

## STATE OF MINNESOTA

## NINETY-FIRST SESSION — 2020

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 NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 13, 2020

The House of Representatives convened at 1:30 p.m. and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by Representative Jamie Becker-Finn, District 42B, Roseville, 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	Dehn	Hausman	Lillie	Noor	Scott
Albright	Demuth	Heinrich	Lippert	Nornes	Stephenson
Anderson	Dettmer	Heintzeman	Lislegard	Novotny	Sundin
Backer	Drazkowski	Her	Long	O'Driscoll	Swedzinski
Bahner	Ecklund	Hertaus	Lucero	Olson	Tabke
Bahr	Edelson	Hornstein	Lueck	O'Neill	Theis
Baker	Elkins	Howard	Mahoney	Pelowski	Torkelson
Becker-Finn	Erickson	Huot	Mann	Persell	Urdahl
Bennett	Fabian	Johnson	Mariani	Petersburg	Vang
Bernardy	Fischer	Jordan	Marquart	Pierson	Vogel
Bierman	Franson	Jurgens	Masin	Pinto	Wagenius
Boe	Freiberg	Kiel	McDonald	Poppe	Wazlawik
Brand	Garofalo	Klevorn	Mekeland	Poston	West
Cantrell	Gomez	Koegel	Miller	Pryor	Winkler
Carlson, A.	Green	Kotyza-Witthuhn	Moller	Quam	Wolgamott
Carlson, L.	Grossell	Koznick	Moran	Richardson	Xiong, J.
Christensen	Gruenhagen	Kresha	Morrison	Robbins	Xiong, T.
Clafin	Gunther	Kunesh-Podein	Munson	Runbeck	Youakim
Considine	Haley	Layman	Murphy	Sandell	Spk. Hortman
Daniels	Halverson	Lee	Nash	Sandstede	
Daudt	Hamilton	Lesch	Nelson, M.	Sauke	
Davids	Hansen	Liebling	Nelson, N.	Schomacker	
Davnie	Hassan	Lien	Neu	Schultz	

A quorum was present.

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 CHIEF CLERK**

S. F. No. 3443 and H. F. No. 3625, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Fischer moved that S. F. No. 3443 be substituted for H. F. No. 3625 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Winkler from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 3904, A bill for an act relating to commerce; regulating certain conduct relating to the timing of money transmission; amending Minnesota Statutes 2018, section 53B.18.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Winkler from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 4611, A bill for an act relating to economic development; establishing a program for emergency community relief grants; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. No. 3904 was read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 3443 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Marquart introduced:

H. F. No. 4673, A bill for an act relating to local government aid; providing aid and grants to counties, cities, and towns to fund expenses related to COVID-19; appropriating money from the coronavirus relief federal fund.

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

Noor introduced:

H. F. No. 4674, A bill for an act relating to state government; requiring financial assurance for damage to state property for certain construction projects; establishing a strict liability standard for damage to state property; amending Minnesota Statutes 2018, section 16B.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Johnson, Davids, Green, Robbins and Ecklund introduced:

H. F. No. 4675, A bill for an act relating to public safety; clarifying the penalties for violations related to Minnesota Statutes, chapter 12; amending Minnesota Statutes 2018, section 12.45.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Wagenius introduced:

H. F. No. 4676, A bill for an act relating to energy; authorizing a power purchase agreement for certain electric cogeneration activities; amending Minnesota Statutes 2018, section 216B.2424, by adding subdivisions.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Murphy introduced:

H. F. No. 4677, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; modifying previous appropriations; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2018, sections 16A.641, by adding a subdivision; 16B.86; 16B.87; 115A.0716; 123B.53, subdivisions 1, 4; 126C.63, subdivision 8; 126C.66, subdivision 3; 126C.69, as amended; 126C.71; 363A.36, by adding a subdivision; 363A.44, subdivision 1; 462A.37, subdivision 1, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 16A.968, subdivisions 2, 3; 462A.37,

subdivisions 2, 5; Laws 2017, First Special Session chapter 8, article 1, sections 18, subdivision 3; 20, subdivision 21, as amended; Laws 2018, chapter 214, article 1, sections 7, subdivision 1; 21, subdivisions 1, 26, 27; 26, subdivisions 1, as amended, 2; Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 116; 174; 240A; repealing Minnesota Statutes 2018, sections 126C.65, subdivision 2; 126C.68, subdivisions 1, 2, 4; Minnesota Statutes 2019 Supplement, section 126C.68, subdivision 3.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 4044, A bill for an act relating to legislative enactments; making miscellaneous technical corrections to laws and statutes; correcting erroneous, obsolete, and omitted text and references; removing redundant, conflicting, and superseded provisions; amending Minnesota Statutes 2018, sections 3.842, subdivision 2; 12.09, subdivision 10; 13.7905, subdivisions 2, 3, 4a, 5, 6; 34.02; 60B.32, subdivision 5; 60B.38, subdivision 1; 60B.40, subdivision 2; 60B.46, subdivision 2; 62J.498, subdivision 1; 62J.4981, subdivision 3; 62J.812; 88.01, subdivision 1; 88.17, subdivision 3; 97A.052, subdivision 1; 97C.081, subdivision 10; 97C.825, subdivision 2; 103C.201, subdivision 8; 103G.411; 115.72, subdivision 2; 116J.395, subdivision 3; 116J.8737, subdivision 8; 122A.40, subdivision 14; 123A.19, subdivisions 3, 5; 123A.75, subdivisions 2, 4; 124D.77; 124D.98, subdivision 3; 126C.13, subdivision 4; 137.38, subdivision 1; 144.292, subdivision 7; 144A.19, subdivision 2; 145.901, subdivision 2; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13, subdivision 6; 148.10, subdivision 1; 148.261, subdivision 5; 148.5194, subdivision 5; 148.754; 148B.5905; 148E.065, subdivision 1; 148E.075, subdivision 2; 148E.245, subdivision 5; 148F.09, subdivision 6; 151.01, subdivision 27a; 151.071, subdivision 10; 155A.271, subdivision 2; 156.125, subdivision 3; 160.262, subdivision 3; 160.266, subdivision 1b; 160.276, subdivision 2a; 161.082, subdivision 2; 161.166, subdivision 2; 161.53; 169.18, subdivision 6; 169.791, subdivision 5; 169A.03, subdivision 20; 171.02, subdivision 2a; 171.075, subdivision 1; 171.17, subdivision 4; 171.175, subdivision 1; 171.187, subdivisions 1, 3; 174.30, subdivision 3; 216B.1641; 245.814, subdivision 2; 270A.03, subdivision 8; 297E.02, subdivisions 1, 6; 298.28, subdivision 7a; 299A.11, subdivision 1; 308A.711, subdivision 1; 326A.05, subdivision 1; 326A.14, subdivision 1; 353G.08, subdivision 3; 504B.211, subdivision 2; 571.74; 576.21; 576.22; 576.29, subdivision 1; 576.42, subdivision 6; 609.2111; 609.224, subdivision 3; 609.535, subdivision 6; 609.80; 609.891, subdivision 3; 609.902, subdivision 4; 628.26; 629.344; 629.364; Minnesota Statutes 2019 Supplement, sections 16A.968, subdivision 2; 28A.075; 116.155, subdivision 3; 116J.8737, subdivision 5; 121A.335, subdivision 5; 122A.635, subdivision 2; 144G.50, subdivision 2; 151.01, subdivision 27; 151.43; 151.441, subdivision 1; 152.126, subdivision 6; 157.22; 169.881, subdivision 3; 169A.24, subdivision 1; 176.231, subdivision 1; 245A.11, subdivision 7a; 245C.22, subdivision 5; 256B.85, subdivision 2; 260B.331, subdivision 2; 290.0121, subdivision 3; 297A.75, subdivision 1; 349.12, subdivision 25; 609.52, subdivision 1; Laws 2019, First Special Session chapter 4, article 3, section 109; Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6; repealing Minnesota Statutes 2018, sections 13.383, subdivision 9; 115.71, subdivision 4; 161.1231, subdivision 10; Minnesota Statutes 2019 Supplement, section 13.7905, subdivision 7; Laws 2019, chapter 37, section 1.

CAL R. LUDEMAN, Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3013, 3322, 4481 and 4563.

CAL R. LUDEMAN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 3013, A bill for an act relating to energy; establishing the Natural Gas Innovation Act; encouraging natural gas utilities to develop alternative resources; requiring a renewable gaseous fuel inventory; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

S. F. No. 3322, A bill for an act relating to human services; modifying provisions relating to child care, foster care, disability services, community supports, civil commitment, maltreatment of minors, child protection, and child support; expanding definition of providers for child care assistance program; requiring students in foster care who change schools to be enrolled within seven days; requiring responsible social services agencies to initiate and facilitate phone calls between parents and foster care providers for children in out-of-home placement; requiring responsible social services agencies to coordinate prenatal alcohol exposure screenings for children in foster care; directing the commissioner of human services to modify a report and develop training; modifying provisions relating to child care services grants; clarifying commissioner authority to waive child care assistance program provider requirements during declared disaster; modifying family day care training requirements; requiring local agencies to use a universal form to process family day care variance requests and post variance policies publicly; modifying background study requirements for guardians and conservators; modifying the definition of supervision in child care center settings; extending sunset for Cultural and Ethnic Communities Leadership Council; extending the corporate adult foster care moratorium exception for a fifth bed until 2020; modifying timelines for intensive support service planning; permitting delegation of competency evaluations of direct support staff; modifying the training requirements for direct support staff providing licensed home and community-based services; codifying an existing grant program for fetal alcohol disorder prevention activities; codifying existing consumer-directed community supports laws; clarifying the excess income standard for medical assistance; extending end date for first three years of life demonstration project; permitting certain advanced practice registered nurses and physician assistants to order home health services under medical assistance; codifying existing session law governing consumer-directed community supports; modifying provisions regarding post-arrest community-based service coordination; birth to age eight pilot project participation requirements; eliminating requirement to involve state medical review agent in determination and documentation of medically necessary psychiatric residential treatment facility services; requiring establishment of per diem rate per provider of youth psychiatric residential treatment services; permitting facilities or licensed professionals to submit billing for arranged services; changing definition relating to children's mental health crisis response services; modifying intensive rehabilitative mental health services requirements and provider standards; establishing state policy regarding services offered to people with disabilities; modifying existing direction to the commissioner of human services regarding proposing changes to the home and community-based waivers; modifying requirements for service planning for home and community-based services; restoring a notice requirement when MnCHOICES assessments are required for personal care assistance services; modifying definitions, requirements, and eligibility for long-term care consultation services; modifying case management requirements for individuals receiving services through the home and community-based services waivers; modifying

