

FIFTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, May 16, 2017

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Gazelka imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The Hennepin County Sheriff's Office Color Guard presented the colors.

Prayer was offered by the Chaplain, Bishop Richard Howell, Jr.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America, led by Chief Jeff Beahen, Rogers Police Department.

The roll was called, and the following Senators answered to their names:

Abeler	Dziedzic	Ingebrigtsen	Lourey	Schoen
Anderson, B.	Eaton	Isaacson	Marty	Senjem
Anderson, P.	Eichorn	Jasinski	Mathews	Simonson
Bakk	Eken	Jensen	Miller	Sparks
Benson	Fischbach	Johnson	Nelson	Tomassoni
Carlson	Franzen	Kent	Newman	Torres Ray
Chamberlain	Frentz	Kiffmeyer	Newton	Utke
Champion	Gazelka	Klein	Osmek	Weber
Clausen	Goggin	Koran	Pappas	Westrom
Cohen	Hall	Laine	Pratt	Wiger
Cwodzinski	Hawj	Lang	Relph	Wiklund
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	
Draheim	Housley	Little	Ruud	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 12, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

LESSARD-SAMS OUTDOOR HERITAGE COUNCIL

David Hartwell, 1676 Fremont Ave. S., Minneapolis, in the county of Hennepin, effective April 17, 2017, for a term expiring on January 4, 2021.

Jaime Swenson, 36421 - 480th St., Kasota, in the county of Le Sueur, effective April 17, 2017, for a term expiring on January 4, 2021.

(Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.)

April 18, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF HIGH PRESSURE PIPING SYSTEMS

Kyle Bain, 4440 Grafton Ave. N., Oakdale, in the county of Washington, effective April 23, 2017, for a term expiring on December 31, 2019.

Marit Brock, 74 Garfield St., Saint Paul, in the county of Ramsey, effective April 23, 2017, for a term expiring on December 31, 2019.

David Carlson, 65 Larson Rd., Esko, in the county of Saint Louis, effective April 23, 2017, for a term expiring on December 31, 2019.

Chris Savage, 700 Huron Rd., Marshall, in the county of Lyon, effective April 23, 2017, for a term expiring on December 31, 2019.

Kent Schneider, 10056 County Rd. 16 S.E., Delano, in the county of Lyon, effective April 23, 2017, for a term expiring on December 31, 2019.

Mark Slagle, 197 Sherman St., Saint Paul, in the county of Ramsey, effective April 23, 2017, for a term expiring on December 31, 2019.

(Referred to the Committee on Jobs and Economic Growth Finance and Policy.)

56TH DAY]

TUESDAY, MAY 16, 2017

5279

April 18, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF SCHOOL ADMINISTRATORS

Nancy Antoine, 610 Miller Ct., Dundas, in the county of Rice, effective April 23, 2017, for a term expiring on January 4, 2021.

Tracy Reimer, 931 Acacia Cir. S., Annandale, in the county of Wright, effective April 23, 2017, for a term expiring on January 4, 2021.

(Referred to the Committee on E-12 Policy.)

April 19, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Senator Fischbach:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MNSURE BOARD

Peter Benner, 7650 Cahill Ave., Inver Grove Heights, in the county of Dakota, effective May 6, 2017, for a term expiring on May 5, 2021.

Phillip Norrgard, 345 Prevost Rd., Cloquet, in the county of Carlton, effective May 6, 2017, for a term expiring on May 5, 2021.

(Referred to the Committee on Health and Human Services Finance and Policy.)

Sincerely,
Mark Dayton, Governor

May 15, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 63, Senate File 803, the Omnibus Public Safety Bill.

The Public Safety Conference Committee report provides little funding for the most important responsibilities of government, to protect our citizens and improve public safety for all of Minnesota. Not only is the level of funding seriously inadequate, there are also many policy provisions included that should be debated separately. I am vetoing this bill because it weakens public safety for Minnesotans.

Without fully funding the Department of Public Safety's operational request, the Department will be unable to maintain its current level of service to Minnesotans and public safety partners across the state. More than 180 positions would be impacted at the Department, leading to longer wait times for services, delays in critical inspections and projects, and a significant increase in turnaround times.

The bill also lacks full funding for the Predatory Offender Registration System which is expected to manage accurate data about the 31,000 offenders required to register to ensure public safety and protect civil liberties. The current system is built on a computer framework that is out dated; some critical functionality has been lost and data integrity issues were discovered in a recent Federal Bureau of Investigations audit.

In addition, the Bureau of Criminal Apprehension (BCA) has experienced a significant increase in requests for assistance in complex homicide and narcotics investigations and laboratory analysis requiring a growing number of hours devoted to each case, all without additional staff. Without the requested investments, local communities will be less able to respond to the growing opioid epidemic and be one step behind in their understanding of emerging drug threats to our communities.

Staffing requests from the BCA are urgent and needed. The BCA's capacity to work these complex cases will be reduced, limiting the ability to meet expectations of communities and partners when they request these services. Without an investment in BCA labs, the turnaround time for drug, firearms and other analyses will continue to increase, which jeopardizes public safety and impedes individuals' rights to speedy trial.

This bill does not address a critical public safety need resulting from explosive growth in the liquor industry in recent years. The Department has seen 90 percent growth in the number of licenses it issues and an 86 percent increase in inspections. Funding is needed for additional Alcohol and Gambling staff to inspect licensed alcohol manufacturers, distributors and wholesalers, and retail establishments, and to provide education to bar managers and employees related to the identification of underage or obviously intoxicated persons.

The bill does nothing to support local communities who rely on the state in times of emergency and disaster. In 2014, the Legislature created the Disaster Assistance Contingency Account to provide the cost share for federal assistance and state public disaster assistance when authorized by the Governor. Over the last several years, the state has expended about \$12 million per year to reimburse communities responding to disasters. Without replenishing this fund, communities will have a longer wait for reimbursement and it may require the Legislature to come back into special session after a disaster.

Four law enforcement agencies - Minneapolis, St. Paul, Bloomington and the Crow Wing County Sheriff's Office - have the tough job of providing bomb disposal services outside their regular service areas when requested by local law enforcement. The state has an obligation to fulfill funding to support the work being done by local agencies on behalf of the state. The bill fails to appropriate \$200,000 for this purpose.

Senate File 806 will cause equal or greater harm within the Department of Corrections. The lack of operating dollars will force the Commissioner to lay off approximately 250 employees who provide critical recidivism reducing programing, security, and community supervision. In addition, the State Government Conference report that I vetoed Friday would cause an additional 200 employees to be laid off. These employees teach offenders the skills they need to successfully leave prison and not return. These employees also increase safety in prison because they provide programs for offenders to constructively pass the time. Idleness in a prison can lead to instability and possible riotous behavior.

This budget is short sighted and will have a significant impact on recidivism. The Pew Foundation, along with Minnesota Management and Budget, have been researching the cost benefit of prison programing in Minnesota facilities and community corrections. Analysis shows the cost benefit for prison programing ranges from a positive return of \$15.90 to \$.40 for every dollar spent. The cost benefit for community corrections is the same with return on investments ranging from \$11.40 to \$1.80 for each dollar. All of which is either not funded or underfunded in the conference committee report. It is our duty as public servants to responsibly spend taxpayer's money with initiatives that have proven results and this bill does just the opposite.

The agency has other critical requests such as:

- Keeping technology systems modern and up to date;

- Expanding mental health services;

- Providing 24-hour nursing care at more facilities;

- Implementing restrictive housing best practices; and

- Delivering offender case management services.

Cuts of this magnitude will severely impact the DOC's ability to protect the public as mandated by the Minnesota Constitution.

I strongly believe in the separation of powers among the three branches of government. It is not up to me or the Legislature to second guess what the Judicial Branch needs to maintain a well-functioning court system. As I rely on the expertise of my Commissioners when putting together my budget, I also rely on the Chief Justice and her expertise to craft a responsible and balanced budget request.

It is important to remember what is at stake when we fail to adequately fund our courts. The budget requests brought forward by Minnesota's justice system would ensure our courts can process cases in a timely manner, reduce the excessively high caseloads facing Minnesota's public defenders and guardians ad litem, and expand access to civil legal aid to low-income Minnesotans. These requests would also fund psychological examinations and interpreter services for court participants; keep existing drug courts, DWI courts, and veteran's courts programs operational; and improve the cybersecurity of Minnesota's justice system. They are critical needs that will ensure our justice system can continue meeting its constitutional and statutory obligations.

There are several controversial policy items included in this bill that should be debated elsewhere. In particular, I oppose the language regarding the Appleton facility that requires the Department of Corrections to pay for an appraisal of the private facility. This language is not needed. Commissioner

Roy has put forward realistic strategies to address the state's prison population that are fiscally responsible.

Funding the Department's bonding requests for MCF-Willow River, MCF-Togo and MCF-Lino Lakes will add 135 beds and cost \$8 million. In addition, the Department is initiating other strategies, and I have also directed policy adjustments that will yield results.

This budget also has a controversial provision that was added into the conference report at the last minute relating to DPS's authority to engage in rulemaking regarding lawful status for a driver's license. As I have stated repeatedly, this language is not necessary because current law prohibits DPS from rulemaking without the Legislature's prior approval.

One of the core functions of government is to ensure the public safety of all Minnesotans. This bill fails to do so.

Sincerely,
Mark Dayton, Governor

Senator Limmer moved that S.F. No. 803 and the veto message thereon be laid on the table. The motion prevailed.

May 15, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 64, Senate File 1937, a bill appropriating money for jobs and economic development and making changes to commerce, telecommunications, and energy policy. The bill insufficiently funds the Departments of Employment and Economic Development, Labor and Industry, Commerce, and the Bureau of Mediation Services and contains policies that will limit workforce and economic development opportunities throughout Minnesota, as well as erode the clean energy progress we have made over the last decade.

Our state's economy continues to grow and thrive, with Minnesota's private sector attaining over 2.5 million jobs for the first time in state history earlier this year. It is thanks to hardworking Minnesotans and businesses that our economy continues to prosper. However, that improvement does not mean we should retreat from the progress we have made. Indeed, too many Minnesotans are not sharing in the benefits of this growth. For example, the unemployment rate for Itasca County stands at 9.9 percent, far exceeding the state unemployment rate of 4.4 percent. And the unemployment rate for black Minnesotans at 8.4 percent is more than double the white unemployment rate at 3.1 percent. Now is the time to ensure our economy works for everyone, everywhere in our state.

Senate File 1937 disinvests in Minnesota. With only \$15 million for the Border-to-Border Broadband Development Grant program, the bill fails to provide the funding needed to expand broadband access to strengthen our rural communities, attract and retain businesses, and improve student success. Further, the bill provides only \$2 million each for the Minnesota Investment Fund and Job Creation Fund, economic development incentives that can play a key role in business expansions. Since 2014,

the Minnesota Investment Fund and Job Creation Fund helped to create or retain over 10,600 jobs and led to \$1.96 billion in private investment throughout the state.

I am exceedingly disappointed that with a \$1.5 billion surplus you would choose to eliminate the equity grants funding we agreed to on a bipartisan basis just last year. If Minnesota's economy is to continue to improve, we must address economic disparities in our communities for people of color, veterans, youth, women, and people with disabilities. Cutting funding from organizations before they've had a chance to deliver their services is short-sighted.

Further, Senate File 1937 fails to provide the funding needed to ensure Minnesotans with the most significant disabilities receive employment training and counseling to ensure they are able to find and keep a job and live as independently as possible. Vocational Rehabilitation Services supports access to competitive and integrated employment opportunities for Minnesotans with disabilities, yet the bill does not include the recommended \$7 million increase for this program.

I believe that a strong economy means Minnesota workers are paid the wages they have earned and Minnesota businesses compete on a level playing field. Yet the Minnesota Department of Labor and Industry estimates that 39,000 Minnesota workers experience wage theft in our state each year and lose out on an estimated \$11.9 million in wages. Senate File 1937 includes only \$250,000 to combat wage theft and fails to include the increased financial and criminal penalties for employers who steal from their employees that I have proposed.

Student success is also critical to our future economic prosperity. Over 9,000 children are identified as homeless or highly mobile in school districts across the state and face barriers to educational success due to housing instability. It is disappointing that the bill fails to include funding for the Homework Starts with Home Initiative which would build on the success of the Rental Assistance for Homeless and Highly Mobile Students Initiative. This pilot has proven successful, with 90 percent of students achieving housing stability while having better attendance at school.

In addition to these budgetary concerns, I find it baffling that the bill includes extraneous policy language that I have made clear I find objectionable. For example, Senate File 1937 includes a ban on fire sprinkler requirements for single and two-family homes and accessory structures, language that was added to the bill as a political ploy. The bill also unnecessarily prohibits the transfer of funds between programs and among agencies, contains duplicative reporting requirements, deregulates Voice-Over-Internet-Protocol service, prohibits local governments from enacting plastic, paper, or reusable bag bans, and requires legislative approval of a proposed rule if it will increase the cost of residential construction by \$1,000 or more per unit which would create delays in adopting changes to the Minnesota Residential Code and harm homeowners. These are just some of the concerning policy provisions in this legislation, which are so varied and broad as to clearly violate the Minnesota Constitution's Single Subject Rule.

Perhaps the most controversial policies proposed in this bill focus on energy. Taken together, these policies would have the cumulative impact of removing citizen input in energy infrastructure decisions, jeopardizing hundreds of solar industry jobs across the state, setting back the state years of energy efficiency progress, endangering Minnesota's ability to receive \$47 million from the Volkswagen settlement, and rewriting the intent of the Renewable Development Fund, which has been a core component of the nuclear waste storage agreement with the Prairie Island Community for nearly twenty years. These policies are polarizing individually, but have all been included in this bill with minimal public discussion.

We must work together to build Minnesota's economy throughout the state for all Minnesotans. I seek your commitment to fund important economic development programs and services to support Minnesota workers and businesses.

For these reasons, I am vetoing this bill.

Sincerely,
Mark Dayton, Governor

Senator Gazelka moved that S.F. No. 1937 and the veto message thereon be laid on the table. The motion prevailed.

May 15, 2017

The Honorable Michelle L. Fischbach
President of the Senate

Dear Madam President:

I have vetoed and am returning Chapter 65, Senate File 2214, the Omnibus Higher Education Appropriations bill.

At a time of significant state budget surplus, an investment of \$318 million in postsecondary students to help enhance the economic vitality of the State and secure our students' future potential in the workforce and community simply makes sense. Further, while many other states are disinvesting in postsecondary education, we gain an edge by investing.

Unfortunately, the bill you sent me provides for less than 39% of that investment. Of particular concern is the smaller investment in need-based aid that will lead to higher debt loads for the many middle and low income students and families already struggling to pay for college. At the bill's level of funding, grants to each full-time student recipient would be \$183 to \$661 less than I proposed and 4,600 fewer students would receive grants.

Additionally, the lack of investment in core mission support at the University of Minnesota and campus support at Minnesota State risks the degradation of educational quality for our students. The bill exacerbates the situation for Minnesota State by setting the tuition rate rather than leaving that up to the appointed Minnesota State Trustees. This will likely lead to layoffs and diminished course offerings and support services on many campuses.

While the bill does provide my recommended level of funding for the University of Minnesota's Health Training Restoration, I am concerned that it falls short in funding for MnDRIVE and NRRI.

The absence of new investment in cybersecurity and data infrastructure at OHE is concerning as well. The agency's basic 1988 data system continues to age, increasing the security risk for hundreds of thousands of student records.

In addition, the agency operating budget adjustment is ignored. This is an issue, particularly as the bill creates multiple new loan forgiveness and grant programs with no administrative funds and reduces administrative funds for existing grant programs. Creating new programs and expanding non-core functions without first adequately funding basic institutional campus operations is inconsistent and ill advised.

