

Subject State government

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Overview

This bill includes supplemental budget items requested by Governor Tim Walz, provisions pertaining to state-owned lands, and other items.

Article 1: Appropriations

This article provides supplemental spending and reductions for the state's FYs 2020-2021 operating budget.

Section Description – Article 1: Appropriations

- 1 Appropriation; personal care assistance.**
Appropriates \$13,066,000 in fiscal year 2021 from the general fund to the commissioner of human services to implement the PCA provisions in this act. Provides an immediate effective date.
- 2 Appropriations; direct care and treatment.**
Paragraph (a) appropriates \$2,730,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated direct care and treatment forensic services. Specifies that this is a onetime appropriation.

Paragraph (b) appropriates \$2,102,000 in fiscal year 2021 from the general fund to the commissioner of human services for the administration of the sex offender program. Specifies that this is a onetime appropriation.

Section Description – Article 1: Appropriations

Paragraph (c) appropriates \$207,000 in fiscal year 2021 from the general fund to the commissioner of human services for direct care and treatment program operations costs. Specifies that this is a onetime appropriation.

Paragraph (d) appropriates \$2,560,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated mental health and substance abuse treatment services. Requires the commissioner to transfer \$547,000 to the enterprise fund for the Community Addiction Recovery Enterprise program in fiscal year 2021. Specifies that this is a onetime appropriation.

Paragraph (e) appropriates \$17,698,000 in fiscal year 2021 from the general fund to the commissioner of human services for DHS-operated direct care and treatment community-based services. Requires the commissioner to transfer \$20,583,000 to the enterprise fund for Minnesota State Operated Community Services in fiscal year 2021. Specifies that this is a onetime appropriation.

Makes this section effective the day following final enactment.

3 Appropriations; MFIP supplemental payment.

Paragraph (a) appropriates \$13,852,000 in fiscal year 2021 from the TANF fund to the commissioner of human services to provide a onetime cash benefit of up to \$500 for each household enrolled in MFIP or DWP at the time the benefit is distributed. Requires the commissioner to use existing systems to distribute the funds in a manner that minimizes the burden to families. Specifies this is a onetime appropriation.

Paragraphs (b) and (c) appropriate a total of \$98,000 in fiscal year 2021 from the general fund to the commissioner of human services for administrative expenses and information technology costs associated with distributing the payment in paragraph (a). Specifies this is a onetime appropriation

Provides an immediate effective date.

4 Appropriations; Department of Veterans Affairs.

Appropriates funds to the Department of Veterans Affairs for a Veterans Suicide Office and for the provision of housing vouchers and other services dedicated to alleviating homelessness for veterans and former service members in Minnesota.

5 Appropriations; Department of Public Safety.

Makes appropriations from the general fund and the trunk highway fund to the Department of Public Safety for State Patrol staff and operating costs as well as onetime costs related to civil unrest response. Increases the base in fiscal years 2022-

Section Description – Article 1: Appropriations

- 2023 for some budget activities. Provides for a transfer to the Minnesota Department of Transportation.
- 6 Appropriation; Department of Corrections.**
Appropriates \$11,742,000 in fiscal year 2021 to the Department of Corrections. Of this amount, \$9,888,000 is for additional correctional institution compensation costs and overtime, \$1,268,000 is for additional community services compensation costs and overtime, and \$586,000 is for additional operations support compensation costs and overtime.
- 7 Appropriations; Department of Public Safety; Bureau of Criminal Apprehension.**
Appropriates \$4,482,000 in fiscal year 2021 for testing and storage of sexual assault kits, developing an informational website for sexual assault survivors to learn the status of the testing of that person’s individual sexual assault examination kit, and enhancing laboratory capacity for forensic testing to combat violent crime.
- 8 Appropriation; natural resources legal costs.**
Appropriates \$2,000,000 in fiscal year 2021 to the Department of Natural Resources (DNR) for legal costs, of which \$1,000,000 may be transferred to the Pollution Control Agency (PCA).
- 9 Appropriation; child foster care background study modifications.**
Appropriates \$100,000 in fiscal year 2021 from the general fund to the commissioner of human services to implement family child foster care background study changes. Specifies that the base in fiscal years 2022 and 2023 is \$115,000, and that this appropriation includes federal financial participation in years 2021, 2022, and 2023.

