale in this state a plastic bag covered product labeled "biodegradable," "degradable," "decomposable," or any form of those terms, or in any way imply that the bag covered product will chemically decompose into innocuous elements in a reasonably short period of time in a

~~landfill, composting, or other terrestrial environment unless a scientifically based standard for biodegradability is developed and the bags are certified as meeting the standard. break down, fragment, degrade, biodegrade, or decompose in a landfill or other environment, unless an ASTM standard specification is adopted for the term claimed and the specification is approved by the legislature.~~

Subd. 2. **"Compostable" label.** (a) A manufacturer, distributor, or wholesaler ~~may not sell or offer for sale and any other person may not knowingly sell or offer for sale in this state a plastic bag covered product~~ labeled "compostable" unless, at the time of sale ~~or offer for sale~~, the ~~bag covered product~~:

~~(1) meets the ASTM Standard Specification for Compostable Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400).—Each bag must be labeled to reflect that it meets the standard. For purposes of this subdivision, "ASTM" has the meaning given in section 296A.01, subdivision 6., or its successor, or the ASTM Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868), or its successor, and the covered product is labeled to reflect that it meets the specification;~~

~~(2) is comprised of only wood without any coatings or additives; or~~

~~(3) is comprised of only paper without any coatings or additives.~~

~~(b) A covered product labeled "compostable" and meeting the criteria under paragraph (a) must be clearly and prominently labeled on the product, or on the product's smallest unit of sale, to reflect that it is intended for an industrial or commercial compost facility. The label required under this paragraph must be in a legible text size and font.~~

Subd. 2a. **Certification of compostable products.** ~~Beginning January 1, 2024, a manufacturer, distributor, or wholesaler may not sell or offer for sale and any other person may not knowingly sell or offer for sale in this state a covered product labeled as "compostable" unless the covered product is certified as meeting the requirements of subdivision 2 by an entity that:~~

~~(1) is a nonprofit corporation;~~

~~(2) as its primary focus of operation, promotes the production, use, and appropriate end of life for materials and products that are designed to fully biodegrade in specific biologically active environments such as industrial composting; and~~

~~(3) is technically capable of and willing to perform analysis necessary to determine a product's compliance with subdivision 2.~~

Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A ~~manufacturer, distributor, or wholesaler~~ person who violates ~~subdivision 1 or 2~~ this section is subject to a civil ~~or administrative~~ penalty of \$100 for each prepackaged saleable unit ~~sold or~~ offered for sale up to a maximum of \$5,000 and may be enjoined from those violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in this subdivision. The attorney general may accept an assurance of discontinuance of acts in violation of ~~subdivision 1 or 2~~ this section in the manner provided in section 8.31, subdivision 2b.

(c) The commissioner of the Pollution Control Agency may enforce this section under sections 115.071 and 116.072.

(d) When requested by the attorney general or the commissioner of the Pollution Control Agency, a person selling or offering for sale a covered product labeled as "compostable" must furnish to the attorney general or the commissioner any information that the person may have or may reasonably obtain that is relevant to show compliance with this section.

Subd. 4. **Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "ASTM" has the meaning given in section 296A.01, subdivision 6;

(2) "covered product" means a bag, food or beverage product, or packaging;

(3) "food or beverage product" means a product that is used to wrap, package, contain, serve, store, prepare, or consume a food or beverage, such as plates, bowls, cups, lids, trays, straws, utensils, and hinged or lidded containers; and

(4) "packaging" has the meaning given in section 115A.03, subdivision 22b.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 8. Minnesota Statutes 2020, section 325F.072, subdivision 1, is amended to read:

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

(b) "Class B firefighting foam" means foam designed for flammable liquid fires to prevent or extinguish a fire in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases.

(c) "PFAS chemicals" or "perfluoroalkyl and polyfluoroalkyl substances" means, for the purposes of firefighting agents, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and designed to be fully functional in class B firefighting foam formulations.

(d) "Political subdivision" means a county, city, town, or a metropolitan airports commission organized and existing under sections 473.601 to 473.679.

(e) "State agency" means an agency as defined in section 16B.01, subdivision 2.

(f) "Testing" means calibration testing, conformance testing, and fixed system testing.

Sec. 9. Minnesota Statutes 2020, section 325F.072, subdivision 3, is amended to read:

Subd. 3. **Prohibition of testing and training.** (a) Beginning July 1, 2020, No person, political subdivision, or state agency shall discharge class B firefighting foam that contains intentionally added manufacture or knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, and no person shall use in this state, class B firefighting foam containing PFAS chemicals.

(1) for testing purposes, unless the testing facility has implemented appropriate containment, treatment, and disposal measures to prevent releases of foam to the environment; or

(2) for training purposes, unless otherwise required by law, and with the condition that the training event has implemented appropriate containment, treatment, and disposal measures to prevent releases of foam to the environment. For training purposes, class B foam that contains intentionally added PFAS chemicals shall not be used.

~~(b) This section does not restrict:~~

~~(1) the manufacture, sale, or distribution of class B firefighting foam that contains intentionally added PFAS chemicals; or~~

~~(2) the discharge or other use of class B firefighting foams that contain intentionally added PFAS chemicals in emergency firefighting or fire prevention operations.~~

(b) This subdivision does not apply to the manufacture, sale, distribution, or use of class B firefighting foam for which the inclusion of PFAS chemicals is required by federal law, including but not limited to Code of Federal Regulations, title 14, section 139.317. If a federal requirement to include PFAS chemicals in class B firefighting foam is revoked after January 1, 2023, class B firefighting foam subject to the revoked requirements is no longer exempt under this paragraph effective one year following the day of revocation.

EFFECTIVE DATE. This section is effective January 1, 2023.

Sec. 10. **PFAS WATER QUALITY STANDARDS.**

The commissioner of the Pollution Control Agency must adopt rules establishing water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). The commissioner must adopt the rules establishing the PFOA and PFOS water quality standards by July 1, 2025, and Minnesota Statutes, section 14.125, does not apply.

Sec. 11. **HEALTH RISK LIMIT; PERFLUOROCTANE SULFONATE.**

By July 1, 2024, the commissioner of health must amend the health risk limit for perfluorooctane sulfonate (PFOS) in Minnesota Rules, part 4717.7860, subpart 15, so that the health risk limit does not exceed 0.015 parts per billion. In amending the health risk limit for PFOS, the commissioner must comply with Minnesota Statutes, section 144.0751, requiring a reasonable margin of safety to adequately protect the health of infants, children, and adults.

ARTICLE 5
STATE LANDS

Section 1. Minnesota Statutes 2021 Supplement, section 84.63, is amended to read:

84.63 CONVEYING INTERESTS IN LANDS TO STATE, FEDERAL, AND TRIBAL GOVERNMENTS.

(a) Notwithstanding any existing law to the contrary, the commissioner of natural resources is hereby authorized on behalf of the state to convey to the United States, to a federally recognized Indian Tribe, or to the state of Minnesota or any of its subdivisions, upon state-owned lands under the administration of the commissioner of natural resources, permanent or temporary easements for specified periods or otherwise for trails, highways, roads including limitation of right of access from the lands to adjacent highways and roads, flowage for development of fish and game resources, stream protection, flood control, and necessary appurtenances thereto, such conveyances to be made upon such terms and conditions including provision for reversion in the event of non-user as the commissioner of natural resources may determine.

(b) In addition to the fee for the market value of the easement, the commissioner of natural resources shall assess the applicant the following fees:

(1) an application fee of \$2,000 to cover reasonable costs for reviewing the application and preparing the easement; and

(2) a monitoring fee to cover the projected reasonable costs for monitoring the construction of the improvement for which the easement was conveyed and preparing special terms and conditions for the easement. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee.

(c) The applicant shall pay these fees to the commissioner of natural resources. The commissioner shall not issue the easement until the applicant has paid in full the application fee, the monitoring fee, and the market value payment for the easement.

(d) Upon completion of construction of the improvement for which the easement was conveyed, the commissioner shall refund the unobligated balance from the monitoring fee revenue. The commissioner shall not return the application fee, even if the application is withdrawn or denied.

(e) Money received under paragraph (b) must be deposited in the land management account in the natural resources fund and is appropriated to the commissioner of natural resources to cover the reasonable costs incurred for issuing and monitoring easements.

(f) A county or joint county regional railroad authority is exempt from all fees specified under this section for trail easements on state-owned land.

(g) In addition to fees specified in this section, the applicant must reimburse the state for costs incurred for cultural resources review, monitoring, or other services provided by the Minnesota Historical Society under contract with the commissioner of natural resources or the State Historic Preservation Office of the Department of Administration in connection with the easement application, preparing the easement terms, or constructing the trail, highway, road, or other improvements.

(h) Notwithstanding paragraphs (a) to (g), the commissioner of natural resources may elect to assume the application fee under paragraph (b), clause (1), and waive or assume some or all of the remaining fees and costs imposed under this section if the commissioner determines that issuing the easement will benefit the state's land management interests.

Sec. 2. Minnesota Statutes 2021 Supplement, section 84.631, is amended to read:

84.631 ROAD EASEMENTS ACROSS STATE LANDS.

(a) Except as provided in section 85.015, subdivision 1b, the commissioner of natural resources, on behalf of the state, may convey a road easement across state land under the commissioner's jurisdiction to a private person requesting an easement for access to property owned by the person only if the following requirements are met: (1) there are no reasonable alternatives to obtain access to the property; and (2) the exercise of the easement will not cause significant adverse environmental or natural resource management impacts.

(b) The commissioner shall:

- (1) require the applicant to pay the market value of the easement;
- (2) limit the easement term to 50 years if the road easement is across school trust land;
- (3) provide that the easement reverts to the state in the event of nonuse; and
- (4) impose other terms and conditions of use as necessary and appropriate under the circumstances.

(c) An applicant shall submit an application fee of \$2,000 with each application for a road easement across state land. The application fee is nonrefundable, even if the application is withdrawn or denied.

(d) In addition to the payment for the market value of the easement and the application fee, the commissioner of natural resources shall assess the applicant a monitoring fee to cover the projected reasonable costs for monitoring the construction of the road and preparing special terms and conditions for the easement. The commissioner must give the applicant an estimate of the monitoring fee before the applicant submits the fee. The applicant shall pay the application and monitoring fees to the commissioner of natural resources. The commissioner shall not issue the easement until the applicant has paid in full the application fee, the monitoring fee, and the market value payment for the easement.

(e) Upon completion of construction of the road, the commissioner shall refund the unobligated balance from the monitoring fee revenue.

(f) Fees collected under paragraphs (c) and (d) must be credited to the land management account in the natural resources fund and are appropriated to the commissioner of natural resources to cover the reasonable costs incurred under this section.