The investments in the Summer Academic Enrichment Program (SAEP), emergency assistance matching grants to campuses, and creation of a Sexual Violence Prevention Coordinator as a statewide resource all would benefit students.

You are aware of my opposition to including policy language unrelated to the budget in this bill. Those should travel separately in an omnibus policy bill, or as separate bills, judged on their individual merits.

If you were to honor my request to separate budget items and non-budget policy, let me offer the following and encourage your members and staff to continue the good discussions they have been having with Commissioner Pogemiller and his staff.

If it would suffice for legislative need, perhaps Article 2 Section 2 (10) could be at the \$1 million level since it is my understanding that the University of Minnesota could report on consultant work at the \$1 million level without creating additional workload.

Some of the Article 2 Section 2 (11) language on institutional reporting may be too micromanagement in nature for what the Legislature needs for the oversight function.

As we discussed the other day, a study or report on mandatory student fees should be sufficient rather than the prohibition in Article 2 Section 3. Student representative groups and Minnesota State and the University of Minnesota believe a prohibition will negatively impact student life and the student experience will be degraded.

Article 2 Section 13 originally had a limited exemption for only some regionally accredited non-profit institutions from certain curriculum oversight under 136A, but now exempts some for-profit institutions. This unwisely removes the authority and oversight necessary to protect students when new or modified majors, minors, and concentrations related to degrees are introduced at regionally accredited for-profit institutions licensed or registered by the State of Minnesota.

Article 2 Section 14's restriction of OHE's authority to revoke registration and degree and name approval upon court adjudication of fraud or misrepresentation is very troublesome and weakens the State's ability to protect students and may lead to additional costly and unnecessary litigation.

Again, I believe strongly that investment in postsecondary education is vital to the continued economic success of our state and its citizens. This bill simply comes up short. For the above-stated reasons, I am vetoing the bill.

Sincerely,
Mark Dayton, Governor

Senator Gazelka moved that S.F. No. 2214 and the veto message thereon be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1457.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 15, 2017

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 179 and 2621.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 15, 2017

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 179: A bill for an act relating to public safety; amending ignition interlock performance standards; prohibiting use of devices enabled with location tracking capabilities; amending rulemaking authority; amending Minnesota Statutes 2016, section 171.306, subdivisions 1, 2, 3, 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 347, now on General Orders.

H.F. No. 2621: A bill for an act relating to public safety; expanding the crime of female genital mutilation; updating requirements for education and outreach; expanding the definition of egregious harm; expanding child in need of protection or services to include a victim of female genital mutilation; providing for definition of maltreatment for reporting maltreatment of minors; prescribing penalties; amending Minnesota Statutes 2016, sections 144.3872; 260.012; 260C.007, subdivisions 6, 14; 609.2245, subdivision 1, by adding subdivisions; 626.556, subdivisions 2, 3.

Senator Gazelka moved that H.F. No. 2621 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 1001 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1001	745				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1001 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1001, the first engrossment; and insert the language after the enacting clause of S.F. No. 745, the first engrossment; further, delete the title of H.F. No. 1001, the first engrossment; and insert the title of S.F. No. 745, the first engrossment.

And when so amended H.F. No. 1001 will be identical to S.F. No. 745, and further recommends that H.F. No. 1001 be given its second reading and substituted for S.F. No. 745, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 399 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
399	603				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 399 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 399, the first engrossment; and insert the language after the enacting clause of S.F. No. 603, the second engrossment; further, delete the title of H.F. No. 399, the first engrossment; and insert the title of S.F. No. 603, the second engrossment.

And when so amended H.F. No. 399 will be identical to S.F. No. 603, and further recommends that H.F. No. 399 be given its second reading and substituted for S.F. No. 603, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 1725 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1725	1499				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1725 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1725, the first engrossment; and insert the language after the enacting clause of S.F. No. 1499; further, delete the title of H.F. No. 1725, the first engrossment; and insert the title of S.F. No. 1499.

And when so amended H.F. No. 1725 will be identical to S.F. No. 1499, and further recommends that H.F. No. 1725 be given its second reading and substituted for S.F. No. 1499, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 470 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
470	1098				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 470 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 470, the second engrossment; and insert the language after the enacting clause of S.F. No. 1098, the first engrossment; further, delete the title of H.F. No. 470, the second engrossment; and insert the title of S.F. No. 1098, the first engrossment.

And when so amended H.F. No. 470 will be identical to S.F. No. 1098, and further recommends that H.F. No. 470 be given its second reading and substituted for S.F. No. 1098, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1001, 399, 1725, and 470 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Osmek introduced--

S.F. No. 2394: A bill for an act relating to capital investment; appropriating money for a Northome Avenue bridge in Deephaven; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Hayden introduced--

S.F. No. 2395: A bill for an act relating to capital investment; appropriating money for a recovery, career training, and employment center in Hennepin County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Dibble, Isaacson, Eaton, and Hawj introduced--

S.F. No. 2396: A bill for an act relating to natural resources; providing for special rehabilitation permits to treat injured or orphaned wolves; amending Minnesota Statutes 2016, section 97A.401, subdivision 3.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

MOTIONS AND RESOLUTIONS

Senator Housley moved that the name of Senator Hall be added as a co-author to S.F. No. 2355. The motion prevailed.

Senator Dziejczak introduced --

Senate Resolution No. 100: A Senate resolution honoring Mr. Bill Laden on the occasion of his retirement from East Side Neighborhood Services.

Referred to the Committee on Rules and Administration.

Senators Abeler, Hawj, Marty, and Pappas introduced --

Senate Resolution No. 101: A Senate resolution honoring Jaeson Fournier on his contributions to West Side Community Health Services.

Referred to the Committee on Rules and Administration.

Senator Gazelka introduced --

Senate Resolution No. 102: A Senate resolution recognizing National Police Week.

Referred to the Committee on Rules and Administration.

RECESS

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Gazelka imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

APPOINTMENTS

Senator Gazelka from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 844: Senators Ingebrigtsen, Ruud, Westrom, Mathews, and Tomassoni.

S.F. No. 799: Senators Benson, Abeler, Housley, Utke, and Lourey.

Senator Gazelka moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 1400, 2287, 985, 1443, S.F. No. 1568, H.F. Nos. 740, 1418, 1717, S.F. No. 788, H.F. No. 1242, and S.F. No. 1354.

SPECIAL ORDER

H.F. No. 1400: A bill for an act relating to health; modifying provisions governing reimbursable expenses for nursing assistant training and competency evaluations; amending Minnesota Statutes 2016, section 144A.611, subdivisions 1, 2, 4.

Senator Housley moved that the amendment made to H.F. No. 1400 by the Committee on Rules and Administration in the report adopted May 15, 2017, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1400 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Clausen	Eaton	Goggin	Jensen
Anderson, B.	Cohen	Eichorn	Hall	Johnson
Anderson, P.	Cwodzinski	Eken	Hayden	Kent
Benson	Dahms	Fischbach	Housley	Klein
Carlson	Dibble	Franzen	Ingebrigtsen	Koran
Chamberlain	Draheim	Frentz	Isaacson	Laine
Champion	Dziedzic	Gazelka	Jasinski	Lang

Latz	Nelson	Relph	Senjem	Utke
Limmer	Newman	Rest	Simonson	Weber
Marty	Osmek	Rosen	Sparks	Westrom
Mathews	Pappas	Ruud	Tomassoni	Wiger
Miller	Pratt	Schoen	Torres Ray	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2287: A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Ingebrigtsen	Little	Senjem
Anderson, B.	Eaton	Isaacson	Marty	Simonson
Anderson, P.	Eichorn	Jasinski	Mathews	Sparks
Benson	Eken	Jensen	Miller	Tomassoni
Carlson	Fischbach	Johnson	Nelson	Torres Ray
Chamberlain	Franzen	Kent	Newman	Utke
Champion	Frentz	Kiffmeyer	Osmek	Weber
Clausen	Gazelka	Klein	Pappas	Westrom
Cohen	Goggin	Koran	Pratt	Wiger
Cwodzinski	Hall	Laine	Rest	Wiklund
Dahms	Hayden	Lang	Rosen	
Dibble	Hoffman	Latz	Ruud	
Draheim	Housley	Limmer	Schoen	

Those who voted in the negative were:

Relph

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 985: A bill for an act relating to civil actions; specifying the duty owed by owners of real property to trespassers; proposing coding for new law in Minnesota Statutes, chapter 604A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 27, as follows:

Those who voted in the affirmative were:

Abeler	Benson	Draheim	Fischbach	Hall
Anderson, B.	Chamberlain	Eichorn	Gazelka	Hoffman
Anderson, P.	Dahms	Eken	Goggin	Housley

Ingebrigtsen	Klein	Miller	Relph	Tomassoni
Jasinski	Koran	Nelson	Rosen	Utke
Jensen	Lang	Newman	Ruud	Weber
Johnson	Limmer	Osmek	Senjem	Westrom
Kiffmeyer	Mathews	Pratt	Sparks	

Those who voted in the negative were:

Bakk	Dibble	Isaacson	Marty	Torres Ray
Carlson	Dziedzic	Kent	Newton	Wiger
Champion	Eaton	Laine	Pappas	Wiklund
Clausen	Franzen	Latz	Rest	
Cohen	Frentz	Little	Schoen	
Cwodzinski	Hayden	Lourey	Simonson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1443: A bill for an act relating to commerce; regulating insurance fraud; modifying certain penalties and notices; defining a term; clarifying the authority of the Commerce Fraud Bureau to apply for or execute search warrants; amending Minnesota Statutes 2016, sections 13.82, subdivision 17; 45.0135, subdivision 9; 60A.27, subdivision 1; 65B.84, by adding a subdivision; 626.05, subdivision 2.

Senator Abeler moved to amend H.F. No. 1443, as amended pursuant to Rule 45, adopted by the Senate May 10, 2017, as follows:

(The text of the amended House File is identical to S.F. No. 1344.)

Page 2, line 23, reinstate the stricken "intentional" and delete "attempted" and insert "or repeated attempted acts of"

The motion prevailed. So the amendment was adopted.

H.F. No. 1443 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Isaacson	Lourey	Simonson
Anderson, B.	Eichorn	Jasinski	Marty	Sparks
Anderson, P.	Eken	Jensen	Mathews	Tomassoni
Carlson	Fischbach	Johnson	Nelson	Torres Ray
Chamberlain	Franzen	Kent	Newton	Utke
Champion	Frentz	Kiffmeyer	Osmek	Weber
Clausen	Goggin	Klein	Pappas	Westrom
Cohen	Hall	Koran	Pratt	Wiger
Cwodzinski	Hawj	Laine	Relph	Wiklund
Dahms	Hayden	Lang	Rest	
Dibble	Hoffman	Latz	Ruud	
Draheim	Housley	Limmer	Schoen	
Dziedzic	Ingebrigtsen	Little	Senjem	

Those who voted in the negative were:

Newman

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

SPECIAL ORDER

S.F. No. 1568: A bill for an act relating to data practices; delaying expiration of the legislative commission on data practices; amending Minnesota Statutes 2016, section 3.8843, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Isaacson	Lourey	Senjem
Anderson, B.	Eichorn	Jasinski	Marty	Simonson
Anderson, P.	Eken	Jensen	Mathews	Sparks
Carlson	Fischbach	Johnson	Nelson	Tomassoni
Chamberlain	Franzen	Kent	Newman	Torres Ray
Champion	Frentz	Kiffmeyer	Newton	Utke
Clausen	Goggin	Klein	Osmek	Weber
Cohen	Hall	Koran	Pappas	Westrom
Cwodzinski	Hawj	Laine	Pratt	Wiger
Dahms	Hayden	Lang	Relph	Wiklund
Dibble	Hoffman	Latz	Rest	
Draheim	Housley	Limmer	Ruud	
Dziedzic	Ingebrigtsen	Little	Schoen	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 740: A bill for an act relating to commerce; regulating motor vehicle franchises; specifying warranty and recall obligations; providing unfair practices by manufacturers, distributors, and factory branches; amending Minnesota Statutes 2016, sections 80E.11, subdivision 7; 80E.13; 80E.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 80E; repealing Minnesota Statutes 2016, section 80E.04.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Champion	Dibble	Eken	Hall
Anderson, B.	Clausen	Draheim	Fischbach	Hawj
Anderson, P.	Cohen	Dziedzic	Franzen	Hayden
Carlson	Cwodzinski	Eaton	Frentz	Hoffman
Chamberlain	Dahms	Eichorn	Goggin	Housley

Ingebrigtsen	Koran	Mathews	Rest	Utke
Isaacson	Laine	Nelson	Ruud	Weber
Jasinski	Lang	Newman	Schoen	Westrom
Jensen	Latz	Newton	Senjem	Wiger
Johnson	Limmer	Osmeck	Simonson	Wiklund
Kent	Little	Pappas	Sparks	
Kiffmeyer	Lourey	Pratt	Tomassoni	
Klein	Marty	Relph	Torres Ray	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1418: A bill for an act relating to state government; clarifying certain prize provisions of the lottery; providing for certain budget and expenses of the State Lottery; amending Minnesota Statutes 2016, sections 349A.08, subdivision 2; 349A.10, subdivision 6; repealing Minnesota Statutes 2016, section 349A.08, subdivision 3.

Senator Pratt moved to amend H.F. No. 1418 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2016, section 240.15, subdivision 6, is amended to read:

Subd. 6. **Disposition of proceeds; account.** The commission shall distribute all money received under this section, and, except as provided otherwise by section 240.131, all money received from license fees, regulatory fees, and fines it collects, according to this subdivision. All money designated for deposit in the Minnesota breeders fund must be paid into that fund for distribution under section 240.18 except that all money generated by simulcasts must be distributed as provided in section 240.18, subdivisions 2, paragraph (d), clauses (1), (2), and (3); and 3. Revenue from an admissions tax imposed under subdivision 1 must be paid to the local unit of government at whose request it was imposed, at times and in a manner the commission determines. Taxes received under this section must be paid to the commissioner of management and budget for deposit in the general fund. All revenues from licenses and other fees imposed by the commission must be deposited in the state treasury and credited to a racing and card playing regulation account in the special revenue fund. Receipts in this account are available for the operations of the commission up to the amount authorized in biennial appropriations from the legislature. If a fiscal biennium ends without the enactment of an appropriation to the commission for the following biennium, receipts in this account are annually appropriated to the commission for the operations of the commission up to the amount authorized in the second year of the most recently enacted biennial appropriation, until a biennial appropriation is enacted.

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

Sec. 2. Minnesota Statutes 2016, section 240.155, subdivision 1, is amended to read:

Subdivision 1. **Reimbursement account credit.** Money received by the commission as reimbursement for the costs of services provided by veterinarians, stewards, ~~and~~ medical testing of horses, and fees received by the commission in the form of fees for regulatory services must be deposited in the state treasury and credited to a racing reimbursement account in the special revenue fund, except as provided under subdivision 2. Receipts are appropriated, within the meaning of

Article XI, section 1, of the Minnesota Constitution, to the commission to pay the costs of providing the services and all other costs necessary to allow the commission to fulfill its regulatory oversight duties required by chapter 240 and commission rule. If the major appropriation bills needed to finance state government are not enacted by the beginning of a fiscal biennium, the commission shall continue operations as required by chapter 240 and commission rule.

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

Sec. 3. [240.1561] APPROPRIATION FOR FUNCTIONS SUPPORTING ONGOING OPERATION OF THE RACING COMMISSION.

If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate money for the next biennium to the commissioner of management and budget for central accounting, procurement, payroll, and human resources functions, amounts necessary to operate those functions associated with operation of the Racing Commission under chapter 240 are appropriated for the next biennium from the general fund to the commissioner of management and budget. As necessary, the commissioner may transfer a portion of this appropriation to other state agencies to support carrying out these functions. Any subsequent appropriation to the commissioner of management and budget for a biennium in which this section has been applied shall supersede and replace the funding authorized in this section.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Dahms imposed a call of the Senate for the balance of the proceedings on H.F. No. 1418. The Sergeant at Arms was instructed to bring in the absent members.