the definition of community-living setting; modifying provisions regarding medical assistance covered services for certified community behavioral health clinics and officer-involved community-based care coordination; modifying eligibility for children's mental health respite grants; removing certain categories from being exempt from foster care initial license moratorium; modifying background study provisions related to child foster care, children's residential facilities, foster residence settings, and housing support; modifying provisions relating to home and community-based services; modifying provisions governing state-operated community-based services environment and safety; clarifying circumstances for termination of state-operated services for individuals with complex behavioral needs; removing provision limiting medical assistance coverage for intensive mental health outpatient treatment to adults; modifying provisions relating to withdrawal management, substance use disorder, housing support, and general assistance programs; authorizing correction of housing support payments; modifying definition of qualified professional for purposes of applying for housing support and general assistance; allowing minor consent to homeless and sexually exploited youth services under specified circumstances; authorizing imposition of fine for repeat violations of chemical dependency or substance abuse disorder treatment program requirements; modifying provisions relating to foster care out-of-home and qualified residential treatment program placements; directing commissioner of human services to consider continuous licenses for family day care providers; instructing the revisor of statutes to modify references to the Disability Linkage Line; modifying provisions governing civil commitment; modifying the procedure for recreational license suspension and reinstatement; modifying child welfare provisions; reorganizing and clarifying sections regarding child maltreatment and neglect; authorizing engagement services pilot project; establishing temporary emergency authority for the commissioner of human services; requiring reports; amending Minnesota Statutes 2018, sections 13.32, subdivision 3; 13.3805, subdivision 3; 13.43, subdivision 14; 13.82, subdivisions 8, 9, 17; 13.821; 13.84, subdivision 9; 13.871, subdivision 6; 13.88; 119B.21; 119B.26; 120B.22, subdivision 2; 125A.0942, subdivision 4; 135A.15, subdivision 10; 144.225, subdivision 2b; 144.343, subdivision 4; 144.7065, subdivision 10; 144.7068; 144A.472, subdivision 1; 144A.479, subdivision 6; 144A.4796, subdivision 6; 144H.16, subdivision 1; 144H.18, subdivision 3; 145.902, subdivision 3; 145.952, subdivision 2; 146A.025; 148E.240, subdivision 7; 148F.13, subdivision 12; 148F.205, subdivision 1; 153B.70; 214.103, subdivision 8; 214.104; 245.4871, by adding a subdivision; 245.4885, subdivision 1; 245.8261, subdivision 9; 245A.02, subdivision 2c; 245A.04, subdivisions 5, 9; 245A.06, subdivision 8; 245A.07, subdivision 5; 245A.08, subdivision 2a; 245A.085; 245A.11, subdivisions 2a, 7b; 245A.50, as amended; 245C.02, subdivision 5, by adding subdivisions; 245C.03, by adding a subdivision; 245C.04, subdivision 1, by adding a subdivision; 245C.05, subdivision 6; 245C.10, by adding subdivisions; 245C.14, by adding a subdivision; 245C.15, subdivision 4; 245C.16, subdivisions 1, 2; 245C.17, subdivisions 1, 3, by adding a subdivision; 245C.18; 245C.21, subdivision 2; 245C.24, subdivision 4; 245C.25; 245C.27, subdivisions 1, 2; 245C.28, subdivision 1; 245C.29, subdivision 1; 245C.31, subdivision 1; 245C.32, subdivision 2; 245D.02, subdivision 11, by adding a subdivision; 245D.04, subdivision 3; 245D.06, subdivisions 1, 2, 6; 245D.071, subdivision 3; 245D.081, subdivision 2; 245D.09, subdivisions 4, 4a; 245D.10, subdivision 3a; 245D.32, subdivision 5; 245F.02, subdivisions 7, 14; 245F.04, subdivision 1; 245F.06, subdivision 2; 245F.12, subdivisions 2, 3; 245F.15, subdivisions 3, 5; 245F.16, subdivisions 1, 2; 245F.18; 245G.02, subdivision 2; 245G.03, subdivision 1; 245G.09, subdivision 1; 245G.10, subdivision 3; 245G.11, subdivisions 3, 4; 245G.13, subdivision 2; 253B.02, subdivisions 4b, 7, 8, 9, 10, 13, 16, 17, 18, 19, 21, 22, 23, by adding a subdivision; 253B.03, subdivisions 1, 2, 3, 4a, 5, 6, 6b, 6d, 7, 10; 253B.04, subdivisions 1, 1a, 2; 253B.045, subdivisions 2, 3, 5, 6; 253B.06, subdivisions 1, 2, 3; 253B.07, subdivisions 1, 2, 2a, 2b, 2d, 3, 5, 7; 253B.08, subdivisions 1, 2a, 5, 5a; 253B.09, subdivisions 1, 2, 3a, 5; 253B.092; 253B.0921; 253B.095, subdivision 3; 253B.097, subdivisions 1, 2, 3, 6; 253B.10; 253B.12, subdivisions 1, 3, 4, 7; 253B.13, subdivision 1; 253B.14; 253B.141; 253B.15, subdivisions 1, 1a, 2, 3, 3a, 3b, 3c, 5, 7, 9, 10, by adding a subdivision; 253B.16; 253B.17; 253B.18, subdivisions 1, 2, 3, 4a, 4b, 4c, 5, 5a, 6, 7, 8, 10, 11, 12, 14, 15; 253B.19, subdivision 2; 253B.20, subdivisions 1, 2, 3, 4, 6; 253B.21, subdivisions 1, 2, 3; 253B.212, subdivisions 1, 1a, 1b, 2; 253B.22, subdivisions 1, 2, 3, 4; 253B.23, subdivisions 1, 1b, 2; 253B.24; 253D.02, subdivision 6; 253D.07, subdivision 2; 253D.10, subdivision 2; 253D.28, subdivision 2; 254A.09; 256.01, subdivisions 12, 15; 256.0112, subdivision 10; 256.041, subdivision 10; 256.045, subdivisions 3, 3b, 4; 256.82, subdivision 2; 256.87, subdivision 8; 256.975, subdivision 12; 256B.0621, subdivision 4; 256B.0625, subdivisions 51, 33, 56a; 256B.0652, subdivision 10; 256B.0653, subdivisions 4, 5, 7; 256B.0654, subdivisions 1, 2a; 256B.0911, subdivision 1; 256B.092, subdivision 1a;

256B.0941, subdivisions 1, 3; 256B.0944, subdivision 1; 256B.0945, subdivision 1; 256B.0947, subdivisions 2, 4, 5, 6; 256B.0949, subdivisions 2, 5, 6, 9, 13, 14, 15, 16; 256B.0951, subdivision 5; 256B.0954; 256B.097, subdivisions 4, 6; 256B.49, subdivisions 16, 23; 256B.77, subdivision 17; 256B.85, subdivision 12a; 256D.02, subdivision 17; 256E.21, subdivision 5; 256E.35; 256F.10, subdivisions 1, 4; 256I.03, subdivisions 3, 14; 256I.05, subdivisions 1c, 1n, 8; 256I.06, subdivision 2, by adding a subdivision; 256J.08, subdivision 73a; 256L.07, subdivision 4; 256M.10, subdivision 2; 256M.40, subdivision 1; 256M.41, subdivision 1; 256N.02, subdivision 14a; 256N.21, subdivisions 2, 5; 256N.24, subdivision 4; 256P.01, by adding a subdivision; 257.0725; 257.0764; 257.70; 260.012; 260.761, subdivision 2; 260B.171, subdivision 6; 260C.007, subdivisions 3, 5, 6, 13, by adding subdivisions; 260C.150, subdivision 3; 260C.157, subdivision 3; 260C.171, subdivision 3; 260C.177; 260C.202; 260C.204; 260C.209, subdivision 2; 260C.212, subdivisions 1, 4a, 12, by adding a subdivision; 260C.219; 260C.221; 260C.227; 260C.4412; 260C.503, subdivision 2, by adding a subdivision; 260D.01; 260D.02, subdivisions 3, 5; 388.051, subdivision 2; 518.005, subdivision 5; 518.165, subdivisions 2, 5; 518A.53, subdivision 11; 518A.68; 518A.685; 524.5-118; 595.02, subdivisions 1, 2; 609.26, subdivision 7; 609.3457, subdivision 2; 609.379, subdivision 2; 609.507; 609.7495, subdivision 1; 611A.203, subdivision 4; 611A.90, subdivision 1; 626.557, subdivision 9d; Minnesota Statutes 2019 Supplement, sections 13.46, subdivisions 3, 4; 119B.011, subdivision 19; 122A.20, subdivision 2; 122A.40, subdivision 13; 122A.41, subdivision 6; 144A.4796, subdivision 2; 148B.593; 243.166, subdivision 7; 245.4889, subdivision 1; 245.735, subdivision 3; 245A.02, subdivision 18; 245A.03, subdivision 7; 245A.07, subdivision 3; 245A.145, subdivision 1; 245A.149; 245A.16, subdivision 1; 245A.40, subdivisions 1, 7; 245C.03, subdivision 1; 245C.05, subdivision 4; 245C.08, subdivision 1; 245C.13, subdivision 2; 245D.071, subdivision 5; 245D.09, subdivision 5; 245G.12; 245G.13, subdivision 1; 245H.11; 254A.03, subdivision 3, as amended; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.01, subdivision 14b; 256B.056, subdivision 5c; 256B.0625, subdivision 5m; 256B.064, subdivision 2; 256B.0711, subdivision 1; 256B.0911, subdivisions 1a, 3a, 3f; 256B.092, subdivision 1b; 256B.49, subdivisions 13, 14; 256B.85, subdivision 10; 256I.04, subdivision 2b; 256S.01, subdivision 6; 256S.19, subdivision 4; 260B.198, subdivision 1; 260C.139, subdivision 3; 260C.178, subdivision 1; 260C.201, subdivision 6; 260C.212, subdivision 2; 299C.093; Laws 2016, chapter 189, article 15, section 29; Laws 2017, First Special Session chapter 6, article 7, section 33, subdivisions 2, 3; Laws 2019, First Special Session chapter 9, article 5, section 86; article 14, section 2, subdivision 33; proposing coding for new law in Minnesota Statutes, chapters 120A; 253B; 254A; 256B; 256K; 260; 260C; proposing coding for new law as Minnesota Statutes, chapter 260E; repealing Minnesota Statutes 2018, sections 245F.02, subdivision 20; 253B.02, subdivisions 6, 12a; 253B.05, subdivisions 1, 2, 2b, 3, 4; 253B.064; 253B.065; 253B.066; 253B.09, subdivision 3; 253B.12, subdivision 2; 253B.15, subdivision 11; 253B.20, subdivision 7; 626.556, subdivisions 1, 3, 3a, 3c, 3d, 3f, 4, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, 10n, 11a, 11b, 11c, 11d, 12, 14, 15, 16; 626.5561; 626.5562; 626.558; 626.559, subdivisions 1, 1a, 1b, 2, 3, 5; 626.5591; 626.561; Minnesota Statutes 2019 Supplement, section 626.556, subdivisions 2, 3b, 3e, 10, 11; Laws 2005, First Special Session chapter 4, article 7, sections 50; 51; Laws 2012, chapter 247, article 4, section 47, as amended; Laws 2015, chapter 71, article 7, section 54, as amended; Laws 2017, First Special Session chapter 6, article 1, sections 44, as amended; 45, as amended.

The bill was read for the first time.

Moran moved that S. F. No. 3322 and H. F. No. 3104, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 4481, A bill for an act relating to economic development and state finances; appropriating money for emergency small business grants and loans; reimbursing the Minnesota 21st century minerals fund; adjusting the budget reserve forecast calculation; changing the fund receiving small business loan repayments; making technical changes; amending Minnesota Statutes 2018, section 16A.152, subdivision 2; Laws 2020, chapter 71, article 1, section 11.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

S. F. No. 4563, A bill for an act relating to state finances; changing the source of COVID-19 appropriations and transfers to federal funds; canceling general fund appropriations and transfers; appropriating money; amending Laws 2020, chapter 70, article 2, section 2; Laws 2020, chapter 71, article 1, sections 2, subdivision 9; 3; 4; 5; 10; repealing Laws 2020, chapter 66, section 1; Laws 2020, chapter 70, article 1, section 3; Laws 2020, chapter 74, article 1, section 3.

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

#### 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 bills to be placed on the Calendar for the Day for Friday, May 15, 2020 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 1842, 4206, 3103, 2682, 3392 and 4597; S. F. Nos. 3435 and 3589; and H. F. No. 4500.

#### CALENDAR FOR THE DAY

S. F. No. 4073, A bill for an act relating to environment; banning certain uses of trichloroethylene; proposing coding for new law in Minnesota Statutes, chapter 116.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hassan	Liebling	O'Driscoll	Sundin
Albright	Dehn	Hausman	Lien	Olson	Swedzinski
Anderson	Demuth	Heintzeman	Lillie	Pelowski	Tabke
Backer	Dettmer	Her	Lippert	Persell	Theis
Bahner	Ecklund	Hornstein	Lislegard	Petersburg	Torkelson
Baker	Edelson	Howard	Long	Pierson	Urdahl
Becker-Finn	Elkins	Huot	Lueck	Pinto	Vang
Bennett	Erickson	Johnson	Mahoney	Poppe	Vogel
Bernardy	Fabian	Jordan	Mann	Poston	Wagenius
Bierman	Fischer	Jurgens	Mariani	Pryor	Wazlawik
Boe	Franson	Kiel	Marquart	Richardson	West
Brand	Freiberg	Klevorn	Masin	Robbins	Winkler
Cantrell	Garofalo	Koegel	McDonald	Runbeck	Wolgammott
Carlson, A.	Gomez	Kotzya-Witthuhn	Moller	Sandell	Xiong, J.
Carlson, L.	Grossell	Koznick	Moran	Sandstede	Xiong, T.
Christensen	Gunther	Kresha	Morrison	Sauke	Youakim
Clafin	Haley	Kunesh-Podein	Murphy	Schomacker	Spk. Hortman
Considine	Halverson	Layman	Nelson, M.	Schultz	
Daniels	Hamilton	Lee	Nelson, N.	Scott	
Davids	Hansen	Lesch	Noor	Stephenson	



Those who voted in the negative were:

Bahr	Green	Hertaus	Miller	Neu	O'Neill
Daudt	Gruenhagen	Lucero	Munson	Nornes	Quam
Drazkowski	Heinrich	Mekeland	Nash	Novotny	

The bill was passed and its title agreed to.