(g) In addition to fees specified in this section, the applicant must reimburse the state for costs incurred for cultural resources review, monitoring, or other services provided by the Minnesota Historical Society under contract with the commissioner of natural resources or the State Historic Preservation Office of the Department of Administration in connection with the easement application, preparing the easement terms, or constructing the road.

(h) Notwithstanding paragraphs (a) to (g), the commissioner of natural resources may elect to assume the application fee under paragraph (c) and waive or assume some or all of the remaining fees and costs imposed under this section if the commissioner determines that issuing the easement will benefit the state's land management interests.

Sec. 3. Minnesota Statutes 2020, section 84.632, is amended to read:

84.632 CONVEYANCE OF UNNEEDED STATE EASEMENTS.

(a) Notwithstanding section 92.45, the commissioner of natural resources may, in the name of the state, release all or part of an easement acquired by the state upon application of a landowner whose property is burdened with the easement if the easement is not needed for state purposes.

(b) All or part of an easement may be released by payment of the market value of the easement. The release must be in a form approved by the attorney general.

(c) Money received under paragraph (b) must be credited to the account from which money was expended for purchase of the easement. If there is no specific account, the money must be credited to the land acquisition account established in section 94.165.

(d) In addition to payment under paragraph (b), the commissioner of natural resources shall assess a landowner who applies for a release under this section an application fee of \$2,000 for reviewing the application and preparing the release of easement. The applicant shall pay the application fee to the commissioner of natural resources. The commissioner shall not issue the release of easement until the applicant has paid the application fee in full. The commissioner shall not return the application fee, even if the application is withdrawn or denied.

(e) Money received under paragraph (d) must be credited to the land management account in the natural resources fund and is appropriated to the commissioner of natural resources to cover the reasonable costs incurred under this section.

(f) Notwithstanding paragraphs (a) to (e), the commissioner of natural resources may elect to assume the application fee under paragraph (d) and waive or assume some or all of the remaining fees and costs imposed under this section if the commissioner determines that issuing the easement release will benefit the state's land management interests.

Sec. 4. Minnesota Statutes 2021 Supplement, section 92.502, is amended to read:

92.502 LEASING TAX-FORFEITED AND STATE LANDS.

(a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may enter a 30-year lease of tax-forfeited land for a wind energy project.

(b) The commissioner of natural resources may enter a 30-year lease of land administered by the commissioner for a wind energy project.

(c) The commissioner of natural resources may enter a 30-year lease of land administered by the commissioner for recreational trails ~~and~~ or facilities. The commissioner may assess the lease applicant a monitoring fee to cover the projected reasonable costs of monitoring construction of the recreational trail or facility and preparing special terms and conditions of the license to ensure proper construction. The commissioner must give the applicant an estimate of the monitoring fee before the applicant is required to submit the fee. Upon completion of construction of the trail or facility, the commissioner must refund the unobligated balance from the monitoring fee revenue.

(d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis Counties may enter into 30-year leases of tax-forfeited land for recreational trails and facilities.

Sec. 5. Minnesota Statutes 2020, section 282.04, subdivision 1, is amended to read:

Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor, with terms and conditions set by the county board, may sell timber upon any tract that may be approved by the natural resources commissioner. The sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at the public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until the time as the county board may withdraw the timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county contract administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited, provided the request and transfer is made within the same calendar year as the security was received.

(c) The county board may sell any timber, including biomass, as appraised or scaled. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale under paragraph (a), in which case the notice shall contain a description of the parcels, a statement of the estimated quantity of each species of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In those cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from the parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of the sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of the sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from the parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding 500 cords in appraised volume may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of a sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two of the sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private sale, and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private sale, at the prices and under the terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, or to use for facilities needed to recover iron-bearing oxides from tailings basins or stockpiles, or for a buffer

area needed for a mining operation, upon the conditions and for the consideration and for the period of time, not exceeding 25 years, as the county board may determine. The permits, licenses, or leases are subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat and for the production or removal of farm-grown closed-loop biomass as defined in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

(j) In lieu of any payment or deposit required in paragraph (b), as directed by the county board and under terms set by the county board, the county auditor may accept an irrevocable bank letter of credit in the amount equal to the amount otherwise determined in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written request of the purchaser, the county may periodically allow the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the county has received payment. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than 20 percent of the value of the timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the down payment required in paragraph (b), and no cutting of timber has taken place on the contract for which a letter of credit has been provided, the county may allow the transfer of the letter of credit to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited.

(k) As directed by the county board, the county auditor may lease tax-forfeited land under the terms and conditions prescribed by the county board for the purposes of investigating, analyzing, and developing conservation easements that provide ecosystem services.

Sec. 6. Minnesota Statutes 2020, section 282.04, is amended by adding a subdivision to read:

Subd. 4b. **Conservation easements.** The county auditor, with prior review and consultation with the commissioner of natural resources and under the terms and conditions prescribed by the county board, including reversion in the event of nonuse, may convey conservation easements as defined in section 84C.01 on tax-forfeited land.

Sec. 7. **ADDITION TO STATE PARK.**

[85.012] [Subd. 27.] Myre-Big Island State Park, Freeborn County. The following area is added to Myre-Big Island State Park, Freeborn County: all that part of the Northeast Quarter of the Southeast Quarter of Section 11, Township 102 North, Range 21 West of the 5th principal meridian, lying South of the Chicago, Milwaukee, St. Paul and Pacific Railway, and subject to road easement on the easterly side thereof.

Sec. 8. **DELETION FROM STATE FOREST.**

[89.021] [Subd. 13.] Cloquet Valley State Forest. The following areas are deleted from Cloquet Valley State Forest:

(1) those parts of St. Louis County in Township 52 North, Range 16 West, described as follows:

(i) Government Lots 1, 2, 3, 4, and 5 and the Southeast Quarter of the Southeast Quarter, Northeast Quarter of the Southwest Quarter, and Southwest Quarter of the Southwest Quarter, Section 21;

(ii) Government Lots 2, 3, 4, 5, 6, 7, 8, 9, and 10 and the Northeast Quarter of the Northwest Quarter and Northwest Quarter of the Northwest Quarter, Section 22;

(iii) Government Lot 3, Section 23;

(iv) Government Lot 2, Section 24;

(v) Government Lots 1, 4, 5, 6, 7, 8, 9, and 10, Section 25;

(vi) Government Lot 1, Section 26;

(vii) Government Lots 2 and 7, Section 26;

(viii) Government Lots 3 and 4, Section 27, reserving unto grantor and grantor's successors and assigns a 66-foot-wide access road easement across said Government Lot 3 for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned land that may be sold, assigned, or transferred in Government Lot 1, Section 27, said access road being measured 33 feet from each side of the centerline of that road that is presently existing at various widths and running in a generally southwesterly-northeasterly direction;

(ix) Government Lots 1 and 2, Section 28;

(x) Government Lots 1, 2, 3, and 5 and the Northeast Quarter of the Northeast Quarter and Southwest Quarter of the Northeast Quarter, Section 29;

(xi) Government Lots 1, 2, 3, and 4, Section 31, reserving unto grantor and grantor's successors and assigns a 66-foot-wide access road easement across said Government Lots 1, 2, and 3 for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned lands that may be sold, assigned, or transferred in Government Lot 4, Section 29, said access road being measured 33 feet from each side of the centerline of that road that is presently existing at various widths and running in a generally East-West direction and any future extensions thereof as may be reasonably necessary to provide the access contemplated herein;

(xii) Government Lots 5, 7, 8, and 9, Section 31;

(xiii) Government Lots 1 and 2, an undivided two-thirds interest in the Northeast Quarter of the Northwest Quarter, an undivided two-thirds interest in the Southeast Quarter of the Northwest Quarter, and an undivided two-thirds interest in the Southwest Quarter of the Northwest Quarter, Section 32, reserving unto grantor and grantor's successors and assigns an access road easement across the West 66 feet of the North 66 feet of said Government Lot 1 for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned land that may be sold, assigned, or transferred in Government Lot 4, Section 29; and

(xiv) the Northeast Quarter of the Northeast Quarter, Section 35;

(2) those parts of St. Louis County in Township 53 North, Range 13 West, described as follows:

(i) all that part of the Northwest Quarter of the Northwest Quarter lying North and West of the Little Cloquet River, Section 4;

(ii) Government Lots 1, 2, 3, 4, and 5 and the Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter, Southwest Quarter of the Northeast Quarter, Northeast Quarter of the Northwest Quarter, Southeast Quarter of the Northwest Quarter, Northeast Quarter of the Southwest Quarter, and Southwest Quarter of the Northwest Quarter, Section 5;

(iii) Government Lots 1, 2, and 4 and the Northwest Quarter of the Southeast Quarter, Southeast Quarter of the Southeast Quarter, Southwest Quarter of the Southeast Quarter, Southeast Quarter of the Southwest Quarter, and Southwest Quarter of the Southwest Quarter, Section 6;

(iv) Government Lots 1, 2, 3, 4, 5, 6, and 7 and the Northwest Quarter of the Northeast Quarter, Northeast Quarter of the Northwest Quarter, Northwest Quarter of the Northwest Quarter, Southeast Quarter of the Northwest Quarter, Southwest Quarter of the Northwest Quarter, Southeast Quarter of the Southeast Quarter, and Northeast Quarter of the Southwest Quarter, Section 7;

(v) Government Lots 1 and 2 and the Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter, Southeast Quarter of the Northeast Quarter, Southwest Quarter of the Northeast Quarter, Northeast Quarter of the Southwest Quarter, Northwest Quarter of the Southwest Quarter, and Southwest Quarter of the Southwest Quarter, Section 8; and

(vi) the Northeast Quarter of the Northwest Quarter, Northwest Quarter of the Northwest Quarter, Southeast Quarter of the Northwest Quarter, and Southwest Quarter of the Northwest Quarter, Section 17;

(3) those parts of St. Louis County in Township 54 North, Range 13 West, described as follows:

(i) Government Lots 1, 4, 5, 6, and 7, Section 20;

(ii) Government Lots 3, 4, 6, 7, and 8 and the Southeast Quarter of the Southwest Quarter, Section 21;

(iii) Government Lots 1, 2, 3, 4, 5, and 7, Section 29;

(iv) Government Lots 1, 2, 3, 4, 9, and 10, Section 30; and

(v) Government Lots 5, 6, and 7 and the Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter, Southwest Quarter of the Northeast Quarter, Southeast Quarter of the Northwest Quarter, and Northwest Quarter of the Southeast Quarter, Section 31;

(4) those parts of St. Louis County in Township 54 North, Range 16 West, described as follows:

(i) Government Lots 2, 3, and 4 and the Northwest Quarter of the Southwest Quarter, Southeast Quarter of the Northwest Quarter, Southeast Quarter of the Northeast Quarter, and Southwest Quarter of the Northeast Quarter, Section 1;