Senator Rest questioned whether the Pratt amendment was germane.

The President ruled that the amendment was germane.

Senator Rest appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Mathews	Rosen
Anderson, B.	Fischbach	Jensen	Miller	Ruud
Anderson, P.	Gazelka	Johnson	Nelson	Senjem
Benson	Goggin	Kiffmeyer	Newman	Utke
Chamberlain	Hall	Koran	Osmek	Weber
Dahms	Housley	Lang	Pratt	Westrom
Draheim	Ingebrigtsen	Limmer	Relph	

Those who voted in the negative were:

Carlson	Eaton	Isaacson	Marty	Tomassoni
Champion	Eken	Kent	Newton	Torres Ray
Clausen	Franzen	Klein	Pappas	Wiger
Cohen	Frentz	Laine	Rest	Wiklund
Cwodzinski	Hawj	Latz	Schoen	
Dibble	Hayden	Little	Simonson	
Dziedzic	Hoffman	Lourey	Sparks	

So the decision of the President was sustained.

Senator Rest moved to amend the Pratt amendment to H.F. No. 1418 as follows:

Page 2, delete section 3

The question was taken on the adoption of the Rest amendment to the Pratt amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Carlson	Eaton	Isaacson	Marty	Sparks
Champion	Eken	Kent	Nelson	Tomassoni
Clausen	Franzen	Klein	Newton	Torres Ray
Cohen	Frentz	Laine	Pappas	Wiger
Cwodzinski	Hawj	Latz	Rest	Wiklund
Dibble	Hayden	Little	Schoen	
Dziedzic	Hoffman	Lourey	Simonson	

Those who voted in the negative were:

Abeler	Eichorn	Jasinski	Mathews	Ruud
Anderson, B.	Fischbach	Jensen	Miller	Senjem
Anderson, P.	Gazelka	Johnson	Newman	Utke
Benson	Goggin	Kiffmeyer	Osmek	Weber
Chamberlain	Hall	Koran	Pratt	Westrom
Dahms	Housley	Lang	Relph	
Draheim	Ingebrigtsen	Limmer	Rosen	

The motion did not prevail. So the amendment to the amendment was not adopted.

Senator Rest moved to amend the Pratt amendment to H.F. No. 1418 as follows:

Page 2, line 13, delete everything after "effective" and insert "July 1, 2018."

The question was taken on the adoption of the second Rest amendment to the Pratt amendment.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson, P.	Dibble	Hoffman	Marty	Simonson
Bakk	Dziedzic	Isaacson	Mathews	Sparks
Carlson	Eaton	Kent	Nelson	Tomassoni
Chamberlain	Eken	Klein	Newton	Torres Ray
Champion	Franzen	Laine	Pappas	Wiger
Clausen	Frentz	Latz	Relph	Wiklund
Cohen	Hawj	Little	Rest	
Cwodzinski	Hayden	Lourey	Schoen	

Those who voted in the negative were:

Abeler	Fischbach	Jasinski	Limmer	Ruud
Anderson, B.	Gazelka	Jensen	Miller	Senjem
Benson	Goggin	Johnson	Newman	Utke
Dahms	Hall	Kiffmeyer	Osmek	Weber
Draheim	Housley	Koran	Pratt	Westrom
Eichorn	Ingebrigtsen	Lang	Rosen	

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

The question recurred on the adoption of the Pratt amendment, as amended.

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Miller	Ruud
Anderson, B.	Eken	Jensen	Newman	Schoen
Anderson, P.	Fischbach	Johnson	Newton	Senjem
Bakk	Gazelka	Kiffmeyer	Osmek	Sparks
Benson	Goggin	Koran	Pappas	Tomassoni
Chamberlain	Hall	Lang	Pratt	Utke
Dahms	Housley	Limmer	Relph	Weber
Draheim	Ingebrigtsen	Mathews	Rosen	Westrom

Those who voted in the negative were:

Carlson	Dziedzic	Hoffman	Little	Torres Ray
Champion	Eaton	Isaacson	Lourey	Wiger
Clausen	Franzen	Kent	Marty	Wiklund
Cohen	Frentz	Klein	Nelson	
Cwodzinski	Hawj	Laine	Rest	
Dibble	Hayden	Latz	Simonson	

The motion prevailed. So the Pratt amendment, as amended, was adopted.

H.F. No. 1418 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 46 and nays 21, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jensen	Newman	Simonson
Anderson, B.	Fischbach	Johnson	Newton	Sparks
Anderson, P.	Frentz	Kiffmeyer	Osmek	Tomassoni
Bakk	Gazelka	Koran	Pappas	Utke
Benson	Goggin	Lang	Pratt	Weber
Chamberlain	Hall	Limmer	Relph	Westrom
Cohen	Hoffman	Little	Rosen	
Dahms	Housley	Mathews	Ruud	
Draheim	Ingebrigtsen	Miller	Schoen	
Eichorn	Jasinski	Nelson	Senjem	

Those who voted in the negative were:

Carlson	Cwodzinski	Eaton	Hayden	Klein
Champion	Dibble	Franzen	Isaacson	Laine
Clausen	Dziedzic	Hawj	Kent	Latz

Lourey
Marty

Rest
Torres Ray

Wiger
Wiklund

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

SPECIAL ORDER

H.F. No. 1717: A bill for an act relating to agriculture; making policy and technical changes to various agriculture-related provisions and programs; reorganizing dairy law; making conforming changes; modifying the Farmer-Lender Mediation Act; temporarily modifying nuisance liability; making changes to partition fence law; modifying cottage food exemption; amending Minnesota Statutes 2016, sections 13.6435, subdivision 8; 15.985; 17.984, subdivision 1; 18B.01, by adding subdivisions; 18B.26, subdivision 1; 18B.28, subdivisions 1, 3; 18B.37, subdivision 3; 18C.70, subdivision 5; 18C.71, subdivision 4; 18H.06, subdivision 2; 18H.07, subdivisions 2, 3; 21.111, subdivisions 2, 3; 21.113; 21.117; 25.32; 25.33, subdivisions 5, 10, 21; 25.341, subdivisions 1, 2; 25.35; 25.371, subdivision 2; 25.38; 25.39, subdivisions 1, 1a, 2, 3; 25.40, subdivision 2; 25.41, subdivisions 1, 2, 3, 5, 7a; 25.42; 27.04; 28A.03, by adding a subdivision; 28A.05; 28A.085, subdivision 1; 28A.152, subdivision 2; 28A.21, subdivision 6; 31A.02, subdivision 4; 32C.02, subdivision 2; 32C.06; 34A.01, subdivision 1; 41B.03, subdivisions 2, 3; 41B.043, subdivision 5; 41B.045, subdivision 2; 41C.02, subdivision 12; 116V.01, subdivisions 2, 3, 4, 7, 10, 11, 13, 14; 223.17, subdivision 8; 232.22, subdivision 7; 336.9-601; 344.03, subdivision 1; 550.365, subdivision 1; 559.209, subdivision 1; 582.039, subdivision 1; 583.215; 583.24, subdivision 4, by adding a subdivision; 583.26, subdivisions 2, 3, 3a, 4, 10; 583.27, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 32D; repealing Minnesota Statutes 2016, sections 18B.01, subdivisions 10a, 10b, 22a; 18B.285; 25.371, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; 32.01, subdivisions 1, 2, 6, 8, 9, 10, 11, 12; 32.021; 32.071; 32.072; 32.073; 32.074; 32.075; 32.076; 32.078; 32.10; 32.102; 32.103; 32.105; 32.106; 32.21; 32.212; 32.22; 32.25; 32.391, subdivisions 1, 1d, 1e, 1f, 1g, 2, 3; 32.392; 32.393; 32.394, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 8a, 8b, 8c, 8d, 8e, 9, 11, 12; 32.395; 32.397; 32.398, subdivision 1; 32.401, subdivisions 1, 2, 3, 5; 32.415; 32.416; 32.475; 32.481, subdivision 1; 32.482; 32.483; 32.484; 32.486; 32.55, subdivisions 1, 2, 3, 4, 5, 12, 13, 14; 32.555; 32.56; 32.61; 32.62; 32.63; 32.64; 32.645; 32.70; 32.71; 32.72; 32.74; 32.745; 32.75; 32.90; 41D.01, subdivision 4; 383C.809; 583.22, subdivision 7b.

Senator Weber moved to amend H.F. No. 1717, as amended pursuant to Rule 45, adopted by the Senate April 18, 2017, as follows:

(The text of the amended House File is identical to S.F. No. 1674.)

Page 7, delete section 10

Page 10, after line 18, insert:

"Sec. 14. Minnesota Statutes 2016, section 18B.33, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** (a) A person may not apply a pesticide for hire without a commercial applicator license for the appropriate use categories or a structural pest control license.

(b) A commercial applicator licensee must have a valid license identification card to purchase a restricted use pesticide or apply pesticides for hire and must display it upon demand by an authorized

representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

(c) A person licensed under this section applying a pesticide consistent with the label and labeling is not required to verify, document, or otherwise prove a particular need prior to or following the application of a pesticide registered under FIFRA, except as required by the label.

Sec. 15. Minnesota Statutes 2016, section 18B.34, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** (a) Except for a licensed commercial applicator, certified private applicator, or licensed structural pest control applicator, a person, including a government employee, may not purchase or use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) A licensee must have a valid license identification card when applying pesticides and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

(c) A person licensed under this section applying a pesticide consistent with the label and labeling is not required to verify, document, or otherwise prove a particular need prior to or following the application of a pesticide registered under FIFRA, except as required by the label.

Sec. 16. Minnesota Statutes 2016, section 18B.36, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** (a) Except for a licensed commercial or noncommercial applicator, only a certified private applicator may use a restricted use pesticide to produce an agricultural commodity:

(1) as a traditional exchange of services without financial compensation;

(2) on a site owned, rented, or managed by the person or the person's employees; or

(3) when the private applicator is one of two or fewer employees and the owner or operator is a certified private applicator or is licensed as a noncommercial applicator.

(b) A person may not purchase a restricted use pesticide without presenting a license card, certified private applicator card, or the card number.

(c) A person certified under this section applying a pesticide consistent with the label and labeling is not required to verify, document, or otherwise prove a particular need prior to or following the application of a pesticide registered under FIFRA, except as required by the label."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1717 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jasinski	Mathews	Senjem
Anderson, B.	Fischbach	Jensen	Miller	Sparks
Anderson, P.	Frentz	Johnson	Nelson	Tomassoni
Bakk	Gazelka	Kiffmeyer	Newman	Utke
Benson	Goggin	Koran	Osmek	Weber
Chamberlain	Hall	Lang	Pratt	Westrom
Dahms	Hoffman	Limmer	Relph	
Draheim	Housley	Little	Rosen	
Eichorn	Ingebrigtsen	Lourey	Ruud	

Those who voted in the negative were:

Carlson	Dibble	Hayden	Latz	Schoen
Champion	Dziedzic	Isaacson	Marty	Simonson
Clausen	Eaton	Kent	Newton	Torres Ray
Cohen	Franzen	Klein	Pappas	Wiger
Cwodzinski	Hawj	Laine	Rest	Wiklund

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

SPECIAL ORDER

S.F. No. 788: A bill for an act relating to public safety; eliminating the prerequisite of pretrial filing of a transcript for admission into evidence of law enforcement body camera recordings; amending Minnesota Statutes 2016, section 634.36.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Ingebrigtsen	Lourey	Schoen
Anderson, B.	Eaton	Isaacson	Marty	Senjem
Anderson, P.	Eichorn	Jasinski	Mathews	Simonson
Bakk	Eken	Jensen	Miller	Sparks
Benson	Fischbach	Johnson	Nelson	Tomassoni
Carlson	Franzen	Kent	Newman	Torres Ray
Chamberlain	Frentz	Kiffmeyer	Newton	Utke
Champion	Gazelka	Klein	Osmek	Weber
Clausen	Goggin	Koran	Pappas	Westrom
Cohen	Hall	Laine	Pratt	Wiger
Cwodzinski	Hawj	Lang	Relph	Wiklund
Dahms	Hayden	Latz	Rest	
Dibble	Hoffman	Limmer	Rosen	
Draheim	Housley	Little	Ruud	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1242: A bill for an act relating to local government; requiring notice of proposed city ordinances; proposing coding for new law in Minnesota Statutes, chapter 415.

Senator Mathews moved that the amendment made to H.F. No. 1242 by the Committee on Rules and Administration in the report adopted May 8, 2017, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Mathews moved to amend H.F. No. 1242 as follows:

Page 1, lines 14, 17, and 21, delete "first discussed" and insert "scheduled for a final vote"

Page 2, after line 7, insert:

"Subd. 6. **Interim ordinances exempt.** The requirements in this section do not apply to interim ordinances adopted pursuant to section 462.355, subdivision 4."

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend H.F. No. 1242 as follows:

Page 1, line 5, delete "TO BUSINESSES"

The motion prevailed. So the amendment was adopted.

H.F. No. 1242 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 41 and nays 26, as follows:

Those who voted in the affirmative were:

Abeler	Eken	Jensen	Mathews	Ruud
Anderson, B.	Fischbach	Johnson	Miller	Senjem
Anderson, P.	Gazelka	Kiffmeyer	Nelson	Tomassoni
Bakk	Goggin	Koran	Newman	Utke
Benson	Hall	Lang	Newton	Westrom
Chamberlain	Hoffman	Latz	Osmek	
Dahms	Housley	Limmer	Pratt	
Draheim	Ingebrigtsen	Little	Relph	
Eichorn	Jasinski	Lourey	Rosen	

Those who voted in the negative were:

Carlson	Dziedzic	Isaacson	Rest	Wiger
Champion	Eaton	Kent	Schoen	Wiklund
Clausen	Franzen	Klein	Simonson	
Cohen	Frentz	Laine	Sparks	
Cwodzinski	Hawj	Marty	Torres Ray	
Dibble	Hayden	Pappas	Weber	

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

SPECIAL ORDER

S.F. No. 1354: A bill for an act relating to local government; amending provisions relating to police and firefighters' civil service commissions and employees of police and fire departments; amending Minnesota Statutes 2016, sections 420.03; 420.04; 420.16.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Ingebrigtsen	Little	Rosen
Anderson, B.	Eichorn	Isaacson	Lourey	Ruud
Anderson, P.	Eken	Jasinski	Marty	Schoen
Benson	Fischbach	Jensen	Mathews	Senjem
Carlson	Franzen	Johnson	Miller	Simonson
Chamberlain	Frentz	Kent	Nelson	Sparks
Champion	Gazelka	Kiffmeyer	Newman	Torres Ray
Clausen	Goggin	Klein	Newton	Utke
Cwodzinski	Hall	Koran	Osmek	Weber
Dahms	Hawj	Laine	Pappas	Westrom
Dibble	Hayden	Lang	Pratt	Wiger
Draheim	Hoffman	Latz	Relph	Wicklund
Dziedzic	Housley	Limmer	Rest	

So the bill passed and its title was agreed to.

RECESS

Senator Limmer moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Gazelka imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 140, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 140 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 16, 2017

CONFERENCE COMMITTEE REPORT ON H. F. No. 140

A bill for an act relating to education; restructuring Minnesota's teacher licensing system; establishing the Professional Educator Licensing and Standards Board; transferring all teacher licensing and support personnel licensing and credentialing authority to the Professional Educator Licensing and Standards Board; providing for rulemaking; requiring a report; amending Minnesota Statutes 2016, sections 120B.363, subdivision 1; 122A.06; 122A.07; 122A.08; 122A.09, subdivisions 1, 2, 3, 4, 4a, 6, 7, 9, 10; 122A.17; 122A.18, subdivisions 1, 2, 2b, 7a, 7c, 8, by adding a subdivision; 122A.19; 122A.20; 122A.22; 122A.23, subdivision 3; 122A.245, subdivisions 1, 2, 3, 5, 6, 9, 10; 122A.26, subdivision 2; 122A.28; 122A.29; 122A.30; 124D.13, subdivision 11; 124D.454, subdivision 12; 124D.75, subdivisions 1, 6; 125A.67, subdivision 2; 127A.05, subdivision 6; 136A.1791, subdivision 1; 214.04, subdivisions 1, 3; 214.045; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2016, sections 122A.09, subdivisions 5, 8, 11; 122A.14, subdivision 5; 122A.162; 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a, 6, 7, 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1, 2; 122A.245, subdivisions 7, 8; 122A.25.