Makes this section effective the day following final enactment.
- 10 Appropriation; discrimination investigation.**
\$750,000 in fiscal year 2021 is appropriated to the Department of Human Rights to investigate the Minneapolis Police Department. The appropriation is available for two years.
- 11 Weights and measures; petroleum tank fund transfer.**
Requires Minnesota Management and Budget (MMB) to transfer up to \$1 million from the Petroleum Tank Fund to the Petroleum Inspection Fee Account in fiscal year 2021 as needed to address a shortfall in petroleum inspection fee revenue and fund the Weights and Measures Division of the Department of Commerce. Requires the Department of Commerce to report periodically to certain legislative committees.

Section Description – Article 1: Appropriations

- 12 **Agency budget reductions.**
Requires MMB to reduce general fund operating appropriations to executive branch agencies by \$58 million for the FYs 2020-2021 biennium. Authorizes MMB to transfer operating dollars from most other funds in the state treasury to the general fund in order to achieve this reduction. Specifies that appropriation reductions are onetime and do not reduce an agency’s base appropriation amount for the next biennium. Requires MMB to report reductions by agency to certain legislative committees by August 1, 2021.

Article 2: Conforming Policy Changes

This article includes statutory changes pertaining to foster care background studies, personal care assistants, the Public Employment Relations Board, and state grants.

Section Description – Article 2: Conforming Policy Changes

- 1 **Denial of application.**
Amends § 245A.05. Specifies that the commissioner of human services may deny an applicant for family child foster care if the applicant has nondisqualifying background study information that reflects on the applicant’s ability to safely care for foster children. Makes this section effective July 1, 2021.
- 2 **Sanctions; appeals; license.**
Amends § 245A.07, subd. 1. Allows the commissioner of human services to take adverse licensing action if a license holder has nondisqualifying background study information that reflects on the applicant’s ability to safely care for foster children. Makes this section effective July 1, 2021.
- 3 **Licensed family child foster care.**
Amends § 245A.16 by adding subd. 9. Requires a county agency or private agency to review specified information relating to nondisqualifying background study results before recommending denial or revocation of a family child foster care license, and to send a summary of the review to the commissioner of human services, including a recommendation for licensing action. Makes this section effective July 1, 2021.
- 4 **Licensed family child foster care.**
Amends § 245C.02 by adding subd. 12a. Specifies in the background study definitions that “licensed family child foster care” includes providers who have applied for

Section Description – Article 2: Conforming Policy Changes

- licensure under section 245A.04, subdivision 1, and does not include foster residence settings. Makes this section effective July 1, 2021.
- 5 **Privacy notice to background study subject.**
Amends § 245C.05, subd. 2c. Requires a DHS background study subject to be informed that the Federal Bureau of Investigation will not retain background study subjects' fingerprints. Makes this section effective the day following final enactment.
- 6 **Fingerprint data notification.**
Amends § 245C.05, subd. 2d. Modifies DHS background study notification requirement to state that the Federal Bureau of Investigation does not retain background study subjects' fingerprints. Makes this section effective the day following final enactment.
- 7 **Electronic transmission.**
Amends § 245C.05, subd. 4, as amended by Laws 2020, First Special Session chapter 2, article 5, section 13. Adds a summary of nondisqualifying background study results and relevant underlying investigative information to the information that DHS must transmit electronically to county agencies for child foster care. Makes this section effective July 1, 2021.
- 8 **Arrest and investigative information.**
Amends § 245C.08, subd. 3. Removes language preventing sharing with county and private agencies, specifying that national criminal history check information is private data that cannot be shared with prospective employers. Makes this section effective August 1, 2020.
- 9 **Disqualification from direct contact.**
Amends § 245C.14, subd. 1. Specifies that the commissioner must disqualify an individual applying for family child foster care licensure from any position allowing direct contact with persons served, if the background study contains disqualifying information, as listed in section 245C.15, subdivision 6 (new subdivision). Makes this section effective July 1, 2021.
- 10 **Licensed family child foster care disqualifications.**
Amends § 245C.15 by adding subd. 6. Specifies disqualifying crimes and creates new criteria for disqualification for background studies affiliated with family child foster care license applicants.
- Paragraphs (a) and (b) list actions and crimes for which an applicant is permanently disqualified.