(ii) Government Lots 1, 2, 3, 4, 6, 7, and 8 and the Northwest Quarter of the Southeast Quarter, Northeast Quarter of the Southeast Quarter, Southwest Quarter of the Southeast Quarter, Southeast Quarter of the Southeast Quarter, Southeast Quarter of the Southwest Quarter, and Southeast Quarter of the Northeast Quarter, Section 2;

(iii) all that part of Government Lot 9 lying South of the Whiteface River and West of County Road 547, also known as Comstock Lake Road, Section 3; and

(iv) Government Lots 3 and 4 and the Southeast Quarter of the Northeast Quarter and Southwest Quarter of the Northeast Quarter, Section 10;

(5) those parts of St. Louis County in Township 55 North, Range 15 West, described as follows:

(i) Government Lots 1 and 2, Section 11;

(ii) Government Lot 9, except the Highway 4 right-of-way, Section 11;

(iii) Government Lot 10, except the Highway 4 right-of-way, Section 11;

(iv) Government Lots 2, 3, 4, 5, 6, and 7, Section 15;

(v) Government Lots 2, 3, 5, 6, 7, and 8 and the Northeast Quarter of the Southwest Quarter, Section 21;

(vi) the Southwest Quarter of the Northeast Quarter, reserving unto grantor and grantor's successors and assigns a 66-foot-wide access easement across said Southwest Quarter of the Northeast Quarter for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned land that may be sold, assigned, or transferred in Government Lot 4, Section 21, Township 55 North, Range 15 West, said access road being measured 33 feet on each side of the centerline of that road that is presently existing and known as the Whiteface Truck Trail, Section 21;

(vii) Government Lots 1, 2, and 3, Section 22;

(viii) Government Lots 1 and 2 and the Northeast Quarter of the Northwest Quarter, Section 28;

(ix) Government Lots 1, 4, 6, 8, and 9 and the Northeast Quarter of the Northeast Quarter, Northeast Quarter of the Southeast Quarter, and Northwest Quarter of the Southwest Quarter, Section 29;

(x) Government Lots 3 and 4 and the Northeast Quarter of the Southeast Quarter, Northeast Quarter of the Southwest Quarter, and Southeast Quarter of the Southwest Quarter, Section 30;

(xi) Government Lots 2, 3, 4, 5, 6, 8, 9, 10, and 11 and the Northeast Quarter of the Southwest Quarter, Section 31; and

(xii) Government Lot 1, Section 32; and

(6) those parts of St. Louis County in Township 55 North, Range 16 West, described as follows:

(i) the Southwest Quarter of the Southeast Quarter, reserving unto grantor and grantor's successors and assigns a 66-foot-wide access road easement across said Southwest Quarter of the Southeast Quarter for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned land that may be sold, assigned, or transferred in Government Lot 5, Section 1, Township 54 North, Range 16 West, Section 35; and

(ii) the Southeast Quarter of the Southeast Quarter, reserving unto grantor and grantor's successors and assigns a 66-foot-wide access road easement across said Southeast Quarter of the Southeast Quarter for the purpose of access to grantor's or grantor's successor's or assign's land and grantor's presently owned land that may be sold, assigned, or transferred in Government Lot 5, Section 1, Township 54 North, Range 16 West, Section 35.

Sec. 9. **ADDITION TO STATE FOREST.**

[89.021] [Subd. 42a.] Riverlands State Forest. Those parts of St. Louis County described as follows are added to Riverlands State Forest:

- (1) the Northwest Quarter of the Northwest Quarter, Section 16, Township 50 North, Range 17 West;
- (2) Government Lot 9, Section 26, Township 50 North, Range 17 West;
- (3) the Northeast Quarter of the Southeast Quarter, Section 30, Township 51 North, Range 19 West;
- (4) Government Lot 6, Section 22, Township 51 North, Range 20 West; and
- (5) Government Lot 9, Section 24, Township 52 North, Range 20 West.

Sec. 10. **PRIVATE SALE OF TAX-FORFEITED LAND; BELTRAMI COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Beltrami County may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is part of parcel number 45.00258.00 described as: that part of Government Lot 3, Section 31, Township 148 North, Range 31 West, Beltrami County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 31; thence North 89 degrees 46 minutes 25 seconds East, bearing based on the Beltrami County Coordinate System, South Zone, along the south line of said Section 31, a distance of 960.47 feet; thence North 01 degrees 00 minutes 40 seconds West a distance of 2,116.07 feet to the point of beginning of land to be described, said point designated by an iron pipe, 1/2 inch in diameter, stamped LS 15483; thence continue North 01 degree 00 minutes 40 seconds West a distance of 108.00 feet to a point designated by an iron pipe, 1/2 inch in diameter, stamped LS 15483; thence North 88 degrees 59 minutes 20 seconds East a distance of 60.00 feet to the intersection with the east line of said Government Lot 3; thence South 01 degree 00 minutes 40 seconds East, along said east line of Government Lot 3, a distance of 108.00 feet to the intersection with a line bearing North 88 degrees 59 minutes 20 seconds East from the point of beginning; thence South 88 degrees 59 seconds 20 minutes West, along said line, a distance of 60.00 feet to the point of beginning (0.15 acre).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 11. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Cass County and is described as:

(1) the West 970 feet of the Northeast Quarter of the Southwest Quarter of Section 32, Township 135 North, Range 29 West, Cass County, Minnesota, EXCEPT therefrom a rectangular piece in the southeast corner thereof 370 feet North and South by 420 feet East and West; and

(2) that part of Government Lot 6 of said Section 32, described as follows: beginning at the northwest corner of said Government Lot 6; thence East along the north line of said Government Lot 6 550 feet; thence South 30 degrees West 528 feet, more or less, to shoreline of Agate Lake; thence northwest along said shoreline of Agate Lake to the west line of said Government Lot 6; thence northerly along said west line 260 feet, more or less, to the point of beginning.

(d) The land borders Agate Lake and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 12. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; FILLMORE COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c), subject to the state's reservation of trout stream easements.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Fillmore County and is described as: the South 13 acres, except the East 2 acres thereof, of the Northwest Quarter of the Southeast Quarter, Section 21, Township 103, Range 10 West, Fillmore County, Minnesota, excepting therefrom the Harmony-Preston Valley State Trail corridor, formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company right-of-way.

(d) The land borders the Root River and Watson Creek and is not contiguous to other state lands. The Department of Natural Resources has determined that the land is not needed for natural resource purposes, provided that trout stream easements are reserved on the Root River and Watson Creek, and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 13. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; GOODHUE COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Goodhue County may convey to the city of Wanamingo for no consideration the tax-forfeited land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Wanamingo stops using the land for the public purpose described in paragraph (d). The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be conveyed is located in Goodhue County and is described as: That part of the Southeast Quarter of Section 30, Township 110 North, Range 16 West, Goodhue County, Minnesota, described as follows: Commencing at the northeast corner of Lot 7, Block 2, Axelson's Hillcrest Addition, according to the recorded plat thereof; thence South 89 degrees 48 minutes 15 seconds East (assuming that the east line of Axelson's Hillcrest Addition also being the west line of the Southeast Quarter of said Section 30, has a bearing of North 00 degrees 11

minutes 45 seconds East), a distance of 30.00 feet; thence North 00 degrees 11 minutes 45 seconds East, a distance of 342.00 feet to the point of beginning; thence South 89 degrees 48 minutes 15 seconds East, a distance of 60.00 feet; thence North 00 degrees 11 minutes 45 seconds East, a distance of 280.00 feet; thence South 89 degrees 48 minutes 15 seconds East, a distance of 60.00 feet; thence North 00 degrees 11 minutes 45 seconds East, a distance of 394 feet, more or less to the north line of the Southeast Quarter of said Section 30, thence westerly, along said north line, a distance of 150.00 feet, more or less, to the northwest corner of said Southeast Quarter; thence South 00 degrees 11 minutes 45 seconds West, along the west line of said Southeast Quarter, a distance of 674 feet, more or less, to an intersection with a line bearing North 89 degrees 48 minutes 15 seconds West from said point of beginning; thence South 89 degrees 48 minutes 15 seconds East, a distance of 30.00 feet to the point of beginning. EXCEPT that part of the above description now platted as Emerald Valley (parcel number 70.380.0710).

(d) The county has determined that the land is needed for a park trail extension.

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

Sec. 14. **PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; HENNEPIN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c) to a local unit of government for less than market value.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Hennepin County and is described as: all those parts of Government Lot 5, Section 35, Township 118, Range 23, lying northerly and northwesterly of East Long Lake Road, as it existed in 2021, easterly of a line drawn parallel with and distant 924.88 feet westerly of the east line of said Government Lot 5, and southerly of a line drawn westerly at a right angle to the east line of said Government Lot 5 from a point distant 620 feet South of the northeast corner of said Government Lot 5.

(d) The land borders Long Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to a local unit of government.

Sec. 15. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ITASCA COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Itasca County and is described as:

(1) the North 1,050.00 feet of Government Lot 1, Section 16, Township 55 North, Range 24 West of the fourth principal meridian, except that part described as follows: commencing at the southeast corner of said Government Lot 1; thence North 0 degrees 46 minutes 09 seconds East, bearing assumed, along the east line thereof, a distance of 280.00 feet to the point of beginning; thence North 89 degrees 13 minutes 51 seconds West, a distance of 345.00 feet; thence South 0 degrees 46 minutes 09 seconds West, a distance of 21.60 feet to its intersection with the south line of the North 1,050.00 feet of said Government Lot 1; thence South 89 degrees 08 minutes 51 seconds East along

the south line of the North 1,050.00 feet of said Government Lot 1, a distance of 345.00 feet to the east line of said Government Lot 1; thence North 0 degrees 46 minutes 09 seconds East, along the east line of said Government Lot 1, a distance of 22.10 feet to the point of beginning. Subject to an easement for ingress and egress over 66.00 feet in width, over, under, and across part of Government Lot 1, Section 16, Township 55, Range 24. The centerline of said easement is described as follows: commencing at the northeast corner of said Government Lot 1; thence South 0 degrees 46 minutes 09 seconds West, bearing assumed, along the east line thereof, a distance of 750.00 feet to the point of beginning of the centerline to be described; thence North 89 degrees 08 minutes 51 seconds West, a distance of 845.00 feet; thence South 7 degrees 18 minutes 51 seconds East, a distance of 302.89 feet, and there terminating; and

(2) Lots 1 through 4 of Block 2 and Outlot "B," Loons Landing, according to the plat thereof on file and of record in the Office of the Itasca County Recorder.