S. F. No. 2466, A bill for an act relating to financial institutions; modifying provisions governing financial exploitation protections for vulnerable adults; amending Minnesota Statutes 2018, sections 45A.01, by adding a subdivision; 45A.02; 45A.03; 45A.04; 45A.05; 45A.06; 45A.07.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hassan	Lien	Noor	Schomacker
Albright	Dehn	Hausman	Lillie	Nornes	Schultz
Anderson	Demuth	Heintzeman	Lippert	Novotny	Scott
Backer	Dettmer	Her	Lislegard	O'Driscoll	Stephenson
Bahner	Ecklund	Hornstein	Long	Olson	Sundin
Baker	Edelson	Howard	Lueck	O'Neill	Swedzinski
Becker-Finn	Elkins	Huot	Mahoney	Pelowski	Tabke
Bennett	Erickson	Johnson	Mann	Persell	Theis
Bernardy	Fabian	Jordan	Mariani	Petersburg	Torkelson
Bierman	Fischer	Jurgens	Marquart	Pierson	Urdahl
Boe	Freiberg	Kiel	Masin	Pinto	Vang
Brand	Garofalo	Klevorn	McDonald	Poppe	Vogel
Cantrell	Gomez	Koegel	Miller	Poston	Wagenius
Carlson, A.	Green	Kotyza-Witthuhn	Moller	Pryor	Wazlawik
Carlson, L.	Grossell	Koznick	Moran	Quam	West
Christensen	Gruenhagen	Kresha	Morrison	Richardson	Winkler
Clafin	Gunther	Kunesh-Podein	Murphy	Robbins	Wolgamott
Considine	Haley	Layman	Nash	Runbeck	Xiong, J.
Daniels	Halverson	Lee	Nelson, M.	Sandell	Xiong, T.
Daudt	Hamilton	Lesch	Nelson, N.	Sandstede	Youakim
Davids	Hansen	Liebling	Neu	Sauke	Spk. Hortman

Those who voted in the negative were:

Bahr	Franson	Hertaus	Mekeland
Drazkowski	Heinrich	Lucero	Munson

The bill was passed and its title agreed to.

H. F. No. 4601 was reported to the House.

Koegel moved to amend H. F. No. 4601 as follows:

Page 2, line 11, delete everything after the period

Page 2, delete lines 12 and 13

The motion prevailed and the amendment was adopted.

H. F. No. 4601, A bill for an act relating to human services; requiring the commissioner of human services to award grants from the opiate epidemic response account.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Acomb	Davnie	Hassan	Lesch	Neu	Scott
Albright	Dehn	Hausman	Liebling	Noor	Stephenson
Anderson	Demuth	Heinrich	Lien	Nornes	Sundin
Backer	Dettmer	Heintzeman	Lillie	Novotny	Swedzinski
Bahner	Ecklund	Her	Lippert	O'Driscoll	Tabke
Baker	Edelson	Hertaus	Lislegard	Olson	Theis
Becker-Finn	Elkins	Hornstein	Long	Pelowski	Torkelson
Bennett	Erickson	Howard	Lueck	Persell	Urdahl
Bernardy	Fabian	Huot	Mahoney	Petersburg	Vang
Bierman	Fischer	Johnson	Mann	Pierson	Vogel
Boe	Franson	Jordan	Mariani	Pinto	Wagenius
Brand	Freiberg	Jurgens	Marquart	Poppe	Wazlawik
Cantrell	Garofalo	Kiel	Masin	Poston	West
Carlson, A.	Gomez	Klevorn	Miller	Pryor	Winkler
Carlson, L.	Green	Koegel	Moller	Robbins	Wolgamott
Christensen	Grossell	Kotyza-Witthuhn	Moran	Runbeck	Xiong, J.
Clafin	Gunther	Koznick	Morrison	Sandell	Xiong, T.
Considine	Haley	Kresha	Munson	Sandstede	Youakim
Daniels	Halverson	Kunesh-Podein	Murphy	Sauke	Spk. Hortman
Daudt	Hamilton	Layman	Nelson, M.	Schomacker	
Davids	Hansen	Lee	Nelson, N.	Schultz	

Those who voted in the negative were:

Bahr	Gruenhagen	McDonald	Nash	Quam
Drazkowski	Lucero	Mekeland	O'Neill	

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

S. F. No. 3357, A bill for an act relating to civil law; making policy, technical, and conforming changes to law related to guardianships, minor trusts, common interest ownerships, and garnishment; amending Minnesota Statutes 2018, sections 484.76, subdivision 2; 515B.1-102; 515B.2-118; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions; 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303; 524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317; 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414; 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 524.5-502; 527.32; 527.33; 527.40; 527.42; 550.136, subdivisions 3, 4, 5, 9, 10, 12; 551.04, subdivisions 2, 11; 551.06, subdivisions 3, 4, 5, 9, 12; 571.72, subdivisions 2, 7; 571.73, subdivision 3; 571.74; 571.75, subdivisions 1, 2; 571.922; 571.923; 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota Statutes, chapter 524.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 4490, A bill for an act relating to agriculture; providing supplemental agriculture-related appropriations for various agriculture-related purposes including appropriations for farm and rural mental health services, farmers assistance, farm advocate services, farm safety, veterinary diagnostic equipment, farm loan origination fee assistance, and retail food handler safety; providing farm safety grant and outreach programs; making technical changes; amending Minnesota Statutes 2018, section 31.175; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivisions 3, 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 17.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bahr

The bill was passed and its title agreed to.

H. F. No. 4599, A bill for an act relating to agriculture; modifying the time period for the Farmer-Lender Mediation Act in 2020; amending Laws 2020, chapter 74, article 1, section 19.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Acomb	Bernardy	Considine	Ecklund	Gomez	Hassan
Albright	Bierman	Daniels	Edelson	Green	Hausman
Anderson	Boe	Daudt	Elkins	Grossell	Heinrich
Backer	Brand	Davids	Erickson	Gruenhagen	Heintzeman
Bahner	Cantrell	Davnie	Fabian	Gunther	Her
Bahr	Carlson, A.	Dehn	Fischer	Haley	Hertaus
Baker	Carlson, L.	Demuth	Franson	Halverson	Hornstein
Becker-Finn	Christensen	Dettmer	Freiberg	Hamilton	Howard
Bennett	Clafin	Drazkowski	Garofalo	Hansen	Huot

Johnson	Lien	Miller	Olson	Sandell	Vogel
Jordan	Lillie	Moller	O'Neill	Sandstede	Wagenius
Jurgens	Lippert	Moran	Pelowski	Sauke	Wazlawik
Kiel	Lislegard	Morrison	Persell	Schomacker	West
Klevorn	Long	Munson	Petersburg	Schultz	Winkler
Koegel	Lucero	Murphy	Pierson	Scott	Wolgamott
Kotyza-Witthuhn	Lueck	Nash	Pinto	Stephenson	Xiong, J.
Koznick	Mahoney	Nelson, M.	Poppe	Sundin	Xiong, T.
Kresha	Mann	Nelson, N.	Poston	Swedzinski	Youakim
Kunesh-Podein	Mariani	Neu	Pryor	Tabke	Spk. Hortman
Layman	Marquart	Noor	Quam	Theis	
Lee	Masin	Nornes	Richardson	Torkelson	
Lesch	McDonald	Novotny	Robbins	Urdahl	
Liebling	Mekeland	O'Driscoll	Runbeck	Vang	

The bill was passed and its title agreed to.

S. F. No. 3298, A bill for an act relating to local government; modifying provisions relating to charter commissions; permitting reappointments; amending Minnesota Statutes 2018, sections 410.05, subdivision 2; 410.06.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boe                      Jurgens

The bill was passed and its title agreed to.

S. F. No. 3560 was reported to the House.

#### LAY ON THE TABLE

Winkler moved that S. F. No. 3560 be laid on the table. The motion prevailed.

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

### REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 2604, A bill for an act relating to human services; requiring a report on the cost of producing legislatively mandated reports.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 144.6502, subdivision 1, is amended to read:

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

(b) "Commissioner" means the commissioner of health.

(c) "Department" means the Department of Health.

(d) "Electronic monitoring" means the placement and use of an electronic monitoring device by a resident in the resident's room or private living unit in accordance with this section.

(e) "Electronic monitoring device" means a camera or other device that captures, records, or broadcasts audio, video, or both, that is placed in a resident's room or private living unit and is used to monitor the resident or activities in the room or private living unit.

(f) "Facility" means a facility that is:

(1) licensed as a nursing home under chapter 144A;

(2) licensed as a boarding care home under sections 144.50 to 144.56;

(3) until August 1, ~~2021~~ 2022, a housing with services establishment registered under chapter 144D that is either subject to chapter 144G or has a disclosed special unit under section 325F.72; or

(4) on or after August 1, ~~2021~~ 2022, an assisted living facility.

(g) "Resident" means a person 18 years of age or older residing in a facility.

(h) "Resident representative" means one of the following in the order of priority listed, to the extent the person may reasonably be identified and located:

- (1) a court-appointed guardian;
- (2) a health care agent as defined in section 145C.01, subdivision 2; or
- (3) a person who is not an agent of a facility or of a home care provider designated in writing by the resident and maintained in the resident's records on file with the facility.

Sec. 2. Minnesota Statutes 2019 Supplement, section 144.6512, is amended by adding a subdivision to read:

Subd. 6. **Other laws.** Nothing in this section affects the rights and remedies available under section 626.557, subdivisions 10, 17, and 20.

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

Sec. 3. Minnesota Statutes 2019 Supplement, section 144A.20, subdivision 4, is amended to read:

Subd. 4. **Assisted living director qualifications; ongoing training.** (a) The Board of Executives may issue licenses to qualified persons as an assisted living director and shall approve training and examinations. No license shall be issued to a person as an assisted living director unless that person:

- (1) is eligible for licensure;
- (2) has applied for licensure under this subdivision within six months of hire; and
- (3) has satisfactorily met standards set by the board or is scheduled to complete the training in paragraph (b) within one year of hire. The standards shall be designed to assure that assisted living directors are individuals who, by training or experience, are qualified to serve as assisted living directors.

(b) In order to be qualified to serve as an assisted living director, an individual must:

(1) have completed an approved training course and passed an examination approved by the board that is designed to test for competence and that includes assisted living facility laws in Minnesota;

(2)(i) currently be licensed as a nursing home administrator or have been validated as a qualified health services executive by the National Association of Long Term Care Administrator Boards; and

(ii) have core knowledge of assisted living facility laws; or

(3) apply for licensure by July 1, ~~2021~~ 2022, and satisfy one of the following:

(i) have a higher education degree in nursing, social services, or mental health, or another professional degree with training specific to management and regulatory compliance;

(ii) have at least three years of supervisory, management, or operational experience and higher education training applicable to an assisted living facility;

(iii) have completed at least 1,000 hours of an executive in training program provided by an assisted living director licensed under this subdivision; or

(iv) have managed a housing with services establishment operating under assisted living title protection for at least three years.

(c) An assisted living director must receive at least 30 hours of training every two years on topics relevant to the operation of an assisted living facility and the needs of its residents. An assisted living director must maintain records of the training required by this paragraph for at least the most recent three-year period and must provide these records to Department of Health surveyors upon request. Continuing education earned to maintain another professional license, such as a nursing home administrator license, nursing license, social worker license, mental health professional license, or real estate license, may be used to satisfy this requirement when the continuing education is relevant to the assisted living services offered and residents served at the assisted living facility.

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

Sec. 4. Minnesota Statutes 2019 Supplement, section 144A.291, subdivision 2, is amended to read:

Subd. 2. **Amounts.** (a) Fees may not exceed the following amounts but may be adjusted lower by board direction and are for the exclusive use of the board as required to sustain board operations. The maximum amounts of fees are:

(1) application for licensure, \$200;

(2) for a prospective applicant for a review of education and experience advisory to the license application, \$100, to be applied to the fee for application for licensure if the latter is submitted within one year of the request for review of education and experience;

(3) state examination, \$125;

(4) initial license, \$250 if issued between July 1 and December 31, \$100 if issued between January 1 and June 30;

(5) acting ~~administrator~~ permit, \$400;

(6) renewal license, \$250;

(7) duplicate license, \$50;

(8) reinstatement fee, \$250;

~~(9) health services executive initial license, \$200;~~

~~(10) health services executive renewal license, \$200;~~

~~(11)~~ (9) reciprocity verification fee, \$50;

~~(12)~~ (10) second shared ~~administrator~~ assignment, \$250;

~~(13)~~ (11) continuing education fees:

(i) greater than six hours, \$50; and

(ii) seven hours or more, \$75;

~~(14)~~ (12) education review, \$100;



~~(15)~~ (13) fee to a sponsor for review of individual continuing education seminars, institutes, workshops, or home study courses:

(i) for less than seven clock hours, \$30; and

(ii) for seven or more clock hours, \$50;

~~(16)~~ (14) fee to a licensee for review of continuing education seminars, institutes, workshops, or home study courses not previously approved for a sponsor and submitted with an application for license renewal:

(i) for less than seven clock hours total, \$30; and

(ii) for seven or more clock hours total, \$50;

~~(17)~~ (15) late renewal fee, \$75;

~~(18)~~ (16) fee to a licensee for verification of licensure status and examination scores, \$30;

~~(19)~~ (17) registration as a registered continuing education sponsor, \$1,000; and

~~(20)~~ (18) mail labels, \$75.

(b) The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

Sec. 5. Minnesota Statutes 2019 Supplement, section 144A.474, subdivision 11, is amended to read:

Subd. 11. **Fines.** (a) Fines and enforcement actions under this subdivision may be assessed based on the level and scope of the violations described in paragraph (b) and imposed immediately with no opportunity to correct the violation first as follows:

(1) Level 1, no fines or enforcement;

(2) Level 2, a fine of \$500 per violation, in addition to any of the enforcement mechanisms authorized in section 144A.475 for widespread violations;

(3) Level 3, a fine of \$3,000 per incident, in addition to any of the enforcement mechanisms authorized in section 144A.475;

(4) Level 4, a fine of \$5,000 per incident, in addition to any of the enforcement mechanisms authorized in section 144A.475;

(5) for maltreatment violations for which the licensee was determined to be responsible for the maltreatment under section 626.557, subdivision 9c, paragraph (c), a fine of \$1,000. A fine of \$5,000 may be imposed if the commissioner determines the licensee is responsible for maltreatment consisting of sexual assault, death, or abuse resulting in serious injury; and

(6) the fines in clauses (1) to (4) are increased and immediate fine imposition is authorized for both surveys and investigations conducted.

When a fine is assessed against a facility for substantiated maltreatment, the commissioner shall not also impose an immediate fine under this chapter for the same circumstance.

(b) Correction orders for violations are categorized by both level and scope and fines shall be assessed as follows:

(1) level of violation:

(i) Level 1 is a violation that has no potential to cause more than a minimal impact on the client and does not affect health or safety;

(ii) Level 2 is a violation that did not harm a client's health or safety but had the potential to have harmed a client's health or safety, but was not likely to cause serious injury, impairment, or death;

(iii) Level 3 is a violation that harmed a client's health or safety, not including serious injury, impairment, or death, or a violation that has the potential to lead to serious injury, impairment, or death; and

(iv) Level 4 is a violation that results in serious injury, impairment, or death;

(2) scope of violation:

(i) isolated, when one or a limited number of clients are affected or one or a limited number of staff are involved or the situation has occurred only occasionally;

(ii) pattern, when more than a limited number of clients are affected, more than a limited number of staff are involved, or the situation has occurred repeatedly but is not found to be pervasive; and

(iii) widespread, when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all of the clients.

(c) If the commissioner finds that the applicant or a home care provider has not corrected violations by the date specified in the correction order or conditional license resulting from a survey or complaint investigation, the commissioner shall provide a notice of noncompliance with a correction order by e-mail to the applicant's or provider's last known e-mail address. The noncompliance notice must list the violations not corrected.

(d) For every violation identified by the commissioner, the commissioner shall issue an immediate fine pursuant to paragraph (a), clause (6). The license holder must still correct the violation in the time specified. The issuance of an immediate fine can occur in addition to any enforcement mechanism authorized under section 144A.475. The immediate fine may be appealed as allowed under this subdivision.

(e) The license holder must pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the commissioner may issue a second fine or suspend the license until the license holder complies by paying the fine. A timely appeal shall stay payment of the fine until the commissioner issues a final order.

(f) A license holder shall promptly notify the commissioner in writing when a violation specified in the order is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order, the commissioner may issue a second fine. The commissioner shall notify the license holder by mail to the last known address in the licensing record that a second fine has been assessed. The license holder may appeal the second fine as provided under this subdivision.

(g) A home care provider that has been assessed a fine under this subdivision has a right to a reconsideration or a hearing under this section and chapter 14.

(h) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder shall be liable for payment of the fine.

(i) In addition to any fine imposed under this section, the commissioner may assess a penalty amount based on costs related to an investigation that results in a final order assessing a fine or other enforcement action authorized by this chapter.

(j) Fines collected under paragraph (a), clauses (1) to (4), shall be deposited in a dedicated special revenue account. On an annual basis, the balance in the special revenue account shall be appropriated to the commissioner to implement the recommendations of the advisory council established in section 144A.4799.

(k) Fines collected under paragraph (a), clause (5), shall be deposited in a dedicated special revenue account and appropriated to the commissioner to provide compensation according to subdivision 14 to clients subject to maltreatment. A client may choose to receive compensation from this fund, not to exceed \$5,000 for each substantiated finding of maltreatment, or take civil action. This paragraph expires July 31, ~~2021~~ 2022.

Sec. 6. Minnesota Statutes 2019 Supplement, section 144A.474, subdivision 14, is amended to read:

Subd. 14. **Maltreatment compensation fund.** (a) Once a finding of maltreatment for which the licensee is determined to be responsible is substantiated and any request for reconsideration, if applicable, is completed, the commissioner shall pay the fine assessed under subdivision 11, paragraph (a), clause (5), as compensation to the client who was subject to the maltreatment, if:

(1) the client chooses to receive a compensation payment of either \$1,000 or \$5,000 as determined by the fine assessed under subdivision 11, paragraph (a), clause (5), depending on the level of maltreatment; and

(2) the client accepts payment of compensation under this subdivision as payment in full and agrees to waive any civil claims, including claims under section 626.557, subdivision 20, arising from the specific maltreatment incident that resulted in the fine.

(b) The commissioner shall notify the client that the client may reject a compensation payment under this subdivision and instead pursue any civil claims.

(c) Except as provided in paragraph (a), nothing in this subdivision affects the rights available to clients under section 626.557 or prevents a client from filing a maltreatment report in the future.

(d) This subdivision expires July 31, ~~2021~~ 2022.

Sec. 7. Minnesota Statutes 2019 Supplement, section 144A.4799, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The commissioner of health shall appoint eight persons to a home care and assisted living program advisory council consisting of the following:

(1) three public members as defined in section 214.02 who shall be persons who are currently receiving home care services, persons who have received home care services within five years of the application date, persons who have family members receiving home care services, or persons who have family members who have received home care services within five years of the application date;

(2) three Minnesota home care licensees representing basic and comprehensive levels of licensure who may be a managerial official, an administrator, a supervising registered nurse, or an unlicensed personnel performing home care tasks;

- (3) one member representing the Minnesota Board of Nursing;
- (4) one member representing the Office of Ombudsman for Long-Term Care; and
- (5) beginning July 1, ~~2021~~ 2022, one member of a county health and human services or county adult protection office.

Sec. 8. Minnesota Statutes 2019 Supplement, section 144G.07, is amended by adding a subdivision to read:

Subd. 6. **Other laws.** Nothing in this section affects the rights and remedies available under section 626.557, subdivisions 10, 17, and 20.

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

Sec. 9. Minnesota Statutes 2019 Supplement, section 144G.08, subdivision 7, is amended to read:

Subd. 7. **Assisted living facility.** "Assisted living facility" means a ~~licensed~~ facility that provides sleeping accommodations and assisted living services to one or more adults. Assisted living facility includes assisted living facility with dementia care, and does not include:

- (1) emergency shelter, transitional housing, or any other residential units serving exclusively or primarily homeless individuals, as defined under section 116L.361;
- (2) a nursing home licensed under chapter 144A;
- (3) a hospital, certified boarding care, or supervised living facility licensed under sections 144.50 to 144.56;
- (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, or under chapter 245D or 245G;
- (5) services and residential settings licensed under chapter 245A, including adult foster care and services and settings governed under the standards in chapter 245D;
- (6) a private home in which the residents are related by kinship, law, or affinity with the provider of services;
- (7) a duly organized condominium, cooperative, and common interest community, or owners' association of the condominium, cooperative, and common interest community where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units;
- (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;
- (9) a setting offering services conducted by and for the adherents of any recognized church or religious denomination for its members exclusively through spiritual means or by prayer for healing;
- (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with low-income housing tax credits pursuant to United States Code, title 26, section 42, and units financed by the Minnesota Housing Finance Agency that are intended to serve individuals with disabilities or individuals who are homeless, except for those developments that market or hold themselves out as assisted living facilities and provide assisted living services;
- (11) rental housing developed under United States Code, title 42, section 1437, or United States Code, title 12, section 1701q;

(12) rental housing designated for occupancy by only elderly or elderly and disabled residents under United States Code, title 42, section 1437e, or rental housing for qualifying families under Code of Federal Regulations, title 24, section 983.56;

(13) rental housing funded under United States Code, title 42, chapter 89, or United States Code, title 42, section 8011; ~~or~~

(14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

(15) any establishment that exclusively or primarily serves as a shelter or temporary shelter for victims of domestic or any other form of violence.

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

Sec. 10. Minnesota Statutes 2019 Supplement, section 144G.08, is amended by adding a subdivision to read:

Subd. 7a. **Assisted living facility license.** "Assisted living facility license" means a certificate issued by the commissioner under section 144G.10 that authorizes the licensee to manage, control, and operate an assisted living facility for a specified period of time and in accordance with the terms of the license and the rules of the commissioner.

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

Sec. 11. Minnesota Statutes 2019 Supplement, section 144G.08, subdivision 9, is amended to read:

Subd. 9. **Assisted living services.** "Assisted living services" includes one or more of the following:

- (1) assisting with dressing, self-feeding, oral hygiene, hair care, grooming, toileting, and bathing;
- (2) providing standby assistance;
- (3) providing verbal or visual reminders to the resident to take regularly scheduled medication, which includes bringing the resident previously set up medication, medication in original containers, or liquid or food to accompany the medication;
- (4) providing verbal or visual reminders to the resident to perform regularly scheduled treatments and exercises;
- (5) preparing ~~modified~~ specialized diets ordered by a licensed health professional;
- (6) services of an advanced practice registered nurse, registered nurse, licensed practical nurse, physical therapist, respiratory therapist, occupational therapist, speech-language pathologist, dietitian or nutritionist, or social worker;
- (7) tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed health professional within the person's scope of practice;
- (8) medication management services;
- (9) hands-on assistance with transfers and mobility;
- (10) treatment and therapies;

(11) assisting residents with eating when the residents have complicated eating problems as identified in the resident record or through an assessment such as difficulty swallowing, recurrent lung aspirations, or requiring the use of a tube or parenteral or intravenous instruments to be fed;

(12) providing other complex or specialty health care services; and

(13) supportive services in addition to the provision of at least one of the services listed in clauses (1) to (12).

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

Sec. 12. Minnesota Statutes 2019 Supplement, section 144G.08, subdivision 23, is amended to read:

Subd. 23. **Direct ownership interest.** "Direct ownership interest" means an individual or ~~organization~~ legal entity with the possession of at least five percent equity in capital, stock, or profits of the licensee, or who is a member of a limited liability company of the licensee.

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

Sec. 13. Minnesota Statutes 2019 Supplement, section 144G.09, subdivision 3, is amended to read:

Subd. 3. **Rulemaking authorized.** (a) The commissioner shall adopt rules for all assisted living facilities that promote person-centered planning and service delivery and optimal quality of life, and that ensure resident rights are protected, resident choice is allowed, and public health and safety is ensured.

(b) On July 1, 2019, the commissioner shall begin rulemaking.

(c) The commissioner shall adopt rules that include but are not limited to the following:

(1) staffing appropriate for each licensure category to best protect the health and safety of residents no matter their vulnerability;

(2) training prerequisites and ongoing training, including dementia care training and standards for demonstrating competency;

(3) procedures for discharge planning and ensuring resident appeal rights;

(4) initial assessments, continuing assessments, and a uniform assessment tool;

(5) emergency disaster and preparedness plans;

(6) uniform checklist disclosure of services;

(7) a definition of serious injury that results from maltreatment;

(8) conditions and fine amounts for planned closures;

(9) procedures and timelines for the commissioner regarding termination appeals between facilities and the Office of Administrative Hearings;

(10) establishing base fees and per-resident fees for each category of licensure;

(11) considering the establishment of a maximum amount for any one fee;

(12) procedures for relinquishing an assisted living facility with dementia care license and fine amounts for noncompliance; and

(13) procedures to efficiently transfer existing housing with services registrants and home care licensees to the new assisted living facility licensure structure.

(d) The commissioner shall publish the proposed rules by December 31, 2019, and shall publish ~~final rules~~ the notice of adoption by December 31, ~~2020~~ 2021.

Sec. 14. Minnesota Statutes 2019 Supplement, section 144G.10, subdivision 1, is amended to read:

Subdivision 1. **License required.** ~~(a) Beginning August 1, 2021, no assisted living facility may operate in Minnesota unless it is licensed under this chapter.~~

~~The licensee is legally responsible for the management, control, and operation of the facility, regardless of the existence of a management agreement or subcontract. Nothing in this chapter shall in any way affect the rights and remedies available under other law. August 1, 2022, unless licensed under this chapter, no individual, organization, or government entity may:~~

(1) manage, control, or operate an assisted living facility in Minnesota; or

(2) advertise, market, or otherwise promote its facility as providing assisted living services or specialized care for individuals with Alzheimer's disease or other dementias.

(b) The licensee is legally responsible for the management, control, and operation of the facility, regardless of the existence of a management agreement or subcontract. Nothing in this chapter shall in any way affect the rights and remedies available under other law.

(c) Upon approving an application for an assisted living facility license, the commissioner shall issue a single assisted living facility license for each facility located at a separate address, except as provided in paragraph (d).

(d) Upon approving an application for an assisted living facility located on a campus and at the request of the applicant, the commissioner may issue an assisted living facility license for the campus at the address of the campus' main building. An assisted living facility license for a campus shall identify the address and licensed resident capacity of each building located on the campus in which assisted living services are provided.

(e) Before any building to be included on a campus advertises, markets, or promotes itself as providing specialized care for individuals with Alzheimer's disease or other dementias or a secured dementia care unit, the individual, organization, or government entity must apply for the assisted living with dementia care level of licensure for that campus license or apply for a separate assisted living facility with dementia care level of licensure. These services may not be provided at the building until the license is issued by the commissioner.

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

Sec. 15. Minnesota Statutes 2019 Supplement, section 144G.10, is amended by adding a subdivision to read:

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

(b) "Adjacent" means sharing a portion of a legal boundary.

(c) "Campus" means an assisted living facility that provides sleeping accommodations and assisted living services operated by the same licensee in:

(1) two or more buildings, each with a separate address, located on the same property identified by a single property identification number;

(2) a single building having two or more addresses, located on the same property, identified by a single property identification number; or

(3) two or more buildings at different addresses, identified by different property identification numbers, when the buildings are located on adjacent properties.

(d) "Campus' main building" means a building designated by the commissioner as the main building of a campus and to which the commissioner may issue an assisted living facility license for a campus.

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

Sec. 16. Minnesota Statutes 2019 Supplement, section 144G.16, subdivision 1, is amended to read:

Subdivision 1. **Provisional license.** Beginning August 1, ~~2021~~ 2022, for new assisted living facility license applicants, the commissioner shall issue a provisional license from one of the licensure categories specified in section 144G.10, subdivision 2. A provisional license is effective for up to one year from the initial effective date of the license, except that a provisional license may be extended according to subdivisions 2, paragraph (d), and 3.

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

Sec. 17. **[144G.191] ASSISTED LIVING FACILITY LICENSING IMPLEMENTATION; PROVISIONAL LICENSES; TRANSITION PERIOD FOR CURRENT PROVIDERS.**

Subdivision 1. **Provisional licenses.** (a) Beginning March 1, 2022, applications for provisional assisted living facility licenses under section 144G.16 may be submitted. No provisional assisted living facility licenses under this chapter shall be effective prior to August 1, 2022.

(b) Beginning June 1, 2022, no initial housing with services establishment registration applications shall be accepted under chapter 144D.

(c) Beginning June 1, 2022, no temporary comprehensive home care provider license applications shall be accepted for providers that do not intend to provide home care services under sections 144A.43 to 144A.484 on or after August 1, 2022.

Subd. 2. **New construction; building permit.** (a) All prospective assisted living facility license applicants seeking a license for new construction who have submitted a complete building permit application to the appropriate building code jurisdiction on or before July 31, 2022, may meet construction requirements in effect when the application was submitted.

(b) All prospective assisted living facility license applicants seeking a license for new construction who have submitted a complete building permit application to the appropriate building code jurisdiction on or after August 1, 2022, must meet the construction requirements under section 144G.45.

(c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building code authority, a complete application for an electrical or plumbing permit is acceptable in lieu of the building permit application.



(d) For the purposes of paragraph (a), in jurisdictions where building plan review applications are separated from building permit applications, a complete application for plan review is acceptable in lieu of the building permit application.

Subd. 3. **New construction; plan review.** Beginning March 1, 2022, prospective assisted living facility license applicants under new construction may submit to the commissioner plans and specifications described in section 144G.45, subdivision 6, for plan review of the new construction requirements under section 144G.45.

Subd. 4. **Current comprehensive home care providers; provision of assisted living services.** (a) Comprehensive home care providers that do not intend to provide home care services under chapter 144A on or after August 1, 2022, shall be issued a prorated license period upon renewal, effective for license renewals beginning on or after September 1, 2021. The prorated license period shall be effective from the provider's current comprehensive home care license renewal date through July 31, 2022.

(b) Comprehensive home care providers with prorated license periods shall pay a prorated fee based on the number of months the comprehensive home care license is in effect.

(c) A comprehensive home care provider using the prorated license period in paragraph (a), or who otherwise does not intend to provide home care services under chapter 144A on or after August 1, 2022, must notify the recipients of changes to their home care services in writing at least 60 days before the expiration of its license, or no later than May 31, 2022, whichever is earlier. The notice must:

(1) state that the provider will no longer be providing home care services under chapter 144A;

(2) include the date when the provider will no longer be providing these services;

(3) include the name, e-mail address, and phone number of the individual associated with the comprehensive home care provider that the recipient of home care services may contact to discuss the notice;

(4) include the contact information consisting of the phone number, e-mail address, mailing address, and website for the Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities; and

(5) for recipients of home care services who receive home and community-based waiver services under section 256B.49 and chapter 256S, this written notice must also be provided to the resident's case manager at the same time that it is provided to the resident.

A comprehensive home care provider that obtains an assisted living facility license but does so under a different business name as a result of reincorporation, and continues to provide services to the recipient, is not subject to the 60-day notice required under this paragraph. However, the provider must otherwise provide notice to the recipient as required under sections 144A.44, 144A.441, and 144A.442, as applicable, and section 144A.4791.

Subd. 5. **Current housing with services establishment registration to an assisted living facility license; conversion to licensure.** (a) Beginning January 1, 2022, all current housing with services establishments registered under chapter 144D and intending to provide assisted living services on or after August 1, 2022, must apply for an assisted living facility license under this chapter. The applicant on the assisted living facility license application may, but need not, be the same as the current housing with services establishment registrant.

(b) Notwithstanding the housing with services contract requirements identified in section 144D.04, any existing housing with services establishment registered under chapter 144D that does not intend to convert its registration to an assisted living facility license under this chapter must provide written notice to its residents at least 60 days before the expiration of its registration, or no later than May 31, 2022, whichever is earlier. The notice must:

(1) state that the housing with services establishment does not intend to convert to an assisted living facility;

(2) include the date when the housing with services establishment will no longer provide housing with services;

(3) include the name, e-mail address, and phone number of the individual associated with the housing with services establishment that the recipient of home care services may contact to discuss the notice;

(4) include the contact information consisting of the phone number, e-mail address, mailing address, and website for the state Office of Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and Developmental Disabilities; and

(5) for residents who receive home and community-based waiver services under section 256B.49 and chapter 256S, the written notice must also be provided to the resident's case manager at the same time that it is provided to the resident.

A housing with services provider that obtains an assisted living facility license, but does so under a different business name as a result of reincorporation, and continues to provide services to the recipient, is not subject to the 60-day notice required under this paragraph. However, the provider must otherwise provide notice to the recipient as required under sections 144D.04 and 144D.045, as applicable, and section 144D.09.

(c) By August 1, 2022, all registered housing with services establishments providing assisted living as defined in section 144G.01, subdivision 2, prior to August 1, 2022, must have an assisted living facility license under this chapter.

(d) Effective August 1, 2022, any housing with services establishment registered under chapter 144D that has not converted its registration to an assisted living facility license under this chapter is prohibited from providing assisted living services.

**Subd. 6. Conversion to assisted living licensure; renewal periods; prorated licenses.** (a) Applicants converting from a housing with services establishment registration under chapter 144D to an assisted living facility license under this chapter must be provided a new renewal date upon application for an assisted living facility license. The commissioner shall assign a new, randomly generated renewal date to evenly disperse assisted living facility license renewal dates throughout a calendar year.

(b) Applicants converting from a housing with services establishment registration to an assisted living facility license that receive new license renewal dates occurring in September or October shall receive one assisted living facility license upon conversion that is effective from August 1, 2022, and prorated for 13- or 14-month periods, respectively.

(c) Applicants converting from a housing with services establishment registration to an assisted living facility license that receive new license renewal dates occurring in November or December must choose one of two options:

(1) receive one assisted living facility license upon conversion effective August 1, 2022, and prorated for 15- or 16-month periods, respectively; or

(2) receive one assisted living facility license upon conversion, effective August 1, 2022, prorated for three- or four-month periods, respectively.

(d) Applicants converting from a housing with services establishment registration to an assisted living facility license that receive new license renewal dates occurring in January through July shall receive one assisted living facility license upon conversion effective August 1, 2022, and prorated for five- to 11-month periods, respectively.

(e) Applicants converting from a housing with services establishment registration to an assisted living facility license that receive a new license renewal date occurring in August shall receive one assisted living facility license upon conversion effective for a full 12-month period.

(f) An assisted living facility shall receive its first assisted living facility license renewal application for a full 12-month effective period approximately 90 days prior to the expiration of the facility's prorated license.

(g) Applicants with a current housing with services establishment registration who intend to obtain more than one assisted living facility license under this chapter may request that the commissioner allow all applicable renewal dates to occur on the same date or may request all applicable renewal dates to occur at different points throughout a calendar year.

(h) All prorated licensing fee amounts for applicants converting from a housing with services establishment to an assisted living facility license must be determined by calculating the appropriate annual fee based on section 144.122, paragraph (d), and dividing the total annual fee amount by the number of months the prorated license is effective.

**Subd. 7. Conversion to assisted living licensure; background studies.** (a) Any individual listed on an application of a registered housing with services establishment converting to an assisted living facility license who is not on the existing housing with services registration and either has a direct ownership interest or is a managerial official is subject to the background study requirements of section 144.057. No individual may be involved in the management, operation, or control of an assisted living facility if the individual has been disqualified under chapter 245C.

(b) The commissioner shall not issue a license if any controlling individual, including a managerial official, has been unsuccessful in having a background study disqualification set aside under section 144.057 and chapter 245C.

(c) If the individual requests reconsideration of a disqualification under section 144.057 or chapter 245C and the commissioner sets aside or rescinds the disqualification, the individual is eligible to be involved in the management, operation, or control of the assisted living facility.

(d) If an individual has a disqualification under section 245C.15, subdivision 1, and the disqualification is affirmed, the individual's disqualification is barred from a set aside and the individual must not be involved in the management, operation, or control of the assisted living facility.

(e) Data collected under this subdivision shall be classified as private data on individuals under section 13.02, subdivision 12.