May 15, 2017

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 140 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 140 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1**PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD**

Section 1. Minnesota Statutes 2016, section 122A.06, is amended to read:

122A.06 DEFINITIONS.

Subdivision 1. **Scope.** For the purpose of sections 122A.05 to ~~122A.09~~ 122A.093, the terms defined in this section have the meanings given them, unless another meaning is clearly indicated.

Subd. 2. **Teacher.** "Teacher" means a classroom teacher or other similar professional employee required to hold a license from the Professional Educator Licensing and Standards Board of Teaching.

Subd. 3. **Board.** "Board" means the Professional Educator Licensing and Standards Board of Teaching.

Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive, scientifically based reading instruction" includes a program or collection of instructional practices that is based on valid, replicable evidence showing that when these programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, effective, balanced instruction in all five areas of reading: phonemic awareness, phonics, fluency, vocabulary development, and reading comprehension.

Comprehensive, scientifically based reading instruction also includes and integrates instructional strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to design and implement ongoing interventions so that students of all ages and proficiency levels can read and comprehend text, write, and apply higher level thinking skills. For English learners developing literacy skills, districts are encouraged to use strategies that teach reading and writing in the students' native language and English at the same time.

(b) "Fluency" is the ability of students to read text with speed, accuracy, and proper expression.

(c) "Phonemic awareness" is the ability of students to notice, think about, and manipulate individual sounds in spoken syllables and words.

(d) "Phonics" is the understanding that there are systematic and predictable relationships between written letters and spoken words. Phonics instruction is a way of teaching reading that stresses learning how letters correspond to sounds and how to apply this knowledge in reading and spelling.

(e) "Reading comprehension" is an active process that requires intentional thinking during which meaning is constructed through interactions between text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.

(f) "Vocabulary development" is the process of teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning in rich contexts, incidental learning, and use of computer technology enhance the acquiring of vocabulary.

(g) Nothing in this subdivision limits the authority of a school district to select a school's reading program or curriculum.

Subd. 5. **Field.** A "field" or "subject area" means the content area in which a teacher may become licensed to teach.

Subd. 6. **Shortage area.** "Shortage area" means:

(1) licensure fields and economic development regions reported by the commissioner of education or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage; and

(2) economic development regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region.

Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a program approved by the Professional Educator Licensing and Standards Board for the purpose of preparing individuals for a specific teacher licensure field in Minnesota. Teacher preparation programs include traditional programs delivered by postsecondary institutions, alternative teacher preparation programs, and nonconventional teacher preparation programs.

Subd. 8. **Teacher preparation program provider.** "Teacher preparation program provider" or "unit" means an entity that has primary responsibility for overseeing and delivering a teacher preparation program.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 2. Minnesota Statutes 2016, section 122A.07, is amended to read:

122A.07 BOARD OF TEACHING PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD MEMBERSHIP.

Subdivision 1. **Appointment of members.** The Professional Educator Licensing and Standards Board of Teaching consists of 11 members appointed by the governor, with the advice and consent of the senate. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. No member may be reappointed for more than one additional term.

Subd. 2. **Eligibility; board composition.** ~~Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a teacher currently teaching in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment.~~ Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment and who do not qualify under clause (2) or (3), at least four of whom must be teaching in a public school; have at least five years of teaching experience, and were not serving

in an administrative function at a school district or school when appointed. The six teachers must include the following:

(i) one teacher in a charter school;

(ii) one teacher from the seven-county metropolitan area, as defined in section 473.121, subdivision 2;

(iii) one teacher from outside the seven-county metropolitan area;

(iv) one teacher from a related service category licensed by the board;

(v) one special education teacher; and

(vi) one teacher from a teacher preparation program;

(2) one higher education representative, who must be a faculty member preparing teachers one superintendent that alternates each term between a superintendent from the seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a superintendent from outside the metropolitan area;

(3) one school administrator district human resources director; and

(4) three members of the public, two of whom must be present or former members of school boards one administrator of a cooperative unit under section 123A.24, subdivision 2, who oversees a special education program;

(5) one principal that alternates each term between an elementary and a secondary school principal; and

(6) one member of the public that may be a current or former school board member.

Subd. 2a. **First appointments.** (a) The governor shall nominate all members to the Professional Educator Licensing and Standards Board. The terms of the initial board members must be as follows:

(1) two members must be appointed for terms that expire January 1, 2019;

(2) three members must be appointed for terms that expire January 1, 2020;

(3) three members must be appointed for terms that expire January 1, 2021; and

(4) three members must be appointed for terms that expire January 1, 2022.

(b) Members of the Board of Teaching as of January 1, 2017, are ineligible for first appointments to the Professional Educator Licensing and Standards Board for four years from the effective date of this section, except that two members of the Board of Teaching as of January 1, 2017, are eligible for appointment under paragraph (a), clause (1).

Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching during the course of completing a board term, the position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed is deemed vacant.

Subd. 4. **Administration, Terms, compensation; removal; vacancies.** ~~The provision of staff, administrative services and office space;~~ the review and processing of complaints; the setting of fees; the selection and duties of an executive ~~secretary~~ director to serve the board; and other provisions relating to board operations not provided in this chapter are as provided in chapter 214. Membership terms, except as provided in subdivision 2a, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09.

Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director shall maintain the records of the board, account for all fees received by the board, supervise and direct employees servicing the board, and perform other services as directed by the board.

(b) The Department of Administration must provide administrative support in accordance with section 16B.371. The commissioner of administration must assess the board for services it provides under this section.

(c) The Department of Education must provide suitable offices and other space to the board at reasonable cost until January 1, 2020. Thereafter, the board may contract with either the Department of Education or the Department of Administration for the provision of suitable offices and other space, joint conference and hearing facilities, and examination rooms.

Subd. 5. **District reimbursement for costs of substitute teachers.** The Professional Educator Licensing and Standards Board may reimburse local school districts for the costs of substitute teachers employed when regular teachers are providing professional assistance to the state by serving on the board or on a committee or task force appointed by the board and charged to make recommendations concerning standards for teacher licensure in this state.

EFFECTIVE DATE. This section is effective September 1, 2017.

Sec. 3. Minnesota Statutes 2016, section 122A.08, is amended to read:

122A.08 MEETINGS.

Subdivision 1. **Meetings.** The Professional Educator Licensing and Standards Board of Teaching must meet regularly at the times and places as the board determines. Meetings must be called by the chair or at the written request of any eight members.

Subd. 2. **Executive ~~secretary~~ director.** The Professional Educator Licensing and Standards Board of Teaching must have an executive ~~secretary~~ director who is in the unclassified civil service and who is not a member of the board. The executive director must fulfill the duties provided in section 122A.09, subdivision 6. The board must review the performance of the executive director and set the salary of the executive director, not to exceed the limit for a position listed in section 15A.0815, subdivision 2.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 4. Minnesota Statutes 2016, section 122A.09, subdivision 1, is amended to read:

Subdivision 1. **Code of ethics.** The Professional Educator Licensing and Standards Board of Teaching must develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 5. Minnesota Statutes 2016, section 122A.09, subdivision 2, is amended to read:

Subd. 2. **Advise members of profession.** The Professional Educator Licensing and Standards Board must act in an advisory capacity to members of the profession in matters of interpretation of the code of ethics.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 6. Minnesota Statutes 2016, section 122A.09, subdivision 3, is amended to read:

Subd. 3. **Election of chair and officers.** The Professional Educator Licensing and Standards Board shall elect a chair and such other officers as it may deem necessary.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 7. Minnesota Statutes 2016, section 122A.09, subdivision 4, is amended to read:

Subd. 4. ~~**License and rules Licensing.**~~ (a) The Professional Educator Licensing and Standards Board must adopt rules to license public school teachers and interns subject to chapter 14. license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its authority to make all licensing decisions with respect to candidates for teacher licensure. The board must evaluate candidates for compliance with statutory or rule requirements for licensure and develop licensure verification requirements.

~~(b) The board must require all candidates for teacher licensure to demonstrate a passing score on a board-adopted skills examination in reading, writing, and mathematics, as a requirement for an initial professional five-year teaching license, except that the board may issue up to four initial professional one-year teaching licenses to an otherwise qualified candidate who has not yet passed the board-adopted skills exam. The board must require colleges and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the board-adopted skills examination, including those for whom English is a second language. The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1. The Board of Teaching and the entity administering the content, pedagogy, and skills examinations must allow any individual who produces documentation of a disability in the form of an evaluation, 504 plan, or individual education program (IEP) to receive the same testing accommodations on the content, pedagogy, and skills examinations that the applicant received during their secondary or postsecondary education.~~

~~(e) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.~~

~~(d) The board must provide the leadership and adopt rules for the redesign of teacher education programs to implement a research-based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. Among other components, teacher preparation programs may use the Minnesota State Colleges and Universities program model to provide a school-year-long student teaching program that combines clinical opportunities with academic coursework and in-depth student teaching experiences to offer students ongoing mentorship, coaching, and assessment, help to prepare a professional development plan, and structured learning experiences. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. Teacher preparation programs including alternative teacher preparation programs under section 122A.245, among other programs, must include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and assessment; engaging students and supporting learning; and assessing student learning. The board's redesign rules must include creating flexible, specialized teaching licenses, credentials, and other endorsement forms to increase students' participation in language immersion programs, world language instruction, career development opportunities, work-based learning, early college courses and careers, career and technical programs, Montessori schools, and project and place-based learning, among other career and college-ready learning offerings.~~

~~(e) The board must adopt rules requiring candidates for professional five-year teaching licenses to pass an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective by September 1, 2001. The rules under this paragraph also must require candidates for initial licenses to teach prekindergarten or elementary students to pass, as part of the examination of licensure-specific teaching skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically-based reading instruction under section 122A.06, subdivision 4, and their knowledge and understanding of the foundations of reading development, the development of reading comprehension, and reading assessment and instruction, and their ability to integrate that knowledge and understanding.~~

~~(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.~~

~~(g) The board must grant licenses to interns and to candidates for professional five-year teaching licenses based on appropriate professional competencies that are aligned with the board's licensing system and students' diverse learning needs. All teacher candidates must have preparation in English language development and content instruction for English learners in order to be able to effectively instruct the English learners in their classrooms. The board must include these licenses in a statewide differentiated licensing system that creates new leadership roles for successful experienced teachers premised on a collaborative professional culture dedicated to meeting students' diverse learning needs in the 21st century, recognizes the importance of cultural and linguistic competencies, including~~

the ability to teach and communicate in culturally competent and aware ways, and formalizes mentoring and induction for newly licensed teachers provided through a teacher support framework.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses. The board must require a licensed teacher who is renewing a professional five-year teaching license to include in the renewal requirements further preparation in English language development and specially designed content instruction in English for English learners.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their professional five-year teaching licenses to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their professional five-year teaching licenses to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their professional five-year teaching licenses to include in their renewal requirements at least one hour of suicide prevention best practices in each licensure renewal period that are based on nationally recognized evidence-based programs and practices, among the continuing education credits required to renew a license under this paragraph, and further preparation, first, in understanding the key warning signs of early-onset mental illness in children and adolescents and then, during subsequent licensure renewal periods, preparation may include providing a more in-depth understanding of students' mental illness trauma, accommodations for students' mental illness, parents' role in addressing students' mental illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures, and de-escalation methods, among other similar topics.

(o) The board must adopt rules by January 1, 2016, to license applicants under sections 122A.23 and 122A.245. The rules must permit applicants to demonstrate their qualifications through the

board's recognition of a teaching license from another state in a similar content field, completion of a state-approved teacher preparation program, teaching experience as the teacher of record in a similar licensure field, depth of content knowledge, depth of content methods or general pedagogy, subject-specific professional development and contribution to the field, or classroom performance as determined by documented student growth on normed assessments or documented effectiveness on evaluations. The rules must adopt criteria for determining a "similar content field" and "similar licensure area."

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 8. Minnesota Statutes 2016, section 122A.09, subdivision 4a, is amended to read:

Subd. 4a. ~~Teacher and administrator preparation and performance data; report Reports.~~

~~(a) The Board of Teaching and the Board of School Administrators, in cooperation with the Minnesota Association of Colleges of Teacher Education and Minnesota colleges and universities offering board-adopted teacher or administrator preparation programs, annually must collect and report summary data on teacher and administrator preparation and performance outcomes, consistent with this subdivision. The Board of Teaching and the Board of School Administrators annually by June 1 must update and post the reported summary preparation and performance data on teachers and administrators from the preceding school years on a Web site hosted jointly by the boards. The Professional Educator Licensing and Standards Board must provide reports in accordance with section 122A.091.~~

~~(b) Publicly reported summary data on teacher preparation programs must include: student entrance requirements for each Board of Teaching-approved program, including grade point average for enrolling students in the preceding year; the average board-adopted skills examination or ACT or SAT scores of students entering the program in the preceding year; summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and their years of experience either as kindergarten through grade 12 classroom teachers or school administrators; the average time resident and nonresident program graduates in the preceding year needed to complete the program; the current number and percent of students by program who graduated, received a standard Minnesota teaching license, and were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year; the number of content area credits and other credits by undergraduate program that students in the preceding school year needed to complete to graduate; students' pass rates on skills and subject matter exams required for graduation in each program and licensure area in the preceding school year; survey results measuring student and graduate satisfaction with the program in the preceding school year; a standard measure of the satisfaction of school principals or supervising teachers with the student teachers assigned to a school or supervising teacher; and information under paragraphs (d) and (e). Program reporting must be consistent with subdivision 11.~~

~~(c) Publicly reported summary data on administrator preparation programs approved by the Board of School Administrators must include: summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and their years of experience either as kindergarten through grade 12 classroom teachers or school administrators; the average time program graduates in the preceding year needed to complete the program; the current number and percent of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator in a Minnesota school district or school in the preceding year;~~

~~the number of credits by graduate program that students in the preceding school year needed to complete to graduate; survey results measuring student, graduate, and employer satisfaction with the program in the preceding school year; and information under paragraphs (f) and (g). Program reporting must be consistent with section 122A.14, subdivision 10.~~

~~(d) School districts annually by October 1 must report to the Board of Teaching the following information for all teachers who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year: the effectiveness category or rating of the teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5; the licensure area in which the teacher primarily taught during the three-year evaluation cycle; and the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.~~

~~(e) School districts annually by October 1 must report to the Board of Teaching the following information for all probationary teachers in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year: the licensure areas in which the probationary teacher taught; and the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.~~

~~(f) School districts annually by October 1 must report to the Board of School Administrators the following information for all school principals and assistant principals who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year: the effectiveness category or rating of the principal or assistant principal on the summative evaluation under section 123B.147, subdivision 3; and the principal preparation program providing instruction to the principal or assistant principal.~~

~~(g) School districts annually by October 1 must report to the Board of School Administrators all probationary school principals and assistant principals in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year.~~

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 9. Minnesota Statutes 2016, section 122A.09, subdivision 6, is amended to read:

Subd. 6. **Register of persons licensed.** The executive ~~secretary~~ director of the Professional Educator Licensing and Standards Board of Teaching ~~shall~~ must keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. The register must show the name, address, license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers ~~and transmit a copy of the list to the board.~~ A copy of the register must be available during business hours at the office of the board to any interested person.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 10. Minnesota Statutes 2016, section 122A.09, subdivision 7, is amended to read:

Subd. 7. **Commissioner's assistance; Professional Educator Licensing and Standards Board money.** The commissioner shall provide all necessary materials ~~and assistance~~ for the transaction

~~of the business of the Board of Teaching and~~ All moneys received by the Professional Educator Licensing and Standards Board of Teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 120B.363, 122A.01, 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.186, 122A.187, 122A.188, 122A.20, 122A.21, 122A.22, 122A.23, 122A.2451, 122A.26, 122A.30, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, 122A.54, 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the Professional Educator Licensing and Standards Board of Teaching shall be paid for from appropriations made to the Professional Educator Licensing and Standards Board of Teaching.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 11. Minnesota Statutes 2016, section 122A.09, subdivision 9, is amended to read:

Subd. 9. **Professional Educator Licensing and Standards Board may must adopt rules.** (a) The Professional Educator Licensing and Standards Board of Teaching may must adopt rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.186, 122A.187, 122A.188, 122A.20, 122A.21, and 122A.23, 122A.26, 122A.28, and 122A.29.