(d) The land borders Trout Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 16. **PRIVATE SALE OF SURPLUS STATE LAND; PINE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus land that is described in paragraph (c), subject to the state's reservation of a perpetual flowage easement.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Pine County and is described as: the north 2 rods of the Southeast Quarter of Section 10, Township 38 North, Range 22 West, Pine County, Minnesota.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land was returned to private ownership.

Sec. 17. **LAND EXCHANGE; ST. LOUIS COUNTY.**

(a) Notwithstanding Minnesota Statutes, section 92.461, and the riparian restrictions in Minnesota Statutes, section 94.342, subdivision 3, St. Louis County may, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, and according to the remaining provisions of Minnesota Statutes, sections 94.342 to 94.347, exchange the land described in paragraph (c).

(b) The conveyance must be in the form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The lands that may be conveyed are located in St. Louis County and are described as:

(1) Sections 1 and 2, Township 53 North, Range 18 West;

(2) Sections 19, 20, 29, 30, 31, and 32, Township 54 North, Range 17 West;

(3) Sections 24, 25, 26, and 35, Township 54 North, Range 18 West;

(4) Sections 22, 23, 26, and 27, Township 54 North, Range 19 West; and

(5) Sections 8, 9, 17, and 18, Township 55 North, Range 18 West.

Sec. 18. **LAND ACQUISITION TRUST FUND; ST. LOUIS COUNTY.**

Notwithstanding Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, St. Louis County may deposit proceeds from the sale of tax-forfeited lands into a tax-forfeited land acquisition trust fund established by St. Louis County under this section. The principal and interest from the fund may be spent on the purchase of lands better suited for retention and management by St. Louis County. Lands purchased with money from the land acquisition trust fund must:

(1) become subject to a trust in favor of the governmental subdivision wherein the lands lie and all laws related to tax-forfeited lands; and

(2) be used for forestry, mineral management, or environmental services.

Sec. 19. **PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands described in paragraph (c).

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make changes to the land descriptions to correct errors and ensure accuracy.

(c) The lands to be sold are located in St. Louis County and are described as:

(1) Lots 23 through 30, including part of adjacent vacant alley, Block 54, Bay View Addition to Duluth No. 2, Township 49, Range 15, Section 11 (parcel identification number 010-0230-03300); and

(2) Lot 2, except the South 760 feet, Township 62, Range 20, Section 18 (part of parcel identification number 430-0010-02916).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 20. **PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATER; SHERBURNE COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c) for less than market value.

(b) The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be conveyed is located in Sherburne County and is described as: that part of the North 595.50 feet of Government Lot 6, Section 31, Township 34 North, Range 27 West, Sherburne County, Minnesota, lying southerly of the following described line: commencing at a Minnesota Department of Conservation monument on the south line of the said North 595.50 feet; thence North 89 degrees 38 minutes 17 seconds West, bearing per plat of Eagle Lake Estates Boundary Registration, along said south line 71.28 feet to a Judicial Land Mark; thence North 21 degrees 51 minutes 43 seconds West, along the easterly line of Outlot A of said Eagle Lake Estates Boundary Registration 27.5 feet to the point of beginning; thence North 80 degrees East 72 feet, more or less, to the shoreline of Eagle Lake and there terminating.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were returned to private ownership.

Sec. 21. AUTHORIZATION OF ADJUTANT GENERAL TO EXCHANGE SURPLUS PROPERTY WITHIN THE CITY OF ROSEMOUNT.

(a) Notwithstanding Minnesota Statutes, sections 94.3495 and 193.36, the adjutant general of the Minnesota National Guard may, with the approval of the Land Exchange Board as required under the Minnesota Constitution, article XI, section 10, exchange the surplus land described in paragraph (b) for an equal amount of land owned by the city of Rosemount, regardless of a difference in market value.

(b) The land to be exchanged is within the city of Rosemount adjacent to a Minnesota National Guard field maintenance shop.

Sec. 22. REPEALER.

Laws 2012, chapter 236, section 28, subdivision 9, as amended by Laws 2016, chapter 154, section 11, and Laws 2019, First Special Session chapter 4, article 4, section 7, is repealed.

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

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for environment, natural resources, and tourism; creating Outdoor Recreation Office; modifying pesticide and seed provisions; providing for soil health and protection of peat soil; modifying invasive species management; modifying state trails; providing for compensation of certain board, commission, and council members; providing for watercraft operator's permit, safety program, and rental requirements; modifying walk-in access program; modifying game and fish laws; modifying certain accounts; providing for disposition of certain receipts; creating programs; modifying Water Law; modifying air and water pollution provisions; requiring environmental justice considerations; modifying solid waste and feedlot provisions; modifying provisions and transferring authority to regulate farmed Cervidae; prohibiting PFAS, lead, and cadmium in certain products; defining terms for metropolitan government; creating Pig's Eye Landfill Task Force; modifying land use provisions; modifying provisions for conveying interests in state lands; adding to and deleting from state parks and state forests; authorizing conveyances of certain state lands; providing for disposition of proceeds from sale of tax-forfeited land; requiring reports; requiring rulemaking; providing criminal penalties; amending Minnesota Statutes 2020, sections 13.643, subdivision 6; 15A.0815, subdivision 3; 18B.09, subdivision 2, by adding a subdivision; 21.81, by adding a subdivision; 21.86, subdivision 2; 35.155, subdivisions 1, 4, 6, 10, 12, by adding a subdivision; 84.632; 84D.02, subdivision 3; 85.015, subdivision 10; 85A.01, subdivision 1; 86B.313, subdivision 4; 89A.03, subdivision 5; 90.181, subdivision 2; 97A.015, by adding a subdivision; 97A.126, as amended; 97A.137, subdivision 3; 97A.475, subdivision 41; 97C.605, subdivisions 1, 2c; 103B.101, subdivision 2; 103B.103; 103G.271, by adding a subdivision; 103G.287, subdivision 5; 103G.299, subdivisions 1, 2, 5, 10; 115.061; 115.071, by adding a subdivision; 115B.17, subdivision 14; 115B.171; 115B.52, subdivision 4; 116.06, subdivision 1, by adding subdivisions; 116.07, subdivision 4a, by adding subdivisions; 116C.03, subdivision 2a; 116D.04, by adding a subdivision; 116P.05, subdivision 1; 171.07, by adding a subdivision; 282.04, subdivision 1, by adding a subdivision; 282.08; 297A.94; 325E.046; 325F.072, subdivisions 1, 3; 394.36, subdivision 4; 473.121, by adding subdivisions; Minnesota Statutes 2021 Supplement, sections 35.155, subdivision 11; 84.63; 84.631; 92.502; 97C.605, subdivision 3; 97C.611; proposing coding for new law in Minnesota Statutes, chapters 21; 84; 86A; 86B; 97B; 103B; 103C; 103E; 103F; 103G; 115A; 116; 325E; repealing Minnesota Statutes 2020, sections 86B.101; 86B.305; 86B.313, subdivisions 2, 3; 97C.605, subdivisions 2, 2a, 2b, 5; 325E.389; 325E.3891; Laws 2012, chapter 236, section 28, subdivision 9, as amended; Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, 8."

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 4608 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 4062 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Franson, Erickson, Robbins, Dettmer, Lucero, Boe and Heinrich introduced:

H. F. No. 4827, A bill for an act relating to education; providing for student welfare and parental awareness in education; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

Franson, McDonald and Boe introduced:

H. F. No. 4828, A bill for an act relating to elections; establishing a procedure for the chair of either of the state's two largest major political parties to request a forensic audit of a state primary or state general election; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

Keeler, Marquart and Youakim introduced:

H. F. No. 4829, A bill for an act relating to taxation; sales and use; modifying the city of Moorhead local sales tax authorization; amending Laws 2021, First Special Session chapter 14, article 8, section 14, subdivision 4.

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

Demuth introduced:

H. F. No. 4830, A bill for an act relating to taxation; sales and use; authorizing the city of Rockville to impose a local sales tax.

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

Anderson introduced:

H. F. No. 4831, A bill for an act relating to state government; requiring a report on the status of monuments that mark public land survey corners.

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

Theis introduced:

H. F. No. 4832, A bill for an act relating to taxation; sales and use; modifying the Waite Park local sales tax authorization; amending Laws 2021, First Special Session chapter 14, article 8, section 20, subdivisions 2, 3, 4.

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

Long introduced:

H. F. No. 4833, A bill for an act relating to the State Building Code; allowing a municipality to adopt the most recently published new model commercial energy code; amending Minnesota Statutes 2020, section 326B.106, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

Long introduced:

H. F. No. 4834, A bill for an act relating to public safety; establishing a grant program for case management services to individuals released from incarceration; requiring reports; appropriating money.

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

Fischer introduced:

H. F. No. 4835, A bill for an act relating to water; appropriating money for water supply planning.

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

Franson and Lucero introduced:

H. F. No. 4836, A bill for an act relating to state government; establishing the Strengthening Attorney General Oversight of Voting and Elections (SAVE) Act; proposing coding for new law in Minnesota Statutes, chapter 8.

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

Franson introduced:

H. F. No. 4837, A bill for an act relating to health; providing support and counseling for pregnant individuals experiencing preterm labor and preterm birth; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Hausman introduced:

H. F. No. 4838, A bill for an act relating to capital investment; appropriating money for state parks, recreation areas, and trails; authorizing the sale and issuance of state bonds.

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

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Moller.

REPORT FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Thursday, April 28, 2022 and established a prefiling requirement for amendments offered to the following bill:

S. F. No. 4062.

CALENDAR FOR THE DAY

H. F. No. 4293 was reported to the House.

Becker-Finn moved to amend H. F. No. 4293, the second engrossment, as follows:

Page 65, after line 20, insert:

"Sec. 68. **[471.585] MUNICIPAL HOTEL LICENSING.**

(a) A statutory or home rule charter city or a town may adopt an ordinance requiring hotels operating within the boundaries of the city or town to have a valid license issued by the city or town. A fee for a license under this section may not exceed \$100.

(b) An ordinance adopted under this section is limited to requiring compliance with state and local laws as a condition of licensure. No other licensing conditions or requirements are permitted.

(c) A city or town that has adopted an ordinance under this section may refuse to issue a license, or may revoke an existing license, if the hotel fails to comply with the conditions of the license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bahr moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 103, after line 3, insert:

"Sec. 45. Minnesota Statutes 2020, section 204C.31, subdivision 3, is amended to read:

Subd. 3. **Duties of canvassing boards.** The returns from every election held in this state must be reported to a legally constituted canvassing board. The duties of each canvassing board are limited to those duties specified in sections 204C.32 to 204C.39. A canvassing board may not certify its report on the results of an election until all duties of ballot reconciliation required by section 204C.20 and postelection review required by section 206.89 are complete."