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Paragraphs (c) and (d) list actions and crimes for which an applicant is disqualified if less than five years have passed.

Makes this section effective July 1, 2021.

11 Minimum disqualification periods.

Amends § 245C.24, subd. 1. Modifies reference. Makes this section effective July 1, 2021.

12 Permanent bar to set aside a disqualification.

Amends § 245C.24, subd. 2. Adds paragraph (e), specifying that the commissioner of human services cannot set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 6, paragraph (a), for anyone 18 or older affiliated with a licensed family child foster care program. Adds paragraph (f), allowing the commissioner to grant a variance to a family child foster care disqualification if the individual is under 18 years old when the background study is submitted. Makes this section effective July 1, 2021.

13 Ten-year bar to set aside a disqualification.

Amends § 245C.24, subd. 3. Removes language in order to allow the commissioner of human services to set aside disqualifications for family child foster care licensing within ten years of a listed offense or action. Makes this section effective July 1, 2021.

14 Seven-year bar to set aside a disqualification.

Amends § 245C.24, subd. 4, as amended by Laws 2020, First Special Session chapter 2, article 8, section 55. Removes language in order to allow the commissioner of human services to set aside disqualifications for family child foster care licensing within seven years of a specified action. Makes this section effective July 1, 2021.

15 Five-year bar to set aside a disqualification.

Amends § 245C.24 by adding subd. 6. Paragraph (a) prohibits the commissioner of human services from setting aside a disqualification of an individual over 18-years-old in connection with a family child foster care license, if the individual is convicted of a felony listed in section 245C.15, subd. 6, paragraph (c), within five years before the background study. Adds paragraph (b), allowing the commissioner to set aside or grant a variance to a family child foster care disqualification if the individual is under 18-years-old when the background study is submitted. Makes this section effective July 1, 2021.

Section Description – Article 2: Conforming Policy Changes

- 16 **Personal care assistant; requirements.**
Amends § 256B.0659, subd. 11. Increases the monthly limit on the number of hours a personal care assistant may provide PCA services under MA from 275 hours to 310 hours. Provides an immediate effective date.
- 17 **Support worker requirements.**
Amends § 256B.85, subd. 16. Increases the monthly limit on the number of hours a support worker may provide CFSS services under MA from 275 hours to 310 hours. Provides an immediate effective date.
- 18 **Effective date (Public Employment Relations Board).**
Delays implementation of the Public Employment Relations Board (PERB) until January 1, 2022.

The law governing the PERB was enacted in 2014, with a mandate of hearing unfair labor practice charges under Minnesota Statutes, chapter 179A (Public Employment Labor Relations Act). Before 2014, such charges were brought to district court. Later enacted laws delayed the date which PERB could begin hearing these charges, most recently until July 1, 2020.

Until the PERB becomes effective, parties can continue to bring unfair labor practices charges to district court.
- 19 **Grant and appropriation extensions related to COVID-19; report required.**
Authorizes MMB to extend the availability of appropriations for grants that were encumbered by June 30, 2020, so that recipients can complete the work supported by those funds in spite of the disruptions caused by COVID-19. Requires MMB to submit a report no later than December 31, 2020, on implementation of this section.
- 20 **Temporary personal care assistance compensation for services provided by parent or spouse.**
Allows a parent, stepparent, or legal guardian of a minor who is receiving PCA services or the spouse of a PCA recipient to provide and be paid for providing PCA services during the peacetime emergency declared for the COVID-19 outbreak. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier.
Specifies that this section is effective the day following final enactment or upon federal approval, whichever is later. Requires the commissioner of human services to notify the revisor of statutes when federal approval is obtained.
- 21 **Personal care assistance temporary rate increase.**
Provides for a temporary 13.75 percent PCA rate increase.