(b) The board must adopt rules relating to fields of licensure, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.

(c) The board must adopt rules relating to the grade levels that a licensed teacher may teach.

(d) If a rule adopted by the board is in conflict with a session law or statute, the law or statute prevails. Terms adopted in rule must be clearly defined and must not be construed to conflict with terms adopted in statute or session law.

(e) The board must include a description of a proposed rule's probable effect on teacher supply and demand in the board's statement of need and reasonableness under section 14.131.

(f) The board must adopt rules only under the specific statutory authority.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 12. Minnesota Statutes 2016, section 122A.09, subdivision 10, is amended to read:

Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and 14.056, the Professional Educator Licensing and Standards Board of Teaching may grant waivers to its rules upon application by a school district or a charter school for purposes of implementing experimental programs in learning or management.

(b) To enable a school district or a charter school to meet the needs of students enrolled in an alternative education program and to enable licensed teachers instructing those students to satisfy content area licensure requirements, the Professional Educator Licensing and Standards Board of Teaching annually may permit a licensed teacher teaching in an alternative education program to instruct students in a content area for which the teacher is not licensed, consistent with paragraph (a).

(c) A special education license permission issued by the Professional Educator Licensing and Standards Board of Teaching for a primary employer's low-incidence region is valid in all low-incidence regions.

~~(d) The Board of Teaching may issue a one-year professional license under paragraph (a), which the board may renew two times, to allow a person holding a full credential from the American Montessori Society, a diploma from Association Montessori Internationale, or a certificate of completion from a program accredited by the Montessori Accreditation Council for Teacher Education to teach in a Montessori program operated by a school district or charter school.~~

~~(e) The Board of Teaching may grant a one-year waiver, renewable two times, to allow individuals who hold a bachelor's degree from an accredited postsecondary institution, demonstrate occupational competency based on at least three years of full-time work experience in business or industry, and enroll and make satisfactory progress in an alternative preparation program leading to certification as a career and technical education instructor to teach career and technical education courses offered by a school district or charter school. A candidate that has obtained career and technical education certification may apply for a Tier 1 license under section 122A.181. Consistent with this paragraph and section 136F.361, the Professional Educator Licensing and Standards Board of Teaching must strongly encourage approved college or university-based teacher preparation programs and institutions throughout Minnesota to develop alternative pathways for certifying and licensing high school career and technical education instructors and teachers, allowing such candidates to meet certification and licensure standards that demonstrate their content knowledge, classroom experience, and pedagogical practices and their qualifications based on a combination of occupational testing, professional certification or licensure, and long-standing work experience.~~

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 13. **[122A.091] REPORTS.**

Subdivision 1. Teacher and administrator preparation and performance data; report. (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators, in cooperation with board-adopted teacher or administrator preparation programs, annually must collect and report summary data on teacher and administrator preparation and performance outcomes, consistent with this subdivision. The Professional Educator Licensing and Standards Board and the Board of School Administrators annually by June 1 must update and post the reported summary preparation and performance data on teachers and administrators from the preceding school years on a Web site hosted jointly by the boards.

(b) Publicly reported summary data on teacher preparation programs must include:

(1) student entrance requirements for each Professional Educator Licensing and Standards Board-approved program, including grade point average for enrolling students in the preceding year;

(2) the average board-adopted skills examination or ACT or SAT scores of students entering the program in the preceding year;

(3) summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and their years of experience either as kindergarten through grade 12 classroom teachers or school administrators;

(4) the average time resident and nonresident program graduates in the preceding year needed to complete the program;

(5) the current number and percentage of students by program who graduated, received a standard Minnesota teaching license, and were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(6) the number of content area credits and other credits by undergraduate program that students in the preceding school year needed to complete to graduate;

(7) students' pass rates on skills and subject matter exams required for graduation in each program and licensure area in the preceding school year;

(8) survey results measuring student and graduate satisfaction with the program in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(9) a standard measure of the satisfaction of school principals or supervising teachers with the student teachers assigned to a school or supervising teacher; and

(10) information under subdivision 3, paragraphs (a) and (b).

Program reporting must be consistent with subdivision 2.

(c) Publicly reported summary data on administrator preparation programs approved by the Board of School Administrators must include:

(1) summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and the years of experience either as kindergarten through grade 12 classroom teachers or school administrators;

(2) the average time program graduates in the preceding year needed to complete the program;

(3) the current number and percentage of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator in a Minnesota school district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(4) the number of credits by graduate program that students in the preceding school year needed to complete to graduate;

(5) survey results measuring student, graduate, and employer satisfaction with the program in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual; and

(6) information under subdivision 3, paragraphs (c) and (d).

Program reporting must be consistent with section 122A.14, subdivision 10.

Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and annually thereafter, the Professional Educator Licensing and Standards Board shall report and publish on its Web site the cumulative summary results of at least three consecutive years of data reported to the board under subdivision 1, paragraph (b). Where the data are sufficient to yield statistically reliable information and the results would not reveal personally identifiable information about an individual teacher, the board shall report the data by teacher preparation program.

(b) The Professional Educator Licensing and Standards Board must report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education, the following information:

(1) the total number of teacher candidates during the most recent school year taking a board-adopted skills examination;

(2) the number who achieve a qualifying score on the examination;

(3) the number who do not achieve a qualifying score on the examination; and

(4) the candidates who have not passed a content or pedagogy exam.

The information reported under this paragraph must be disaggregated by categories of race, ethnicity, and eligibility for financial aid. The report must be submitted in accordance with section 3.195.

Subd. 3. **School district reports.** (a) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all teachers who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) the licensure area in which the teacher primarily taught during the three-year evaluation cycle; and

(3) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(b) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all probationary teachers in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year:

(1) the licensure areas in which the probationary teacher taught; and

(2) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(c) School districts annually by October 1 must report to the Board of School Administrators the following information for all school principals and assistant principals who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the principal or assistant principal on the summative evaluation under section 123B.147, subdivision 3; and

(2) the principal preparation program providing instruction to the principal or assistant principal.

(d) School districts annually by October 1 must report to the Board of School Administrators all probationary school principals and assistant principals in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year.

Subd. 4. **State reports.** The Professional Educator Licensing and Standards Board must prepare reports in accordance with section 214.07.

Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards Board must survey the state's school districts and teacher preparation programs and report to the education committees of the legislature by February 1, 2019, and each odd-numbered year thereafter, on the status of teacher early retirement patterns, the access to effective and more diverse teachers who reflect the students under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the substitute teacher shortage, including patterns and shortages in licensure field areas and the economic development regions of the state.

(b) The report must also include:

(1) aggregate data on teachers' self-reported race and ethnicity;

(2) data on how districts are making progress in hiring teachers and substitute teachers in the areas of shortage; and

(3) a five-year projection of teacher demand for each district, taking into account the students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll in the district during that five-year period.

Subd. 6. **Implementation report.** By January 1, 2019, the Professional Educator Licensing and Standards Board must prepare a report to the legislature on the implementation of the teacher licensure system established under sections 122A.18 to 122A.184. The report must include the number of applicants for licensure in each tier, the number of applications granted and denied, summary data on the reasons applications were denied, and the status of the board's rulemaking process for all licensure related rules.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 14. **[122A.092] TEACHER PREPARATION PROGRAMS.**

Subdivision 1. **Rules.** The board must adopt rules to approve teacher preparation programs, including alternative teacher preparation programs under section 122A.2451, nonconventional programs, and Montessori teacher training programs.

Subd. 2. **Requirements for board approval.** Teacher preparation programs must demonstrate the following to obtain board approval:

(1) the program has implemented a research-based, results-oriented curriculum that focuses on the skills teachers need in order to be effective;

(2) the program provides a student teaching program;

(3) the program demonstrates effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes;

(4) the program includes a common core of teaching knowledge and skills. This common core shall meet the standards developed by the Interstate New Teacher Assessment and Support Consortium in its 1992 model standards for beginning teacher licensing and development. Amendments to standards adopted under this clause are subject to chapter 14. The Professional Educator Licensing and Standards Board shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this clause during the most recent school year;

(5) the program includes instruction on the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language and achievement in content areas in a regular classroom setting; and

(6) the program includes culturally competent training in instructional strategies consistent with section 120B.30, subdivision 1, paragraph (q).

Subd. 3. **Specialized credentials.** The board must adopt rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms to increase students' participation in language immersion programs, world language instruction, career development opportunities, work-based learning, early college courses and careers, career and technical programs, Montessori schools, and project- and place-based learning, among other career and college readiness learning offerings.

Subd. 4. **Teacher educators.** The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary and secondary teaching environments.

Subd. 5. **Reading strategies.** (a) All colleges and universities approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enables the licensure candidate to teach reading in the candidate's content areas. Teacher candidates must be instructed in using students' native languages as a resource in creating effective differentiated instructional strategies for English learners developing literacy skills. These colleges and universities also must prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184,

respectively, for the portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering assessment of reading instruction.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based, and balanced reading instruction programs that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

(c) Nothing in this section limits the authority of a school district to select a school's reading program or curriculum.

Subd. 6. **Technology strategies.** All colleges and universities approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs the knowledge and skills teacher candidates need to engage students with technology and deliver digital and blended learning and curriculum.

Subd. 7. **Student teaching program.** A teacher preparation program may provide a year-long student teaching program that combines clinical opportunities with academic coursework and in-depth student teaching experiences to offer students:

(1) ongoing mentorship;

(2) coaching;

(3) assessment;

(4) help to prepare a professional development plan; and

(5) structured learning experiences.

Subd. 8. **Existing programs.** The approval of teacher preparation programs approved by the Board of Teaching before the effective date of this section must remain in effect unless and until the Professional Educator Licensing and Standards Board denies approval or reapproves the program.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 15. **[122A.093] FRAUD; GROSS MISDEMEANOR.**

A person who claims to be a licensed teacher without a valid existing license issued by the board or any person who employs fraud or deception in applying for or securing a license is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 16. Minnesota Statutes 2016, section 122A.22, is amended to read:

122A.22 DISTRICT VERIFICATION OF TEACHER LICENSES.

No person shall be accounted a qualified teacher until the school district or charter school contracting with the person for teaching services verifies through the Minnesota education licensing system available on the ~~department~~ Professional Educator Licensing and Standards Board Web site that the person is a qualified teacher, consistent with sections 122A.16 and 122A.44, subdivision 1.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 17. Minnesota Statutes 2016, section 127A.05, subdivision 6, is amended to read:

Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's school districts and teacher preparation programs and report to the education committees of the legislature by February 1 of each odd-numbered year until 2018 on the status of teacher early retirement patterns, the access to effective and more diverse teachers who reflect the students under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the substitute teacher shortage, including patterns and shortages in subject areas and the economic development regions of the state. The report must also include: aggregate data on teachers' self-reported race and ethnicity; data on how districts are making progress in hiring teachers and substitutes in the areas of shortage; and a five-year projection of teacher demand for each district, taking into account the students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll in the district during that five-year period.

Sec. 18. Minnesota Statutes 2016, section 214.04, subdivision 1, is amended to read:

Subdivision 1. **Services provided.** ~~The commissioner of education with respect to the Board of Teaching; the commissioner~~ of public safety with respect to the Board of Private Detective and Protective Agent Services; the Board of Peace Officer Standards and Training; and the commissioner of revenue with respect to the Board of Assessors, shall provide suitable offices and other space, joint conference and hearing facilities, examination rooms, and the following administrative support services: purchasing service, accounting service, advisory personnel services, consulting services relating to evaluation procedures and techniques, data processing, duplicating, mailing services, automated printing of license renewals, and such other similar services of a housekeeping nature as are generally available to other agencies of state government. Investigative services shall be provided the boards by employees of the Office of Attorney General. The commissioner of health with respect to the health-related licensing boards shall provide mailing and office supply services and may provide other facilities and services listed in this subdivision at a central location upon request of the health-related licensing boards. The commissioner of commerce with respect to the remaining non-health-related licensing boards shall provide the above facilities and services at a central location for the remaining non-health-related licensing boards. The legal and investigative services for the boards shall be provided by employees of the attorney general assigned to the departments servicing the boards. Notwithstanding the foregoing, the attorney general shall not be precluded by this section from assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation. Persons providing legal and investigative services shall to the extent practicable provide the services on a regular basis to the same board or boards.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 19. Minnesota Statutes 2016, section 214.045, is amended to read:

214.045 COORDINATION WITH PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD OF TEACHING.

The commissioner of health and the health-related licensing boards must coordinate with the Professional Educator Licensing and Standards Board of Teaching when modifying licensure requirements for regulated persons in order to have consistent regulatory requirements for personnel who perform services in schools.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 20. **TRANSFER OF POWERS.**

(a) The creation of the Professional Educator Licensing and Standards Board shall be considered a transfer by law of the responsibilities of the Board of Teaching and the Minnesota Department of Education with respect to licensure and credentialing of teachers and school personnel to the Professional Educator Licensing and Standards Board for purposes of Minnesota Statutes, section 15.039. All classified and unclassified positions associated with the responsibilities being transferred to the Professional Educator Licensing and Standards Board are transferred with their incumbents to the new agency pursuant to Minnesota Statutes, section 15.039, subdivision 7, except as otherwise provided in Minnesota Statutes, section 122A.07.

(b) The responsibilities of the Minnesota Department of Education with respect to licensure of school administrators are transferred by law to the Board of School Administrators for purposes of section 15.039.

(c) The responsibilities of the Minnesota Department of Education with respect to the survey of districts under section 127A.05, subdivision 6, and the staff automated reporting (STAR) system, are transferred by law to the Professional Educator Licensing and Standards Board for purposes of section 15.039.

(d) The Professional Educator Licensing and Standards Board must review all rules adopted by the Board of Teaching and amend or repeal rules not consistent with statute. The Professional Educator Licensing and Standards Board must review all teacher preparation programs approved by the Board of Teaching to determine whether the approved programs meet the needs of schools in Minnesota.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 21. **FIRST APPOINTMENTS TO THE PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD.**

(a) The governor shall make appointments to the Professional Educator Licensing and Standards Board by September 1, 2017, for terms that begin January 1, 2018. The governor shall designate one member of the board to convene the first meeting by February 1, 2018, and to act as chair until the board elects a chair at its first meeting. The first superintendent appointed under Minnesota

Statutes, section 122A.07, subdivision 2, clause (2), must be from outside the metropolitan area. The governor is encouraged to consider eligible candidates that have previously served on the Board of Teaching for appointment to the Professional Educator Licensing and Standards Board.

(b) The terms of the first members appointed to the board do not count towards the term limit under Minnesota Statutes, section 122A.07, subdivision 1, if the term expires before 2022.