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.

Nash moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 28, line 12, delete everything after "grants"

Page 28, line 13, delete everything before the period

A roll call was requested and properly seconded.

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

Those who voted in the affirmative 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	Pierson	Robbins	Torkelson
Mekeland	Nash	Olson, B.	Poston	Schomacker	Urdahl
Miller	Nelson, N.	O'Neill	Quam	Scott	West
Mortensen	Neu Brindley	Petersburg	Raleigh	Swedzinski	
Mueller	Novotny	Pfarr	Rasmusson	Theis	

Those who voted in the negative were:

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

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

Nash moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 28, line 8, before "It" insert "(a)"

Page 28, after line 15, insert:

"(b) No later than October 1 of each odd-numbered year, each state agency that received an appropriation to support a grant in the prior fiscal biennium must submit an administrative costs report to the chair and ranking minority member of the legislative committees with jurisdiction over the subject matter of the grant. The report must itemize the costs actually incurred by the agency in administering each grant, including but not limited to the number of employees assigned duties related to the grant."

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mortensen moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 111, after line 24, insert:

"Sec. 62. Minnesota Statutes 2020, section 351.14, subdivision 5, is amended to read:

Subd. 5. **Elected ~~county~~ local official.** "Elected ~~county~~ local official" means:

(1) any public official who is elected to countywide office or appointed to an elective countywide office, including county attorney, county sheriff, county auditor, county recorder, county treasurer, and soil and water conservation supervisor; ~~"Elected county official" also means:~~

(2) a county commissioner elected or appointed from a commissioner district or a soil and water conservation district supervisor elected or appointed from a supervisor district established under section 103C.311, subdivision 2;

(3) a school board member; or

(4) a mayor, city council member, or other public official elected to a city office.

Sec. 63. Minnesota Statutes 2020, section 351.14, is amended by adding a subdivision to read:

Subd. 6. **Filing official.** "Filing official" means:

(1) the county auditor for county offices;

(2) the school district clerk for school board members; or

(3) the city clerk for city offices.

Sec. 64. Minnesota Statutes 2020, section 351.15, is amended to read:

351.15 REMOVAL OF ELECTED COUNTY LOCAL OFFICIAL.

An elected ~~county~~ local official may be removed from office in accordance with the procedures established in sections 351.14 to 351.23.

Sec. 65. Minnesota Statutes 2020, section 351.16, subdivision 1, is amended to read:

Subdivision 1. **Form of petition.** Any registered voter may petition the ~~county auditor~~ filing official requesting a removal election and setting forth facts which allege with specificity that an elected ~~county local~~ official committed malfeasance or nonfeasance in the performance of official duties during the current or any previous term in the office held by the elected ~~county local~~ official, except that a petition may not be submitted during the 180 days immediately preceding a general election for the office which is held by the ~~county elected local~~ official named in the petition. The petitioner must attach to the petition documents which contain the signatures of supporters who are registered voters totaling at least 25 percent of the number of persons who voted in the preceding election for the office which is held by the ~~county elected local~~ official named in the petition. Each page on which signatures are included must clearly identify the purpose of the petition. In a removal election involving a countywide or citywide office, or school board office elected at-large, the registered voters must be residents of the county ~~or, city, or district.~~ In a removal election involving a ~~county commissioner~~ local official elected by district, the registered voters must be residents of the ~~commissioner~~ district which elected the named ~~county commissioner~~ official. The signatures of supporters must be on forms provided by the county auditor.

Sec. 66. Minnesota Statutes 2020, section 351.16, subdivision 2, is amended to read:

Subd. 2. **County auditor's Filing official's duties.** The ~~county auditor~~ filing official shall examine the petition to determine whether it contains the requisite number of valid signatures of registered voters. If so, the ~~county auditor~~ filing official shall forward the petition, but not the signatures, to the clerk of appellate courts within 15 days of receipt of the petition. If the ~~county auditor~~ filing official determines that the petition does not include the requisite number of signatures, the ~~county auditor~~ filing official shall deny the petition within 15 days of receipt of the petition.

Sec. 67. Minnesota Statutes 2020, section 351.16, subdivision 3, is amended to read:

Subd. 3. **Removal of county auditor.** If the county auditor is the named elected county official, the petition must be submitted to the chair of the county board of commissioners who shall appoint a county official to perform the duties of the ~~county auditor~~ filing official specified in sections 351.14 to 351.23.

Sec. 68. Minnesota Statutes 2020, section 351.16, subdivision 4, is amended to read:

Subd. 4. **Limitation.** An elected ~~county local~~ official is not subject to a removal election on the ground that malfeasance in the performance of official duties was committed, or on the ground of disagreement with actions taken that were within the lawful discretion of the elected ~~county local~~ official.

Sec. 69. Minnesota Statutes 2020, section 351.18, is amended to read:

351.18 WAIVER.

An elected ~~county local~~ official who is the subject of a petition under section 351.16 may waive in writing the right to a public hearing. If the hearing is waived, the case must be certified by order of the chief justice to the ~~county auditor~~ filing official for a removal election to be held within 30 days of the receipt of the order.

Sec. 70. Minnesota Statutes 2020, section 351.19, subdivision 4, is amended to read:

Subd. 4. **Legal counsel.** the petitioners and the elected ~~county local~~ official shall be represented by legal counsel at their own expense, and shall pay their costs associated with the hearing, except that the county, city, or school district may assume the legal costs incurred by the elected ~~county local~~ official. The county, city, or school district shall pay all other costs of the hearing.

Sec. 71. Minnesota Statutes 2020, section 351.20, is amended to read:

351.20 DECISION; CERTIFICATION.

If the special master determines that the elected ~~county~~ local official committed malfeasance or nonfeasance in the performance of official duties, the case must be certified to the ~~county auditor~~ filing official for a removal election on a date to be fixed by the ~~county auditor~~ filing official and held within 30 days of the order of the special master.

Sec. 72. Minnesota Statutes 2020, section 351.21, is amended to read:

351.21 APPEAL.

An elected ~~county~~ local official may appeal the decision of a special master under section 351.20 to the Supreme Court within ten days. The removal election is stayed until 20 days after the Supreme Court issues a decision on the appeal. The Supreme Court shall grant an expedited appeal.

Sec. 73. Minnesota Statutes 2020, section 351.22, subdivision 1, is amended to read:

Subdivision 1. **Majority vote; form of question.** An elected ~~county~~ local official may be removed pursuant to sections 351.14 to 351.23 by majority vote at a special election held for that purpose. ~~The~~ A removal election for a county official is a special election conducted under applicable provisions of section 375.20. The question submitted to the voters must be:

"Should (Name) elected (appointed) to the office of..... (title) be removed from that office?"

Yes
No "

Any resulting vacancy must be filled as provided by law.

Sec. 74. Minnesota Statutes 2020, section 351.22, subdivision 2, is amended to read:

Subd. 2. **Disqualification.** A removed ~~county~~ elected local official may not thereafter hold the same office for the remainder of the term to which the official was elected."

Page 113, after line 18, insert:

"Sec. 63. **REPEALER.**

Minnesota Statutes 2020, sections 123B.09, subdivision 9; and 128D.14, are repealed."

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.

Pelowski was excused between the hours of 1:50 p.m. and 2:20 p.m.

Bahr moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 15, after line 22, insert:

"Sec. 4. Minnesota Statutes 2020, section 12.03, subdivision 1e, is amended to read:

Subd. 1e. **Declared emergency.** "Declared emergency" means a national security emergency or ~~peacetime~~ emergency declared by the governor under section 12.31."

Page 16, after line 7, insert:

"Sec. 8. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision to read:

Subd. 12. **Bioterrorism.** "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population.

Sec. 9. Minnesota Statutes 2020, section 12.03, is amended by adding a subdivision to read:

Subd. 13. **Public health emergency.** "Public health emergency" means an occurrence or imminent threat of an illness or health condition in Minnesota:

(1) where there is evidence to believe the illness or health condition is caused by:

(i) bioterrorism; or

(ii) the appearance of a new, novel, or previously controlled or eradicated airborne infectious agent or airborne biological toxin; and

(2) the illness or health condition poses a high probability of any of the following harms:

(i) a large number of deaths in the affected population;

(ii) a large number of serious or long-term disabilities in the affected population; or

(iii) widespread exposure to an airborne infectious or airborne toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population."

Page 16, after line 13, insert:

"Sec. 11. Minnesota Statutes 2020, section 12.21, subdivision 3, is amended to read:

Subd. 3. **Specific authority.** In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, ~~but no order or rule has the effect of law except as provided by section 12.32;~~

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies, equipment, and facilities; institute training programs and public information programs; and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the Emergency Management Agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and the movement and cessation of movement of pedestrians, vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the Executive Council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes; and coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, workdays and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of education to alter school schedules, curtail school activities, or order schools closed as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under chapter 124E, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs."

Page 16, line 15, strike "peacetime" and strike "a"

Page 16, line 16, strike the first "peacetime" and insert "an" and strike the second "peacetime"

Page 16, line 28, strike "peacetime"

Page 17, line 1, strike "a peacetime" and insert "an"

Page 17, line 3, strike "A peacetime" and insert "An"

Page 17, line 4, after "by" insert "a joint" and strike everything after "the"

Page 17, line 5, strike everything before "continuing" and insert "house of representatives and senate. Upon passage of both houses, the resolution" and strike ", or terminating"

Page 17, line 7, strike "terminate" and insert "extend"

Page 17, line 8, strike "peacetime" and insert "declared" and strike "extending beyond" and insert "to more than"

Page 17, line 9, strike "peacetime"

Page 17, line 10, after the period, insert "If not renewed by the legislature, the governor may not reissue a declaration of emergency for the same or similar emergency."

Page 17, after line 13, insert:

"Sec. 13. Minnesota Statutes 2020, section 12.31, subdivision 3, is amended to read:

Subd. 3. **Effect of declaration of ~~peacetime~~ emergency.** (a) A declaration of a ~~peacetime~~ emergency in accordance with this section authorizes the governor to exercise for a period not to exceed the time specified in this section the powers and duties conferred and imposed by this chapter for a ~~peacetime~~ declared emergency and invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan. Nothing in this section shall preclude the governor or the governor's commissioners from pursuing all federal funding available. An emergency declared in response to bioterrorism or a public health emergency is governed by chapter 144.

(b) During a declared emergency, the governor and the governor's commissioners must not suspend a person's business license for a failure or alleged failure to comply with an order or rule promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), or violate any right afforded to a person under the state or federal constitution.