Section Description – Article 2: Conforming Policy Changes

Subd. 1. Definitions. Defines “commissioner,” “covered program,” “direct support professional,” and “direct support services.”

Subd. 2. Temporary rates for direct support services. Paragraph (a) requires the commissioner to temporarily increase rates and enhanced rates by 13.75 percent for covered programs and the PCA program to respond to COVID-19 while this section is effective.

Paragraph (b) requires providers that receive the temporary rate increase to use at least 80 percent of the additional revenue to increase wages, salaries, and benefits for personal care assistants, and to use the remainder of the additional revenue for activities and items necessary to comply with the CDC guidance on sanitation and personal protective equipment.

Subd. 3. Capitation rates and directed payments. Paragraph (a) requires managed care plans and county-based purchasing plans to increase PCA rates and enhanced rates by 13.75 percent for direct support services.

Paragraph (b) requires the commissioner to adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain expected medical loss ratios.

Paragraph (c) requires contracts between the plans and providers to allow recovery of payments from providers if federal approval is not obtained and the commissioner reduces capitation payments as a result.

Subd. 4. Consumer-directed community supports (CDCS) budgets. Requires lead agencies to temporarily increase the budget for each CDCS recipient to reflect the 13.75 percent increase for direct support services.

Subd. 5. Consumer support grants; increased maximum allowable grant. Requires the commissioner to temporarily increase the maximum allowable monthly grant level for each consumer support grant recipient to reflect the 13.75 percent increase for direct support services.

Subd. 6. Distribution plans. Paragraph (a) requires provider agencies and individual providers that receive the temporary rate increase to prepare and submit to the commissioner upon request a distribution plan that specifies the additional amount and proposed uses of the additional revenue the provider will receive.

Paragraph (b) requires providers to post the distribution plan and instructions on how to contact the commissioner if the direct support professional does not

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believe they have received the wage increases or benefits specified in the distribution plan.

Subd. 7. Expiration. Specifies this section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor for the COVID-19 outbreak is terminated or rescinded by the proper authority, whichever is earlier.

Article 3: State lands

This article contains a number of provisions that pertain to the administration of state lands.

Section Description – Article 3: State Lands

- 1 Conveyance of interests in lands to state, federal, and tribal governments.**
Allows the DNR to convey easements on state-owned lands to federally recognized Indian tribe for trails, highways, flowage for development of fish/game resources, stream protection, and flood control.
- 2 Lease of tax-forfeited and state lands.**
Allows the DNR to assess applicants for a lease of state land for a recreational trail or facility a monitoring fee to cover the reasonable costs of monitoring the construction and preparing the terms and conditions. Requires the DNR to provide the applicant an estimate of the fee before requiring it to be submitted.
- 3 Addition to state park.**
Adds land to the statutory boundaries of Fort Snelling State Park.
- 4 Addition to state recreation area.**
Adds land to the statutory boundaries of the Iron Range Off-Highway Vehicle Recreation Area.
- 5 Deletions from state parks.**
Removes land from the statutory boundaries of Fort Snelling State Park and William O'Brien State Park.
- 6 to 8 Private sales of surplus state land.**
Allows the DNR to sell certain surplus state lands by private sale in Cass, Lake of the Woods, and St. Louis Counties.

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- 9 **Private sale of tax-forfeited lands; St. Louis County.**
Allows St. Louis County to sell certain tax-forfeited land by private sale.
- 10 **Public sale of surplus state land bordering public water; Wadena County.**
Allows the DNR to sell surplus state lands bordering public water in Wadena County.
- 11 **Effective date.**
States that the article is effective the day following final enactment.



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