(c) Beginning October 2, 2017, the board members appointed by the governor under paragraph (a) may informally organize and prepare for their terms. The appointee representing the superintendent member must convene the first transition meeting. At the first meeting, the appointees must select a chairperson to lead the transition meetings. Between October 2, 2017, and January 1, 2018, the board members must begin the selection process for the executive director under Minnesota Statutes, section 122A.08, subdivision 2. The board members' transition meetings are subject to the Open Meeting Law under Minnesota Statutes, chapter 13D.

Sec. 22. **REVISOR INSTRUCTION.**

In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute the term "Professional Educator Licensing and Standards Board" for "Board of Teaching" wherever the term refers to the powers, duties, and responsibilities of the Board of Teaching. The revisor shall also make grammatical changes related to the change in terms.

Sec. 23. **REPEALER.**

Minnesota Statutes 2016, section 122A.09, subdivisions 5, 8, and 11, are repealed.

EFFECTIVE DATE. This section is effective January 1, 2018.

ARTICLE 2

LICENSURE

Section 1. Minnesota Statutes 2016, section 122A.17, is amended to read:

122A.17 VALIDITY OF CERTIFICATES OR LICENSES.

(a) A rule adopted by the Board of Teaching or the Professional Educator Licensing and Standards Board must not affect the validity of certificates or licenses to teach in effect on July 1, 1974, or the rights and privileges of the holders thereof, except that any such certificate or license may be suspended or revoked for any of the causes and by the procedures specified by law.

(b) All teacher licenses in effect on January 1, 2018, shall remain valid for one additional year after the date the license is scheduled to expire.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 2. Minnesota Statutes 2016, section 122A.18, subdivision 1, is amended to read:

Subdivision 1. **Authority to license.** (a) The Professional Educator Licensing and Standards Board of Teaching must license teachers, as defined in section 122A.15, subdivision 1, except for

supervisory personnel, as defined in section 122A.15, subdivision 2, issue the following teacher licenses to candidates who meet the qualifications prescribed by this chapter:

- (1) Tier 1 license under section 122A.181;
- (2) Tier 2 license under section 122A.182;
- (3) Tier 3 license under section 122A.183; and
- (4) Tier 4 license under section 122A.184.

(b) The Board of School Administrators must license supervisory personnel as defined in section 122A.15, subdivision 2, except for athletic coaches.

~~(e)~~ Licenses under the jurisdiction of the Board of Teaching, the Board of School Administrators, and the commissioner of education must be issued through the licensing section of the department.

~~(d)~~ (c) The Professional Educator Licensing and Standards Board of Teaching and the Department of Education must enter into a data sharing agreement to share:

(1) educational data at the E-12 level for the limited purpose of program approval and improvement for teacher education programs. The program approval process must include targeted redesign of teacher preparation programs to address identified E-12 student areas of concern; and

(2) data in the staff automated reporting system for the limited purpose of managing and processing funding to school districts and other entities.

~~(e)~~ (d) The Board of School Administrators and the Department of Education must enter into a data sharing agreement to share educational data at the E-12 level for the limited purpose of program approval and improvement for education administration programs. The program approval process must include targeted redesign of education administration preparation programs to address identified E-12 student areas of concern.

~~(f)~~ (e) For purposes of the data sharing agreements under paragraphs ~~(d)~~ (c) and ~~(e)~~ (d), the Professional Educator Licensing and Standards Board of Teaching, Board of School Administrators, and Department of Education may share private data, as defined in section 13.02, subdivision 12, on teachers and school administrators. The data sharing agreements must not include educational data, as defined in section 13.32, subdivision 1, but may include summary data, as defined in section 13.02, subdivision 19, derived from educational data.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 3. Minnesota Statutes 2016, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and Support personnel qualifications.** ~~(a)~~ The Professional Educator Licensing and Standards Board of Teaching must issue licenses and credentials under its jurisdiction to persons the board finds to be qualified and competent for their respective positions, including those meeting the standards adopted under section 122A.09, subdivision 4, paragraph (a) support personnel positions in accordance with section 120B.36.

~~(b) The board must require a candidate for teacher licensure to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and mathematics, before being granted a professional five-year teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs, except that the board may issue up to four temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed a board-adopted skills exam. At the request of the employing school district or charter school, the Board of Teaching may issue an initial professional one-year teaching license to an otherwise qualified teacher not passing or demonstrating a passing score on a board-adopted skills examination in reading, writing, and mathematics. For purposes of this section, the initial professional one-year teaching license issued by the board is limited to the current subject or content matter the teacher is employed to teach and limited to the district or charter school requesting the initial professional one-year teaching license. If the board denies the request, it must provide a detailed response to the school administrator as to the reasons for the denial. The board must require colleges and universities offering a board-approved teacher preparation program to make available upon request remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on a board-adopted skills examination, including those for whom English is a second language. The colleges and universities must make available assistance in the specific academic areas of candidates' deficiency. School districts may make available upon request similar, appropriate, and timely remedial assistance that includes a formal diagnostic component to those persons employed by the district who completed their teacher education program, who did not achieve a qualifying score on a board-adopted skills examination, and who received an initial professional one-year teaching license to teach in Minnesota. The Board of Teaching shall report annually to the education committees of the legislature on the total number of teacher candidates during the most recent school year taking a board-adopted skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, and the candidates who have not passed a content or pedagogy exam, disaggregated by categories of race, ethnicity, and eligibility for financial aid.~~

~~(c) The Board of Teaching must grant professional five-year teaching licenses only to those persons who have met board criteria for that license, which includes passing a board-adopted skills examination in reading, writing, and mathematics, and the exceptions in section 122A.09, subdivision 4, paragraph (b), that are consistent with this paragraph. The requirement to pass a board-adopted reading, writing, and mathematics skills examination, does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a professional five-year teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.~~

~~(d) All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. Among other requirements, teacher candidates must demonstrate the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language, and achievement in content areas in a regular classroom setting. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The board of~~

~~teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.~~

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 4. Minnesota Statutes 2016, section 122A.18, subdivision 2b, is amended to read:

Subd. 2b. **Reading specialist.** ~~Not later than July 1, 2002,~~ The Professional Educator Licensing and Standards Board of Teaching must adopt rules providing for reading teacher licensure.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 5. Minnesota Statutes 2016, section 122A.18, subdivision 7a, is amended to read:

Subd. 7a. **Permission to substitute teach.** (a) The Professional Educator Licensing and Standards Board of Teaching may allow a person who otherwise qualifies for a Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and making satisfactory progress in a board-approved teacher program and who has successfully completed student teaching to be employed as a short-call substitute teacher.

(b) The Professional Educator Licensing and Standards Board of Teaching may issue a lifetime qualified short-call or long-call substitute teaching license to a person who:

(1) was a qualified teacher under section 122A.16 while holding a ~~professional five-year~~ Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, and receives a retirement annuity from the Teachers Retirement Association or the St. Paul Teachers Retirement Fund Association;

(2) holds an out-of-state teaching license and receives a retirement annuity as a result of the person's teaching experience; or

(3) held a ~~professional five-year~~ Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, taught at least three school years in an accredited nonpublic school in Minnesota, and receives a retirement annuity as a result of the person's teaching experience.

A person holding a lifetime qualified short-call or long-call substitute teaching license is not required to complete continuing education clock hours. A person holding this license may reapply to the board for either:

(i) a ~~professional five-year~~ Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, and must again complete continuing education clock hours one school year after receiving the ~~professional five-year~~ Tier 3 or Tier 4 teaching license; or

(ii) a Tier 1 license under section 122A.181, provided that the candidate has a bachelor's degree, an associate's degree, or an appropriate professional credential in the content area the candidate will teach, in accordance with section 122A.181, subdivision 2.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 6. Minnesota Statutes 2016, section 122A.18, subdivision 7c, is amended to read:

Subd. 7c. **Temporary military license.** The Professional Educator Licensing and Standards Board of Teaching shall establish a temporary license in accordance with section 197.4552 for teaching. The fee for a temporary license under this subdivision shall be \$87.90 for an online application or \$86.40 for a paper application. The board must provide candidates for a license under this subdivision with information regarding the tiered licensure system provided in sections 122A.18 to 122A.184.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 7. Minnesota Statutes 2016, section 122A.18, subdivision 8, is amended to read:

Subd. 8. **Background checks.** (a) The Professional Educator Licensing and Standards Board of Teaching and the commissioner of education the Board of School Administrators must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all first-time teaching applicants for licenses under their jurisdiction. Applicants must include with their licensure applications:

(1) an executed criminal history consent form, including fingerprints; and

(2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check.

(b) The superintendent of the Bureau of Criminal Apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

(c) The Professional Educator Licensing and Standards Board of Teaching or the commissioner of education Board of School Administrators may issue a license pending completion of a background check under this subdivision, but must notify the individual and the school district or charter school employing the individual that the individual's license may be revoked based on the result of the background check.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 8. Minnesota Statutes 2016, section 122A.18, is amended by adding a subdivision to read:

Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards Board must adopt rules establishing a process for an eligible candidate to obtain any teacher license under subdivision 1, or to add a licensure field, via portfolio. The portfolio licensure application process must be consistent with the requirements in this subdivision.

(b) A candidate for a license must submit to the board one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence.

(c) A candidate seeking to add a licensure field must submit to the board one portfolio demonstrating content competence for each licensure field the candidate seeks to add.

(d) The board must notify a candidate who submits a portfolio under paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not the portfolio is approved. If the portfolio is not approved, the board must immediately inform the candidate how to revise the portfolio to successfully demonstrate the requisite competence. The candidate may resubmit a revised portfolio at any time and the board must approve or disapprove the revised portfolio within 60 calendar days of receiving it.

(e) A candidate must pay to the board a \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio submitted subsequently. The revenue generated from the fee must be deposited in an education licensure portfolio account in the special revenue fund. The fees are nonrefundable for applicants not qualifying for a license. The board may waive or reduce fees for candidates based on financial need.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 9. [122A.181] TIER 1 LICENSE.

Subdivision 1. Application requirements. The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue a Tier 1 license in a specified content area to a candidate if:

(1) the candidate meets the professional requirement in subdivision 2;

(2) the district or charter school affirms that the candidate has the necessary skills and knowledge to teach in the specified content area; and

(3) the district or charter school demonstrates that:

(i) a criminal background check has been completed on the candidate; and

(ii) the district or charter school has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.

Subd. 2. Professional requirements. (a) A candidate for a Tier 1 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.

(b) A candidate for a Tier 1 license must have one of the following credentials in a relevant content area to teach a class in a career and technical education or career pathways course of study:

(1) an associate's degree;

(2) a professional certification; or

(3) five years of relevant work experience.

Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license may be renewed subject to paragraphs (b) and (c). The board may submit written comments to the district or charter school that requested the renewal regarding the candidate.

(b) The Professional Educator Licensing and Standards Board must renew a Tier 1 license if:

(1) the district or charter school requesting the renewal demonstrates that it has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position; and

(2) the teacher holding the Tier 1 license took a content examination in accordance with section 122A.185 and submitted the examination results to the teacher's employing district or charter school within one year of the board approving the request for the initial Tier 1 license.

The requirement in clause (2) does not apply to a teacher that teaches a class in a career and technical education or career pathways course of study.

(c) A Tier 1 license must not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals. A Tier 1 license issued to teach (1) a class or course in a career and technical education or career pathway course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may be renewed without limitation.

Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept applications for a Tier 1 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 1 teaching license within 30 days of receiving the completed application.

Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, paragraph (a), clause (2), and limited to the district or charter school that requested the initial Tier 1 license.

(b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

(c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.

Subd. 6. **Mentorship and evaluation.** (a) A teacher holding a Tier 1 license must participate in the employing district or charter school's mentorship program.

(b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 10. **[122A.182] TIER 2 LICENSE.**

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue a Tier 2 license in a specified content area to a candidate if:

(1) the candidate meets the educational or professional requirements in paragraph (b) or (c);

(2) the candidate:

(i) has completed the coursework required under subdivision 2;

(ii) is enrolled in a Minnesota-approved teacher preparation program; or

(iii) has a master's degree in the specified content area; and

(3) the district or charter school demonstrates that a criminal background check has been completed on the candidate.

(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside a career and technical education or career pathways course of study.

(c) A candidate for a Tier 2 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

(1) an associate's degree;

(2) a professional certification; or

(3) five years of relevant work experience.

Subd. 2. **Coursework.** (a) A candidate for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:

(1) at least eight upper division or graduate-level credits in the relevant content area;

(2) field-specific methods of training, including coursework;

(3) at least two years of teaching experience in a similar content area in any state, as determined by the board;

(4) a passing score on the pedagogy and content exams under section 122A.185; or

(5) completion of a state-approved teacher preparation program.

(b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).

Subd. 3. **Term of license.** The Professional Educator Licensing and Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license may be renewed three times. The

board must issue rules setting forth the conditions for additional renewals after the initial license has been renewed three times.

Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept applications for a Tier 2 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 2 teaching license within 30 days of receiving the completed application.

Subd. 5. **Limitations on license.** (a) A Tier 2 license is limited to the content matter indicated on the application for the initial Tier 2 license under subdivision 1, paragraph (a), and limited to the district or charter school that requested the initial Tier 2 license.

(b) A Tier 2 license shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

Subd. 6. **Application toward probationary period.** (a) The time that a teacher works under a Tier 2 license must be credited towards the teacher's three-year probationary period under section 122A.40, subdivision 5, or 122A.41, subdivision 2.

(b) The time credited towards the probationary period under paragraph (a) must not exceed two years.

(c) The three years of the probationary period, including any time credited under this subdivision, must run consecutively, consistent with section 122A.40, subdivision 5, or section 122A.41, subdivision 2.

Subd. 7. **Mentorship and evaluation.** (a) A teacher holding a Tier 2 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan.

(b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 11. **[122A.183] TIER 3 LICENSE.**

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to a candidate who provides information sufficient to demonstrate all of the following:

(1) the candidate meets the educational or professional requirements in paragraphs (b) and (c);

(2) the candidate has obtained a passing score on the required licensure exams under section 122A.185; and

(3) the candidate has completed the coursework required under subdivision 2.

(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.

(c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:

- (1) an associate's degree;
- (2) a professional certification; or
- (3) five years of relevant work experience.

In consultation with the Governor's Workforce Development Council established under section 116L.665, the board must establish a list of qualifying certifications, and may add additional professional certifications in consultation with school administrators, teachers, and other stakeholders.

Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

- (1) completion of a Minnesota-approved teacher preparation program;
- (2) completion of a state-approved teacher preparation program that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student teaching requirement does not apply to a candidate that has two years of teaching experience;
- (3) submission of a content-specific licensure portfolio;
- (4) a professional teaching license from another state, evidence that the candidate's license is in good standing, and two years of teaching experience;
- (5) three years of teaching experience under a Tier 2 license, and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5; or
- (6) a passing score on all licensure examinations under section 122A.185 and five years of teaching experience as the teacher of record in any state.

Subd. 3. **Term of license.** The Professional Educator Licensing and Standards Board must issue an initial Tier 3 license for a term of three years. A Tier 3 license may be renewed every three years without limitation.

Subd. 4. **Mentorship and evaluation.** A teacher holding a Tier 3 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 12. [122A.184] TIER 4 LICENSE.

Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate who provides information sufficient to demonstrate all of the following:

(1) the candidate meets all requirements for a Tier 3 license under section 122A.183, and has met the coursework requirements under section 122A.183, subdivision 2, clause (1) or (2);

(2) the candidate has at least three years of teaching experience in Minnesota;

(3) the candidate has obtained a passing score on all required licensure exams under section 122A.185; and

(4) the candidate's most recent summative teacher evaluation did not result in placing or otherwise keeping the teacher in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5.

Subd. 2. **Term of license.** The Professional Educator Licensing and Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license may be renewed every five years without limitation.

Subd. 3. **Mentorship and evaluation.** A teacher holding a Tier 4 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan.