Sec. 14. Minnesota Statutes 2020, section 12.32, is amended to read:

12.32 GOVERNOR'S ORDERS AND RULES, EFFECT.

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), ~~when approved by the Executive Council and filed in the Office of the Secretary of State, have,~~ during a national security

~~emergency, peacetime declared~~ emergency, public health emergency, or energy supply emergency, do not have the full force and effect of law unless the content of the order or rule is enacted by the legislature in law no later than five days after the order or rule first takes effect. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists."

Page 17, line 29, strike "notwithstanding any other" and insert "unless otherwise provided by"

Page 18, after line 20, insert:

"Sec. 17. Minnesota Statutes 2020, section 12.61, subdivision 2, is amended to read:

Subd. 2. **Emergency executive order.** (a) During a ~~national security declared~~ emergency ~~or a peacetime emergency declared under section 12.31~~, the governor may issue an emergency executive order upon finding that the number of seriously ill or injured persons exceeds the emergency hospital or medical transport capacity of one or more regional hospital systems and that care for those persons has to be given in temporary care facilities.

(b) During the effective period of the emergency executive order, a responder in any impacted region acting consistent with emergency plans is not liable for any civil damages or administrative sanctions as a result of good-faith acts or omissions by that responder in rendering emergency care, advice, or assistance. This section does not apply in case of malfeasance in office or willful or wanton actions."

Page 72, after line 21, insert:

"Sec. 85. **REVISOR INSTRUCTION.**

The revisor of statutes must renumber the subdivisions in Minnesota Statutes, section 12.03, in alphabetical order and revise all cross-references accordingly."

Page 72, after line 30, insert:

"Subd. 5. **Emergency Orders.** Minnesota Statutes 2020, section 12.45, is repealed."

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.

Schomacker was excused between the hours of 2:00 p.m. and 3:10 p.m.

Quam offered an amendment to H. F. No. 4293, the second engrossment, as amended.

POINT OF ORDER

Howard raised a point of order pursuant to rule 3.21 that the Quam amendment was not in order. Speaker pro tempore Moller ruled the point of order well taken and the Quam amendment out of order.

Quam offered an amendment to H. F. No. 4293, the second engrossment, as amended.

POINT OF ORDER

Her 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 Quam amendment was not in order. Speaker pro tempore Moller ruled the point of order well taken and the Quam amendment out of order.

Nash appealed the decision of Speaker pro tempore Moller.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Moller stand as the judgment of the House?" and the roll was called. There were 68 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kresha offered an amendment to H. F. No. 4293, the second engrossment, as amended.

POINT OF ORDER

Her 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 Kresha amendment was not in order. Speaker pro tempore Moller ruled the point of order well taken and the Kresha amendment out of order.

Daudt appealed the decision of Speaker pro tempore Moller.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Moller 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	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	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Stephenson	
Ecklund	Hassan	Lee	Murphy	Sundin	

Those who voted in the negative were:

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

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

Speaker pro tempore Moller called Wolgamott to the Chair.

Bahr moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 177, line 2, after the period, insert "The charging stations may not be owned or operated by the commissioner."

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

Bahr moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 205, line 26, after the semicolon, insert "and"

Page 205, delete lines 27, 29, and 30

Page 205, line 28, delete "(iii)" and insert "(ii)"

Page 206, delete lines 1 to 4

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

West moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 221, line 6, delete "a motor" and insert "an all-electric"

Page 221, line 7, delete "distance traveled or other" and insert "a"

Page 222, line 6, before "The" insert "(a)"

Page 222, line 11, delete "or"

Page 222, line 12, delete "electric vehicles, as the terms are" and insert "as the term is" and delete "subdivisions" and insert "subdivision 1a; and"

Page 222, delete line 13

Page 222, after line 15, insert:

"(b) The task force must not consider or develop recommendations that involve:

(1) a road usage charge on the basis of vehicle miles traveled;

(2) vehicle monitoring or tracking; or

(3) imposition of a road usage charge on a vehicle other than an all-electric vehicle, as defined in Minnesota Statutes, section 169.011, subdivision 1a."

A roll call was requested and properly seconded.

The question was taken on the West amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

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.

Petersburg moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 215, after line 5, insert:

"Sec. 52. Minnesota Statutes 2020, section 473.4051, is amended by adding a subdivision to read:

Subd. 4. **Bottineau light rail transit prohibition.** (a) Any state agency and any political subdivision, including but not limited to the council, a county, and a regional railroad authority, is prohibited from expending funds, regardless of the source, for the Bottineau light rail transit project, also known as the METRO blue line extension.

(b) The prohibition in this subdivision includes but is not limited to study, planning, environmental analysis, engineering, design, land acquisition, and construction.

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 Petersburg amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

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.

Bahr moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 156, line 30, delete "(1)"

Page 157, delete lines 5 to 17

Page 159, line 31, delete "4,000,000" and insert "29,000,000"

Page 160, line 9, delete "10,000,000" and insert "36,000,000"

Adjust amounts accordingly

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

Heinrich moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 156, delete line 29

Page 156, line 30, delete "(1)" and insert "(d)"

Page 157, delete lines 5 to 17

Page 165, after line 5, insert:

"Subd. 3. **State Patrol; Patrolling Highways**

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51,000,000

\$27,700,000 in fiscal year 2023 is from the general fund for two twin engine helicopters for the State Patrol, including costs of acquisition, staff training, operations, and equipment. The proceeds from the sale of State Patrol aircraft as a result of this appropriation must be deposited in the general fund.

\$1,700,000 in fiscal year 2023 is from the general fund for enhancements to aviation-based enforcement activities, including staff and equipment.

\$21,600,000 in fiscal year 2023 is from the general fund for staff, training, and equipment costs of additional patrol troopers. This appropriation is available until June 30, 2025.

The base for the general fund is \$17,037,000 in each of fiscal years 2024 and 2025."

Renumber the subdivisions in sequence

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Heinrich amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Acomb	Berg	Carlson	Edelson	Frazier	Greenman
Agbaje	Bernardy	Christensen	Elkins	Frederick	Hansen, R.
Bahner	Bierman	Davnie	Feist	Freiberg	Hanson, J.
Becker-Finn	Boldon	Ecklund	Fischer	Gomez	Hassan

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

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

Torkelson moved to amend H. F. No. 4293, the second engrossment, as amended, as follows:

Page 156, delete line 10

Page 156, line 11, delete "(1)" and insert "(b) Transit"

Page 156, delete lines 16 to 23

Page 156, delete line 29

Page 156, line 30, delete "(1)" and insert "(d)"

Page 157, delete lines 5 to 17

Page 210, after line 15, insert:

"Sec. 45. Minnesota Statutes 2020, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of management and budget shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit in the state treasury the revenues collected under section 297A.64, subdivision 1, including interest and penalties and minus refunds, and credit them to the highway user tax distribution fund.

(e) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the estimated revenues derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The commissioner shall estimate the amount of sales tax revenue deposited under this paragraph based on the amount of revenue deposited under paragraph (d).

~~(g) Starting after July 1, 2017, the commissioner shall deposit an amount of the remittances monthly into the state treasury and credit them to the highway user tax distribution fund as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair parts in that month. For the remittances between July 1, 2017, and June 30, 2019, the monthly deposit amount is \$2,628,000. For remittances in each subsequent fiscal year, the monthly deposit amount is \$12,137,000. The commissioner must deposit the revenue derived from the taxes imposed on the sale and purchase of motor vehicle repair and replacement parts in the state treasury, and from this revenue must credit \$209,144,000 in the fiscal year from July 1, 2022, to June 30, 2023, and \$168,794,000 in each subsequent fiscal year, as follows:~~

~~(1) 87 percent to the highway user tax distribution fund;~~

~~(2) 6.5 percent to the small cities assistance account in the special revenue fund under section 162.145; and~~

~~(3) 6.5 percent to the town road account under section 162.081.~~

For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11, and "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.

(h) 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.

(j) The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

(1) 25 percent to the volunteer fire assistance grant account established under section 88.068;

(2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and

(3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under Laws 2017, First Special Session chapter 1, article 3, section 39.

(k) The revenues deposited under paragraphs (a) to (j) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

EFFECTIVE DATE. This section is effective July 1, 2022."

Renumber the sections in sequence and correct the internal references

Adjust amounts accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Torkelson amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

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.

Petersburg offered an amendment to H. F. No. 4293, the second engrossment, as amended.

POINT OF ORDER

Howard raised a point of order pursuant to rule 3.21 that the Petersburg amendment was not in order. Speaker pro tempore Wolgamott ruled the point of order well taken and the Petersburg amendment out of order.

Albright appealed the decision of Speaker pro tempore Wolgamott.

A roll call was requested and properly seconded.

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 69 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

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

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

H. F. No. 4293, as amended, was read for the third time.

Olson, B., moved that H. F. No. 4293, as amended, be re-referred to the Committee on Agriculture Finance and Policy.

A roll call was requested and properly seconded.

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

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.

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

H. F. No. 4293, A bill for an act relating to state government; appropriating money for certain government agencies and pension plans; allowing certain contracts; determining acceptance of certain collateral by the executive council; designating Juneteenth; defining certain terms; specifying emergency management provisions; modifying data practices provisions; amending provisions of the Legislative Salary Council; changing the revolving fund for services rate and statewide systems services; providing changes to state budget and finance sections; moving the Office of Collaborations and Dispute Resolution under the Department of Administration; establishing the Office of Enterprise Translations; creating the language access service account; changing provisions for grant administration, solicitation process, affirmative action measures, technology accessibility standards, hiring processes, salary differential benefits, supported work practices, deposit and investment of local public funds, Minnesota State Colleges and Universities, burial grounds, manufactured homes, managed natural landscapes, military salary differential, Mississippi River Parkway Commission, campaign finance and elections, barbering, and cosmetology; permitting certain local licenses; creating certain separation and retention incentive programs; requiring an Office of Small Agency study; establishing State Emblems Redesign Commission, Legislative Task Force on Aging, and Advisory Committee on Service Worker Standards; making policy and technical changes to various military and veterans affairs provisions, including provisions related to veterans housing, veteran benefits, veterans services, veterans bonus program, and Veterans Service Office grant program; creating a Veterans Service Office grant program; determining actuarial assumption for investment rate of return and direct state aid; providing for allocation of federal transportation-related funds; providing various policy changes to transportation-related provisions; establishing a working group and a task force; authorizing the sale and issuance of state bonds; requiring reports; setting certain fees; amending Minnesota Statutes 2020, sections 3.303, subdivision 6; 4.075, by adding subdivisions; 5B.06; 9.031, subdivision 3; 10.55; 10A.273, subdivision 1; 12.03, by adding subdivisions; 12.21, subdivision 2; 12.31, subdivision 2; 12.35, subdivision 4; 12.36; 13.04, subdivision 4; 13.072, subdivision 1; 15A.0825, subdivisions 1, 2, 3; 16A.126, subdivision 1; 16A.1286, subdivision 2; 16A.15, subdivision 3; 16B.33, subdivisions 1, 3, 3a, by adding a subdivision; 16B.98, by adding a subdivision; 16C.10, subdivision 2; 16C.32, subdivision 1; 43A.01, subdivision 2; 43A.02, by adding subdivisions; 43A.04, subdivisions 1a, 4, 7; 43A.09; 43A.10, subdivisions 2a, 7; 43A.14; 43A.15, subdivision 14, by adding a subdivision; 43A.183, subdivisions 1, 2; 43A.19, subdivision 1; 43A.191; 43A.21, subdivisions 1, 2, 3, by adding a subdivision; 43A.36, subdivision 1; 43A.421; 82.75, subdivision 8; 118A.09, subdivisions 1, 2; 136F.02, subdivision 1; 138.081, subdivision 3; 138.665, subdivision 2; 154.001, subdivision 2; 154.003; 154.01; 154.02, subdivisions 1, 4, 5, by adding subdivisions; 154.05; 154.07, subdivision 1; 154.08; 154.09; 154.11, subdivision 1, by adding a subdivision; 155A.20; 155A.23, subdivisions 8, 11, 18, by adding a subdivision; 155A.25, subdivision 1a; 155A.27, subdivisions 1, 5a, 6, 10, by adding a subdivision; 155A.271, subdivision 1; 155A.29, subdivision 1; 155A.30, subdivisions 2, 3, 4, 11; 160.08,