**Subd. 8. Changes of ownership; current housing with services establishment registrations.** (a) If an applicant converting from a housing with services establishment registration to an assisted living facility license anticipates a change of ownership transaction effective on or after August 1, 2022, the applicant must submit an assisted living facility change of ownership application with the assisted living facility license application and the assisted living licensure fees in section 144.122, paragraph (d).

(b) Applications for changes of ownership under paragraph (a) must be submitted to the commissioner at least 60 calendar days prior to the anticipated effective date of the sale or transaction.

**Subd. 9. Expiration.** This section expires August 1, 2023.

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

Sec. 18. Minnesota Statutes 2019 Supplement, section 144G.401, is amended to read:

**144G.401 PAYMENT FOR SERVICES UNDER DISABILITY WAIVERS.**

For new assisted living facilities that did not operate as registered housing with services establishments prior to August 1, ~~2021~~ 2022, home and community-based services under section 256B.49 are not available when the new facility setting is adjoined to, or on the same property as, an institution as defined in Code of Federal Regulations, title 42, section 441.301(c).

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

Sec. 19. Minnesota Statutes 2019 Supplement, section 144G.42, subdivision 9, is amended to read:

Subd. 9. **Tuberculosis prevention and control.** (a) The facility must establish and maintain a comprehensive tuberculosis infection control program according to the most current tuberculosis infection control guidelines issued by the United States Centers for Disease Control and Prevention (CDC), Division of Tuberculosis Elimination, as published in the CDC's Morbidity and Mortality Weekly Report (~~MMWR~~). The program must include a tuberculosis infection control plan that covers all paid and unpaid ~~employees~~ staff, contractors, students, and regularly scheduled volunteers. The commissioner shall provide technical assistance regarding implementation of the guidelines.

(b) The facility must maintain written evidence of compliance with this subdivision.

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

Sec. 20. Minnesota Statutes 2019 Supplement, section 144G.42, is amended by adding a subdivision to read:

Subd. 9a. **Communicable diseases.** A facility must follow current state requirements for prevention, control, and reporting of communicable diseases as defined in Minnesota Rules, parts 4605.7040, 4605.7044, 4605.7050, 4605.7075, 4605.7080, and 4605.7090.

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

Sec. 21. Minnesota Statutes 2019 Supplement, section 144G.45, subdivision 2, is amended to read:

Subd. 2. **Fire protection and physical environment.** (a) Each assisted living facility must ~~have a comprehensive fire protection system that includes~~ comply with the State Fire Code in Minnesota Rules, chapter 7511, and:

(1) protection throughout by an approved supervised automatic sprinkler system according to building code requirements established in Minnesota Rules, part 1305.0903, or smoke detectors in each occupied room installed and maintained in accordance with the National Fire Protection Association (NFPA) Standard 72 for dwellings or sleeping units, as defined in the Minnesota State Fire Code; (i) provide smoke alarms in each room used for sleeping purposes; (ii) provide smoke alarms outside of each separate sleeping area in the immediate vicinity of bedrooms; (iii) provide smoke alarms on each story within a dwelling unit, including basements, but not including crawl spaces and unoccupied attics; (iv) where more than one smoke alarm is required within an individual dwelling unit or sleeping unit, interconnect all smoke alarms so that actuation of one alarm causes all alarms in the individual dwelling unit or sleeping unit to operate; and (v) ensure the power supply for existing smoke alarms complies with the State Fire Code, except that newly introduced smoke alarms in existing buildings may be battery operated;

(2) install portable fire extinguishers ~~installed and~~ tested in accordance with the NFPA Standard 10; and

(3) keep the physical environment, including walls, floors, ceiling, all furnishings, grounds, systems, and equipment ~~that is kept~~ in a continuous state of good repair and operation with regard to the health, safety, comfort, and well-being of the residents in accordance with a maintenance and repair program.

(b) Fire drills in assisted living facilities shall be conducted in accordance with the residential board and care requirements in the Life Safety Code, except that fire drills in secured dementia care units shall be conducted in accordance with section 144G.81, subdivision 2.

(c) Existing construction or elements, including assisted living facilities that were registered as housing with services establishments under chapter 144D prior to August 1, ~~2021~~ 2022, shall be permitted to ~~be continued~~ continue in use provided such use does not constitute a distinct hazard to life. Any existing elements that an authority having jurisdiction deems a distinct hazard to life must be corrected. The facility must document in the facility's records any actions taken to comply with a correction order, and must submit to the commissioner for review and approval prior to correction.

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

Sec. 22. Minnesota Statutes 2019 Supplement, section 144G.45, subdivision 5, is amended to read:

Subd. 5. **Assisted living facilities; Life Safety Code.** (a) All assisted living facilities with six or more residents must meet the applicable provisions of the ~~most current~~ 2018 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care Occupancies chapter. The minimum design standard shall be met for all new licenses, new construction, modifications, renovations, alterations, changes of use, or additions.

(b) If the commissioner decides to update the Life Safety Code for purposes of this subdivision, the commissioner must notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health care and public safety of the planned update by January 15 of the year in which the new Life Safety Code will become effective. Following notice from the commissioner, the new edition shall become effective for assisted living facilities beginning August 1 of that year, unless provided otherwise in law. The commissioner shall, by publication in the State Register, specify a date by which facilities must comply with the updated Life Safety Code. The date by which facilities must comply shall not be sooner than six months after publication of the commissioner's notice in the State Register.

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

Sec. 23. Minnesota Statutes 2019 Supplement, section 144G.45, subdivision 6, is amended to read:

Subd. 6. **New construction; plans.** (a) For all new licensure and construction beginning on or after August 1, ~~2021~~ 2022, the following must be provided to the commissioner:

(1) architectural and engineering plans and specifications for new construction must be prepared and signed by architects and engineers who are registered in Minnesota. Final working drawings and specifications for proposed construction must be submitted to the commissioner for review and approval;

(2) final architectural plans and specifications must include elevations and sections through the building showing types of construction, and must indicate dimensions and assignments of rooms and areas, room finishes, door types and hardware, elevations and details of nurses' work areas, utility rooms, toilet and bathing areas, and large-scale layouts of dietary and laundry areas. Plans must show the location of fixed equipment and sections and details of elevators, chutes, and other conveying systems. Fire walls and smoke partitions must be indicated. The roof plan must show all mechanical installations. The site plan must indicate the proposed and existing buildings, topography, roadways, walks and utility service lines; and

(3) final mechanical and electrical plans and specifications must address the complete layout and type of all installations, systems, and equipment to be provided. Heating plans must include heating elements, piping, thermostatic controls, pumps, tanks, heat exchangers, boilers, breeching, and accessories. Ventilation plans must include room air quantities, ducts, fire and smoke dampers, exhaust fans, humidifiers, and air handling units. Plumbing plans must include the fixtures and equipment fixture schedule; water supply and circulating piping, pumps, tanks, riser diagrams, and building drains; the size, location, and elevation of water and sewer services; and the building fire protection systems. Electrical plans must include fixtures and equipment, receptacles, switches, power outlets, circuits, power and light panels, transformers, and service feeders. Plans must show location of nurse call signals, cable lines, fire alarm stations, and fire detectors and emergency lighting.

(b) Unless construction is begun within one year after approval of the final working drawing and specifications, the drawings must be resubmitted for review and approval.

(c) The commissioner must be notified within 30 days before completion of construction so that the commissioner can make arrangements for a final inspection by the commissioner.

(d) At least one set of complete life safety plans, including changes resulting from remodeling or alterations, must be kept on file in the facility.

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

Sec. 24. Minnesota Statutes 2019 Supplement, section 144G.92, subdivision 5, is amended to read:

Subd. 5. **Other laws.** Nothing in this section affects the rights and remedies available ~~to a resident~~ under section 626.557, subdivisions 10, 17, and 20.

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

Sec. 25. Minnesota Statutes 2019 Supplement, section 144G.9999, subdivision 3, is amended to read:

Subd. 3. **Recommendations.** The task force shall periodically provide recommendations to the commissioner and the legislature on changes needed to promote safety and quality improvement practices in long-term care settings and with long-term care providers. The task force shall meet no fewer than four times per year. The task force shall be established by July 1, ~~2020~~ 2021.

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

Sec. 26. Laws 2019, chapter 60, article 1, section 45, is amended to read:

Sec. 45. **TRANSITION PERIOD.**

(a) The commissioner shall begin rulemaking on July 1, 2019.

(b) From July 1, 2020, to July 31, ~~2021~~ 2022, the commissioner shall prepare for the new assisted living facility and assisted living facility with dementia care licensure by hiring staff, developing forms, and communicating with stakeholders about the new facility licensing.

(c) Effective August 1, ~~2021~~ 2022, all existing housing with services establishments providing home care services under Minnesota Statutes, chapter 144A, must convert their registration to licensure under Minnesota Statutes, chapter ~~144F~~ 144G.

(d) Effective August 1, ~~2021~~ 2022, all new assisted living facilities and assisted living facilities with dementia care must be licensed by the commissioner.

Sec. 27. Laws 2019, chapter 60, article 1, section 46, is amended to read:

Sec. 46. **PRIORITIZATION OF ENFORCEMENT ACTIVITIES.**

Within available appropriations to the commissioner of health for enforcement activities for fiscal years 2020 ~~and~~, 2021, and 2022, the commissioner of health shall prioritize enforcement activities taken under Minnesota Statutes, section 144A.442.

Sec. 28. Laws 2019, chapter 60, article 1, section 48, is amended to read:

Sec. 48. **REPEALER.**

Minnesota Statutes 2018, sections 144D.01; 144D.015; 144D.02; 144D.025; 144D.03; 144D.04; 144D.045; 144D.05; 144D.06; 144D.065; 144D.066; 144D.07; 144D.08; 144D.09; 144D.10; 144D.11; 144G.01; 144G.02; 144G.03; 144G.04; 144G.05; and 144G.06, are repealed effective August 1, ~~2021~~ 2022.

Sec. 29. Laws 2019, chapter 60, article 4, section 35, is amended to read:

Sec. 35. **REPEALER.**

(a) Minnesota Statutes 2018, section 144A.472, subdivision 4, is repealed July 1, 2019.

(b) Minnesota Statutes 2018, sections 144A.441; and 144A.442, are repealed August 1, ~~2021~~ 2022.

Sec. 30. Laws 2019, chapter 60, article 5, section 2, is amended to read:

Sec. 2. **COMMISSIONER OF HEALTH.**

Subdivision 1. **General fund appropriation.** (a) \$9,656,000 in fiscal year 2020 and \$9,416,000 in fiscal year 2021 are appropriated from the general fund to the commissioner of health to implement regulatory activities relating to vulnerable adults and assisted living licensure.

(b) Of the amount in paragraph (a), \$7,438,000 in fiscal year 2020 and \$4,302,000 in fiscal year 2021 are for improvements to the current regulatory activities, systems, analysis, reporting, and communications relating to regulation of vulnerable adults. The base for this appropriation is \$5,800,000 in fiscal year 2022 and \$5,369,000 in fiscal year 2023.

(c) Of the amount in paragraph (a), \$2,218,000 in fiscal year 2020 and \$5,114,000 in fiscal year 2021 are to establish assisted living licensure under Minnesota Statutes, ~~section 144I.01~~ sections 144G.08 to 144G.9999. The fiscal year 2021 appropriation is available until June 30, 2023. This is a onetime appropriation.

Subd. 2. **State government special revenue fund appropriation.** \$1,103,000 in fiscal year 2020 and \$1,103,000 in fiscal year 2021 are appropriated from the state government special revenue fund to improve the frequency of home care provider inspections and to implement assisted living licensure activities under Minnesota Statutes, ~~section 144I.01~~ sections 144G.08 to 144G.9999. The base for this appropriation is \$8,131,000 \$1,103,000 in fiscal year 2022 and \$8,339,000, \$8,131,000 in fiscal year 2023, \$8,339,000 in fiscal year 2024, and \$8,339,000 in fiscal year 2025.

Subd. 3. **Transfer.** The commissioner shall transfer fine revenue previously deposited to the state government special revenue fund under Minnesota Statutes, section 144A.474, subdivision 11, estimated to be \$632,000 to a dedicated special revenue account in the state treasury established for the purposes of implementing the recommendations of the Home Care Advisory Council under Minnesota Statutes, section 144A.4799.

Sec. 31. **AMENDMENTS TO EFFECTIVE DATES FOR CERTAIN SECTIONS IN LAWS 2019, CHAPTER 60.**

(a) Notwithstanding any law to the contrary, the following sections enacted in Laws 2019, chapter 60, and recodified in Minnesota Statutes, chapter 144G, shall be effective August 1, 2022: article 1, sections 2 to 30, 32 to 39, and 42 to 44; and article 2, sections 1 to 4.

(b) Notwithstanding any law to the contrary, the following sections enacted in Laws 2019, chapter 60, shall be effective August 1, 2022: article 1, section 1; and article 4, sections 1 to 4, 13, 14, 31, and 32.

(c) Notwithstanding any law to the contrary, Laws 2019, chapter 60, article 1, section 31, shall be effective August 1, 2022, for contracts entered into on or after that date.

(d) Notwithstanding any law to the contrary, Laws 2019, chapter 60, article 3, section 3, shall expire July 31, 2022.

(e) Notwithstanding any law to the contrary, Laws 2019, chapter 60, article 3, section 4, shall be effective for contracts entered into on or after August 1, 2022.

(f) Notwithstanding any law to the contrary, the following sections enacted in Laws 2019, chapter 60, shall be effective July 1, 2021: article 4, sections 6 to 12.

(g) Notwithstanding any law to the contrary, Laws 2019, chapter 60, article 4, section 18, shall be effective July 1, 2022.

**EFFECTIVE DATE.** Paragraph (f) is effective the day following final enactment.

Sec. 32. **CONSUMER PROTECTIONS FOR ASSISTED LIVING CLIENTS.**

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

(b) "Arranged home care provider" has the meaning given in Minnesota Statutes, section 144D.01, subdivision 2a.

(c) "Client" has the meaning given in Minnesota Statutes, section 144G.01, subdivision 3.

(d) "Client representative" means one of the following in the order of priority listed, to the extent the person may reasonably be identified and located:

(1) a court-appointed guardian acting in accordance with the powers granted to the guardian under Minnesota Statutes, chapter 524;

(2) a conservator acting in accordance with the powers granted to the conservator under Minnesota Statutes, chapter 524;

(3) a health care agent acting in accordance with the powers granted to the health care agent under Minnesota Statutes, chapter 145C;

(4) an attorney-in-fact acting in accordance with the powers granted to the attorney-in-fact by a written power of attorney under Minnesota Statutes, chapter 523; or

(5) a person who:

(i) is not an agent of a facility or an agent of a home care provider; and



(ii) is designated by the client orally or in writing to act on the client's behalf.

(e) "Facility" means:

(1) a housing with services establishment registered under Minnesota Statutes, section 144D.02, and operating under title protection under Minnesota Statutes, sections 144G.01 to 144G.07; or

(2) a housing with services establishment registered under Minnesota Statutes, section 144D.02, and required to disclose special care status under Minnesota Statutes, section 325F.72.

(f) "Home care provider" has the meaning given in Minnesota Statutes, section 144A.43, subdivision 4.

(g) "Safe location" means a location that does not place a client's health or safety at risk. A safe location is not a private home where the occupant is unwilling or unable to care for the client, a homeless shelter, a hotel, or a motel.

(h) "Service plan" has the meaning given in Minnesota Statutes, section 144A.43, subdivision 27.

(i) "Services" means services provided to a client by a home care provider according to a service plan.

**Subd. 2. Prerequisite to termination or nonrenewal of lease, services, or service plan.** (a) A facility must schedule and participate in a meeting with the client and the client representative before:

(1) the facility issues a notice of termination of a lease;

(2) the facility issues a notice of termination or nonrenewal of all services; or

(3) an arranged home care provider issues a notice of termination or nonrenewal of a service plan.

(b) The purposes of the meeting required under paragraph (a) are to:

(1) explain in detail the reasons for the proposed termination or nonrenewal; and

(2) identify and offer reasonable accommodations or modifications, interventions, or alternatives to avoid the termination or nonrenewal and enable the client to remain in the facility, including but not limited to securing services from another home care provider of the client's choosing. A facility is not required to offer accommodations, modifications, interventions, or alternatives that fundamentally alter the nature of the operation of the facility.

(c) The meeting required under paragraph (a) must be scheduled to take place at least seven days before a notice of termination or nonrenewal is issued. The facility must make reasonable efforts to ensure that the client and the client representative are able to attend the meeting.

(d) The facility must notify the client that the client may invite family members, relevant health professionals, a representative of the Office of Ombudsman for Long-Term Care, or other persons of the client's choosing to attend the meeting. For clients who receive home and community-based waiver services under Minnesota Statutes, section 256B.49, and Minnesota Statutes, chapter 256S, the facility must notify the client's case manager of the meeting.

**Subd. 3. Restrictions on lease terminations.** (a) A facility may not terminate a lease except as provided in this subdivision.

(b) Upon 30 days' prior written notice, a facility may initiate a termination of a lease only for:

(1) nonpayment of rent, provided the facility informs the client that public benefits may be available and provides contact information for the Senior LinkAge Line under Minnesota Statutes, section 256.975, subdivision 7. An interruption to a client's public benefits that lasts for no more than 60 days does not constitute nonpayment; or

(2) a violation of a lawful provision of the lease if the client does not cure the violation within a reasonable amount of time after the facility provides written notice to the client of the ability to cure. Written notice of the ability to cure may be provided in person or by first class mail. A facility is not required to provide a client with written notice of the ability to cure for a violation that threatens the health or safety of the client or another individual in the facility, or for a violation that constitutes illegal conduct.

(c) Upon 15 days' prior written notice, a facility may terminate a lease only if the client has:

(1) engaged in conduct that substantially interferes with the rights, health, or safety of other clients;

(2) engaged in conduct that substantially and intentionally interferes with the safety or physical health of facility staff; or

(3) committed an act listed in Minnesota Statutes, section 504B.171, that substantially interferes with the rights, health, or safety of other clients.

(d) Nothing in this subdivision affects the rights and remedies available to facilities and clients under Minnesota Statutes, chapter 504B.

**Subd. 4. Restrictions on terminations and nonrenewals of services and service plans.** (a) An arranged home care provider may not terminate or fail to renew a service plan of a client in a facility except as provided in this subdivision.

(b) Upon 30 days' prior written notice, an arranged home care provider may initiate a termination of services for nonpayment if the client does not cure the violation within a reasonable amount of time after the facility provides written notice to the client of the ability to cure. An interruption to a client's public benefits that lasts for no more than 60 days does not constitute nonpayment.

(c) Upon 15 days' prior written notice, an arranged home care provider may terminate or fail to renew a service plan only if:

(1) the client has engaged in conduct that substantially interferes with the client's health or safety;

(2) the client's assessed needs exceed the scope of services agreed upon in the service plan and are not otherwise offered by the arranged home care provider; or

(3) extraordinary circumstances exist, causing the arranged home care provider to be unable to provide the client with the services agreed to in the service plan that are necessary to meet the client's needs.

(d) A violation of paragraph (b) that would make it necessary for the client to move out of the facility in which the arranged home care provider is providing the services, constitutes a constructive eviction. A client alleging that an arranged home care provider is terminating services in violation of paragraph (b) may seek a temporary injunction against the termination under Minnesota Statutes, section 504B.381. The court may grant a temporary

injunction upon a showing by the client that: (1) there is a genuine issue of material fact as to whether the arranged home care provider is terminating services in violation of paragraph (b); and (2) the termination would cause irreparable harm to the client. Upon a grant of a temporary injunction, the termination shall be automatically stayed while the underlying dispute is adjudicated in a court of competent jurisdiction. If a client prevails in an action brought under this paragraph, the client is entitled to reasonable attorney fees and court costs. During the period of time between the issuance of a temporary injunction and final adjudication of the underlying dispute, the client is responsible for contracting for those additional services the client needs from the arranged home care provider or another home care provider, and for ensuring that the costs for those additional services are covered.

**Subd. 5. Restriction on lease nonrenewals.** If a facility decides to not renew a client's lease, the facility must:

(1) provide the client with 60 calendar days' notice of the nonrenewal;

(2) ensure a coordinated move as provided under subdivision 7;

(3) consult and cooperate with the client; the client representative; the case manager of a client who receives home and community-based waiver services under Minnesota Statutes, section 256B.49, and Minnesota Statutes, chapter 256S; relevant health professionals; and any other person of the client's choosing, to make arrangements to move the client; and

(4) prepare a written plan to prepare for the move.

**Subd. 6. Right to return.** If a client is absent from a facility for any reason, the facility shall not refuse to allow a client to return if a lease termination has not been effectuated.

**Subd. 7. Coordinated moves.** (a) A facility or arranged home care provider, as applicable, must arrange a coordinated move for a client according to this subdivision if:

(1) a facility terminates a lease or closes the facility;

(2) an arranged home care provider terminates or does not renew a service plan; or

(3) an arranged home care provider reduces or eliminates services to the extent that the client needs to move.

(b) If an event listed in paragraph (a) occurs, the facility or arranged home care provider, as applicable, must:

(1) ensure a coordinated move to a safe location that is appropriate for the client and that is identified by the facility;

(2) ensure a coordinated move to an appropriate service provider identified by the facility, provided services are still needed and desired by the client; and

(3) consult and cooperate with the client; the client representative; the case manager for a client who receives home and community-based waiver services under Minnesota Statutes, section 256B.49, and Minnesota Statutes, chapter 256S; relevant health professionals; and any other person of the client's choosing, to make arrangements to move the client.

(c) A facility may satisfy the requirements in paragraph (b), clauses (1) and (2), by moving the client to a different location within the same facility, if appropriate for the client.

(d) A client may decline to move to the location the facility identifies or to accept services from a service provider the facility identifies, and may choose instead to move to a location of the client's choosing or receive services from a service provider of the client's choosing.

(e) Sixty days before the facility or arranged home care provider reduces or eliminates one or more services for a particular client, the facility must provide written notice of the reduction or elimination. If the facility, arranged home care provider, client, or client representative determines that the reduction or elimination of services will force the client to move to a new location, the facility must ensure a coordinated move in accordance with this subdivision, and must provide notice to the Office of Ombudsman for Long-Term Care.

(f) The facility or arranged home care provider, as applicable, must prepare a relocation plan to prepare for the move to the new location or service provider.

(g) With the client's knowledge and consent, if the client is relocated to another facility or to a nursing home, or if care is transferred to another service provider, the facility must timely convey to the new facility, nursing home, or service provider:

(1) the client's full name, date of birth, and insurance information;

(2) the name, telephone number, and address of the client representative, if any;

(3) the client's current, documented diagnoses that are relevant to the services being provided;

(4) the client's known allergies that are relevant to the services being provided;

(5) the name and telephone number of the client's physician, if known, and the current physician orders that are relevant to the services being provided;

(6) all medication administration records that are relevant to the services being provided;

(7) the most recent client assessment, if relevant to the services being provided; and

(8) copies of health care directives, "do not resuscitate" orders, and any guardianship orders or powers of attorney.

Subd. 8. **No waiver.** No facility or arranged home care provider may request or require that a client waive the client's rights or requirements under this section at any time or for any reason, including as a condition of admission to the facility.

**EFFECTIVE DATE.** This section is effective for contracts entered into on or after August 1, 2021, and expires July 31, 2022.

Sec. 33. **APPROPRIATION; BOARD OF EXECUTIVES FOR LONG TERM SERVICES AND SUPPORTS.**

\$467,000 in fiscal year 2021 is appropriated from the state government special revenue fund to the Board of Executives for Long Term Services and Supports for operations. The base for this appropriation is \$722,000 in fiscal year 2022 and \$742,000 in fiscal year 2023."

Delete the title and insert:

"A bill for an act relating to health; changing provisions for nursing homes, home care, assisted living, and consumer protections; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 144.6502, subdivision 1; 144.6512, by adding a subdivision; 144A.20, subdivision 4; 144A.291, subdivision 2; 144A.474, subdivisions 11, 14; 144A.4799, subdivision 1; 144G.07, by adding a subdivision; 144G.08, subdivisions 7, 9, 23, by adding a subdivision; 144G.09, subdivision 3; 144G.10, subdivision 1, by adding a subdivision; 144G.16, subdivision 1; 144G.401; 144G.42, subdivision 9, by adding a subdivision; 144G.45, subdivisions 2, 5, 6; 144G.92, subdivision 5; 144G.9999, subdivision 3; Laws 2019, chapter 60, article 1, sections 45; 46; 48; article 4, section 35; article 5, section 2; proposing coding for new law in Minnesota Statutes, chapter 144G."