Subd. 4. **Five-year license.** A five-year license issued by the commissioner of education before the effective date of this section must be treated as a Tier 4 license established under this section and section 122A.18. An expired five-year license issued by the commissioner of education before the effective date of this section fulfills the requirements of subdivision 1 for purposes of future licensure by the Professional Educator Licensing and Standards Board.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 13. **[122A.185] TEACHER LICENSURE ASSESSMENT.**

Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.

(b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to pass an examination of general pedagogical knowledge and examinations of licensure field specific content. The content examination requirement does not apply if no relevant content exam exists.

(c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the

foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.

(d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.

Subd. 2. **Passing scores.** The board must establish passing scores in all examinations required for licensure.

Subd. 3. **Testing accommodations.** The board and the entity administering the content, pedagogy, and skills examinations must allow any individual who produces documentation of a disability in the form of an evaluation, 504 plan, or individual education program (IEP) to receive the same testing accommodations on the content, pedagogy, and skills examinations that the applicant received during the applicant's secondary or postsecondary education.

Subd. 4. **Remedial assistance.** (a) A board-approved teacher preparation program must make available upon request remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on a board-adopted skills examination, including those for whom English is a second language. The teacher preparation programs must make available assistance in the specific academic areas of candidates' deficiency.

(b) School districts may make available upon request similar, appropriate, and timely remedial assistance that includes a formal diagnostic component to those persons employed by the district who completed their teacher education program, who did not achieve a qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2, or Tier 3 license under sections 122A.181, 122A.182, or 122A.183, respectively, to teach in Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 14. **[122A.187] EXPIRATION AND RENEWAL.**

Subdivision 1. **License form requirements.** Each license issued under this chapter must bear the date of issue and the name of the state-approved teacher training provider or alternative teaching program, as applicable. Licenses must expire and be renewed according to rules adopted by the Professional Educator Licensing and Standards Board or the Board of School Administrators. The rules adopted by the Professional Educator Licensing and Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, must include showing satisfactory evidence of successful teaching or administrative experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or completing such additional preparation as required under this section, or as the Professional Educator Licensing and Standards Board prescribes. The Board of School Administrators shall establish requirements for renewing the licenses of supervisory personnel except athletic coaches. The Professional Educator Licensing and Standards Board shall establish requirements for renewing the licenses of athletic coaches.

Subd. 2. **Local committees.** The Professional Educator Licensing and Standards Board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, who have been employed as a teacher during the renewal period of the expiring license, as a condition of license renewal, must present to their local continuing education and relicensure committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices, including among other things, cultural competence in accordance with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied needs of English learners, from young children to adults under section 124D.59, subdivisions 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's most recent summative evaluation or improvement plan under section 122A.40, subdivision 8, or 122A.41, subdivision 5.

(b) The Professional Educator Licensing and Standards Board must ensure that its teacher relicensing requirements include paragraph (a).

Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

Subd. 6. **Mental illness.** The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements at least one hour of suicide prevention best practices in each licensure renewal period based on nationally recognized evidence-based programs and practices, among the continuing education credits required to renew a license under this subdivision, and further preparation, first, in understanding the key warning signs of early-onset mental illness in children and adolescents and then, during subsequent licensure renewal periods, preparation may include providing a more in-depth understanding of students' mental illness trauma, accommodations for students' mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures, and de-escalation methods, among other similar topics.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 15. **[122A.188] LICENSURE DENIAL; APPEAL.**

Subdivision 1. **Denial letter.** (a) The Professional Educator Licensing and Standards Board must inform a candidate within 30 days of receiving a completed application whether the candidate's application for an initial teaching license or renewal of license has been approved or denied. A completed application must include all supporting information and the results of the background check or conduct determination by the board. When an application is denied, the notification letter must inform the candidate of the process for seeking review of the denial and of the appeals process provided in this section, including all deadlines for seeking review of the denial decision and filing an appeal. The notification letter must identify each licensure requirement the candidate failed to meet.

(b) For purposes of this section, "denial" means denial of an initial license or a denial of a renewal license. Denial of an initial license includes a grant of a license that is a lower tier than the candidate applied for and denial of application for an additional field of licensure.

Subd. 2. **Review of denial.** A candidate whose license application is denied may seek review of the denial by submitting a letter to the Professional Educator Licensing and Standards Board within 30 calendar days of receipt of the denial letter. The candidate may include any documentation necessary to demonstrate that the candidate meets the licensure requirements. The board must review the denial within 60 calendar days of receipt of the letter seeking review. If the board affirms the denial, the board must send the candidate a letter identifying each licensure requirement the candidate failed to meet and informing the candidate of the appeal process provided under this section.

Subd. 3. **Appeal.** A candidate whose application for license or license renewal has been denied under subdivisions 1 and 2 may appeal the decision by filing a written request with the Professional Educator Licensing and Standards Board within 30 days of notice that the board has affirmed the denial of license. The board must then initiate a contested case under the Administrative Procedure Act, sections 14.001 to 14.69.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 16. Minnesota Statutes 2016, section 122A.19, is amended to read:

**122A.19 BILINGUAL AND ENGLISH AS A SECOND LANGUAGE TEACHERS;
LICENSES.**

Subdivision 1. **Bilingual and English as a second language licenses.** The Professional Educator Licensing and Standards Board of Teaching, hereinafter the board, must grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

~~(a)~~ (1) possess competence and communicative skills in English and in another language;

~~(b)~~ (2) possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe, consistent with subdivision 4; and

(3) meet all other requirements for a teaching license provided in sections 122A.18 to 122A.184.

Subd. 2. **Persons holding general teaching licenses.** The board may license a person who holds a ~~general~~ teaching license in any tier under sections 122A.181 to 122A.184, respectively, and who presents the board with satisfactory evidence of competence and communicative skills in a language other than English under this section.

Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual and English as a second language teachers, the board may approve programs at colleges or universities designed for their training. ~~These~~

(b) Programs that prepare English as a second language teachers must provide instruction in implementing research-based practices designed specifically for English learners. The programs must focus on developing English learners' academic language proficiency in English, including oral academic language, giving English learners meaningful access to the full school curriculum, developing culturally relevant teaching practices appropriate for immigrant students, and providing more intensive instruction and resources to English learners with lower levels of academic English proficiency and varied needs, consistent with section 124D.59, subdivisions 2 and 2a.

Subd. 5. **Persons eligible for employment.** Any person licensed under this section is eligible for employment by a school board as a teacher in a bilingual education or English as a second language program in which the language for which the person is licensed is taught or used as a medium of instruction. A board may prescribe only those additional qualifications for teachers licensed under this section that are approved by the board ~~of teaching.~~

Subd. 6. **Affirmative efforts in hiring.** In hiring for all bilingual education program positions, districts must give preference to and make affirmative efforts to seek, recruit, and employ persons who (1) are native speakers of the language which is the medium of instruction in the bilingual education program or share a native language with the majority of their students, and (2) share the culture of the English learners enrolled in the program. The district shall provide procedures for involving the parent advisory committees in designing the procedures for recruiting, screening, and selecting applicants. This section must not be construed to limit the school board's authority to hire and discharge personnel.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 17. Minnesota Statutes 2016, section 122A.20, is amended to read:

122A.20 SUSPENSION OR REVOCATION OF LICENSES.

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional Educator Licensing and Standards Board of Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:

- (1) immoral character or conduct;
- (2) failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) gross inefficiency or willful neglect of duty;

- (4) failure to meet licensure requirements; or
- (5) fraud or misrepresentation in obtaining a license.

The written complaint must specify the nature and character of the charges.

(b) The Professional Educator Licensing and Standards Board of Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of child abuse, as defined in section 609.185, sex trafficking in the first degree under section 609.322, subdivision 1, sex trafficking in the second degree under section 609.322, subdivision 1a, engaging in hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1, sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352, interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor, using minors in a sexual performance under section 617.246, possessing pornographic works involving a minor under section 617.247, or any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States. The board shall send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the Court of Appeals or the Supreme Court or if the person has received a pardon for the offense. The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

(d) For purposes of this subdivision, the Professional Educator Licensing and Standards Board of Teaching is delegated the authority to suspend or revoke coaching licenses.

Subd. 2. Mandatory reporting. (a) A school board must report to the Professional Educator Licensing and Standards Board of Teaching, the Board of School Administrators, or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction over the teacher's or administrator's license, when its teacher or administrator is discharged or resigns from employment after a charge is filed with the school board under section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation is pending under section 122A.40, subdivision 13, paragraph (a) clauses (1) to (5); 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator is suspended without an investigation under section 122A.41,

subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate licensing board within ten days after the discharge, suspension, or resignation has occurred. The licensing board to which the report is made must investigate the report for violation of subdivision 1 and the reporting board must cooperate in the investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon written request from the licensing board having jurisdiction over the license, a board or school superintendent shall provide the licensing board with information about the teacher or administrator from the district's files, any termination or disciplinary proceeding, any settlement or compromise, or any investigative file. Upon written request from the appropriate licensing board, a board or school superintendent may, at the discretion of the board or school superintendent, solicit the written consent of a student and the student's parent to provide the licensing board with information that may aid the licensing board in its investigation and license proceedings. The licensing board's request need not identify a student or parent by name. The consent of the student and the student's parent must meet the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent form to the district. Any data transmitted to any board under this section is private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

(b) The licensing board to which a report is made must transmit to the Attorney General's Office any record or data it receives under this subdivision for the sole purpose of having the Attorney General's Office assist that board in its investigation. When the Attorney General's Office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's or administrator's license within 45 days of receiving a stipulation executed by the teacher or administrator under investigation or a recommendation from an administrative law judge that disciplinary action be taken.

(c) The Professional Educator Licensing and Standards Board and Board of School Administrators must report to the appropriate law enforcement authorities a revocation, suspension, or agreement involving a loss of license, relating to a teacher or administrator's inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement authority" means a police department, county sheriff, or tribal police department. A report by the Professional Educator Licensing and Standards Board to appropriate law enforcement authorities does not diminish, modify, or otherwise affect the responsibilities of a school board or any person mandated to report abuse under section 626.556.

Subd. 3. **Immunity from liability.** A school board, its members in their official capacity, and employees of the district run by the board are immune from civil or criminal liability for reporting or cooperating as required under subdivision 2, if their actions required under subdivision 2 are done in good faith and with due care.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 18. Minnesota Statutes 2016, section 122A.23, subdivision 3, is amended to read:

Subd. 3. **Teacher licensure agreements with adjoining states.** (a) Notwithstanding any other law to the contrary, the Professional Educator Licensing and Standards Board of Teaching must enter into a National Association of State Directors of Teacher Education and Certification

(NASDTEC) interstate agreement and other interstate agreements for teacher licensure to allow fully certified teachers from adjoining states to transfer their certification to Minnesota. The board must enter into these interstate agreements only after determining that the rigor of the teacher licensure or certification requirements in the adjoining state is commensurate with the rigor of Minnesota's teacher licensure requirements. The board may limit an interstate agreement to particular content fields or grade levels based on established priorities or identified shortages. This subdivision does not apply to out-of-state applicants holding only a provisional teaching license.

(b) The Professional Educator Licensing and Standards Board of Teaching must work with designated authorities in adjoining states to establish interstate teacher licensure agreements under this section.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 19. [122A.2451] ALTERNATIVE TEACHER PREPARATION PROVIDERS AND PROGRAMS.

Subdivision 1. Definitions. (a) "Provider" or "unit" means an eligible entity that seeks or has obtained approval for an alternative teacher preparation program consistent with this section.

(b) "Program" means content provided by a provider that leads toward licensure in a specific content area.

Subd. 2. Purpose. To provide alternative pathways towards Minnesota teacher licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and to close the achievement gap, the Professional Educator Licensing and Standards Board must approve qualified teacher preparation providers and programs under this section that are a means to acquire a Tier 2 license under section 122A.181 and prepare for acquiring a Tier 3 license under section 122A.181.

Subd. 3. Eligibility. A school district, charter school, or nonprofit corporation organized under chapter 317A for an education-related purpose is eligible to participate under this section. An eligible entity may apply for provider and program approval simultaneously.

Subd. 4. Provider approval. An eligible entity must be approved as a provider before being approved to provide programs towards licensure. The Professional Educator Licensing and Standards Board must approve eligible entities under subdivision 3 that meet the following requirements:

(1) has evidence and history of fiscal solvency, capacity, and operation;

(2) has evidence of necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, background checks, and license recommendations;

(3) has policies and procedures in place ensuring the security of candidate records under the federal Family Educational Rights and Privacy Act; and

(4) has the instructional capacity or ability to obtain the instructional capacity to provide an adequate instructional phase under subdivision 5.

Subd. 5. **Program approval.** The board must approve programs offered by approved providers based on nontraditional criteria. An approved program must have the following characteristics:

(1) an instructional phase that provides intensive preparation and classroom experience that is commensurate with the scope of licensure standards defined under rule, before the teacher candidate assumes classroom responsibilities;

(2) a research-based and results-oriented approach focused on best teaching practices to increase student proficiency and growth measured against state academic standards;

(3) a strategy to combine pedagogy and best teaching practices to better inform teacher candidates' classroom instruction;

(4) provide assessment, supervision, and evaluation of teacher candidates to determine their specific needs throughout the program, and to support efforts to successfully complete the program;

(5) provide intensive and ongoing professional learning opportunities that accelerate teacher candidates' professional growth, support student learning, and provide a workplace orientation, professional staff development, mentoring and peer review, focused on standards of professional practice and continuous professional growth; and

(6) a process to review a candidate's final proficiency of required licensure content standards that leads to potential candidate recommendation by the provider to the board for a Tier 3 teaching license under subdivision 8.

Subd. 6. **Nontraditional means; program instructors.** (a) The board must permit alternative teacher preparation providers and teacher candidates to demonstrate pedagogy and content standard proficiency in school-based programs and through other nontraditional means. Nontraditional means may include previous work experiences, teaching experiences, educator evaluations, industry-recognized certifications, and other essentially equivalent demonstrations.

(b) The board must use nontraditional criteria to determine qualifications of program instructors, including permitting instructors to hold a baccalaureate degree only.

Subd. 7. **Program disapproval, suspension.** If the board determines that a teacher preparation provider or licensure program fails to meet or is deficient in any of the requirements of subdivision 5, it may suspend or revoke the approval of the provider or program after it notifies the provider of the deficiencies and gives the provider an opportunity to remedy the deficiencies.

Subd. 8. **Candidate program completion; teacher licensure.** (a) A candidate that completes an approved program must apply for a license under the tiered licensure system according to section 122A.181.

(b) A person who successfully completes another state's alternative teacher preparation licensure program may apply to the Professional Educator Licensing and Standards Board for a Tier 3 license.

Subd. 9. **Reports.** (a) An approved alternative teacher preparation provider must report to the Professional Educator Licensing and Standards Board on items that are defined in statute regarding

program candidates, completion, and effectiveness or other items that are required under section 122A.09.

(b) The Professional Educator Licensing and Standards Board must submit a biennial report on the alternative teacher preparation program and providers to legislative committees having jurisdiction over kindergarten through grade 12 education policy and finance by January 15 of each odd-numbered year.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 20. Minnesota Statutes 2016, section 122A.26, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** A person who teaches in a community education program which qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which is offered through a community education program and which qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher. A person who teaches a driver training course which is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board of Teaching or be subject to section 171.35. A license which is required for an instructor in a community education program pursuant to this subdivision shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 21. Minnesota Statutes 2016, section 122A.28, is amended to read:

122A.28 TEACHERS OF DEAF AND HARD-OF-HEARING STUDENTS; LICENSURE REQUIREMENTS.