subdivision 7; 160.266, by adding a subdivision; 161.088, subdivisions 1, 2, 4, 5, as amended, by adding a subdivision; 161.115, by adding a subdivision; 161.14, by adding subdivisions; 161.1419, subdivision 2; 162.07, subdivision 2; 162.13, subdivisions 2, 3; 168.002, by adding a subdivision; 168.1235, subdivision 1; 168.1253, subdivision 3; 168.27, subdivision 11; 168.327, subdivisions 2, 3; 168.33, subdivision 7; 168.345; 168A.01, subdivision 17b, by adding a subdivision; 168A.04, subdivisions 1, 4; 168A.05, subdivision 3; 168A.11, subdivision 3; 168A.151, subdivision 1; 168A.152, subdivisions 1, 1a; 168B.07, subdivision 3, by adding subdivisions; 169.14, by adding a subdivision; 169.18, subdivision 3; 169.8261; 171.01, by adding a subdivision; 171.06, subdivision 2, by adding a subdivision; 171.061, subdivision 4; 171.0705, by adding a subdivision; 171.12, subdivision 1a; 171.13, subdivision 1a; 174.52, subdivision 3; 197.608, subdivisions 4, 6; 197.79, subdivisions 1, 2, 3, 5, 10; 201.061, subdivision 3; 201.071, subdivisions 1, 3, 8; 201.091, subdivision 2; 201.12, subdivision 2; 201.13, subdivision 3; 201.1611, subdivision 1; 202A.16, subdivision 1; 203B.01, by adding a subdivision; 203B.02, by adding a subdivision; 203B.07, subdivisions 1, 2, 3; 203B.081, subdivisions 1, 2, 3; 203B.11, subdivision 1; 203B.121, subdivision 3; 203B.16, subdivision 2; 203B.21, subdivisions 1, 3; 203B.23, subdivision 2; 203B.28; 204B.06, subdivision 4a; 204B.09, subdivision 1; 204B.13, by adding a subdivision; 204B.19, subdivision 6; 204B.21, subdivision 2; 204B.45, subdivisions 1, 2; 204B.46; 204C.15, subdivision 1; 204C.33, subdivision 3; 204D.19, subdivision 2; 204D.22, subdivision 3; 204D.23, subdivision 2; 205.13, subdivision 5; 205A.10, subdivision 5; 205A.12, subdivision 5; 207A.12; 209.021, subdivision 2; 211B.04, subdivisions 2, 3, by adding a subdivision; 211B.11, subdivision 1; 211B.32, subdivision 1; 216D.03, by adding a subdivision; 219.1651; 221.025; 299A.41, subdivision 3; 299A.705, by adding a subdivision; 299D.03, subdivision 5; 299F.60, subdivision 1; 299J.16, subdivision 1; 307.08, as amended; 325F.662, subdivision 3; 325F.6641; 325F.6642; 325F.665, subdivision 14; 327C.095, subdivisions 12, 13, 16; 353.65, subdivision 3b; 354A.12, subdivisions 3a, 3c; 356.215, subdivision 8; 367.03, subdivision 6; 447.32, subdivision 4; 473.375, by adding a subdivision; 490.123, subdivision 5; 609.855, subdivisions 1, 7; 645.44, subdivision 5; Minnesota Statutes 2021 Supplement, sections 10A.01, subdivision 16a; 168.327, subdivision 1; 169.09, subdivision 13; 169.222, subdivision 4; 169A.60, subdivision 13; 171.0605, subdivision 5; 171.13, subdivision 1; 171.306, subdivision 4; 196.081; 201.225, subdivision 2; 203B.082, subdivision 2, by adding a subdivision; 203B.121, subdivisions 2, 4; 203B.24, subdivision 1; 204B.09, subdivision 3; 204B.16, subdivision 1; 207A.13, subdivision 2; 360.55, subdivision 9; 360.59, subdivision 10; Laws 2021, First Special Session chapter 5, article 1, section 4, subdivision 3; article 2, section 2, subdivision 1; Laws 2021, First Special Session chapter 12, article 1, sections 11, subdivision 4; 37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B; 16E; 43A; 118A; 154; 160; 161; 169; 171; 174; 197; 211B; 412; 471; 473; repealing Minnesota Statutes 2020, sections 1.135; 1.141; 12.03, subdivision 5d; 136F.03; 168A.01, subdivision 17a; 179.90; 179.91; 325F.6644; Minnesota Rules, parts 2100.2500; 2100.2600; 2100.2900; 2100.3000; 2100.3200; 8835.0350, subpart 2.

The bill, as amended, was 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 63 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	Haley	Lucero	Novotny	Robbins
Albright	Davids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Swedzinski
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Theis
Baker	Erickson	Igo	Mortensen	Pfarr	Torkelson
Bennett	Franson	Johnson	Mueller	Pierson	Urdahl
Bliss	Garofalo	Jurgens	Munson	Poston	West
Boe	Green	Kiel	Nash	Quam	
Burkel	Grossell	Koznick	Nelson, N.	Raleigh	
Daniels	Gruenhagen	Kresha	Neu Brindley	Rasmusson	

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 message was received from the Senate:

Madam Speaker:

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

S. F. No. 2677, A bill for an act relating to unemployment insurance; repaying unemployment insurance trust fund loans; replenishing the unemployment insurance trust fund; freezing the base tax rate for employers; eliminating the additional assessment for calendar years 2022 and 2023; establishing a zero percent special assessment rate for calendar year 2022; eliminating a revenue replacement transfer; appropriating money; repealing Laws 2021, First Special Session chapter 12, article 5, section 3.

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

Senators Pratt, Rarick, Kiffmeyer, Kent and Putnam.

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

Pelowski 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. 2677. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2677:

Pelowski, Noor, Frazier, Greenman and Baker.

MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 2673.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2673, A bill for an act relating to public safety; amending certain statutes regarding public safety, criminal justice, and corrections; establishing new crimes and expanding existing ones; modifying sentencing provisions; modifying fees; requiring reporting; authorizing pilot projects; providing for grant programs; appropriating money for the judiciary, public safety, public defenders, sentencing guidelines, and corrections; amending Minnesota Statutes 2020, sections 13A.02, subdivisions 1, 2; 144.6586, subdivision 2; 152.01, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivision 2; 152.025, subdivision 4; 169A.44; 169A.51, subdivisions 3, 4, by adding a subdivision; 171.174; 171.177, subdivisions 1, 3, 4, 5, 8, 12, 14; 171.306, by adding a subdivision; 244.01, subdivision 8; 244.05, subdivisions 4, 5; 244.09, subdivisions 2, 11, by adding subdivisions; 244.101, subdivision 1; 244.14, subdivision 3; 244.171, subdivision 4; 299A.41, subdivisions 3, 4, by adding a subdivision; 357.021, subdivision 2; 517.08, subdivision 1c; 609.035, subdivision 1, by adding a subdivision; 609.106, subdivision 2; 609.1095, subdivisions 2, 3, 4, by adding a subdivision; 609.11, subdivision 8, by adding a subdivision; 609.115, subdivision 2a; 609.2231, subdivisions 2, 3; 609.35; 609.487, subdivision 5, by adding a subdivision; 609.52, subdivisions 3, 3a; 609.527, subdivision 1, by adding a subdivision; 609.582, subdivisions 3, 4; 609B.205; 626.15; 626.8452, by adding subdivisions; Minnesota Statutes 2021 Supplement, sections 357.021, subdivision 1a; 609.135, subdivision 2; 609.2325, subdivision 1; 609.5151; proposing coding for new law in Minnesota Statutes, chapters 299A; 388; 609; 617; 626.

The bill was read for the first time.

Mariani moved that S. F. No. 2673 and H. F. No. 4608, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Morrison moved that the name of Edelson be added as an author on H. F. No. 522. The motion prevailed.

Hausman moved that the name of Feist be added as an author on H. F. No. 3667. The motion prevailed.

Richardson moved that the name of Becker-Finn be added as an author on H. F. No. 4074. The motion prevailed.

Davnie moved that the name of Richardson be added as an author on H. F. No. 4300. The motion prevailed.

Masin moved that the name of Moran be added as an author on H. F. No. 4738. The motion prevailed.

Masin moved that the name of Moran be added as an author on H. F. No. 4740. The motion prevailed.

Masin moved that the name of Moran be added as an author on H. F. No. 4741. The motion prevailed.

Koegel moved that the name of Becker-Finn be added as an author on H. F. No. 4748. The motion prevailed.

Koegel moved that H. F. No. 3768, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

IN MEMORIAM

The members of the House of Representatives paused for a moment of silence in memory of former Representative Robert "Bob" Neuenschwander of International Falls, Minnesota who served from 1983 to 1990 who passed away on Wednesday, April 13, 2022.

MOTION TO FIX TIME TO CONVENE

Winkler moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, April 27, 2022. The motion prevailed.

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS**RECONVENED**

The House reconvened and was called to order by Speaker pro tempore Wolgamott.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 4410.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 4410, A bill for an act relating to health and human services; modifying provisions governing community supports, continuing care for older adults, human services operations and licensing, health care, behavioral health, children and family services, health, health-related licensing boards, scope of practice, and background studies; establishing a Department of Behavioral Health; establishing certain grants; establishing interstate compacts for nurses, audiologists and speech language pathologists, and licensed professional counselors; modifying the expiration dates and repealing certain mandated reports; expanding and renaming the higher education facilities authority to include nonprofit health care organizations; making human services forecast adjustments; appropriating money; requiring reports; amending Minnesota Statutes 2020, sections 3.732, subdivision 1; 13.46, subdivision 7; 15A.0815, subdivision 2; 62J.692, subdivision 5; 62N.25, subdivision 5; 62Q.1055; 62Q.37, subdivision 7; 62Q.47; 103I.005, subdivisions 17a, 20a, by adding a subdivision; 136A.25; 136A.26; 136A.27; 136A.28; 136A.29, subdivisions 1, 3, 6, 9, 10, 14, 19, 20, 21, 22, by adding a subdivision; 136A.32, subdivision 4; 136A.33; 136A.34, subdivisions 3, 4; 136A.36; 136A.38; 136A.41; 136A.42; 136F.67, subdivision 1; 137.68; 144.051, subdivision 6; 144.057, subdivision 1; 144.1222, subdivision 2d; 144.193; 144.294, subdivision 2; 144.4199, subdivision 8; 144.497; 144A.10, subdivision 17; 144A.351, subdivision 1; 144A.483, subdivision 1; 144A.75, subdivision 12; 144E.01, subdivisions 1, 4; 144E.35; 144G.45, subdivisions 6, 7; 145.4134; 145.4716, by adding a subdivision; 145.928, subdivision 13; 147.01, subdivision 7; 147.03, subdivisions 1, 2; 147.037; 147A.28; 147C.15, subdivision 3; 147C.40, subdivision 5; 148.212, subdivision 1; 148F.11, by adding a subdivision; 150A.10, subdivision 1a; 150A.105, subdivision 8; 151.01, subdivision 27; 151.065, subdivisions 1, 3, 7; 152.125; 169A.70, subdivisions 3, 4; 242.19, subdivision 2; 245.4661, subdivision 10; 245.4889, subdivision 3, by adding a subdivision; 245A.11, subdivisions 2, 2a, 7, 7a, by adding a subdivision; 245A.14, subdivision 14; 245A.19; 245C.02, subdivision 17a, by adding a subdivision; 245C.04, subdivisions 1, 4a, by adding subdivisions; 245C.10, by adding subdivisions; 245C.31, subdivisions 1, 2, by adding a subdivision; 245D.10, subdivision 3a; 245D.12; 245F.03; 245F.04, subdivision 1; 245G.01, by adding a subdivision; 245G.05, subdivision 2; 245G.06, subdivision 3, by adding a subdivision; 245G.07, subdivision 1; 245G.08, subdivision 3; 245G.12; 245G.21, by adding a subdivision; 245G.22, subdivision 2; 252.275, subdivisions 4c, 8; 253B.18, subdivision 6; 254A.19, subdivisions 1, 3, by adding subdivisions; 254B.01, subdivision 5, by adding subdivisions; 254B.03, subdivisions 1, 5; 254B.04, subdivision 2a, by adding subdivisions; 254B.05, subdivision 1; 256.01, subdivision 29, by adding a subdivision; 256.021, subdivision 3; 256.042, subdivision 5; 256.045, subdivision 3; 256.9657, subdivision 8; 256.975, subdivisions 11, 12; 256B.0561, subdivision 4; 256B.057, subdivision 9; 256B.0625, subdivisions 17a, 39; 256B.0659, subdivisions 1, 12, 19, 24; 256B.0757, subdivisions 1, 2, 3, 4, 5, 8; 256B.0911, subdivision 5; 256B.0949, subdivisions 8, 17; 256B.49, subdivisions 13, 15, 23; 256B.4911, subdivisions 3, 4, by adding a subdivision; 256B.4914, subdivisions 3, as amended, 4, as amended, 8, as amended, 9, as amended, 10, as amended, 10a, as amended, 12, as amended, 14, as amended; 256B.493, subdivisions 2, 4, 5, 6, by adding subdivisions; 256B.5012, by adding subdivisions; 256B.69, subdivision 9d; 256B.85, by adding a subdivision; 256D.0515; 256D.09, subdivision 2a; 256E.28, subdivision 6; 256E.33, subdivisions 1, 2; 256E.35, subdivisions 1, 2, 4a, 6, 7; 256G.02, subdivision 6; 256I.04, subdivision 3; 256I.05, by adding a subdivision; 256K.26, subdivisions 2, 6, 7; 256K.45, subdivision 6, by adding subdivisions; 256L.12, subdivision 8; 256N.26, subdivision 12; 256P.02, by

adding a subdivision; 256P.03, subdivision 2; 256P.04, subdivision 11; 256Q.06, by adding a subdivision; 256R.02, subdivisions 16, 24, 26, 29, 34, by adding subdivisions; 256R.18; 256R.23, subdivisions 2, 3; 256R.24, subdivision 1; 256R.25; 256S.16; 257.0725; 260.012; 260.775; 260B.157, subdivisions 1, 3; 260B.331, subdivision 1; 260C.001, subdivision 3; 260C.007, subdivision 27; 260C.151, subdivision 6; 260C.152, subdivision 5; 260C.175, subdivision 2; 260C.176, subdivision 2; 260C.178, subdivision 1; 260C.181, subdivision 2; 260C.193, subdivision 3; 260C.201, subdivisions 1, 2; 260C.202; 260C.203; 260C.204; 260C.212, subdivision 4a; 260C.221; 260C.331, subdivision 1; 260C.513; 260C.607, subdivisions 2, 5; 260C.613, subdivisions 1, 5; 260E.20, subdivision 1; 260E.22, subdivision 2; 260E.24, subdivisions 2, 6; 260E.38, subdivision 3; 268.19, subdivision 1; 297E.021, subdivision 3; 299A.299, subdivision 1; 354B.20, subdivision 7; 477A.0126, subdivision 7, by adding a subdivision; 518A.43, subdivision 1; 518A.77; 626.557, subdivision 12b; 626.5571, subdivision 1; Minnesota Statutes 2021 Supplement, sections 10A.01, subdivision 35; 15.01; 15.06, subdivision 1; 43A.08, subdivision 1a; 62A.673, subdivision 2; 144.551, subdivision 1; 144G.45, subdivisions 4, 5; 144G.81, subdivision 3; 148F.11, subdivision 1; 245.467, subdivisions 2, 3; 245.4871, subdivision 21; 245.4876, subdivisions 2, 3; 245.4889, subdivision 1; 245.735, subdivision 3; 245A.03, subdivision 7; 245C.03, subdivision 5a, by adding subdivisions; 245C.05, subdivision 5; 245I.02, subdivisions 19, 36; 245I.03, subdivision 9; 245I.04, subdivision 4; 245I.05, subdivision 3; 245I.08, subdivision 4; 245I.09, subdivision 2; 245I.10, subdivisions 2, 6; 245I.20, subdivision 5; 245I.23, subdivision 22; 254A.03, subdivision 3; 254A.19, subdivision 4; 254B.03, subdivision 2; 254B.04, subdivision 1; 254B.05, subdivisions 4, 5; 256.01, subdivision 42; 256.042, subdivision 4; 256B.0371, subdivision 4; 256B.0622, subdivision 2; 256B.0625, subdivisions 3b, 10, 17; 256B.0659, subdivision 17a; 256B.0671, subdivision 6; 256B.0911, subdivisions 3a, 3f; 256B.0946, subdivision 1; 256B.0947, subdivisions 2, 6; 256B.0949, subdivisions 2, 13; 256B.49, subdivision 28; 256B.4914, subdivision 5, as amended; 256B.69, subdivision 9f; 256B.85, subdivisions 7, 7a; 256B.851, subdivision 5; 256L.03, subdivision 2; 256P.01, subdivision 6a; 256P.02, subdivisions 1a, 2; 256P.06, subdivision 3; 256S.205; 256S.2101; 260C.157, subdivision 3; 260C.212, subdivisions 1, 2; 260C.605, subdivision 1; 260C.607, subdivision 6; 260E.20, subdivision 2; 297E.02, subdivision 3; Laws 2009, chapter 79, article 13, section 3, subdivision 10, as amended; Laws 2014, chapter 312, article 27, section 75; Laws 2020, First Special Session chapter 7, section 1, subdivision 1, as amended; Laws 2021, First Special Session chapter 7, article 2, section 74, by adding a subdivision; article 10, sections 1; 3; article 11, section 38; article 14, section 21, subdivision 4; article 16, sections 2, subdivisions 1, 24, 29, 31, 33; 5; article 17, sections 3; 6; 10; 11; 12; 14; 17, subdivision 3; 19; Laws 2021, First Special Session chapter 8, article 6, section 1, subdivision 7; Laws 2022, chapter 33, section 1, subdivisions 5a, 5b, 5c, 5d, 5e, 5f, 10c; by adding a subdivision; Laws 2022, chapter 40, sections 6; 7; proposing coding for new law in Minnesota Statutes, chapters 103I; 144G; 145; 147A; 148; 148B; 151; 245A; 245D; 254A; 256; 256B; 626; proposing coding for new law as Minnesota Statutes, chapter 256T; repealing Minnesota Statutes 2020, sections 62U.10, subdivision 3; 136A.29, subdivision 4; 144.1911, subdivision 10; 144.564, subdivision 3; 144A.483, subdivision 2; 147.02, subdivision 2a; 169A.70, subdivision 6; 245.981; 245G.22, subdivision 19; 246.0136; 246.131; 246B.03, subdivision 2; 246B.035; 252.025, subdivision 7; 252.035; 254A.02, subdivision 8a; 254A.04; 254A.16, subdivision 6; 254A.19, subdivisions 1a, 2; 254A.21; 254B.04, subdivisions 2b, 2c; 254B.041, subdivision 2; 254B.14, subdivisions 1, 2, 3, 4, 6; 256.01, subdivision 31; 256B.0638, subdivision 7; Minnesota Statutes 2021 Supplement, sections 254A.19, subdivision 5; 254B.14, subdivision 5; Laws 1998, chapter 382, article 1, section 23; Laws 2022, chapter 33, section 1, subdivision 9a; Minnesota Rules, parts 9530.7000, subparts 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17a, 19, 20, 21; 9530.7005; 9530.7010; 9530.7012; 9530.7015, subparts 1, 2a, 4, 5, 6; 9530.7020, subparts 1, 1a, 2; 9530.7021; 9530.7022, subpart 1; 9530.7025; 9530.7030, subpart 1.

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

ADJOURNMENT

Demuth moved that the House adjourn. The motion prevailed, and Speaker pro tempore Wolgamott declared the House stands adjourned until 11:00 a.m., Wednesday, April 27, 2022.

PATRICK D. MURPHY, Chief Clerk, House of Representatives