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

The report was adopted.

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

H. F. No. 3326, A bill for an act relating to capital investment; authorizing the sale and issuance of housing infrastructure bonds; adding an eligible use of housing infrastructure bonds; increasing the supply of shelters; appropriating money; amending Minnesota Statutes 2018, section 462A.37, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 462A.37, subdivisions 2, 5.

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

The report was adopted.

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

H. F. No. 4554, A bill for an act relating to state government; appropriating money for environment and natural resources; modifying provisions related to certifiable fish diseases; modifying provisions on farmed Cervidae; modifying reporting requirement on school trust lands; modifying certain provisions for transporting snowmobiles; requiring recommendations for watercraft operators safety program; modifying definition of all-terrain vehicle; regulating insecticide use in wildlife management areas; modifying provisions for certain invasive species permits; modifying state park provisions; providing for special-use permits; providing for regulation of possessing, propagating, and selling snakes, lizards, and salamanders; modifying hunting and fishing provisions; modifying date of Lake Superior Management Plan; modifying review and approval of local regulation in Mississippi River Corridor Critical Area; modifying requirements for exchanging wild rice leases; modifying provisions for acquiring and conveying state property interests; modifying Water Law; creating soil and water conservation fund; modifying provisions for closed landfill investment fund; reestablishing Advisory Council on Water Supply Systems and Wastewater Treatment Facilities; modifying provisions for riparian protection aid; modifying provisions for priority qualified facilities; prohibiting PFAS in food packaging; providing for labeling of certain nonwoven disposable products; prohibiting using perchloroethylene as dry cleaning solvent; providing for management of certain units of outdoor recreation; adding to and deleting from state parks and recreation areas; authorizing sales of certain state lands; modifying prior appropriations; requiring rulemaking; amending Minnesota Statutes 2018, sections 16A.531, by adding a subdivision; 17.4982, subdivisions 6, 8, 9, 12, by adding subdivisions; 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 2, 4; 17.4991, subdivision 3; 17.4992, subdivision 2; 35.155, subdivision 1; 84.63; 84.82, subdivisions 1a, 7a; 84.92, subdivision 8; 84D.11, subdivision 1a; 85.052, subdivisions 1, 2, 6, by adding a subdivision; 85.053, subdivision 2, by adding a subdivision; 85.43; 92.502; 97A.015, subdivision 51; 97A.137,

subdivision 5; 97A.401, subdivision 1, by adding a subdivision; 97A.421, subdivision 1, by adding a subdivision; 97B.031, subdivision 1; 97B.036; 97C.005, subdivision 3; 97C.342, subdivision 2; 97C.515, subdivision 2; 97C.621; 97C.805, subdivision 2; 97C.836; 103C.315, subdivision 4; 103G.271, by adding subdivisions; 103G.287, subdivision 5; 115B.17, subdivision 13; 115B.406, subdivisions 1, 9; 115B.407; 116.07, by adding a subdivision; 116G.07, by adding a subdivision; 116G.15, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 35.155, subdivision 6; 84.027, subdivision 18; 85.054, subdivision 1; 85.47; 97A.505, subdivision 8; 97B.086; Laws 2016, chapter 154, section 16; Laws 2016, chapter 189, article 3, section 3, subdivision 5; Laws 2017, chapter 96, section 2, subdivision 9, as amended; Laws 2018, chapter 214, article 4, section 2, subdivision 6; Laws 2019, First Special Session chapter 4, article 1, sections 2, subdivision 10; 3, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 84; 92; 97A; 97B; 115; 116; 325E; 325F; repealing Minnesota Statutes 2018, sections 85.0505, subdivision 3; 85.0507; 85.054, subdivision 19; Minnesota Rules, part 7044.0350.

Reported the same back with the following amendments:

Page 2, delete subdivision 1 and insert:

"Subdivision 1. **Cost-share program for dry cleaners.** \$400,000 in fiscal year 2021 is appropriated from the remediation fund to the commissioner of the Pollution Control Agency for a cost-share program to reimburse owners or operators of dry cleaning facilities for the costs of transitioning away from perchloroethylene to using solvents that are technically viable and environmentally preferred alternatives. The commissioner must reimburse an owner's or operator's transition expenses up to \$25,000. This is a onetime appropriation and is available until June 30, 2024."

Page 2, delete subdivision 3

Page 3, delete section 2 and insert:

"Sec. 2. **DEPARTMENT OF NATURAL RESOURCES; EXTENSIONS.**

(a) The availability of the appropriations in Laws 2019, First Special Session chapter 4, article 1, section 3, subdivision 6, paragraphs (e) and (f), for the no child left inside grant program, is extended to June 30, 2021.

(b) The availability of the appropriation in Laws 2019, First Special Session chapter 4, article 1, section 3, subdivision 4, paragraph (h), for ash management grants, is extended to June 30, 2021.

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

Page 5, delete section 6 and insert:

"Sec. 6. Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 10, is amended to read:

Subd. 10. **Transfers**

(a) The commissioner must transfer up to \$44,000,000 from the environmental fund to the remediation fund for purposes of the remediation fund under Minnesota Statutes, section 116.155, subdivision 2.

(b) \$600,000 the first year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, with

reimbursement prioritized to persons who meet the definition in Minnesota Statutes, section 115B.48, subdivision 10, clause (2), and who have made a request to the commissioner, as required under Minnesota Statutes, section 115B.50, subdivision 2.

(c) Notwithstanding Minnesota Statutes, section 115B.49, subdivision 3, paragraph (a), up to \$600,000 the first year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for the commissioner for preparing to prepare a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over environment and natural resources finance that includes an assessment of the possibility of recovering environmental response costs from insurance held by dry cleaning facilities, an analysis of the long-term expected revenues and expenditures that would be incurred by the account under current law, and recommendations for ensuring ongoing and future environmental response costs related to dry cleaning facilities are covered. The commissioner must work with interested parties, including owners and operators of dry cleaning facilities, in preparing the report. The report must be submitted by January 15, 2021. The amount transferred under this paragraph is available until June 30, 2022, and any unspent money transferred cancels to the remediation fund.

~~(d) \$600,000 the second year is transferred from the remediation fund to the dry cleaner environmental response and reimbursement account for purposes of Minnesota Statutes, section 115B.49, if legislation is enacted in the 2020 legislative session to address the insolvency of the dry cleaner environmental response and reimbursement account."~~

Page 42, after line 5, insert:

"Sec. 60. Minnesota Statutes 2018, section 115B.49, subdivision 3, is amended to read:

Subd. 3. **Expenditures.** (a) Money in the account may be used:

- (1) for environmental response costs incurred by the commissioner under section 115B.50, subdivision 1;
- (2) for reimbursement of amounts spent by the commissioner from the remediation fund for expenses described in clause (1);
- (3) for reimbursements under section 115B.50, subdivision 2; and
- (4) for administrative costs of the commissioner of revenue.

(b) Money in the account is appropriated to the commissioner for the purposes of this subdivision. The commissioner shall transfer funds to the commissioner of revenue sufficient to cover administrative costs pursuant to paragraph (a), clause (4).

(c) In making reimbursements from the account, the commissioner must give priority to the following cases, in descending order:

(1) reimbursements for amounts spent on response actions by a person who meets the conditions of section 115B.48, subdivision 10, clause (2); and

(2) reimbursements for expenditures made by the commissioner under paragraph (a), clause (1) or (2), on behalf of owners or operators where the owner or operator failed to complete the requested response action and the commissioner undertook the response action to remediate the property."

Page 42, delete section 61

Page 47, delete section 65 and insert:

"Sec. 65. **[325E.381] PERCHLOROETHYLENE PROHIBITION.**

After December 31, 2023, using perchloroethylene as a dry cleaning solvent is prohibited."

Page 63, line 14, delete "11,520,000" and insert "10,425,000"

Page 63, line 17, delete "\$5,658,000" and insert "\$5,000,000"

Page 63, line 32, delete "\$3,937,000" and insert "\$3,500,000"

Page 79, after line 2, insert:

"Subd. 10. <b><u>Emerging Issues Account; Wastewater Renewable Energy Demonstration Grants</u></b>	-0-	<u>1,095,000</u>
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\$1,095,000 the second year is from the trust fund to an emerging issues account authorized in Minnesota Statutes, section 116P.08, subdivision 4, paragraph (d). Money appropriated under this subdivision must be used for grants administered by the Public Facilities Authority for renewable energy demonstration projects at wastewater treatment facilities."

Renumber the subdivisions in sequence

Page 88, line 2, after the semicolon, insert "and"

Page 88, line 6, delete "; and" and insert a period

Page 88, delete lines 7 to 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 20, delete everything before the semicolon and insert "modifying certain accounts"

Correct the title numbers accordingly

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

The report was adopted.



**SECOND READING OF HOUSE BILLS**

H. F. Nos. 2604, 3326 and 4554 were read for the second time.

**ANNOUNCEMENT BY THE SPEAKER  
PURSUANT TO RULE 1.15(c)**

A message from the Senate was received requesting concurrence by the House to amendments adopted by the Senate to the following House File:

H. F. No. 3356.

**MOTIONS AND RESOLUTIONS**

Stephenson moved that the name of Cantrell be added as an author on H. F. No. 1405. The motion prevailed.

Dehn moved that the name of Long be added as an author on H. F. No. 2701. The motion prevailed.

Lillie moved that the name of Xiong, J., be added as an author on H. F. No. 2768. The motion prevailed.

Stephenson moved that the name of Cantrell be added as an author on H. F. No. 4502. The motion prevailed.

Kunesh-Podein moved that the names of Bernardy and Lee be added as authors on H. F. No. 4634. The motion prevailed.

Olson moved that the name of Tabke be added as an author on H. F. No. 4647. The motion prevailed.

Green moved that the names of Backer, Daniels, Lucero, Poston, Bennett, Erickson and Dettmer be added as authors on H. F. No. 4648. The motion prevailed.

Mekeland moved that the names of Franson, Vogel, Novotny, Erickson, Hertaus and Lucero be added as authors on H. F. No. 4651. The motion prevailed.

Haley moved that the names of Backer, Robbins and Bennett be added as authors on H. F. No. 4657. The motion prevailed.

Kotyza-Witthuhn moved that S. F. No. 3800 be recalled from the Committee on Commerce and together with H. F. No. 3904, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

**MOTION TO SUSPEND RULES**

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Gruenhagen moved that the rule therein be suspended and an urgency be declared and that the rules of the House be so far suspended so that H. F. No. 4606 be recalled from the Committee on Labor, be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Gruenhagen motion and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Lueck	O'Driscoll	Scott
Anderson	Drazkowski	Heinrich	Marquart	O'Neill	Swedzinski
Backer	Erickson	Heintzeman	McDonald	Pelowski	Theis
Bahr	Fabian	Hertaus	Mekeland	Petersburg	Torkelson
Baker	Franson	Johnson	Miller	Pierson	Urdahl
Bennett	Garofalo	Jurgens	Munson	Poppe	Vogel
Boe	Green	Kiel	Nash	Poston	West
Daniels	Grossell	Koznick	Nelson, N.	Quam	
Daudt	Gruenhagen	Kresha	Neu	Robbins	
Davids	Gunther	Layman	Nornes	Runbeck	
Demuth	Haley	Lucero	Novotny	Schomacker	

Those who voted in the negative were:

Acomb	Davnie	Her	Lien	Murphy	Sundin
Bahner	Dehn	Hornstein	Lillie	Nelson, M.	Tabke
Becker-Finn	Ecklund	Howard	Lippert	Olson	Vang
Bernardy	Edelson	Huot	Lislegard	Persell	Wagenius
Bierman	Elkins	Jordan	Long	Pinto	Wazlawik
Brand	Fischer	Klevorn	Mahoney	Pryor	Winkler
Cantrell	Freiberg	Koegel	Mann	Richardson	Wolgamott
Carlson, A.	Gomez	Kotzya-Witthuhn	Mariani	Sandell	Xiong, J.
Carlson, L.	Halverson	Kunesh-Podein	Masin	Sandstede	Xiong, T.
Christensen	Hansen	Lee	Moller	Sauke	Youakim
Clafin	Hassan	Lesch	Moran	Schultz	Spk. Hortman
Considine	Hausman	Liebling	Morrison	Stephenson	

The motion did not prevail.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, May 14, 2020. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, May 14, 2020.

PATRICK D. MURPHY, Chief Clerk, House of Representatives