Subdivision 1. **K-12 license to teach deaf and hard-of-hearing students; relicensure.** (a) The Professional Educator Licensing and Standards Board of Teaching must review and determine appropriate licensure requirements for a candidate for a license or an applicant for a continuing license to teach deaf and hard-of-hearing students in prekindergarten through grade 12. In addition to other requirements, a candidate must demonstrate the minimum level of proficiency in American sign language as determined by the board.

(b) Among other relicensure requirements, each teacher under this section must complete 30 continuing education clock hours on hearing loss topics, including American Sign Language, American Sign Language linguistics, or deaf culture, in each licensure renewal period.

Subd. 2. **Licensure for teaching oral/aural deaf education programs.** (a) The Professional Educator Licensing and Standards Board of Teaching shall adopt a separate licensure rule for a candidate for a license or an applicant for a continuing license to teach in oral/aural deaf education programs or to provide services, including itinerant oral/aural deaf education services, to deaf and hard-of-hearing students in prekindergarten through grade 12.

(b) The board shall design rule requirements for teaching oral/aural deaf education in collaboration with representatives of parents and educators of deaf and hard-of-hearing students, postsecondary programs preparing teachers of deaf and hard-of-hearing students, and the Department of Education.

(c) Rule requirements for teaching oral/aural deaf education shall reflect best practice research in oral/aural deaf education. Advanced competencies in teaching deaf and hard-of-hearing students through oral/aural modes shall be included.

(d) Licensure requirements for teachers of oral/aural deaf education must include minimum competency in American sign language, but are not subject to the guidelines established in Laws 1993, chapter 224, article 3, section 32, as amended by Laws 1998, chapter 398, article 2, section 47. The signed communication proficiency interview shall not be required for teachers licensed to teach deaf and hard-of-hearing students through oral/aural deaf education methods.

(e) Requirements for teachers of oral/aural deaf education shall include appropriate continuing education requirements for renewing this licensure.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 22. Minnesota Statutes 2016, section 122A.29, is amended to read:

122A.29 TEACHERS OF BLIND AND VISUALLY IMPAIRED STUDENTS; LICENSURE REQUIREMENTS.

Teachers licensed in the education of blind and visually impaired students must demonstrate competence in reading and writing Braille. The Professional Educator Licensing and Standards Board of Teaching, at such time as a valid and reliable test is available, shall adopt a rule to assess these competencies that is consistent with the standards of the National Library Services for the Blind and Physically Handicapped.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 23. Minnesota Statutes 2016, section 122A.30, is amended to read:

122A.30 EXEMPTION FOR CAREER AND TECHNICAL EDUCATION INSTRUCTORS.

(a) Notwithstanding section 122A.15, subdivision 1, and upon approval of the local employer school board, a person who teaches in a part-time vocational or career and technical education program is exempt from a license requirement. Nothing in this section shall exclude licensed career and technical educators from the definition of "teacher" in section 122A.40, 122A.41, or 179A.03.

(b) This section expires June 30, 2020. After this section expires, persons who teach in a part-time vocational or career and technical education program may apply for a teaching license provided in sections 122A.18 to 122A.184.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 24. Minnesota Statutes 2016, section 124D.13, subdivision 11, is amended to read:

Subd. 11. **Teachers.** A school board must employ necessary licensed teachers for its early childhood family education programs. ~~The Board of Teaching, at its discretion, may grant an applicant a variance under this subdivision, consistent with sections 122A.09, subdivision 10, and 122A.25, and Board of Teaching rules.~~

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 25. Minnesota Statutes 2016, section 124D.454, subdivision 12, is amended to read:

Subd. 12. **Compliance with rules.** Aid must be paid under this section only for services rendered or for costs incurred in career and technical education programs approved by the commissioner and operated in accordance with rules promulgated by the commissioner. This aid shall be paid only for services rendered and for costs incurred by essential, licensed personnel who meet the requirements for licensure pursuant to the rules of the Minnesota Professional Educator Licensing and Standards Board of Teaching. Licensed personnel means persons holding a valid career and technical license issued by the ~~commissioner~~ Professional Educator Licensing and Standards Board under section 122A.30. If an average of five or fewer secondary full-time equivalent students are enrolled per teacher in an approved postsecondary program at Intermediate District No. 287, 916, or 917, licensed personnel means persons holding a valid vocational license issued by the commissioner or the Board of Trustees of the Minnesota State Colleges and Universities. Notwithstanding section 127A.42, the commissioner may modify or withdraw the program or aid approval and withhold aid under this section without proceeding under section 127A.42 at any time. To do so, the commissioner must determine that the program does not comply with rules of the Department of Education or that any facts concerning the program or its budget differ from the facts in the district's approved application.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 26. Minnesota Statutes 2016, section 124D.75, subdivision 1, is amended to read:

Subdivision 1. **American Indian language and culture education licenses.** The Professional Educator Licensing and Standards Board of Teaching, in consultation with the Tribal Nations Education Committee, must grant initial and continuing teaching licenses in American Indian language and culture education that bear the same duration as other initial and continuing licenses. The board must grant licenses to persons who present satisfactory evidence that they:

(1) possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture; or

(2) possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, tribal resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district, participating school, or an American Indian school.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 27. Minnesota Statutes 2016, section 124D.75, subdivision 6, is amended to read:

Subd. 6. **Persons eligible for employment; exemptions.** Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian education program in which the American Indian language or culture in which the person is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the Professional Educator Licensing and Standards Board of Teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the ~~commissioner~~ Professional Educator Licensing and Standards Board, create a hardship in the securing of the teachers.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 28. Minnesota Statutes 2016, section 125A.67, subdivision 2, is amended to read:

Subd. 2. **Teacher standards.** A teacher ~~or administrator~~ at the academies is subject to the licensure standards of the Professional Educator Licensing and Standards Board of Teaching or the commissioner of education. An administrator at the academies is subject to the licensure standards of the Board of School Administrators.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 29. Minnesota Statutes 2016, section 136A.1791, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Qualified educational loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational and living expenses related to a teacher's preparation or further education.

(c) "School district" means an independent school district, special school district, intermediate district, education district, special education cooperative, service cooperative, a cooperative center for vocational education, or a charter school located in Minnesota.

(d) "Teacher" means an individual holding a teaching license issued by the ~~licensing division in the Department of Education on behalf of the Board of Teaching~~ Professional Educator Licensing and Standards Board who is employed by a school district to provide classroom instruction in a teacher shortage area.

(e) "Teacher shortage area" means the licensure fields and economic development regions reported by the commissioner of education as experiencing a teacher shortage.

(f) "Commissioner" means the commissioner of the Office of Higher Education unless indicated otherwise.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 30. **TEACHER OF SPECIAL EDUCATION LICENSE REVIEW.**

The Professional Educator Licensing and Standards Board must conduct a review of all the available teacher of special education licenses and determine the options for cross-categorical licenses for teachers of special education. The board must report its findings and draft legislation, if needed, to the legislative committees having jurisdiction over kindergarten through grade 12 education by December 14, 2018.

Sec. 31. **RULE CHANGE; ACADEMIC AND BEHAVIORAL STRATEGIST LICENSURE.**

No later than September 1, 2017, the Board of Teaching must amend Minnesota Rules, part 8710.5050, subpart 4, so that academic and behavioral strategist continuing licenses under that part may be issued and renewed according to rules of the Board of Teaching governing continuing licenses and without requiring the candidate to hold or be recommended for licensure in any other licensure field. The board shall use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

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

Sec. 32. **LICENSES UNDER JURISDICTION OF THE BOARD OF TEACHING.**

Subdivision 1. **One-year license.** A one-year license issued by the commissioner of education before the effective date of this section must be treated as a Tier 1 license established under Minnesota Statutes, sections 122A.18 and 122A.181.

Subd. 2. **Two-year license.** A two-year license issued by the commissioner of education before the effective date of this section must be treated as a Tier 2 license established under Minnesota Statutes, sections 122A.18 and 122A.182.

Subd. 3. **Five-year license.** A five-year license must be treated in accordance with Minnesota Statutes, section 122A.184, subdivision 4.

EFFECTIVE DATE. This section is effective July 1, 2018.

Sec. 33. **PERMISSIONS, WAIVERS, EXCEPTIONS, AND VARIANCES.**

The Professional Educator Licensing and Standards Board may grant an extension of up to one year for a permission, waiver, variance, or temporary limited license in effect on January 1, 2018.

EFFECTIVE DATE. This section is effective January 1, 2018.

Sec. 34. **TEACHERS OF ENGLISH AS A SECOND LANGUAGE.**

(a) Notwithstanding the teacher's field of licensure, a teacher may provide content instruction in a district or charter school until the end of the 2018-2019 school year if the teacher:

(1) held a kindergarten through grade 12 English as a second language (ESL) license during the 2016-2017 school year;

(2) provided content instruction as a highly qualified teacher under the No Child Left Behind Act to English language learners, as defined under Minnesota Statutes, section 124D.59; and

(3) taught in a classroom where both state content standards and English language development standards were satisfied.

(b) For the 2019-2020 school year and later, a teacher with an ESL license must meet all applicable licensing requirements in chapter 122A and rules adopted by the Professional Educator Licensing and Standards Board.

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

Sec. 35. **REPEALER.**

Minnesota Statutes 2016, sections 122A.14, subdivision 5; 122A.162; 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a, 6, 7, and 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1 and 2; 122A.245; and 122A.25, are repealed.

ARTICLE 3

NONTEACHER CREDENTIALING

Section 1. Minnesota Statutes 2016, section 120B.363, subdivision 1, is amended to read:

Subdivision 1. **Rulemaking.** ~~The Professional Educator Licensing and Standards Board of Teaching~~ must adopt rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. Any paraprofessional holding this credential or working in a local school district after meeting a state-approved local assessment is considered to be highly qualified under federal law. Under this subdivision, ~~the Professional Educator Licensing and Standards Board of Teaching~~, in consultation with the commissioner, must adopt qualitative criteria for approving local assessments that include an evaluation of a paraprofessional's knowledge of reading, writing, and math and the paraprofessional's ability to assist in the instruction of reading, writing, and math. The commissioner must approve or disapprove local assessments using these criteria. The commissioner must make the criteria available to the public.

EFFECTIVE DATE. This section is effective January 1, 2018."

Delete the title and insert:

"A bill for an act relating to education; restructuring Minnesota's teacher licensing system; establishing the Professional Educator Licensing and Standards Board; transferring all teacher licensing and support personnel licensing and credentialing authority to the Professional Educator Licensing and Standards Board; providing for rulemaking; requiring a report; amending Minnesota Statutes 2016, sections 120B.363, subdivision 1; 122A.06; 122A.07; 122A.08; 122A.09, subdivisions 1, 2, 3, 4, 4a, 6, 7, 9, 10; 122A.17; 122A.18, subdivisions 1, 2, 2b, 7a, 7c, 8, by adding a subdivision; 122A.19; 122A.20; 122A.22; 122A.23, subdivision 3; 122A.26, subdivision 2; 122A.28; 122A.29; 122A.30; 124D.13, subdivision 11; 124D.454, subdivision 12; 124D.75, subdivisions 1, 6; 125A.67, subdivision 2; 127A.05, subdivision 6; 136A.1791, subdivision 1; 214.04, subdivision 1; 214.045; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes

2016, sections 122A.09, subdivisions 5, 8, 11; 122A.14, subdivision 5; 122A.162; 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a, 6, 7, 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1, 2; 122A.245; 122A.25."

We request the adoption of this report and repassage of the bill.

House Conferees: Sondra Erickson, Peggy Bennett

Senate Conferees: Eric R. Pratt, Karin Housley, Susan Kent

Senator Pratt moved that the foregoing recommendations and Conference Committee Report on H.F. No. 140 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Senator Pratt imposed a call of the Senate for the balance of the proceedings on H.F. No. 140. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pratt motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 140 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jensen	Miller	Senjem
Anderson, B.	Fischbach	Johnson	Nelson	Utke
Anderson, P.	Gazelka	Kent	Newman	Weber
Benson	Goggin	Kiffmeyer	Osmek	Westrom
Chamberlain	Hall	Koran	Pratt	
Clausen	Housley	Lang	Relph	
Dahms	Ingebrigtsen	Limmer	Rosen	
Draheim	Jasinski	Mathews	Ruud	

Those who voted in the negative were:

Bakk	Eaton	Isaacson	Newton	Torres Ray
Carlson	Eken	Klein	Pappas	Wiger
Champion	Franzen	Laine	Rest	Wiklund
Cohen	Frentz	Latz	Schoen	
Cwodzinski	Hawj	Little	Simonson	
Dibble	Hayden	Lourey	Sparks	
Dziedzic	Hoffman	Marty	Tomassoni	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 676, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 676 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 11, 2017

CONFERENCE COMMITTEE REPORT ON H. F. No. 676

A bill for an act relating to commerce; regulating landscape application contracts; providing an exclusion; amending Minnesota Statutes 2016, section 325F.245, subdivision 6.

May 10, 2017

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 676 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 676 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2016, section 325F.245, subdivision 6, is amended to read:

Subd. 6. **Exclusions.** This section does not apply to:

(1) pesticide, fertilizer, or chemical applications for the purpose of producing agricultural commodities or any commodity for sale;

(2) pesticide applications around or near the foundation of a building for the purpose of structural or indoor pest control; ~~or~~

(3) any single or isolated landscape application where the property owner or its agent verbally consents to the single or isolated application-; or

(4) pesticide or fertilizer applications by a licensed, commercial application company that provides customers with the ability to cancel or discontinue the agreement at any time, for any reason, with full refund of any prepaid services that were not provided and without any cancellation

or discontinuance penalty. Prior to the first application of the season, the commercial application company must provide annual written notice to the customer of the customer's ability to cancel or discontinue the agreement at any time. The customer must be allowed to cancel or discontinue the agreement at any time by communication to the company in writing, electronically, verbally by telephone, or in person to company representatives or on-site service personnel.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment and applies to agreements entered into on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; regulating landscape application contracts; providing an exclusion; amending Minnesota Statutes 2016, section 325F.245, subdivision 6."

We request the adoption of this report and repassage of the bill.

House Conferees: Greg Davids, Joe Hoppe, Paul Rosenthal

Senate Conferees: David H. Senjem, Gary H. Dahms, Dan Sparks

Senator Senjem moved that the foregoing recommendations and Conference Committee Report on H.F. No. 676 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 676 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 49 and nays 18, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Housley	Limmer	Relph
Anderson, B.	Eken	Ingebrigtsen	Little	Rosen
Anderson, P.	Fischbach	Jasinski	Lourey	Ruud
Bakk	Frentz	Jensen	Mathews	Senjem
Benson	Gazelka	Johnson	Miller	Sparks
Chamberlain	Goggin	Kiffmeyer	Nelson	Tomassoni
Clausen	Hall	Klein	Newman	Utke
Cwodzinski	Hawj	Koran	Osmek	Weber
Dahms	Hayden	Lang	Pappas	Westrom
Draheim	Hoffman	Latz	Pratt	

Those who voted in the negative were:

Carlson	Dziedzic	Kent	Rest	Wiger
Champion	Eaton	Laine	Schoen	Wicklund
Cohen	Franzen	Marty	Simonson	
Dibble	Isaacson	Newton	Torres Ray	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MEMBERS EXCUSED

Senator Lourey was excused from the Session of today from 11:00 a.m. to 1:15 p.m. Senators Hoffman and Kiffmeyer were excused from the Session of today from 12:50 to 1:00 p.m. Senator Newton was excused from the Session of today from 12:50 to 1:05 p.m. Senator Bakk was excused from the Session of today from 12:50 to 1:15, from 1:35 to 2:40 p.m., and from 3:45 to 3:55 p.m. Senator Hawj was excused from the Session of today from 12:50 to 1:30 p.m. Senators Benson, Gazelka, Miller, and Rosen were excused from the Session of today from 1:35 to 2:10 p.m. Senators Cohen and Tomassoni were excused from the Session of today from 3:45 to 3:55 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Wednesday, May 17, 2017. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate