

## SEVENTY-SECOND DAY

St. Paul, Minnesota, Monday, March 9, 2020

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.

Prayer was offered by the Chaplain, Imam Asad Zaman.

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

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

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

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.

January 30, 2020

The Honorable Jeremy R. Miller  
President of the Senate

Dear Senator Miller:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF MINNESOTA STATE ACADEMIES

Marty Duncan, 1210 Pine Pointe Crv., Saint Peter, in the county of Nicollet, effective February 4, 2020, for a term expiring on January 3, 2022.

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

Sincerely,  
Tim Walz, Governor

March 9, 2020

The Honorable Jeremy R. Miller  
President of the Senate

Dear Senator Miller:

Pursuant to Senate Rule 8.2, the following appointment has been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Environment and Natural Resources Policy and Legacy Finance, to which was referred the following appointment as reported in the Journal for February 4, 2019:

MINNESOTA ENVIRONMENTAL QUALITY BOARD  
Benjamin Yawakie

Sincerely,  
Cal R. Ludeman  
Secretary of the Senate

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 5 and 2959.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 5, 2020

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 5:** A bill for an act relating to employment; providing for paid family, pregnancy, bonding, and applicant's serious medical condition benefits; regulating and requiring certain employment leaves; classifying certain data; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018, sections 13.719, by adding a subdivision; 177.27, subdivision 4; 256J.561, by adding a subdivision; 256J.95, subdivisions 3, 11; 256P.01, subdivision 3; 268.19, subdivision 1; Minnesota Statutes 2019 Supplement, section 181.032; proposing coding for new law as Minnesota Statutes, chapter 268B.

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

**H.F. No. 2959:** A bill for an act relating to capital investment; appropriating money for the Rural Finance Authority; authorizing the sale and issuance of state bonds.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3408, now on General Orders.

**REPORTS OF COMMITTEES**

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

**Senator Ruud from the Committee on Environment and Natural Resources Policy and Legacy Finance, to which was referred**

**S.F. No. 3624:** A bill for an act relating to natural resources; regulating wake surfing on waters of this state; amending Minnesota Statutes 2018, sections 86B.005, by adding subdivisions; 86B.315, subdivision 1, by adding subdivisions.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was re-referred**

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 7 and 28, strike "or civil" and insert ", civil, or criminal"

Page 3, line 9, after "may" insert ", but is not required to,"

Page 4, line 12, after the period, insert "A broker-dealer or investment adviser must notify the eligible adult or interested person of the right to appeal."

Page 5, lines 5 and 6, after "delay" insert "or hold"

Page 5, line 9, after "delayed" insert "or held"

Page 6, line 15, strike "or civil" and insert ", civil, or criminal"

Page 6, line 21, after the second "or" insert "placing a hold on"

And when so amended the bill do pass and be re-referred to the Committee on State Government Finance and Policy and Elections. Amendments adopted. Report adopted.

**Senator Limmer from the Committee on Judiciary and Public Safety Finance and Policy, to which was referred**

**S.F. No. 3258:** A bill for an act relating to civil law; modifying and modernizing certain provisions governing guardianship and conservatorship; amending Minnesota Statutes 2018, sections 484.76, subdivision 2; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions; 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303; 524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317; 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414; 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota Statutes, chapter 524.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 484.76, subdivision 2, is amended to read:

Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials, consensual special magistrates including retired judges and qualified attorneys to serve as special magistrates for binding proceedings with a right of appeal, and any other methods developed by the supreme court. The methods provided must be nonbinding unless otherwise agreed to in a valid agreement between the parties. Alternative dispute resolution may not be required in ~~guardianship, conservatorship, or~~ civil commitment matters; or in matters arising under section 144.651, 144.652, 518B.01, or 626.557.

Sec. 2. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 1a. **ABLE account.** "ABLE account" means an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code.

Sec. 3. Minnesota Statutes 2018, section 524.5-102, subdivision 6, is amended to read:

Subd. 6. **Incapacitated person.** "Incapacitated person" means an individual who, for reasons other than being a minor, is impaired to the extent of lacking sufficient understanding or capacity to make ~~or communicate responsible~~ personal decisions, and who ~~has demonstrated deficits in behavior which evidence an inability~~ is unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision making assistance.

Sec. 4. Minnesota Statutes 2018, section 524.5-102, subdivision 7, is amended to read:

Subd. 7. **Interested person.** "Interested person" includes:

- (i) the adult subject to guardianship or conservatorship, ward, protected person, or respondent;
- (ii) a nominated guardian or conservator, or the duly appointed guardian or conservator;
- (iii) legal representative;
- (iv) the spouse, parent, adult children including adult step-children of a living spouse, and siblings, or if none of such persons is living or can be located, the next of kin of the ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent;
- (v) an adult person who has lived with a ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent for a period of more than six months;
- (vi) an attorney for the ~~ward~~ person subject to guardianship or ~~protected~~ person subject to conservatorship;
- (vii) a governmental agency paying or to which an application has been made for benefits for the respondent, ~~ward, or protected~~ person subject to guardianship, or person subject to conservatorship, including the county social services agency for the person's county of residence and the county where the proceeding is venued;
- (viii) a representative of a state ombudsman's office or a federal protection and advocacy program that has notified the court that it has a matter regarding the ~~ward, protected~~ person subject to guardianship, person subject to conservatorship, or respondent;
- (ix) a health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state; ~~and~~
- (x) in the case of a minor who is an Indian as defined under United States Code, title 25, section 1903, (1) the tribal chairman or delegated agent and (2) the regional director of the minor child's tribe with service by registered or certified mail under Code of Federal Regulations, title 25, parts 23.11 and 23.12; and
- (~~x~~) (xi) any other person designated by the court.

Sec. 5. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 7a. **Interested party.** "Interested party" means a person who has suffered some injury-in-fact, a person who is the beneficiary of some legislative enactment granting standing, or a person who must have sufficient personal interest in the matter so that it is appropriate to allow that person to participate in the matter.

Sec. 6. Minnesota Statutes 2018, section 524.5-102, subdivision 13a, is amended to read:

Subd. 13a. ~~Professional guardian or professional conservator~~ Person subject to conservatorship. "Professional guardian" or "professional conservator" means a person acting as guardian or conservator for three or more individuals not related by blood, adoption, or marriage. "Person subject to conservatorship" means a minor or other individual for whom a conservator has been appointed.

Sec. 7. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 13b. Person subject to guardianship. "Person subject to guardianship" means an individual for whom a guardian has been appointed.

Sec. 8. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 13c. Professional guardian or professional conservator. "Professional guardian" or "professional conservator" means a person acting as guardian or conservator for three or more individuals not related by blood, adoption, or marriage.

Sec. 9. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision to read:

Subd. 16a. Supported decision making. "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions which enables the individual to make the decisions and, when consistent with the individual's wishes, in communicating a decision once made.

Sec. 10. Minnesota Statutes 2018, section 524.5-104, is amended to read:

#### **524.5-104 FACILITY OF TRANSFER.**

(a) A person ~~required to~~ who may transfer money or personal property to a minor may do so, as to an amount or value not exceeding ~~\$5,000 per year~~ the amount allowable as a tax exclusion gift under section 2503(b) of the Internal Revenue Code or a different amount that is approved by the court, by transferring it to:

- (1) a person who has the care and custody of the minor and with whom the minor resides;
- (2) a guardian of the minor;
- (3) a custodian under the Uniform Transfers To Minors Act or custodial trustee under the Uniform Custodial Trust Act; ~~or~~
- (4) a financial institution as a deposit in an interest-bearing account or certificate in the sole name of the minor and giving notice of the deposit to the minor; or
- (5) an ABLE account. A guardian only has the authority to establish an ABLE account. The guardian may not administer the ABLE account in the guardian's capacity as guardian.

(b) This section does not apply if the person making payment or delivery knows that a conservator has been appointed or that a proceeding for appointment of a conservator of the minor is pending.

(c) A person who transfers money or property in compliance with this section is not responsible for its proper application.

(d) A guardian or other person who receives money or property for a minor under paragraph (a), clause (1) or (2), may only apply it to the support, care, education, health, and welfare of the minor, and may not derive a personal financial benefit except for reimbursement for necessary expenses. Any excess must be preserved for the future support, care, education, health, and welfare of the minor and any balance must be transferred to the minor upon emancipation or attaining majority.

Sec. 11. Minnesota Statutes 2018, section 524.5-110, is amended to read:

**524.5-110 LETTERS OF OFFICE.**

The court shall issue appropriate letters of guardianship upon the guardian's filing of an acceptance of office. The court shall issue appropriate letters of conservatorship upon the conservator's filing of an acceptance of office and any required bond. Letters of guardianship must indicate whether the guardian was appointed by the court, a parent, or the spouse. Any limitation on duration or on the powers of a guardian or conservator or of the assets subject to a conservatorship must be endorsed on the guardian's or conservator's letters.

Sec. 12. Minnesota Statutes 2018, section 524.5-113, is amended to read:

**524.5-113 NOTICE.**

(a) Except for notice for which specific requirements are otherwise provided in this article or as otherwise ordered by the court for good cause, notice of a hearing on a petition is required for all petitions in the manner prescribed by this section. The petitioner shall give notice of the time and place of the hearing to all interested persons. Subject to paragraph (f), notice must be given by mail postmarked at least 14 days before the hearing.

(b) Proof of notice must be made before or at the hearing and filed in the proceeding.

(c) A notice under this article must be given in plain language.

(d) If a patient of a state hospital, regional center, or any state-operated service has a guardianship or conservatorship established, modified, or terminated, the head of the state hospital, regional center, or state-operated service shall be notified. The notice shall require the institution to advise the court of the existence, if known, of a health care directive as defined in section 145C.01, executed by the proposed ward person subject to guardianship, incapacitated person, or ~~protected~~ person subject to conservatorship, a living will executed under chapter 145B, or any other similar document executed in another state and enforceable under the laws of this state. If a ward person subject to guardianship, incapacitated person, or ~~protected~~ person subject to conservatorship is under the guardianship or conservatorship of the commissioner of human services as developmentally disabled or dependent and neglected or is under the temporary custody of the commissioner of human services, the court shall notify the commissioner of human services if the public guardianship or conservatorship is established, modified, or terminated.

(e) If a conservator is required to file a bond pursuant to section 524.5-415, notice of any proceeding seeking a surcharge of any interested party must be sent or delivered to the surety at the address shown in the court records at the place where the bond is filed and to any other address then known to the petitioner.

(f) Except where personal service is required by statute for the petition to appoint a guardian under section 524.5-308 or conservator under section 524.5-404, service of all documents and notices under this chapter may, and where required by supreme court rule or order shall, be made by electronic means other than facsimile transmission if authorized by rule or order of the supreme court and if service is made in accordance with the rule or order.

(g) An interested person may notify the court in writing that the interested person does not wish to receive copies of notices required under any provision of this article after which time neither the court nor any other person is required to give notice to any person who has waived notice.

(h) After an initial hearing on any guardianship or conservatorship matter, the court may limit the notices and reports required under any provision of this article to the persons determined by the court.

Sec. 13. Minnesota Statutes 2018, section 524.5-120, is amended to read:

**524.5-120 BILL OF RIGHTS FOR ~~WARDS AND PROTECTED~~ PERSONS SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.**

The ~~ward or protected~~ person subject to guardianship or person subject to conservatorship retains all rights not restricted by court order and these rights must be enforced by the court. These rights include the right to:

- (1) treatment with dignity and respect;
- (2) due consideration of current and previously stated personal desires, and preferences, including but not limited to medical treatment preferences, cultural practices, religious beliefs, and other preferences and opinions in decisions made by the guardian or conservator;
- (3) participate in decision making about and receive timely and appropriate health care and medical treatment that does not violate known preferences or conscientious, religious, or moral beliefs of the ~~ward or protected~~ person subject to guardianship or person subject to conservatorship;
- (4) exercise control of all aspects of life ~~not~~ unless delegated specifically to the guardian or conservator by court order to the guardian or conservator;
- (5) guardianship or conservatorship services individually suited to the ~~ward's or protected person's~~ conditions and needs of the person subject to guardianship or the person subject to conservatorship;
- (6) petition the court to prevent or initiate a change in abode;
- (7) care, comfort, social and recreational needs, employment and employment supports, training, education, habilitation, and rehabilitation care and services, within available resources;



(8) be consulted concerning, and to decide to the extent possible, the reasonable care and disposition of the ~~ward's or protected person's~~ clothing, furniture, vehicles, and other personal property and effects of the person subject to guardianship or person subject to conservatorship, to object to the disposition of personal property and effects, and to petition the court for a review of the guardian's or conservator's proposed disposition;

(9) personal privacy;

~~(10) communication and visitation with persons of the ward's or protected person's choice, provided that if the guardian has found that certain communication or visitation may result in harm to the ward's or protected person's health, safety, or well-being, that communication or visitation may be restricted but only to the extent necessary to prevent the harm~~ communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid the significant harm. In all cases, the guardian shall provide written notice of the restrictions imposed to the court, to the person subject to guardianship, and to the person subject to restrictions. The person subject to guardianship or the person subject to restrictions may petition the court to remove or modify the restrictions;

(11) marry and procreate, unless court approval is required, ~~and to consent~~;

(12) elect or object to sterilization as provided in section 524.5-313, paragraph (c), clause (4), item (iv);

~~(12)~~ (13) at any time, petition the court for termination or modification of the guardianship or conservatorship, and any decisions made by the guardian or conservator in relation to powers granted, or for other appropriate relief;

~~(13)~~ (14) be represented by an attorney in any proceeding or for the purpose of petitioning the court;

~~(14)~~ (15) vote, unless restricted by the court; ~~and~~

(16) be consulted concerning, and make decisions to the extent possible, about personal image and name, unless restricted by the court; and

~~(15)~~ (17) execute a health care directive, including both health care instructions and the appointment of a health care agent, if the court has not granted a guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4).

#### Sec. 14. [524.5-121] BILL OF PARTICULARS.

(a) When a bill of particulars is required to be filed under this chapter, it shall be filed pursuant to a form approved by the court. In the absence of a court form, a bill of particulars shall specify the confidential or nonpublic information within the text of the form or as an appendix to the form, including a reference to where the information is located in the pleadings, captioned consistent with the current proceedings, and identification of the bill of particulars as a confidential document. A

bill of particulars must be filed consistent with all applicable court rules for submitting confidential or nonpublic documents, including Rule 11 of the Minnesota Rules of General Practice and the Rules of Public Access to Records of the Judicial Branch.

(b) Notwithstanding any provision of this article or of any other law to the contrary, a bill of particulars filed pursuant to this chapter shall be served upon:

- (1) the respondent or the respondent's attorneys;
- (2) the person subject to guardianship or their attorneys;
- (3) the person subject to conservatorship or their attorneys; and

(4) interested persons or their attorneys who file objections in a guardianship or conservatorship or protective proceeding or object to a particular account, report or pleading filed with a bill of particulars.

(c) Notwithstanding any provision of this article or of any other law to the contrary, a bill of particulars filed pursuant to this chapter shall be served upon or otherwise provided to:

(1) any person upon consent of: the respondent or the respondent's attorneys, the person subject to guardianship or the person's attorneys, the person subject to conservatorship or the person's attorneys, the respondent's guardian or conservator, or the guardian or conservator's attorneys; and

(2) other persons by order of the court for good cause shown.

(d) Any person served or provided with a bill of particulars may only disclose the information within it to those authorized to receive the information as provided for in this section. This limitation of disclosure shall be stated in the bill of particulars.

(e) A filing of a bill of particulars consistent with this chapter is not a violation of the Minnesota Health Records Act or section 144.293.

Sec. 15. Minnesota Statutes 2018, section 524.5-205, is amended to read:

**524.5-205 JUDICIAL APPOINTMENT OF GUARDIAN: PROCEDURE.**

(a) A person interested in the welfare of a minor may petition for appointment of a guardian.

(b) After a petition is filed, the court shall set a date for hearing, and the petitioner shall give notice of the time and place for hearing the petition, together with a copy of the petition, to:

(1) the minor, if the minor has attained 14 years of age and is not the petitioner;

(2) any person alleged to have had the primary care and custody of the minor during the 60 days before the filing of the petition;

(3) each living parent of the minor or, if there is none, the adult nearest in kinship that can be found;

(4) any person nominated as guardian by the minor if the minor has attained 14 years of age;

(5) any appointee of a parent whose appointment has not been prevented or terminated under section 524.5-203; and

(6) any guardian or conservator currently acting for the minor in this state or elsewhere.

(c) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

~~(e)~~ (d) The court, upon hearing, shall make the appointment if it finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the conditions of section 524.5-204, paragraph (a), have been met, and the best interest of the minor will be served by the appointment. In other cases, the court may dismiss the proceeding or make any other disposition of the matter that will serve the best interest of the minor.

~~(d)~~ (e) If the court determines at any stage of the proceeding, before or after appointment, that the interests of the minor are or may be inadequately represented, it may appoint a lawyer to represent the minor, giving consideration to the choice of the minor if the minor has attained 14 years of age, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing guardian or the order dismissing a petition or upon such other time or event as the court may direct.

~~(e)~~ (f) Within 14 days after an appointment, a guardian shall send or deliver to the minor ~~ward~~ person subject to guardianship, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the minor ~~ward~~ person subject to guardianship of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

Sec. 16. Minnesota Statutes 2018, section 524.5-211, is amended to read:

**524.5-211 DELEGATION OF POWER BY PARENT OR GUARDIAN.**

(a) A parent, legal custodian, or nonprofessional guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding one year, any powers regarding care, custody, or property of the minor or ~~ward~~ person subject to guardianship, except the power to consent to marriage or adoption of a minor ~~ward~~ person subject to guardianship.

(b) A professional guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 30 days, any powers regarding care, custody, or property of the minor or person subject to guardianship, except the power to consent to marriage or adoption of a minor person subject to guardianship. A professional guardian delegating parental rights under this paragraph must submit the power of attorney to the court.

~~(b)~~ (c) A parent who executes a delegation of powers under this section must mail or give a copy of the document to any other parent within 30 days of its execution unless:

(1) the other parent does not have parenting time or has supervised parenting time; or

(2) there is an existing order for protection under chapter 518B or a similar law of another state in effect against the other parent to protect the parent, legal custodian, or guardian executing the delegation of powers or the child.

~~(e)~~ (d) A parent, legal custodian, or guardian of a minor child may also delegate those powers by designating a standby or temporary custodian under chapter 257B.

Sec. 17. Minnesota Statutes 2018, section 524.5-303, is amended to read:

**524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.**

(a) An individual or a person interested in the individual's welfare may petition for a determination of incapacity, in whole or in part, and for the appointment of a guardian, limited or unlimited ~~guardian in duration or power~~, for the individual.

(b) The petition must set forth the petitioner's name, residence, current address ~~if different~~, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling in which it is proposed that the respondent will reside if the appointment is made;

(2) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children including adult step-children of a living spouse or, if the respondent has none, the respondent's parents and adult brothers and sisters, or if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(3) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(4) the name and address or post office box of any legal representative for the respondent;

(5) the name, address or post office box, and telephone number of any person nominated as guardian by the respondent in any manner permitted by law, including a health care agent nominated in a health care directive;

(6) the name, address, and telephone number of any proposed guardian and the reason why the proposed guardian should be selected;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) the reason why guardianship is necessary, including a brief description of the nature and extent of the respondent's alleged incapacity;

(9) what less restrictive means have been attempted and considered, how long such less restrictive means have been attempted, and a description of why such less restrictive means are not sufficient to meet the respondent's identified needs;

~~(9)~~ (10) if an unlimited guardianship is requested, the reason why limited guardianship is inappropriate and, if a limited guardianship is requested, the powers to be granted to the limited guardian; and

~~(10)~~ (11) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts.

(c) The petition must also set forth the following information regarding the proposed guardian or any employee of the guardian responsible for exercising powers and duties under the guardianship:

(1) whether the proposed guardian has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(2) if the proposed guardian is a professional guardian or conservator, a summary of the proposed guardian's educational background and relevant work and other experience;

(3) whether the proposed guardian has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed guardian has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed guardian has ~~ever~~ filed for or received protection under the bankruptcy laws in the last five years, and if so, the case number and court location;

(6) whether the proposed guardian has any outstanding civil monetary judgments against the proposed guardian, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed guardian, and if so, the case number and court location; ~~and~~

(8) whether the proposed guardian has ever been convicted of a ~~crime other than a petty misdemeanor or traffic offense~~ gross misdemeanor or felony, and if so, the case number and the crime of which the guardian was convicted; and

(9) if the proposed guardian is a professional, the proposed guardian's current customary rates, and if the proposed guardian is not a professional, the proposed guardian's current anticipated rates.

(d) Any documents or information disclosing or pertaining to paragraph (b), clauses (7) to (11), or health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 18. Minnesota Statutes 2018, section 524.5-304, is amended to read:

**524.5-304 JUDICIAL APPOINTMENT OF GUARDIAN: PRELIMINARIES TO HEARING.**

(a) Upon receipt of a petition to establish a guardianship, the court shall set a date and time for hearing the petition and may appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition.

(b) A proposed ward person subject to guardianship has the right to be represented by counsel at any proceeding under this article. The court shall appoint counsel to represent the proposed ward person subject to guardianship for the initial proceeding held pursuant to section 524.5-307 if neither the proposed ward person subject to guardianship nor others provide counsel unless in a meeting with a visitor the proposed ward person subject to guardianship makes an informed decision in writing to specifically waive the right to counsel. Before appointment, and at any time during the course of the representation when a risk of a conflict of interest may arise, the proposed or appointed counsel shall disclose to the court, the proposed ward person subject to guardianship or ward person subject to guardianship, and interested persons whether there are concurrent proceedings in which the counsel is the attorney for the proposed guardian or guardian and whether there is a risk of a conflict of interest under Rule 1.7 of the Rules of Professional Conduct so that the representation of the proposed ward person subject to guardianship or ward person subject to guardianship will be materially limited by counsel's concurrent responsibilities to the proposed guardian or guardian. If there is a risk of a conflict of interest, the counsel must not be appointed or new counsel must be appointed, unless:

(1) the court determines that the proposed ward person subject to guardianship or ward person subject to guardianship is able to give informed consent to the representation and, if the proposed ward person subject to guardianship or ward person subject to guardianship consents, the consent is confirmed in writing pursuant to Rule 1.7; or

(2) the court determines that there is not a risk of a conflict of interest under Rule 1.7 requiring the appointment of different counsel.

(c) Counsel must be appointed immediately after any petition under this article is served under section 524.5-308. Counsel has the full right of subpoena. In all proceedings under this article, counsel shall:

(1) consult with the proposed ward person subject to guardianship before any hearing;

(2) be given adequate time to prepare for all hearings; and

(3) continue to represent the person throughout any proceedings under section 524.5-307, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing guardian or the order dismissing a petition, or upon such other time or event as the court may direct.

The court need not appoint counsel to represent the proposed ward person subject to guardianship on a voluntary petition, and the court may remove a court-appointed attorney at any time if the court

finds that the proposed ~~ward~~ person subject to guardianship has made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

(d) The visitor shall personally serve the notice and petition upon the respondent and shall offer to read the notice and petition to the respondent, and if so requested the visitor shall read the notice and petition to such person. The visitor shall also interview the respondent in person, and to the extent that the respondent is able to understand:

(1) explain to the respondent the substance of the petition; the nature, purpose, and effect of the proceeding; the respondent's rights at the hearing; and the general powers and duties of a guardian;

(2) determine the respondent's views about the proposed guardian, the proposed guardian's powers and duties, and the scope and duration of the proposed guardianship;

(3) inform the respondent of the right to employ and consult with a lawyer at the respondent's own expense and the right to request a court-appointed lawyer; and

(4) inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys fees, will be paid from the respondent's estate.

(e) In addition to the duties in paragraph (d), the visitor shall make any other investigation the court directs.

(f) The visitor shall promptly file, as a confidential document consistent with the bill of particulars under section 524.5-121, a report in writing with the court, which must include:

(1) recommendations regarding the appropriateness of guardianship, including whether less restrictive means of intervention are available, the type of guardianship, and, if a limited guardianship, the powers to be granted to the limited guardian;

(2) a statement as to whether the respondent approves or disapproves of the proposed guardian, and the powers and duties proposed or the scope of the guardianship; and

(3) any other matters the court directs.

(g) The county social service agency may create a screening committee to review a petition involving an indigent person. The screening committee must consist of individuals selected by the agency with knowledge of alternatives that are less restrictive than guardianship. If the agency has created a screening committee, the court shall make its decision after the screening committee has reviewed the petition. For an indigent person, the court may appoint a guardian under contract with the county to provide these services.

Sec. 19. Minnesota Statutes 2018, section 524.5-307, is amended to read:

**524.5-307 ~~JUDICIAL APPOINTMENT OF GUARDIAN~~ JUDICIAL APPOINTMENT OF GUARDIAN PROCEEDINGS; PRESENCE AND RIGHTS AT HEARING.**

(a) Unless excused by the court for good cause, the petitioner and the proposed guardian shall attend the hearing. The respondent shall attend and participate in the hearing, unless excused by the court for good cause. The petitioner and respondent may present evidence and subpoena witnesses

and documents; examine witnesses, including the visitor; and otherwise participate in the hearing. The hearing may be held in a location convenient to the respondent and may be closed upon the request of the respondent and a showing of good cause.

(b) Any person may request permission to participate in the proceeding. The court may grant the request, with or without hearing, upon a showing of good cause and after determining that the best interest of the respondent will be served. The court may attach appropriate conditions to the participation.

(c) A respondent to any guardianship petition and any person subject to guardianship in any other guardianship proceeding has not placed his or her health, physical, or mental condition in controversy. Any denials, allegations or affirmative assertions by the respondent or person subject to guardianship regarding capacity do not place these matters in controversy.

Sec. 20. Minnesota Statutes 2018, section 524.5-310, is amended to read:

**524.5-310 FINDINGS; ORDER OF APPOINTMENT.**

(a) The court may appoint a guardian, limited or unlimited guardian in duration or power, for a respondent only if it finds by clear and convincing evidence that:

(1) the respondent is an incapacitated person; and

(2) the respondent's identified needs cannot be met by less restrictive means, including but not limited to use of appropriate technological assistance, supported decision making, community or residential services, or appointment of a health care agent under section 145C.01, subdivision 2. The court must make specific findings particular to the respondent why less restrictive alternatives do not work.

(b) Alternatively, the court, with appropriate findings, may treat the petition as one for a protective order under section 524.5-401, enter any other appropriate order, or dismiss the proceeding.

(c) The court shall grant to a guardian only those powers necessitated by the ~~ward's~~ limitations and demonstrated needs of the person subject to guardianship and, whenever feasible, make appointive and other orders that will encourage the development of the ~~ward's~~ maximum self-reliance and independence of the person subject to guardianship. Any power not specifically granted to the guardian, following a written finding by the court of a demonstrated need for that power, is retained by the ~~ward~~ person subject to guardianship.

(d) The court may limit the duration of any guardianship. However, if the person subject to guardianship is under the age of 30 years old on the date the court files an order appointing a guardian, the guardianship must be of a limited duration determined by the court, not exceeding a period over 72 months.

(e) Notwithstanding paragraph (d), a petition for guardianship for an indefinite period of time may be filed for any person who is 29 years or older and is currently subject to a guardianship of limited duration.



~~(d)~~ (f) If the court grants the guardian any of the powers or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4), the authority of a previously appointed health care agent to make health care decisions, as defined in section 145C.01, subdivision 5, is suspended until further order of the court or as otherwise provided by this section. The court may declare a health care directive unenforceable as provided in section 145C.09, subdivision 3. The court may declare that a health care directive has been revoked by the ward person subject to guardianship if the court finds, by clear and convincing evidence, that the ward person subject to guardianship has revoked the health care directive as provided in section 145C.09, subdivision 1.

~~(e)~~ (g) A health care agent or other person legally appointed by the ward person subject to guardianship to control final disposition of the ward's remains of the person subject to guardianship under section 145C.05, subdivision 2, clause (7), or 149A.80, or a health care agent authorized to make organ or tissue donations under section 525A.04 or 525A.09, may make health care decisions as defined in section 145C.01, subdivision 5, on behalf of the ward person subject to guardianship for the purpose of preparing the ward's body of the person subject to guardianship for organ or tissue donation or final disposition of the ward's remains of the person subject to guardianship, as applicable.

~~(f)~~ (h) Within 14 days after an appointment, a guardian shall send or deliver to the ward person subject to guardianship, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ward person subject to guardianship of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

~~(g)~~ (i) Each year, within 30 days after the anniversary date of an appointment, a guardian shall send or deliver to the ward person subject to guardianship and to interested persons of record with the court (1) a notice of the right to request termination or modification of the guardianship or to request an order that is in the best interests of the ward person subject to guardianship or for other appropriate relief, ~~and~~ (2) notice of the status of the ward's right to vote of the person subject to guardianship, and (3) a copy of the bill of rights for persons subject to guardianship as provided in section 524.5-120.

Sec. 21. Minnesota Statutes 2018, section 524.5-311, is amended to read:

#### **524.5-311 EMERGENCY GUARDIAN.**

(a) If the court finds that compliance with the procedures of this article will likely result in substantial harm to the respondent's health, safety, or welfare, and that no other person appears to have authority and willingness to act in the circumstances, the court, on petition by a person interested in the respondent's welfare, may appoint an emergency guardian whose authority may not exceed 60 days and who may exercise only the powers specified in the order. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of an emergency guardian on behalf of a vulnerable adult may be granted authority to act for a period not to exceed 90 days. An emergency guardian's appointment under this section may only be extended once for a period not to exceed 60 days if the court finds good cause for the continuation of the guardianship. Immediately upon receipt of the petition for an emergency guardianship, the court shall appoint a lawyer to represent the respondent in the proceeding. Except as otherwise provided in paragraph (b), reasonable notice of the time and place of a hearing on the petition must be given to the respondent and any other persons as the court directs.

(b) An emergency guardian may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from affidavit or other sworn testimony that the respondent will be substantially harmed before a hearing on the appointment can be held. If the court appoints an emergency guardian without notice to the respondent, the respondent must be given notice of the appointment within 48 hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within five days after the appointment.

(c) Appointment of an emergency guardian, with or without notice, is not a determination of the respondent's incapacity.

(d) The court may remove an emergency guardian at any time. An emergency guardian shall make any report the court requires. In other respects, the provisions of this article concerning guardians apply to an emergency guardian.

(e) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 22. Minnesota Statutes 2018, section 524.5-313, is amended to read:

**524.5-313 POWERS AND DUTIES OF GUARDIAN.**

(a) A guardian shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a guardian only those powers necessary to provide for the demonstrated needs of the ward person subject to guardianship.

(c) The court may appoint a guardian if it determines that all the powers and duties listed in this section are needed to provide for the needs of the incapacitated person. The court may also appoint a guardian if it determines that a guardian is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a guardian or those which the court may grant to a guardian include, but are not limited to:

(1) the power to have custody of the ward person subject to guardianship and the power to establish a place of abode within or outside the state, except as otherwise provided in this clause. The ward person subject to guardianship or any interested person may petition the court to prevent or to initiate a change in abode. A ward person subject to guardianship may not be admitted to a regional treatment center by the guardian except:

(i) after a hearing under chapter 253B;

(ii) for outpatient services; or

(iii) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year;

(2) the duty to provide for the ward's care, comfort, and maintenance needs of the person subject to guardianship, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian has

no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian should meet these requirements through governmental benefits or services to which the ward person subject to guardianship is entitled, rather than from the ward's estate of the person subject to guardianship. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian, but the guardian shall have no personal or monetary liability;

(3) the duty to take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects of the person subject to guardianship, and, if other property requires protection, the power to seek appointment of a conservator of the estate. The guardian must give notice by mail to interested persons prior to the disposition of the ward's clothing, furniture, vehicles, or other personal effects of the person subject to guardianship. The notice must inform the person of the right to object to the disposition of the property within ten days of the date of mailing and to petition the court for a review of the guardian's proposed actions. Notice of the objection must be served by mail or personal service on the guardian and the ward person subject to guardianship unless the ward person subject to guardianship is the objector. The guardian served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing;

(4)(i) the power to give any necessary consent to enable the ward person subject to guardianship to receive necessary medical or other professional care, counsel, treatment, or service, except that no guardian may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the ward person subject to guardianship which violates the known conscientious, religious, or moral belief of the ward person subject to guardianship;

(ii) a guardian who believes a procedure described in item (i) requiring prior court approval to be necessary for the proper care of the ward person subject to guardianship, shall petition the court for an order and, in the case of a public guardianship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward person subject to guardianship in such manner as specified in section 524.5-308 and to interested persons. The court shall appoint an attorney to represent the ward person subject to guardianship who is not represented by counsel, provided that such appointment shall expire upon the expiration of the appeal time for the order issued by the court under this section or the order dismissing a petition, or upon such other time or event as the court may direct. In every case the court shall determine if the procedure is in the best interest of the ward person subject to guardianship. In making its determination, the court shall consider a written medical report which specifically considers the medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interest of the ward person subject to guardianship, and any recommendation of the commissioner of human services for a public ward person subject to guardianship. The standard of proof is that of clear and convincing evidence;

(iii) in the case of a petition for sterilization of a ~~developmentally disabled~~ ward person with developmental disabilities subject to guardianship, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of developmental disability, and a social worker who is familiar with the ward's social history and adjustment of the person subject to guardianship or the case manager for the ward person subject to guardianship to examine or evaluate

the ward person subject to guardianship and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interest of the ward person subject to guardianship. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interest of the ward person subject to guardianship;

(iv) any ward person subject to guardianship whose right to consent to a sterilization has not been restricted under this section or section 252A.101 may be sterilized only if the ward person subject to guardianship consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the ward person subject to guardianship. The consent must certify that the ward person subject to guardianship has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization;

(v) a guardian or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including, but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or the public guardian's designee has consented;

(5) in the event there is no duly appointed conservator of the ward's estate of the person subject to guardianship, the guardian shall have the power to approve or withhold approval of any contract, except for necessities, which the ward person subject to guardianship may make or wish to make;

(6) the duty and power to exercise supervisory authority over the ward person subject to guardianship in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services. A guardian may not restrict the ability of the person subject to guardianship to communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid such significant harm. In all cases, the guardian shall provide written notice of the restrictions imposed to the court, to the person subject to guardianship, and to the person subject to restrictions. The person subject to guardianship or the person subject to restrictions may petition the court to remove or modify the restrictions;

(7) if there is no acting conservator of the estate for the ward person subject to guardianship, the guardian has the power to apply on behalf of the ward person subject to guardianship for any assistance, services, or benefits available to the ward person subject to guardianship through any unit of government;

(8) unless otherwise ordered by the court, the ward person subject to guardianship retains the right to vote;

(9) the power to establish an ABLE account for a person subject to guardianship or conservatorship. By this provision a guardian only has the authority to establish an ABLE account, but may not administer the ABLE account in the guardian's capacity as guardian; and

(10) if there is no conservator appointed for the person subject to guardianship, the guardian has the duty and power to institute suit on behalf of the person subject to guardianship and represent the person subject to guardianship in expungement proceedings, harassment proceedings, and all civil court proceedings, including but not limited to restraining orders, orders for protection, name changes, conciliation court, housing court, family court, probate court, and juvenile court, provided that a guardian may not settle or compromise any claim or debt owed to the estate without court approval.

Sec. 23. Minnesota Statutes 2018, section 524.5-316, is amended to read:

**524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.**

(a) A guardian shall report to the court in writing on the condition of the ward person subject to guardianship at least annually and whenever ordered by the court. A copy of the report must be provided to the ward person subject to guardianship and to interested persons of record with the court. A report must state or contain:

(1) the current mental, physical, and social condition of the ward person subject to guardianship;

(2) the living arrangements for all addresses of the ward person subject to guardianship during the reporting period;

(3) any restrictions placed on the ward's right of the person subject to guardianship to communication and visitation with persons of the ward's choice communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, and the factual bases for those restrictions;

(4) the medical, educational, vocational, and other services provided to the ward person subject to guardianship and the guardian's opinion as to the adequacy of the ward's care of the person subject to guardianship;

(5) a recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

(6) an address or post office box and a telephone number where the guardian can be contacted; and

(7) if applicable, the amount of reimbursement payment received as guardian for services rendered to the ward person subject to guardianship that the guardian received during the previous year that were not reimbursed paid by county contract, and the guardian's current rates.

(b) A guardian shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The guardian must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the guardian

responsible for exercising powers and duties under the guardianship. A copy of the report must be provided to the ward person subject to guardianship and to interested persons of record with the court. A guardian shall report when:

(1) the guardian is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the guardian has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the guardian is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the guardian files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the guardian, and if so, the case number, court location, and outstanding amount owed;

(6) the guardian is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the guardian, and if so, the case number and court location.

(c) A ward person subject to guardianship or interested person of record with the court may submit to the court a written statement disputing statements or conclusions regarding the condition of the ward person subject to guardianship or addressing any disciplinary or legal action that is contained in the guardian's reports and may petition the court for an order that is in the best interests of the ward person subject to guardianship or for other appropriate relief.

(d) Unless communication is prohibited by court order, a guardian shall communicate to all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi):

(1) within one day of awareness of:

(i) a significant or unexpected change in health or medical condition requiring physician treatment or hospitalization of the person subject to guardianship;

(ii) a significant situation that requires action by ambulance, law enforcement, or fire department for the person subject to guardianship; or

(iii) the death of the person subject to guardianship, provided that the court shall also be notified of the death of the person subject to guardianship; and

(2) at least 14 days in advance of a permanent change in the primary dwelling of the person subject to guardianship or a permanent move to a nursing home, mental health facility, or other

facility unless the move was by prior order of the court. Prior notice is not necessary for any change of primary dwelling due to accident, injury, illness, or other involuntary actions of the person subject to guardianship or guardian, but notice shall be provided to interested persons defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), within seven days of such a move caused by involuntary actions of the person subject to guardianship or guardian.

~~(d)~~ (e) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section.

~~(e)~~ (f) The court may appoint a visitor to review a report, interview the ward person subject to guardianship or guardian, and make any other investigation the court directs.

~~(f)~~ (g) The court shall establish a system for monitoring guardianships, including the filing and review of annual reports. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause.

~~(g)~~ (h) If a guardian fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

(i) Any documents or information disclosing or pertaining to health information in the guardian's annual report shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 24. Minnesota Statutes 2018, section 524.5-317, is amended to read:

**524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP; COURT ORDERS.**

(a) A guardianship terminates upon the death of the ward person subject to guardianship, upon the expiration of the duration of guardianship established in the order appointing the guardian, or upon order of the court.

(b) On petition of any person interested in the ward's welfare of the person subject to guardianship the court may terminate a guardianship if the ward person subject to guardianship no longer needs the assistance or protection of a guardian. The court may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient or the ward's capacity of the person subject to guardianship to provide for support, care, education, health, and welfare has so changed as to warrant that action. The court may make any other order that is in the best interests of the ward person subject to guardianship or may grant other appropriate relief.

(c) Except as otherwise ordered by the court for good cause, the court, before terminating a guardianship, shall follow the same procedures to safeguard the rights of the ward person subject to guardianship as apply to a petition for guardianship. Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination and discharge the guardian unless it is proven that continuation of the guardianship is in the best interest of the ward person subject to guardianship.

(d) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

(e) A guardian has the right to petition the court for discharge from the guardianship.

Sec. 25. Minnesota Statutes 2018, section 524.5-403, is amended to read:

**524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER.**

(a) The following may petition for the appointment of a conservator or for any other appropriate protective order:

(1) the person to be protected;

(2) an individual interested in the estate, affairs, or welfare of the person to be protected; or

(3) a person who would be adversely affected by lack of effective management of the property and business affairs of the person to be protected.

(b) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment or other protective order, and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling where it is proposed that the respondent will reside if the appointment is made;

(2) if the petition alleges impairment in the respondent's ability to receive and evaluate information, a brief description of the nature and extent of the respondent's alleged impairment;

(3) if the petition alleges that the respondent is missing, detained, or unable to return to the United States, a statement of the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning the respondent's whereabouts;

(4) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children including adult step-children of a living spouse or, if the respondent has none, the respondent's parents and adult brothers and sisters or, if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(5) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(6) the name and address of any legal representative for the respondent;



(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(9) the reason why a conservatorship or other protective order is in the best interest of the respondent-; and

(10) what less restrictive means have been attempted and considered, how long such less restrictive means have been attempted, and a description of why such less restrictive means are not sufficient to meet the respondent's identified needs.

(c) If a conservatorship is requested, the petition must also set forth to the extent known:

(1) the name, address or post office box, and telephone number of any proposed conservator and the reason why the proposed conservator should be selected;

(2) the name, address or post office box, and telephone number of any person nominated as conservator by the respondent if the respondent has attained 14 years of age; and

(3) the type of conservatorship requested and, if an unlimited conservatorship, the reason why limited conservatorship is inappropriate or, if a limited conservatorship, the property to be placed under the conservator's control and any limitation on the conservator's powers and duties.

(d) The petition must also set forth the following information regarding the proposed conservator or any employee of the conservator responsible for exercising powers and duties under the conservatorship:

(1) whether the proposed conservator has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(2) if the proposed conservator is a professional guardian or conservator, a summary of the proposed conservator's educational background and relevant work and other experience;

(3) whether the proposed conservator has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed conservator has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed conservator has ~~ever~~ filed for or received protection under the bankruptcy laws in the last five years, and if so, the case number and court location;

(6) whether the proposed conservator has any outstanding civil monetary judgments against the proposed conservator, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed conservator, and if so, the case number and court location; ~~and~~

(8) whether the proposed conservator has ever been convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and the crime of which the conservator was convicted; and

(9) if the proposed conservator is a professional, the proposed conservator's current customary rates, and if the proposed conservator is not a professional, the proposed conservator's current anticipated rates.

(e) Any documents or information disclosing or pertaining to the following information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121:

(1) health or financial information;

(2) information submitted pursuant to paragraph (b), clause (2);

(3) information submitted pursuant to paragraph (b), clauses (7) to (10); or

(4) information submitted pursuant to paragraph (c), clause (3).

Sec. 26. Minnesota Statutes 2018, section 524.5-406, is amended to read:

**524.5-406 ORIGINAL PETITION: PERSONS UNDER DISABILITY; PRELIMINARIES TO HEARING.**

(a) Upon the filing of a petition for a conservatorship or other protective order for a respondent for reasons other than being a minor, the court shall set a date for hearing and the court may appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition.

(b) A respondent has the right to be represented by counsel at any proceeding under this article. The court shall appoint counsel to represent the respondent for the initial proceeding held pursuant to section 524.5-408 if neither the respondent nor others provide counsel, unless in a meeting with a visitor, the proposed respondent makes an informed decision in writing to specifically waive the right to counsel. Before appointment, and at any time during the course of the representation when a risk of a conflict of interest may arise, the proposed or appointed counsel shall disclose to the court, the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship, and interested persons whether there are concurrent proceedings in which the counsel is the attorney for the proposed conservator or conservator and whether there is a risk of a conflict of interest under Rule 1.7 of the Rules of Professional Conduct so that the representation of the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship will be materially limited by counsel's concurrent responsibilities to the proposed conservator or conservator. If there is a risk of a conflict of interest, the counsel must not be appointed, unless:

(1) the court determines that the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship is able to give informed consent to the representation and, if the proposed ~~protected~~ person subject to conservatorship or ~~protected~~ person subject to conservatorship consents, the consent is confirmed in writing pursuant to Rule 1.7; or

(2) the court determines that there is not a risk of a conflict of interest under Rule 1.7 requiring the appointment of different counsel.

(c) Counsel must be appointed immediately after any petition under this part is served pursuant to section 524.5-404. Counsel has the full right of subpoena. In all proceedings under this part, counsel shall:

(1) consult with the respondent before any hearing;

(2) be given adequate time to prepare for all hearings; and

(3) continue to represent the respondent throughout any proceedings under section 524.5-408, provided that such appointment shall expire upon the expiration of the appeal time for the order appointing conservator or the order dismissing a petition, or upon such other time or event as the court may direct.

The court need not appoint counsel to represent the respondent on a voluntary petition, and the court may remove a court-appointed attorney at any time if the court finds that the respondent has made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

(d) The visitor shall personally serve the notice and petition upon the respondent and shall offer to read the notice and petition to the respondent, and if so requested, the visitor shall read the notice and petition to such person. The visitor shall also interview the respondent in person, and to the extent that the respondent is able to understand:

(1) explain to the respondent the substance of the petition and the nature, purpose, and effect of the proceeding;

(2) if the appointment of a conservator is requested, inform the respondent of the general powers and duties of a conservator and determine the respondent's views regarding the proposed conservator, the proposed conservator's powers and duties, and the scope and duration of the proposed conservatorship;

(3) inform the respondent of the respondent's rights, including the right to employ and consult with a lawyer at the respondent's own expense, and the right to request a court-appointed lawyer; and

(4) inform the respondent that all costs and expenses of the proceeding, including respondent's attorney fees, will be paid from the respondent's estate.

(e) In addition to the duties set out in paragraph (d), the visitor shall make any other investigations the court directs.

(f) The visitor shall promptly file, as a confidential document consistent with the bill of particulars under section 524.5-121, a report with the court which must include:

(1) recommendations regarding the appropriateness of a conservatorship, including whether less restrictive means of intervention are available, the type of conservatorship, and, if a limited conservatorship, the powers and duties to be granted the limited conservator, and the assets over which the conservator should be granted authority;

(2) a statement as to whether the respondent approves or disapproves of the proposed conservator, and the powers and duties proposed or the scope of the conservatorship; and

(3) any other matters the court directs.

(g) While a petition to establish a conservatorship or for another protective order is pending, after preliminary hearing and without notice to others, the court may make orders to preserve and apply the property of the respondent as may be required for the support of the respondent or individuals who are in fact dependent upon the respondent, and may appoint an agent to assist in that task.

Sec. 27. Minnesota Statutes 2018, section 524.5-408, is amended to read:

**524.5-408 ORIGINAL PETITION CONSERVATORSHIP PROCEEDINGS: PROCEDURE AT HEARING.**

(a) Unless excused by the court for good cause, the petitioner and the proposed conservator shall attend the hearing. The respondent shall attend and participate in the hearing unless excused by the court for good cause. The petitioner and respondent may present evidence and subpoena witnesses and documents, examine witnesses, including the visitor, and otherwise participate in the hearing. The hearing may be held in a location convenient to the respondent and may be closed upon request of the respondent and a showing of good cause.

(b) Any person may request permission to participate in the proceeding. The court may grant the request, with or without hearing, upon a showing of good cause and after determining that the best interest of the respondent will be served. The court may attach appropriate conditions to the participation.

(c) A respondent to any conservatorship or protective proceeding petition and any person subject to conservatorship in any other conservatorship or protective proceeding has not placed his or her health, physical or mental condition in controversy and any denials, allegations or affirmative assertions by the respondent or person subject to conservatorship regarding capacity or their ability to receive and evaluate information do not place such matters in controversy.

Sec. 28. Minnesota Statutes 2018, section 524.5-409, is amended to read:

**524.5-409 FINDINGS; ORDER OF APPOINTMENT.**

Subdivision 1. **Limited or unlimited conservator.** (a) The court may appoint a limited or unlimited conservator for a respondent only if it finds that:

(1) by clear and convincing evidence, the individual is unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions,

even with the use of appropriate technological assistance, or because the individual is missing, detained, or unable to return to the United States;

(2) by a preponderance of evidence, the individual has property that will be wasted or dissipated unless management is provided or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money; and

(3) the respondent's identified needs cannot be met by less restrictive means, including but not limited to use of appropriate technological assistance, supported decision making, representative payee, trusts, banking or bill paying assistance, or appointment of an attorney-in-fact under section 523.01. The court must make specific findings particular to the respondent why less restrictive alternatives do not work.

(b) Alternatively, the court, with appropriate findings, may enter any other appropriate order, or dismiss the proceeding.

(c) The court, whenever feasible, shall grant to a conservator only those powers necessitated by the ~~protected person's~~ limitations and demonstrated needs of the person subject to conservatorship and make appointive and other orders that will encourage the development of the ~~protected person's~~ maximum self-reliance and independence of the person subject to conservatorship.

(d) Within 14 days after an appointment, the conservator shall send or deliver to the ~~protected person subject to conservatorship~~, if the ~~protected person subject to conservatorship~~ has attained 14 years of age and is not missing, detained, or unable to return to the United States, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ~~protected person subject to conservatorship~~ of the right to appeal the conservatorship appointment in the time and manner provided by the Rules of Appellate Procedure.

(e) Each year, within 30 days after the anniversary date of an appointment, a conservator shall send or deliver to the ~~protected person subject to conservatorship~~ and to interested persons of record with the court a notice of the right to request termination or modification of the conservatorship or for any order that is in the best interests of the ~~protected person subject to conservatorship~~ or for other appropriate relief as well as a copy of the bill of rights for the person subject to conservatorship as provided in section 524.5-120.

(f) The appointment of a conservator or the entry of another protective order is not a determination of incapacity of the ~~protected person subject to conservatorship~~.

**Subd. 2. Emergency and temporary conservator.** (a) If the court finds that compliance with the procedures of this article will likely result in the immediate loss, waste, or dissipation of the individual's assets or income unless management is provided, or money is needed for the support, care, education, health, and welfare of the individual or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money, and that no other person appears to have authority and willingness to act in the circumstances, the court, on petition by a person interested in the respondent's welfare, may appoint an emergency conservator whose authority may not exceed 60 days and who may exercise only the powers specified in the order. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of an emergency conservator on behalf of a vulnerable adult may be granted authority to act for a

period not to exceed 90 days. An emergency conservator's appointment under this section may be extended once for a period not to exceed 60 days if the court finds good cause for the continuation of the conservatorship. Immediately upon receipt of the petition for an emergency conservatorship, the court shall appoint a lawyer to represent the respondent in the proceeding. Except as otherwise provided in paragraph (b), reasonable notice of the time and place of a hearing on the petition must be given to the respondent and any other persons as the court directs.

(b) An emergency conservator may be appointed without notice to the respondent and the respondent's lawyer only if the court finds from affidavit or other sworn testimony that the respondent will be substantially harmed before a hearing on the appointment can be held. If the court appoints an emergency conservator without notice to the respondent, the respondent must be given notice of the appointment within 48 hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within five days after the appointment.

(c) Appointment of an emergency conservator, with or without notice, is not a determination of the respondent's incapacity.

(d) The court may remove an emergency conservator at any time. An emergency conservator shall make any report the court requires. In other respects, the provisions of this article concerning conservators apply to an emergency conservator.

(e) If the court finds that a conservator is not effectively performing the conservator's duties and that the security and preservation of the ~~protected person's~~ assets of the person subject to conservatorship requires immediate action, the court may appoint a temporary substitute conservator for the ~~protected person subject to conservatorship~~ for a specified period not exceeding six months. Except as otherwise ordered by the court, a temporary substitute conservator so appointed has the powers set forth in the previous order of appointment. The authority of any unlimited or limited conservator previously appointed by the court is suspended as long as a temporary substitute conservator has authority. If an appointment is made without previous notice to the ~~protected person subject to conservatorship~~ or the affected conservator within five days after the appointment, the court shall inform the ~~protected person subject to conservatorship~~ or conservator of the appointment.

(f) The court may remove a temporary substitute conservator at any time. A temporary substitute conservator shall make any report the court requires. In other respects, the provisions of this article concerning conservators apply to a temporary substitute conservator.

(g) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 29. Minnesota Statutes 2018, section 524.5-411, is amended to read:

**524.5-411 REQUIRED COURT APPROVAL.**

(a) After notice to affected persons as provided in this section, and after hearing, and upon express authorization of the court, a conservator may:

(1) make gifts;

(2) convey, release, or disclaim contingent and expectant interests in property, including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety;

(3) exercise or release a power of appointment;

(4) create a revocable or irrevocable trust of property of the estate, whether or not the trust extends beyond the duration of the conservatorship, or to revoke or amend a trust revocable by the ~~protected~~ person subject to conservatorship;

(5) subject to the terms of the plan document, contract, or agreement, exercise rights to elect options and change beneficiaries under insurance policies and annuities or surrender the policies and annuities for their cash value, and any change pursuant to this clause, shall invalidate the existing elections and beneficiary designations;

(6) exercise any right to exempt property and an elective share in the estate of the ~~protected person's~~ deceased spouse of the person subject to conservatorship and to renounce or disclaim any interest by testate or intestate succession or by transfer inter vivos;

(7) subject to the terms of the plan document, contract, or agreement, exercise rights to elect options and change beneficiaries under any qualified or nonqualified retirement plan including, but not limited to, defined benefit plans, defined contribution plans, plans governed by sections 401(k), 403, 408, or 457 of the Internal Revenue Code and the regulations thereto, and the right to exercise the options provided a plan participant or beneficiary under section 401 and related provisions of the Internal Revenue Code and the regulations thereto, and any change pursuant to this clause, shall invalidate the existing elections and beneficiary designations;

(8) exercise the power to create, terminate, or alter the beneficial interests and beneficiaries of, a payable on death (POD) account, a transfer on death (TOD) security registration or account, or joint tenancy interests with rights of survivorship; and

(9) make, amend, or revoke the ~~protected person's~~ will of the person subject to conservatorship.

(b) Notice of any hearing pursuant to this section shall not be given pursuant to section 524.5-113. Notice of any hearing under this section shall be given to all affected persons, in plain language, and shall provide the time and place of the hearing and be given by mail postmarked at least 14 days before the hearing. Proof of notice must be made before or at the hearing and filed in the proceeding. For purposes of this section, notice to "affected persons":

(1) shall always include (i) the ~~protected~~ person subject to conservatorship, (ii) the duly appointed conservator, (iii) the ~~protected person's~~ heirs-at-law of the person subject to conservatorship, (iv) any state agency or county social services agency paying benefits to or for the benefit of the ~~protected~~ person subject to conservatorship, (v) any state agency to which an application for benefits has been submitted and any state or county agency that has prepared an asset assessment or could prepare an asset assessment under section 256B.059, subdivision 2, for the ~~protected~~ person subject to conservatorship or spouse, and (vi) subject to the limitations of paragraph (c), all beneficiaries of the ~~protected person's~~ existing will or revocable trust of the person subject to conservatorship;

(2) shall also include, subject to the limitations of paragraph (c), any person who has a beneficial vested or contingent interest that may be affected by the exercise of the power under this section; and

(3) shall also include any other persons designated by the court.

(c) For purposes of this section, when giving notice, or for purposes of giving consent or approval, or objecting with regard to any proceedings under this section, the sole holder or all coholders of a presently exercisable or testamentary general power of appointment, power of revocation, or unlimited power of withdrawal, under an existing will or trust, are deemed to represent and act for beneficiaries to the extent that their interests as objects, takers in default, or otherwise, are subject to the power.

(d) A conservator, in making, amending, or revoking the ~~protected person's will of the person~~ subject to conservatorship, shall comply with sections 524.2-501 to 524.2-517 acting on behalf of the ~~protected person~~ subject to conservatorship.

(e) The court, in exercising or in approving a conservator's exercise of the powers listed in paragraph (a), shall consider primarily the decision that the ~~protected person~~ subject to conservatorship would have made, to the extent that the decision can be ascertained. The court shall also consider:

(1) the financial needs of the ~~protected person~~ subject to conservatorship and the needs of individuals who are dependent on the ~~protected person~~ subject to conservatorship for support and the interests of creditors;

(2) possible effect on income, estate, gift, inheritance, or other tax liabilities;

(3) eligibility for governmental assistance with the goal of avoiding reliance on such programs;

(4) the ~~protected person's~~ previous pattern of giving or level of support of the person subject to conservatorship;

(5) the existing estate plan;

(6) the ~~protected person's~~ life expectancy of the person subject to conservatorship and the probability that the conservatorship will terminate before the ~~protected person's death~~ of the person subject to conservatorship;

(7) whether the ~~protected person's~~ needs of the person subject to conservatorship can be met from the person's remaining assets after any transfer is made, taking into account the effect of any transfer on eligibility for medical assistance long-term care services; and

(8) any other factors the court considers relevant.

(f) If an affected person, as defined in this article, is a minor or an incapacitated person as defined by this article and has no guardian or conservator within the state, or if an affected person is unborn, unascertained, or a person whose identity or address is unknown to the petitioner, the court shall represent that person, unless the court, upon the application of the guardian, conservator, or any other affected person, appoints a guardian ad litem to represent the affected person.



(g) Notwithstanding the power granted to the conservator by the court under this section, the conservator owes no duty to any person other than the ~~protected~~ person subject to conservatorship. The conservator shall not be held liable for the exercise or the failure to exercise, or the decision to exercise or the decision to decline to exercise, the powers granted by this section. The conservator, however, may be held liable to the ~~protected person's estate~~ of the person subject to conservatorship for gross negligence related to the implementation of any action approved by the court under this section.

(h) The Uniform Guardianship and Protective Proceedings Act does not repeal section 524.2-215 as it applies to ~~wards, protected persons~~ subject to guardianship, persons subject to conservatorship, or respondents, expressly or by implication. If there is a conflict between the act and section 524.2-215, section 524.2-215 controls and the guardian or conservator shall exercise the rights of the ~~ward, protected person~~ subject to guardianship, person subject to conservatorship, or respondent under section 524.2-215 without the need for any court order.

(i) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 30. Minnesota Statutes 2018, section 524.5-412, is amended to read:

**524.5-412 PROTECTIVE ARRANGEMENTS AND SINGLE TRANSACTIONS.**

(a) If a basis is established for a protective order with respect to an individual, the court, without appointing a conservator, may:

(1) authorize, direct, or ratify any transaction necessary or desirable to achieve any arrangement for security, service, or care meeting the foreseeable needs of the ~~protected~~ person subject to conservatorship, including:

(i) subject to the procedural and notice requirements of section 524.5-418, the sale, mortgage, lease, or other transfer of property;

(ii) purchase of an annuity;

(iii) making a contract for lifetime care, a deposit contract, or a contract for training and education;  
or

(iv) addition to or establishment of a suitable trust, including a trust created under the Uniform Custodial Trust Act; ~~and~~ or

(v) establish, fund, and administer an ABLÉ account for the person subject to conservatorship. The conservator may exercise all powers over the ABLÉ account for the benefit of the person subject to conservatorship and shall direct investment of the ABLÉ accounts property in accordance with the provisions of sections 48A.07, subdivision 6; 501C.0901; and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all ABLÉ account investments by a conservator; and

(2) authorize, direct, or ratify any other contract, trust, will, or transaction relating to the ~~protected person's~~ property and business affairs of the person subject to conservatorship, including a settlement

of a claim, upon determining that it is in the best interest of the ~~protected~~ person subject to conservatorship.

(b) In deciding whether to approve a protective arrangement or other transaction under this section, the court shall consider the factors listed in section 524.5-411, paragraph (e).

(c) The court may appoint an agent to assist in the accomplishment of any protective arrangement or other transaction authorized under this section. The agent has the authority conferred by the order and shall serve until discharged by order after report to the court; provided, however, that if a conservator is appointed, only the conservator has the power to sign all real estate deeds.

(d) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 31. Minnesota Statutes 2018, section 524.5-414, is amended to read:

**524.5-414 PETITION FOR ORDER SUBSEQUENT TO APPOINTMENT.**

(a) A ~~protected~~ person subject to conservatorship or an interested person may file a petition in the appointing court for an order:

(1) requiring bond or collateral or additional bond or collateral, or reducing bond;

(2) requiring an accounting for the administration of the ~~protected person's estate~~ of the person subject to conservatorship;

(3) directing distribution;

(4) removing the conservator and appointing a temporary or successor conservator;

(5) modifying the type of appointment or powers granted to the conservator if the extent of protection or management previously granted is currently excessive or insufficient or the ~~protected person's~~ ability of the person subject to conservatorship to manage the estate and business affairs has so changed as to warrant the action; or

(6) acting in the ~~protected person's~~ best interests of the person subject to conservatorship or granting other appropriate relief.

(b) A conservator may petition the appointing court for instructions concerning fiduciary responsibility.

(c) On notice and hearing the petition, the court may give appropriate instructions and make any appropriate order.

(d) The court may, at its own discretion, waive the notice or hearing requirements for the relief requested in a petition filed under this section.

(e) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.

Sec. 32. Minnesota Statutes 2018, section 524.5-415, is amended to read:

**524.5-415 BOND.**

The court may require a conservator to furnish a bond conditioned upon faithful discharge of all duties of the conservatorship according to law, with sureties as it may specify. A bond is not required for any conservator that is a bank or trust company provided the total conservatorship assets do not exceed \$1,000,000. If the conservator is a bank or trust company then a bond shall be required if the conservatorship assets exceed \$1,000,000.

Sec. 33. Minnesota Statutes 2018, section 524.5-416, is amended to read:

**524.5-416 TERMS AND REQUIREMENTS OF BOND.**

(a) The following rules apply to any bond required:

(1) Except as otherwise provided by the terms of the bond, sureties and the conservator are jointly and severally liable.

(2) By executing the bond of a conservator, a surety submits to the jurisdiction of the court that issued letters to the primary obligor in any proceeding pertaining to the fiduciary duties of the conservator in which the surety is named as a party. Notice of any proceeding seeking to surcharge any interested party or the bond must be sent or delivered to the surety at the address shown in the court records at the place where the bond is filed and to any other address then known to the petitioner.

(3) On petition of a successor conservator or any interested person, a proceeding may be brought against a surety for breach of the obligation of the bond of the conservator.

(4) The bond of the conservator may be proceeded against until liability under the bond is exhausted.

(5) Except as otherwise provided in this section, in any proceeding where the value of the personal property of the estate of the proposed ~~protected~~ person subject to conservatorship in the initial inventory of the estate filed by the conservator under section 524.5-419 is expected to be at least \$10,000, the court shall require the conservator to furnish a bond in an amount that the court determines is necessary to reasonably protect the ~~protected person's~~ assets of the person subject to conservatorship. Joint conservators may unite in a bond or each may give a separate bond.

(b) In lieu of executing and filing a bond, the conservator may request that access to certain assets of the ~~protected~~ person subject to conservatorship be blocked. The court may grant the request if sufficient evidence is filed with the court to establish that those assets are being held in a manner that prevents the conservator from accessing the assets without a specific court order or the court finds that the manner in which the assets are held is sufficient to protect the assets. To the extent that assets not placed in blocked accounts are expected to be at least \$10,000, the bond requirement under paragraph (a) applies.

(c) A proceeding may not be brought against a surety on any matter as to which an action or proceeding against the primary obligor is barred.

Sec. 34. Minnesota Statutes 2018, section 524.5-417, is amended to read:

**524.5-417 GENERAL POWERS AND DUTIES OF CONSERVATOR.**

(a) A conservator shall be subject to the control and direction of the court at all times and in all things.

(b) The court shall grant to a conservator only those powers necessary to provide for the demonstrated needs of the ~~protected~~ person subject to conservatorship.

(c) The court may appoint a conservator if it determines that all the powers and duties listed in this section are needed to provide for the needs of the ~~protected~~ person subject to conservatorship. The court may also appoint a conservator if it determines that a conservator is necessary to provide for the needs of the ~~protected~~ person subject to conservatorship through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a conservator include, but are not limited to:

(1) the duty to pay the reasonable charges for the support, maintenance, and education of the ~~protected~~ person subject to conservatorship in a manner suitable to the ~~protected person's~~ station in life of the person subject to conservatorship and the value of the estate. Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The conservator has no duty to pay for these requirements out of personal funds. Wherever possible and appropriate, the conservator should meet these requirements through governmental benefits or services to which the ~~protected~~ person subject to conservatorship is entitled, rather than from the ~~protected person's~~ estate of the person subject to conservatorship. Failure to satisfy the needs and requirements of this section shall be grounds for removal, but the conservator shall have no personal or monetary liability;

(2) the duty to pay out of the ~~protected person's~~ estate of the person subject to conservatorship all lawful debts of the ~~protected~~ person subject to conservatorship and the reasonable charges incurred for the support, maintenance, and education of the ~~protected person's~~ spouse and dependent children of the person subject to conservatorship and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is legally entitled to support from the ~~protected~~ person subject to conservatorship;

(3) the duty to possess and manage the estate, collect all debts and claims in favor of the ~~protected~~ person subject to conservatorship, or, with the approval of the court, compromise them, institute suit on behalf of the ~~protected~~ person subject to conservatorship and represent the ~~protected~~ person subject to conservatorship in ~~any court proceedings, expungement proceedings, harassment proceedings, and all civil court proceedings, including but not limited to restraining orders, orders for protection, name changes, conciliation court, housing court, family court, probate court and juvenile court;~~ and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all investments by a conservator. A conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause (b);

(4) where a ~~protected~~ person subject to conservatorship has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ~~protected~~ person subject to

conservatorship, may authorize an exchange or sale of the ~~protected person's~~ interest of the person subject to conservatorship or a purchase by the ~~protected~~ person subject to conservatorship of any interest other heirs may have in the real estate, subject to the procedures and notice requirements of section 524.5-418;

(5) the power to approve or withhold approval of any contract, except for necessities, which the ~~protected~~ person subject to conservatorship may make or wish to make; ~~and~~

(6) the power to apply on behalf of the ~~protected~~ person subject to conservatorship for any assistance, services, or benefits available to the ~~protected~~ person subject to conservatorship through any unit of government-; and

(7) the power to establish an ABLE account for the person subject to conservatorship. The conservator may exercise all powers over the ABLE account for the benefit of the person subject to conservatorship and shall direct investment of the ABLE accounts property in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all ABLE account investments by a conservator.

(d) The conservator shall have the power to revoke, suspend, or terminate all or any part of a durable power of attorney of which the ~~protected~~ person subject to conservatorship is the principal with the same power the principal would have if the principal were not incapacitated. If a durable power of attorney is in effect, a decision of the conservator takes precedence over that of an attorney-in-fact.

(e) Transaction set aside. If a ~~protected~~ person subject to conservatorship has made a financial transaction or gift or entered into a contract during the two-year period before establishment of the conservatorship, the conservator may petition for court review of the transaction, gift, or contract. If the court finds that the ~~protected~~ person subject to conservatorship was incapacitated or subject to duress, coercion, or undue influence when the transaction, gift, or contract was made, the court may declare the transaction, gift, or contract void except as against a bona fide transferee for value and order reimbursement or other appropriate relief. This paragraph does not affect any other right or remedy that may be available to the ~~protected~~ person subject to conservatorship with respect to the transaction, gift, or contract.

(f) After the filing of the petition, a certificate of the district court certified to that fact may be filed for record with the Minnesota secretary of state in the same manner as provided in section 336.9-501. The certificate shall state that a petition is pending and the name and address of the person for whom a conservator is sought. If a conservator is appointed on the petition, and if the conservatorship order removes or restricts the right of the ~~protected~~ person subject to conservatorship to transfer property or to contract, then all contracts except for necessities, and all transfers of personal property, tangible or intangible, including, but not limited to, cash or securities transfers at banks, brokerage houses, or other financial institutions, or transfers of cash or securities, made by the ~~protected~~ person subject to conservatorship after the filing and before the termination of the conservatorship shall be voidable.

(g) Unless otherwise ordered by the court, if the person subject to conservatorship shall at any time during the continuance of the conservatorship be employed, the wages or salary for employment

of the person subject to conservatorship shall not be a part of the conservatorship estate and the wages and salaries shall be paid to the person subject to conservatorship and shall be subject to the control of the person subject to conservatorship to the same extent as if the conservatorship did not exist. The conservator shall not have to account for the wages and salary.

Sec. 35. Minnesota Statutes 2018, section 524.5-420, is amended to read:

**524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING; COURT ORDERS.**

(a) A conservator shall report to the court for administration of the estate annually unless the court otherwise directs, upon resignation or removal, upon termination of the conservatorship, and at other times as the court directs. An order, after notice and hearing, allowing an intermediate report of a conservator adjudicates liabilities concerning the matters adequately disclosed in the accounting. An order, after notice and hearing, allowing a final report adjudicates all previously unsettled liabilities relating to the conservatorship.

(b) A report must state or contain a listing of the assets of the estate under the conservator's control and a listing of the receipts, disbursements, and distributions during the reporting period.

(c) The report must also state an address or post office box and a telephone number where the conservator can be contacted.

(d) A conservator shall report to the court in writing within 30 days of the occurrence of any of the events listed in this paragraph. The conservator must report any of the occurrences in this paragraph and follow the same reporting requirements in this paragraph for any employee of the conservator responsible for exercising powers and duties under the conservatorship. A copy of the report must be provided to the ~~protected~~ person subject to conservatorship and to interested persons of record with the court. A conservator shall report when:

(1) the conservator is removed for cause from serving as a guardian or conservator, and if so, the case number and court location;

(2) the conservator has a professional license from an agency listed under section 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing agency and license number, and the basis for denial, condition, suspension, revocation, or cancellation of the license;

(3) the conservator is found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(4) the conservator files for or receives protection under the bankruptcy laws, and if so, the case number and court location;

(5) a civil monetary judgment is entered against the conservator, and if so, the case number, court location, and outstanding amount owed;

(6) the conservator is convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and court location; or

(7) an order for protection or harassment restraining order is issued against the conservator, and if so, the case number and court location.

(e) A ~~protected~~ person subject to conservatorship or an interested person of record with the court may submit to the court a written statement disputing account statements regarding the administration of the estate or addressing any disciplinary or legal action that is contained in the reports and may petition the court for any order that is in the best interests of the ~~protected~~ person subject to conservatorship and the estate or for other appropriate relief.

(f) An interested person may notify the court in writing that the interested person does not wish to receive copies of reports required under this section after which time neither the court nor any other person is required to give notice to any person who has waived notice.

(g) The court may appoint a visitor to review a report or plan, interview the ~~protected~~ person subject to conservatorship or conservator, and make any other investigation the court directs. In connection with a report, the court may order a conservator to submit the assets of the estate to an appropriate examination to be made in a manner the court directs.

(h) The court shall establish a system for monitoring of conservatorships, including the filing and review of conservators' reports and plans. If an annual report is not filed within 60 days of the required date, the court shall issue an order to show cause. Unless otherwise ordered by the court, a report under this section shall be filed publicly.

(i) If there is no acting guardian, a conservator that becomes aware of the death of the person subject to conservatorship shall notify in writing; orally; or by phone, text message, e-mail, or electronic service, all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), and the court as soon as is reasonably practical, that the person subject to conservatorship has died. The conservator may delegate this task under reasonable circumstances.

(†)(j) If a conservator fails to comply with this section, the court may decline to appoint that person as a guardian or conservator, or may remove a person as guardian or conservator.

Sec. 36. Minnesota Statutes 2018, section 524.5-423, is amended to read:

**524.5-423 SALE, ENCUMBRANCE, OR OTHER TRANSACTION INVOLVING CONFLICT OF INTEREST.**

Any transaction involving the conservatorship estate which is affected by a conflict between the conservator's fiduciary and personal interests is voidable unless the transaction is expressly authorized by the court after notice to interested persons. A transaction affected by a conflict between personal and fiduciary interests includes any sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, the spouse, descendant, agent, or lawyer of a conservator, or corporation or other enterprise in which the conservator has a beneficial interest. ~~Notwithstanding a conflict between the conservator's fiduciary and personal interests, if the protected person is a parent, child, or sibling of the conservator, the court has discretion to allow a transaction~~

~~of beneficial interest to the conservator, as long as the conservator can prove that this transaction is primarily in the best interest of the protected person.~~

Sec. 37. Minnesota Statutes 2018, section 524.5-431, is amended to read:

**524.5-431 TERMINATION OF PROCEEDINGS.**

(a) A conservatorship terminates upon the death of the ~~protected person~~ subject to conservatorship or upon order of the court. Unless created for reasons other than that the ~~protected person~~ subject to conservatorship is a minor, a conservatorship created for a minor also terminates when the ~~protected person~~ subject to conservatorship attains majority or is emancipated.

(b) Upon the death of a ~~protected person~~ subject to conservatorship, the conservator shall conclude the administration of the estate by distribution of probate property to the personal representative of the ~~protected person's estate~~ of the person subject to conservatorship. The conservator shall distribute nonprobate property to the successor in interest. The conservator shall file a final report and petition for discharge no later than 30 days after distribution, and notice of hearing for allowance of said report shall be given to interested persons and to the personal representative of the ~~protected person's estate~~ of the person subject to conservatorship.

(c) On petition of any person interested in the ~~protected person's welfare~~ of the person subject to conservatorship, the court may terminate the conservatorship if the ~~protected person~~ subject to conservatorship no longer needs the assistance or protection of a conservator. Termination of the conservatorship does not affect a conservator's liability for previous acts or the obligation to account for funds and assets of the ~~protected person~~ subject to conservatorship.

(d) Except as otherwise ordered by the court for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the ~~protected person~~ subject to conservatorship that apply to a petition for conservatorship. Upon the establishment of a prima facie case for termination, the court shall order termination unless it is proved that continuation of the conservatorship is in the best interest of the ~~protected person~~ subject to conservatorship.

(e) Upon termination of a conservatorship, whether or not formally distributed by the conservator, title to assets of the estate remains vested in the formerly ~~protected person~~ subject to conservatorship or passes to the person's successors subject to administration, including claims of creditors and allowances of surviving spouse and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and ademption. The order of termination must provide for payment of expenses of administration and include payment of fees and costs of final administration for guardians, conservators, and attorneys. The order must direct the conservator to execute appropriate instruments to evidence the transfer of title or confirm a distribution previously made and to file a final report and a petition for discharge upon approval of the final report.

(f) The court shall enter a final order of discharge upon the approval of the final report and satisfaction by the conservator of any other conditions placed by the court on the conservator's discharge.

(g) Any documents or information disclosing or pertaining to health or financial information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121.



(h) A conservator may petition the court for discharge from the conservatorship.

Sec. 38. Minnesota Statutes 2018, section 524.5-502, is amended to read:

**524.5-502 COMPENSATION AND EXPENSES.**

(a) The court may authorize a proceeding under this article to proceed in forma pauperis, as provided in chapter 563.

(b) In proceedings under this article, a lawyer or health professional rendering necessary services with regard to the appointment of a guardian or conservator, the administration of the protected person's estate or personal affairs, or the restoration of that person's capacity or termination of the protective proceeding shall be entitled to compensation from the ~~protected person's estate of the~~ person subject to guardianship or conservatorship or from the county having jurisdiction over the proceedings if the ~~ward or protected person~~ subject to guardianship or conservatorship is indigent. When the court determines that other necessary services have been provided for the benefit of the ~~ward or protected person~~ subject to guardianship or conservatorship by a lawyer or health professional, the court may order fees to be paid from the estate of the ~~protected person~~ subject to guardianship or conservatorship or from the county having jurisdiction over the proceedings if the ~~ward or protected person~~ subject to guardianship or conservatorship is indigent. If, however, the court determines that a petitioner, guardian, or conservator has not acted in good faith, the court shall order some or all of the fees or costs incurred in the proceedings to be borne by the petitioner, guardian, or conservator not acting in good faith. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ~~ward or protected person~~ subject to guardianship or conservatorship. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(c) When the court determines that a guardian or conservator has rendered necessary services or has incurred necessary expenses for the benefit of the ~~ward or protected person~~ subject to guardianship or conservatorship, the court may order reimbursement or compensation to be paid from the estate of the ~~protected person~~ subject to guardianship or conservatorship or from the county having jurisdiction over the guardianship or protective proceeding if the ~~ward or protected person~~ subject to guardianship or conservatorship is indigent. The court may not deny an award of fees solely because the ~~ward or protected person~~ subject to guardianship or conservatorship is a recipient of medical assistance. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or protected person. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(d) The court shall order reimbursement or compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or protective proceeding services necessary to prevent maltreatment of a vulnerable adult, as defined in section 626.5572, subdivision 15. In determining compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the Board of County Commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of

the ~~ward or protected~~ person subject to guardianship or conservatorship. If these services are provided by a public or private agency, the county may contract on a fee-for-service basis with that agency.

(e) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the protected person's estate for compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator.

Sec. 39. Minnesota Statutes 2018, section 609.748, subdivision 2, is amended to read:

Subd. 2. **Restraining order; court jurisdiction.** A person who is a victim of harassment or the victim's guardian or conservator may seek a restraining order from the district court in the manner provided in this section. The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor. An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.

Sec. 40. Minnesota Statutes 2018, section 611A.01, is amended to read:

#### **611A.01 DEFINITIONS.**

For the purposes of sections 611A.01 to 611A.06:

(a) "Crime" means conduct that is prohibited by local ordinance and results in bodily harm to an individual; or conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (1) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (2) the act was alleged or found to have been committed by a juvenile.

(b) "Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and 611A.045, also includes (1) a corporation that incurs loss or harm as a result of a crime, (2) a government entity that incurs loss or harm as a result of a crime, and (3) any other entity authorized to receive restitution under section 609.10 or 609.125. The term "victim" includes the family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated, or deceased person. In a case where the prosecutor finds that the number of family members makes it impracticable to accord all of the family members the rights described in sections 611A.02 to 611A.0395, the prosecutor shall establish a reasonable procedure to give effect to those rights. The procedure may not limit the number of victim impact statements submitted to the court under section 611A.038. The term "victim" does not include the person charged with or alleged to have committed the crime.

(c) "Juvenile" has the same meaning as given to the term "child" in section 260B.007, subdivision 3.

Sec. 41. **REVISOR INSTRUCTION.**

The revisor of statutes shall substitute the term "person subject to guardianship" for the term "ward" and "person subject to conservatorship" for the term "protected person" in Minnesota Statutes, sections 524.5-101 to 524.5-505, except in section 524.5-102, subdivisions 7, 14, and 17. The revisor shall make grammatical changes related to the change in terms.

Sec. 42. **EFFECTIVE DATE.**

Sections 17, 20, 25, and 28, are effective August 1, 2020, and apply to cases commenced on or after August 1, 2020. Sections 1 to 16, 18, 19, 21 to 24, 26, 27, and 29 to 41, are effective August 1, 2020, and apply to cases commenced before, on, or after that date."

Delete the title and insert:

"A bill for an act relating to civil law; modifying and modernizing certain provisions governing guardianship and conservatorship; amending Minnesota Statutes 2018, sections 484.76, subdivision 2; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions; 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303; 524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317; 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414; 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 524.5-502; 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota Statutes, chapter 524."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Housley from the Committee on Family Care and Aging, to which was referred**

**S.F. No. 3197:** A bill for an act relating to family child care licensing; requiring county agencies to publish and distribute information about variances; amending Minnesota Statutes 2019 Supplement, section 245A.16, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 245A.02, subdivision 18, is amended to read:

Subd. 18. **Supervision.** (a) For purposes of licensed child care centers, "supervision" means when a program staff person:

- (1) is accountable for the child's care;
  - (2) can intervene to protect the health and safety of the child; and
  - (3) is within sight and hearing of the child at all times except as described in paragraphs (b) to ~~(d)~~ (e).
- (b) When an infant is placed in a crib room to sleep, supervision occurs when a program staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision components.

(c) When a single school-age child uses the restroom within the licensed space, supervision occurs when a program staff person has knowledge of the child's activity and location and checks on the child at least every five minutes. When a school-age child uses the restroom outside the licensed space, including but not limited to field trips, supervision occurs when staff accompany children to the restroom.

(d) When a school-age child leaves the classroom but remains within the licensed space to deliver or retrieve items from the child's personal storage space, supervision occurs when a program staff person has knowledge of the child's activity and location and checks on the child at least every five minutes.

(e) When a single preschooler uses an individual, private restroom within the classroom with the door closed, supervision occurs when a program staff person has knowledge of the child's activity and location, can hear the child, and checks on the child at least every five minutes."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "family" and after the semicolon, insert "revising the definition of supervision for purposes of licensed child care centers;"

Page 1, line 3, after "variances" insert "for family child care providers"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Housley from the Committee on Family Care and Aging, to which was referred**

**S.F. No. 977:** A bill for an act relating to insurance; requiring coverage for certain injuries and illnesses to dependent children occurring at family child care centers; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "2020" and insert "2021"

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection Finance and Policy. Amendments adopted. Report adopted.

**Senator Housley from the Committee on Family Care and Aging, to which was referred**

**S.F. No. 981:** A bill for an act relating to insurance; modifying provisions governing policies for certain day care providers; amending Minnesota Statutes 2018, section 65A.30, subdivision 2, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 14, insert:

"(c) If the business coverage policy lapses or is no longer in force, there is no coverage under the day care provider's homeowner's policy for losses related to day care operations."

Page 1, line 15, delete "2020" and insert "2021"

Page 1, delete section 2

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection Finance and Policy. Amendments adopted. Report adopted.

**Senator Housley from the Committee on Family Care and Aging, to which was referred**

**S.F. No. 3698:** A bill for an act relating to child care; establishing exemption from personal liability for family day care inspectors; removing exception for counties to be liable for claims at family day care where county had actual knowledge of risk that led to claims; requiring counties to use uniform family child care variance application; directing the commissioner of human services to issue a uniform variance application developed by the Family Child Care Task Force for family day care providers; amending Minnesota Statutes 2018, sections 245A.04, subdivision 9; 466.03, subdivision 6d.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, strike "10" and insert "11"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety Finance and Policy. Amendments adopted. Report adopted.

**Senator Housley from the Committee on Family Care and Aging, to which was referred**

**S.F. No. 3292:** A bill for an act relating to human services; revising group family day care child-adult capacity ratios and age distribution restrictions; amending Minnesota Statutes 2018, section 245A.03, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred**

**S.F. No. 2983:** A bill for an act relating to motor vehicles; establishing an Air Medal special veterans license plate; amending Minnesota Statutes 2018, section 168.123, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation Finance and Policy. Report adopted.

**Senator Anderson, B. from the Committee on Veterans and Military Affairs Finance and Policy, to which was referred**

**S.F. No. 3319:** A bill for an act relating to military veterans; awarding high school diplomas to certain veterans who actively served in certain military conflicts; proposing coding for new law in Minnesota Statutes, chapter 197.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on E-12 Finance and Policy. Report adopted.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**S.F. No. 3591:** A bill for an act relating to human services; reducing an appropriation to the commissioner of human services if duplicate personal identification numbers have not been addressed.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health and Human Services Finance and Policy. Report adopted.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**H.F. No. 1883:** A bill for an act relating to education; foster care; requiring a student in foster care to be enrolled in school; requiring a report on foster youth school enrollment; amending Minnesota Statutes 2018, section 257.0725; proposing coding for new law in Minnesota Statutes, chapter 120A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Abeler from the Committee on Human Services Reform Finance and Policy, to which was referred**

**S.F. No. 3291:** A bill for an act relating to human services; eliminating requirement to involve state medical review agent in determination and documentation of medically necessary psychiatric residential treatment facility services; requiring establishment of per diem rate per provider of youth psychiatric residential treatment services; permitting facilities or licensed professionals to submit billing for arranged services; amending Minnesota Statutes 2018, section 256B.0941, subdivisions 1, 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, reinstate the stricken language

Page 2, line 9, reinstate stricken "(b)"

Page 2, line 13, reinstate the stricken period and before the period, insert "The commissioner shall provide oversight and review the use of referrals for clients admitted to psychiatric residential treatment facilities to ensure that eligibility criteria, clinical services, and treatment planning reflect clinical, state, and federal standards for psychiatric residential treatment facility level of care. The

commissioner shall coordinate the production of a statewide list of children and youth who meet the medical necessity criteria for psychiatric residential treatment facility level of care and who are awaiting admission. The commissioner and any recipient of the list shall not use the statewide list to direct admission of children and youth to specific facilities"

Page 2, after line 13, insert:

"EFFECTIVE DATE. This section is effective August 1, 2020, or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 3496:** A bill for an act relating to environment; repealing certain authority of the Pollution Control Agency related to automobile emissions; requiring a study; appropriating money; amending Minnesota Statutes 2018, section 116.07, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Environment and Natural Resources Finance. Report adopted.

**REPORT OF VOTE IN COMMITTEE**

Pursuant to Rule 12.10, upon the request of three members, a roll call was taken on the motion that S.F. No. 3496, be recommended to pass and be re-referred.

There were yeas 6 and nays 4, as follows:

Those who voted in the affirmative were:

Senators Howe, Jasinski, Kiffmeyer, Koran, Newman, and Westrom.

Those who voted in the negative were:

Senators Carlson, Cwodzinski, Laine, and Rest.

The motion prevailed.

**Senator Kiffmeyer from the Committee on State Government Finance and Policy and Elections, to which was referred**

**S.F. No. 2898:** A bill for an act relating to state government; exempting hairstyling and makeup application from licensing; amending Minnesota Statutes 2018, sections 155A.23, subdivisions 3, 5, 8, 18, by adding subdivisions; 155A.27, subdivisions 1, 9; 155A.271, subdivision 1; 155A.29, subdivisions 1, 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, before "makeup" insert "or" and delete ", or the application"

Page 1, line 15, delete "of eyelash extensions"

Page 1, delete section 3

Page 2, delete sections 4 and 7

Page 3, line 1, delete "eyelash extensions,"

Page 3, delete section 9

Page 4, delete section 10

Page 4, line 9, delete "eyelash extensions,"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3488:** A bill for an act relating to health; specifying when a health care provider must furnish requested medical records; amending Minnesota Statutes 2018, section 144.292, subdivisions 2, 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "or a patient's"

Page 1, line 8, delete "authorized representative" and delete "15 business" and insert "30 calendar"

Page 1, line 15, delete "or the patient's authorized representative" and delete "15 business" and insert "30 calendar"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety Finance and Policy. Amendments adopted. Report adopted.

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3202:** A bill for an act relating to human services; requiring a license holder to destroy personal information upon closure; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reports the same back with the recommendation that the bill be amended as follows:



Page 1, after line 5 insert:

"Section 1. Minnesota Statutes 2018, section 245A.04, subdivision 15a, is amended to read:

Subd. 15a. **Plan for transfer of clients and records upon closure.** (a) Except for license holders who reside on the premises and child care providers, an applicant for initial or continuing licensure or certification must submit a written plan indicating how the program will ensure the transfer of clients and records for both open and closed cases if the program closes. The plan must provide for managing private and confidential information concerning program clients. The plan must also provide for notifying affected clients of the closure at least 25 days prior to closure, including information on how to access their records. For licensed residential programs, the plan must also indicate how the program will ensure compliance with destruction of personal information as required under section 245A.0415. A controlling individual of the program must annually review and sign the plan.

(b) Plans for the transfer of open cases and case records must specify arrangements the program will make to transfer clients to another provider or county agency for continuation of services and to transfer the case record with the client.

(c) Plans for the transfer of closed case records must be accompanied by a signed agreement or other documentation indicating that a county or a similarly licensed provider has agreed to accept and maintain the program's closed case records and to provide follow-up services as necessary to affected clients.

(d) Plans for destruction of personal information must be accompanied by a signed agreement or other documentation indicating that the licensed residential program or responsible third party will ensure compliance with section 245A.0415 and any other applicable state or federal law regarding destruction of personal information."

Page 1, line 8, delete "a license holder operating" and insert "license holders that operate and former license holders that operated"

Page 1, after line 9 insert:

"Subd. 2. **Definition; license holder.** For purposes of this section, "license holder" includes former license holders."

Page 1, line 11, delete "receiving" and insert "that received"

Page 1, line 13, delete "nontruncated" and after the first "number" insert ", part of a Social Security number,"

Page 2, line 2, delete "or"

Page 2, line 4, delete the period and insert "; or"

Page 2, after line 4 insert:

"(7) any other information maintained by the program."

Page 2, line 8, after "holder" insert "or responsible third party"

Page 2, line 10, delete "with the personal information"

Page 2, line 14, before the period, insert "or any other applicable state or federal requirement, whichever is latest"

Page 2, line 15, after "information" insert "stored in paper, electronic, or any other format"

Page 2, line 21, after "action" insert "under section 13.08" and delete everything after "party" and insert a period

Page 2, line 29, delete "August 1, 2020" and insert "January 1, 2021"

Renumber the sections and subdivisions in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary and Public Safety Finance and Policy. Amendments adopted. Report adopted.

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was re-referred**

**S.F. No. 3019:** A bill for an act relating to health care; establishing a patient insulin assistance program; requiring health plan companies to provide notice to enrollees with dependent child coverage when that coverage ends; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 214.122; proposing coding for new law in Minnesota Statutes, chapters 62Q; 62V.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[62Q.678] DEPENDENT CHILD NOTICE.**

Group health plans and health plan companies that offer group or individual health plans with dependent coverage must provide written notice to an enrollee with dependent-child coverage that the dependent child's coverage ends when the child reaches the age of 26. Notice must be sent to the enrollee at the enrollee's last known address at least 60 days before the dependent child reaches the age of 26. The notice must include the date on which coverage ends and information on accessing the MNsure website as applicable.

Sec. 2. Minnesota Statutes 2019 Supplement, section 151.06, subdivision 6, is amended to read:

Subd. 6. **Information provision; sources of lower cost prescription drugs.** (a) The board shall publish a page on its website that provides regularly updated information concerning:

(1) patient assistance programs offered by drug manufacturers, including information on how to access the programs;

(2) the insulin safety net program established in section 151.74, including information on how to access the program;

(3) the prescription drug assistance program established by the Minnesota Board of Aging under section 256.975, subdivision 9;

(3) (4) the websites through which individuals can access information concerning eligibility for and enrollment in Medicare, medical assistance, MinnesotaCare, and other government-funded programs that help pay for the cost of health care;

(4) (5) availability of providers that are authorized to participate under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b;

(5) (6) having a discussion with the pharmacist or the consumer's health care provider about alternatives to a prescribed drug, including a lower cost or generic drug if the drug prescribed is too costly for the consumer; and

(6) (7) any other resource that the board deems useful to individuals who are attempting to purchase prescription drugs at lower costs.

(b) The board must prepare educational materials, including brochures and posters, based on the information it provides on its website under paragraph (a). The materials must be in a form that can be downloaded from the board's website and used for patient education by pharmacists and by health care practitioners who are licensed to prescribe. The board is not required to provide printed copies of these materials.

(c) The board shall require pharmacists and pharmacies to make available to patients information on sources of lower cost prescription drugs, including information on the availability of the website established under paragraph (a).

### Sec. 3. [151.74] INSULIN SAFETY NET PROGRAM.

Subdivision 1. Establishment. (a) By July 1, 2020, each manufacturer must establish procedures to make insulin available in accordance with this section to eligible individuals who are in urgent need of insulin or who are in need of access to an affordable insulin supply.

(b) For purposes of this section, the following definitions apply:

(1) "manufacturer" means a manufacturer engaged in the manufacturing of insulin that is self-administered on an outpatient basis;

(2) "navigator" has the meaning provided in section 62V.02; and

(3) "pharmacy" means a pharmacy located in Minnesota and licensed under section 151.19 that operates in the community or outpatient license category under Minnesota Rules, Part 6800.0350.

(c) Any manufacturer with an annual gross revenue of \$2,000,000 or less from insulin sales in Minnesota is exempt from this section. To request a waiver under this paragraph, the manufacturer must submit a request to the Board of Pharmacy that includes documentation indicating that the manufacturer is eligible for an exemption.

Subd. 2. Eligibility for urgent-need safety net program. (a) To be eligible to receive an urgent-need supply of insulin under this section, an individual must attest to:

(1) being a resident of Minnesota;

(2) not being enrolled in medical assistance or MinnesotaCare;

(3) not having access to prescription drug coverage that limits the total amount of cost-sharing that the enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance, to \$75 or less, regardless of the type or amount of insulin prescribed;

(4) not having received an urgent-need supply of insulin through this program within the previous 12 months; and

(5) being in urgent need of insulin.

(b) For purposes of this subdivision, "urgent need of insulin" means having readily available for use less than a seven-day supply of insulin and in need of insulin in order to avoid the likelihood of suffering significant health consequences.

Subd. 3. Pharmacy duties; access to urgent-need insulin. (a) An individual in urgent need of insulin may present themselves to a pharmacy for the purpose of receiving an urgent-need supply of insulin.

(b) The individual must:

(1) attest to the pharmacist that the individual meets the eligibility requirements described in subdivision 2;

(2) have a valid insulin prescription; and

(3) present the pharmacist with identification indicating Minnesota residency in the form of a valid Minnesota identification card, driver's license, or permit. If the individual in urgent need of insulin is under the age of 18, the individual's parent or legal guardian must provide the pharmacist with proof of residency.

(c) Upon receipt of the information described in paragraph (b), the pharmacist shall dispense the prescribed insulin in an amount that is equivalent to a 30-day supply. The pharmacy must notify the health care practitioner who issued the prescription order no later than 72 hours after the insulin is dispensed.

(d) The pharmacy shall submit to the manufacturer of the dispensed insulin product a claim for payment in accordance with the claims processing requirements agreed to by the pharmacy and the manufacturer. The manufacturer shall reimburse the pharmacy for the insulin dispensed in an amount that at least covers the pharmacy's acquisition cost for the dispensed insulin, or may supply the pharmacy with the insulin product in the amount that was dispensed.

(e) The pharmacy may collect an insulin co-payment from the individual in an amount not to exceed \$75 for the 30-day supply of insulin dispensed.

(f) The pharmacy shall also provide each eligible individual with the information sheet described in subdivision 7 and a list of trained navigators provided by the Board of Pharmacy for the individual to contact if the individual is in need of accessing ongoing insulin coverage options, including:

(1) assistance in applying for medical assistance or MinnesotaCare;

(2) assistance in applying for a qualified health plan offered through MNsure, subject to open and special enrollment periods;

(3) providing information on providers who participate in prescription drug discount programs, including providers who are authorized to participate in the 340B program under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b; and

(4) assistance in accessing insulin manufacturers' patient assistance programs, co-payment assistance programs, and other foundation-based programs.

Subd. 4. **Continuing safety net program; general.** (a) Each manufacturer shall make a patient assistance program available to any individual who meets the requirements of this subdivision. Each manufacturer's patient assistance programs must meet the requirements of this section. Each manufacturer shall provide the Board of Pharmacy with information regarding the manufacturer's patient assistance program, including 24-hour, seven days a week contact information for individuals to call for assistance in accessing the program.

(b) To be eligible to participate in a manufacturer's patient assistance program, the individual must:

(1) be a Minnesota resident;

(2) have a family income that is equal to or less than 400 percent of the federal poverty guidelines;

(3) not be enrolled in medical assistance or MinnesotaCare;

(4) not be eligible to receive health care through a federally funded program or receive prescription drug benefits through the Department of Veterans Affairs; and

(5) not have access to prescription drug coverage through an individual or group health plan that limits the total amount of cost-sharing that an enrollee is required to pay for a 30-day supply of insulin, including co-payments, deductibles, or coinsurance to \$75 or less, regardless of the type or amount of insulin needed.

(c) Notwithstanding the requirement in paragraph (b), clause (4), an individual who is enrolled in Medicare Part D is eligible for a manufacturer's patient assistance program if the individual has spent \$1,000 on prescription drugs in the current calendar year and meets the eligibility requirements in paragraph (b), clauses (1) to (3).

(d) An individual who is interested in participating in a manufacturer's patient assistance program may apply directly to the manufacturer; apply through the individual's health care practitioner, if the practitioner participates; or contact a trained navigator for assistance in finding a long-term insulin supply solution, including assistance in applying to a manufacturer's patient assistance program.

Subd. 5. Continuing safety net program; manufacturer's responsibilities. (a) Upon receipt of an application for the manufacturer's patient assistance program, the manufacturer shall process the application and determine eligibility. The manufacturer shall notify the applicant of the determination within ten business days of receipt of the application. If necessary, the manufacturer may request additional information from the applicant. If additional information is needed, the manufacturer must notify the applicant within five business days of receipt of the application as to what information is being requested. Within three business days of receipt of the requested information, the manufacturer must determine eligibility and notify the applicant of the determination. If the individual has been determined to be not eligible, the manufacturer must include the reasons for denying eligibility in the notification. The individual may seek an appeal of the determination in accordance with subdivision 8.

(b) If the individual is determined to be eligible, the manufacturer shall provide the individual with an eligibility statement or other indication that the individual has been determined eligible for the manufacturer's patient assistance program. An individual's eligibility is valid for 12 months, and is renewable upon a redetermination of eligibility.

(c) If the eligible individual has prescription drug coverage through an individual or group health plan, the manufacturer may determine that the individual's insulin needs are better addressed through the use of the manufacturer's co-payment assistance program, in which case, the manufacturer shall inform the individual and provide the individual with the necessary coupons to submit to a pharmacy.

Subd. 6. Continuing safety net program; process. (a) The individual shall submit to a pharmacy the statement of eligibility provided by the manufacturer under subdivision 5, paragraph (b). Upon receipt of an individual's eligibility status, the pharmacy shall submit an order containing the name of the insulin product and the daily dosage amount as contained in a valid prescription to the product's manufacturer.

(b) The pharmacy must include with the order to the manufacturer the following information:

(1) the pharmacy's name and shipping address;

(2) office telephone number, fax number, e-mail address, and contact name; and

(3) any specific days or times when deliveries are not accepted by the pharmacy.

(c) Upon receipt of an order from a pharmacy and the information described in paragraph (b), the manufacturer shall send to the pharmacy a 90-day supply of insulin as ordered, unless a lesser amount is requested in the order, at no charge to the individual or pharmacy.

(d) Except as authorized under paragraph (e), the pharmacy shall provide the insulin to the individual at no charge to the individual. The pharmacy shall not provide insulin received from the manufacturer to any individual other than the individual associated with the specific order. The pharmacy shall not seek reimbursement for the insulin received from the manufacturer or from any third-party payer.

(e) The pharmacy may charge the individual a co-payment not to exceed \$25 for each 90-day supply if the insulin is sent to the pharmacy.

(f) The pharmacy may submit to a manufacturer a reorder for an individual if the individual's eligibility statement has not expired. Upon receipt of a reorder from a pharmacy, the manufacturer must send to the pharmacy an additional 90-day supply of the product, unless a lesser amount is requested, at no charge to the individual or pharmacy if the individual's eligibility statement has not expired.

(g) Notwithstanding paragraph (c), a manufacturer may send the insulin as ordered directly to the individual if the manufacturer provides a mail order service option.

Subd. 7. **Board of Pharmacy responsibilities.** (a) The Board of Pharmacy shall develop an information sheet to post on its website and provide a link to the information sheet on the board's website to pharmacies, health care practitioners, hospital emergency departments, urgent care clinics, and community health clinics. The information sheet must contain:

(1) a description of the urgent-need insulin safety net program, including how to access the program;

(2) a description of each insulin manufacturer's patient assistance program and cost-sharing assistance program, including 24-hour, seven days a week contact information on accessing the assistance programs for each manufacturer;

(3) information on how to contact a trained navigator for assistance in applying for medical assistance, MinnesotaCare, a qualified health plan, or an insulin manufacturer's patient assistance programs; and

(4) notification that an individual in need of assistance may contact their local county social service department for more information or assistance in accessing ongoing affordable insulin.

(b) The board, in consultation with MNsure and the commissioner of human services, shall develop a training program for navigators to provide navigators with information and resources necessary to assist individuals in accessing appropriate long-term insulin options.

(c) The board, in consultation with MNsure, shall compile a list of navigators who have completed the training program, and who are available to assist individuals in accessing affordable insulin coverage options. The list shall be made available through the board's website and to pharmacies and health care practitioners who dispense and prescribe insulin.

Subd. 8. **Dispute resolution.** (a) If an individual disagrees with a manufacturer's determination of eligibility under subdivision 5, the individual may contact the Board of Pharmacy to request the use of a three-person panel to review eligibility. The panel shall be composed of three persons designated by the board. The panel shall be provided with all documents submitted by the individual to the manufacturer. The panel must render a decision within ten business days and the decision of the panel is final.

(b) If the panel determines that the individual is eligible, the manufacturer shall provide the individual with an eligibility statement in accordance with subdivision 5.

Subd. 9. **Penalty.** If a manufacturer fails to comply with this section, the board may assess an administrative penalty of up to \$100,000 for each year of noncompliance. Any penalty assessed under this subdivision shall be deposited in a separate account in the special revenue fund.

Subd. 10. **Reports.** (a) By February 15 of each year, beginning February 15, 2021, each manufacturer shall report to the Board of Pharmacy the following:

(1) the number of Minnesota residents who accessed and received insulin on an urgent-need basis under this section in the preceding calendar year;

(2) the number of Minnesota residents participating in the manufacturer's patient assistance program in the preceding calendar year, including the number of Minnesota residents who the manufacturer determined were ineligible for their patient assistance program; and

(3) the value of the insulin provided by the manufacturer under clauses (1) and (2).

For purposes of this paragraph, "value" means the wholesale acquisition cost of the insulin provided.

(b) By March 15 of each year, beginning March 15, 2021, the Board of Pharmacy shall submit the information reported in paragraph (a) to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance. The board shall also include in the report any administrative penalties assessed under subdivision 9, including the name of the manufacturer and amount of the penalty assessed.

Subd. 11. **Sunset.** This section expires December 31, 2023, except final reports required to be submitted under subdivision 10 must be submitted as required by February 15, 2024, and March 15, 2024.

Sec. 4. Minnesota Statutes 2019 Supplement, section 214.122, is amended to read:

**214.122 INFORMATION PROVISION; PHARMACEUTICAL ASSISTANCE PROGRAMS.**

(a) The Board of Medical Practice and the Board of Nursing shall at least annually inform licensees who are authorized to prescribe prescription drugs of the availability of the Board of Pharmacy's website that contains information on resources and programs to assist patients with the cost of prescription drugs. The boards shall provide licensees with the website address established by the Board of Pharmacy under section 151.06, subdivision 6, and the materials described under section 151.06, subdivision 6, paragraph (b). The boards shall also ensure that licensees are provided with information on the insulin safety net program established in section 151.74, and a link to the Board of Pharmacy's information sheet on how patients can apply for the program.

(b) Licensees must make available to patients information on sources of lower cost prescription drugs, including information on the availability of the website established by the Board of Pharmacy under section 151.06, subdivision 6.

Sec. 5. **PUBLIC AWARENESS CAMPAIGN.**

Each insulin manufacturer defined under Minnesota Statutes, section 151.74, subdivision 1, shall conduct a public awareness campaign to create awareness of the insulin safety net program



established under Minnesota Statutes, section 151.74, and on the availability of the manufacturer's patient assistance programs. The campaign must include a contact number for individuals to call if an individual is in urgent need of insulin or in need of accessing ongoing affordable insulin options.

Sec. 6. **SEVERABILITY.**

If any provision of this act is found to be unconstitutional or void, the remaining provisions of this act are valid.

Sec. 7. **APPROPRIATIONS.**

(a) \$248,000 is appropriated in fiscal year 2020 from the health care access fund to the Board of Directors of MNsure to train navigators to provide services as required under Minnesota Statutes, section 151.74. This is a onetime appropriation and is available until December 31, 2023.

(b) \$76,000 is appropriated in fiscal year 2021 from the health care access fund to the Board of Pharmacy to implement Minnesota Statutes, section 151.74. The base for this appropriation is \$76,000 in fiscal year 2022; \$76,000 in fiscal year 2023; \$38,000 in fiscal year 2024; and \$0 in fiscal year 2025."

Delete the title and insert:

"A bill for an act relating to health care; establishing an insulin safety net program; requiring health plan companies to provide notice to enrollees with dependent child coverage when that coverage ends; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 214.122; proposing coding for new law in Minnesota Statutes, chapters 62Q; 151."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Osmeck from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 3331:** A bill for an act relating to energy; amending the current electric utility program that encourages efficient lighting to include promotion of LEDs; amending Minnesota Statutes 2018, section 216B.241, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Osmeck from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 3386:** A bill for an act relating to energy; modifying conservation improvement programs for low-income households; amending Minnesota Statutes 2018, section 216B.241, subdivisions 3, 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 11, after the period, insert "The list of qualifying measures may be reviewed and modified on an annual basis."

Page 3, delete lines 12 to 15 and insert:

"(h) A Healthy AIR (Asbestos Insulation Remediation) account is established as a separate account in the special revenue fund in the state treasury. A public utility may elect to contribute money to the Healthy AIR account to assist the department with administration of the program. Amounts contributed to the account must be credited to the account. Money contributed to the account counts toward: (1) the minimum low-income spending requirement under paragraph (a); and (2) the cap on preweatherization measures under paragraph (f). Money in the account is annually appropriated to the commissioner of commerce to fund Healthy AIR related activities."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Osmeck from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 1888:** A bill for an act relating to economic development; creating the community energy transition competitive grant program; transferring money; creating an advisory council; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [116J.55] COMMUNITY ENERGY TRANSITION GRANTS.

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

(b) "Advisory council" means the Community Energy Transition Grant Advisory Council created in this section.

(c) "Commissioner" means the commissioner of employment and economic development.

(d) "Eligible community" means a county, municipality, or tribal government located within a county, that hosts or has hosted an investor-owned electric generating plant powered by coal, nuclear energy, or natural gas.

Subd. 2. **Establishment.** The commissioner shall establish a community energy transition grant program to award grants to promote economic development in eligible communities.

Subd. 3. **Funding.** (a) A community energy transition account is created in the special revenue fund in the state treasury. Money in the account is appropriated to the commissioner for grants as provided in this section and must be expended only as provided in this section.

(b) On July 1, 2020, \$15,000,000 and then on July 1, 2021, and on each July 1 thereafter, \$10,000,000 is transferred from the renewable development account under section 116C.779 to the commissioner for deposit in the community energy transition account. This transfer must be made before any other payments or transfers required under section 116C.779.

(c) Grants to eligible communities in which an investor-owned electric generating plant is located but has not been scheduled for retirement or decommissioning may not exceed \$1,000,000. Grants to eligible communities in which an investor-owned electric generating plant is located and is scheduled for retirement or decommissioning or already been retired or decommissioned may not exceed \$5,000,000.

(d) Unless amounts are otherwise appropriated for administrative costs, the commissioner of employment and economic development may retain up to five percent of the amount appropriated for grants under this section for administrative and personnel costs.

Subd. 4. **Cancellation of grant; return of grant money.** If after five years, the commissioner determines that a project has not proceeded in a timely manner and is unlikely to be completed, the commissioner must cancel the grant and require the grantee to return all grant money awarded for that project. Grant money returned to the commissioner is appropriated to the commissioner to make additional grants under this section.

Subd. 5. **Grants to eligible communities.** (a) The commissioner must award grants to eligible communities through a competitive grant process. Grant awards made with funds from the renewable development account must be to eligible communities located in the service territory of the public utility subject to section 116C.779, or host or have hosted an investor-owned electric generating plant owned by the public utility subject to section 116C.779. Grant awards made from the general fund may be awarded to otherwise eligible communities located outside of the service territory of the public utility subject to section 116C.779.

(b) To receive grant funds, an eligible community must submit a written application to the commissioner, using a form developed by the commissioner.

(c) For grants awarded to counties, a resolution of support for the project from the city within that county that hosts or has hosted the investor-owned electric generating plant is required to be submitted with the application.

(d) The commissioner must consider the recommendations of the Community Energy Transition Grant Advisory Council before selecting grant recipients.

(e) Grants must be used to plan for or address the economic and social impact on the community of plant retirement or transition. Specific uses may include but are not limited to:

(1) research;

(2) planning;

(3) studies;

(4) capital improvements; and

(5) incentives for businesses to open, relocate, or expand.

Subd. 6. **Priorities.** (a) In evaluating projects, the advisory council shall give priority to eligible projects with one or more of the following characteristics:

(1) the potential of the eligible community to attract a viable business;

(2) the potential increase in the property tax base of the eligible community, considered relative to the fiscal impact of the retirement of the electric generating plant located in the eligible community;

(3) the extent to which the grant will assist the eligible community in addressing the fiscal and social impacts of plant retirement;

(4) the extent to which the grant will help the state transition away from fossil fuels; and

(5) proximity in time to a scheduled retirement or decommissioning of an electric generating plant located in an eligible community.

(b) The factors listed in paragraph (a) are not ranked in order of priority. The commissioner may weigh each factor, depending upon the facts and circumstances, as appropriate. The commissioner may consider other factors that support the goals of this program.

Subd. 7. **Advisory council.** (a) By September 1, 2020, the commissioner shall appoint representatives to a Community Energy Transition Grant Advisory Council composed of the following members:

(1) the commissioner of employment and economic development, or a designee;

(2) the commissioner of transportation, or a designee;

(3) the commissioner of the Minnesota Pollution Control Agency, or a designee;

(4) the commissioner of natural resources, or a designee;

(5) the commissioner of commerce, or a designee;

(6) one representative of the Prairie Island Indian community;

(7) two representatives of workers at investor-owned electric generating plants powered by coal, nuclear energy, or natural gas; and

(8) four representatives of eligible communities, of which, two must be counties, two must be municipalities, at least one must host a coal plant, at least one must host a nuclear plant, and at least one must host a natural gas plant.

After the initial appointments, members of the advisory council shall be appointed no later than January 15 of every odd-numbered year and shall serve until January 15 of the next odd-numbered year. Members may be removed and vacancies filled as provided in section 15.059, subdivision 4. Appointed members are eligible for reappointment.

(b) The advisory council shall elect a chair and other officers at its first meeting.

(c) The advisory council shall review applications for community energy transition grants and make recommendations to the commissioner of employment and economic development.

(d) The commissioner of employment and economic development shall select projects from the recommendations made by the advisory council under this subdivision with consideration given to the priorities listed in subdivision 6.

(e) A member of the advisory council must not participate in the consideration of an application from the community that member represents.

(f) Members of the advisory council serve without compensation or payment of expenses.

(g) The commissioner of employment and economic development or the commissioner's designee shall provide meeting space and administrative services for the advisory council. All costs necessary to support the advisory council's operations must be absorbed using existing appropriations available to the commissioner.

(h) The advisory council is subject to chapter 13D, but may close a meeting to discuss sensitive private business information included in grant applications. Data related to an application for a grant submitted to the advisory council is governed by section 13.599.

(i) The commissioner shall convene the first meeting of the advisory council no later than October 1, 2020.

Subd. 8. **Reports to the legislature.** By January 15, 2022, and each January 15 thereafter, the commissioner must submit a report to the chairs and ranking minority members of the committees of the house of representatives and the senate having jurisdiction over economic development that details the use of grant funds. When possible, this report must include data on the economic impact achieved by each grant.

**Sec. 2. APPROPRIATION; GRANTS TO COMMUNITIES LOCATED OUTSIDE OF THE SERVICE TERRITORY.**

\$25,000,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of employment and economic development for grants to communities located outside of the service territory of the public utility subject to Minnesota Statutes, section 116C.779, subdivision 1, that would otherwise be eligible communities under the community energy transition grant program under Minnesota Statutes, section 116J.55, but for the location of the electric generating plant scheduled for retirement or decommissioning or already retired or decommissioned electric generating plant. This is a onetime appropriation and is available until expended."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Jobs and Economic Growth Finance and Policy. Amendments adopted. Report adopted.

**Senator Osmek from the Committee on Energy and Utilities Finance and Policy, to which was referred**

**S.F. No. 3389:** A bill for an act relating to energy; modifying the solar energy incentive program; amending Minnesota Statutes 2019 Supplement, section 116C.7792.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 17, insert:

**"Sec. 2. REMAINING "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION PROGRAM INCENTIVE OBLIGATION; APPROPRIATION.**

(a) On or before June 30, 2020, the commissioner of commerce must (1) determine the total remaining obligation for the "Made in Minnesota" solar energy production incentive program under Minnesota Statutes, section 216C.417, and (2) report the amount determined under clause (1) to the commissioner of management and budget and the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over energy policy.

(b) Notwithstanding Minnesota Statutes, section 116C.779, subdivision 1, paragraph (j), the amount determined by the commissioner of commerce under paragraph (a) is appropriated in equal amounts over four consecutive years beginning in fiscal year 2021 from the renewable development account under Minnesota Statutes, section 116C.779, subdivision 1, paragraph (a), to the commissioner of commerce to make final payments for "Made in Minnesota" obligations.

(c) By October 15, 2020, and by each October 15 until 2023, the commissioner of commerce must use the amount appropriated in paragraph (b) to pay the total remaining obligation for a "Made in Minnesota" solar energy production incentive approved by the commissioner under Minnesota Statutes 2016, section 216C.415, to an owner whose application was approved by the commissioner.

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

**Sec. 3. FINAL "MADE IN MINNESOTA" SOLAR ENERGY PRODUCTION PROGRAM ADMINISTRATION; APPROPRIATION.**

\$..... in fiscal year 2021 is appropriated from the renewable development account in the special revenue fund established under Minnesota Statutes, section 116C.779, subdivision 1, to the commissioner of commerce to administer the final payments for remaining program obligations under the "Made in Minnesota" solar energy production incentive program in Minnesota Statutes, section 216C.417, as provided in section 2. This is a onetime appropriation and is available until June 30, 2024. Any remaining unspent funds at the end of fiscal year 2024 cancel to the renewable development account.

**Sec. 4. REPEALER.**

Minnesota Statutes 2018, section 216C.417, is repealed.

**EFFECTIVE DATE.** This section is effective October 16, 2023."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "appropriating money to complete the remaining obligation for the "Made in Minnesota" solar energy production incentive payments;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 3624, 3258, 3197, 3292, 3291, and 3331 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 1883 was read the second time.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

#### **Senator Koran introduced--**

**S.F. No. 4091:** A bill for an act relating to commerce; making technical changes to various provisions governing or administered by the Department of Commerce; amending Minnesota Statutes 2018, sections 48A.11; 53A.01, by adding a subdivision; 53A.03; 53C.01, subdivision 12; 53C.02; 58.02, subdivision 21; 58A.02, subdivision 13; 58A.13; 60A.07, subdivision 1d; 60A.131; 60A.16, subdivisions 1, 2; 82.68, subdivision 2; 82C.02, subdivision 8; 82C.10; 82C.12; 82C.14; 82C.17, subdivision 4; 332.54, subdivision 4; 332.57, subdivision 2; repealing Minnesota Statutes 2018, sections 53B.27, subdivisions 3, 4; 60A.07, subdivision 1a; 72B.14.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

#### **Senators Weber, Dahms, Simonson, Johnson, and Eken introduced--**

**S.F. No. 4092:** A bill for an act relating to taxes; modifying the funding level for local government aid for cities; amending Minnesota Statutes 2018, section 477A.03, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 477A.03, subdivision 2a.

Referred to the Committee on Taxes.

#### **Senators Nelson, Frenz, Housley, Dahms, and Eken introduced--**

**S.F. No. 4093:** A bill for an act relating to economic development; appropriating money for sustainable child care in rural Minnesota.

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

**Senators Weber, Frentz, Relph, Housley, and Dahms introduced--**

**S.F. No. 4094:** A bill for an act relating to economic development; appropriating money for grants to local communities to increase the supply of quality child care providers.

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

**Senator Utke introduced--**

**S.F. No. 4095:** A bill for an act relating to agriculture; requiring live-animal chronic wasting disease surveillance; requiring the Board of Animal Health to consider farmed Cervidae tests results from other states; amending Minnesota Statutes 2019 Supplement, section 35.155, subdivision 11.

Referred to the Committee on Agriculture, Rural Development, and Housing Policy.

**Senator Utke introduced--**

**S.F. No. 4096:** A bill for an act relating to agriculture; allowing owners of farmed Cervidae infected with chronic wasting disease to participate in research projects; amending Minnesota Statutes 2019 Supplement, section 35.155, subdivision 11.

Referred to the Committee on Agriculture, Rural Development, and Housing Policy.

**Senators Koran and Mathews introduced--**

**S.F. No. 4097:** A bill for an act relating to state government; transferring responsibility for management and operation of a state facility in Cambridge from the commissioner of human services to the commissioner of veterans affairs.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Goggin, Housley, Kiffmeyer, and Benson introduced--**

**S.F. No. 4098:** A bill for an act relating to public safety; establishing the crime of assault by strangulation; repealing the crime of domestic assault by strangulation; amending Minnesota Statutes 2018, sections 243.167, subdivision 1; 609.2242, subdivision 3; Minnesota Statutes 2019 Supplement, sections 145A.061, subdivision 3; 245C.15, subdivision 1; 518.179, subdivision 2; 609.02, subdivision 16; 611A.036, subdivision 7; 624.712, subdivision 5; 631.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2018, section 609.2247.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senators Goggin, Utke, and Rarick introduced--**

**S.F. No. 4099:** A bill for an act relating to occupational safety; adopting federal crane certification standards; repealing Minnesota Statutes 2018, sections 182.6525; 182.659, subdivision 1a.

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



**Senator Utke introduced--**

**S.F. No. 4100:** A bill for an act relating to education; modifying requirements for test result reports; amending Minnesota Statutes 2018, section 120B.30, subdivision 3.

Referred to the Committee on E-12 Finance and Policy.

**Senators Jasinski, Lang, and Sparks introduced--**

**S.F. No. 4101:** A bill for an act relating to capital investment; appropriating money for local government roads wetland replacement; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Eken, Westrom, Johnson, and Sparks introduced--**

**S.F. No. 4102:** A bill for an act relating to housing; appropriating money to rehabilitate housing outside of the seven-county metropolitan area.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senators Johnson, Eken, Westrom, Sparks, and Miller introduced--**

**S.F. No. 4103:** A bill for an act relating to capital investment; appropriating money for a greater Minnesota housing infrastructure grant program; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Capital Investment.

**Senator Relph introduced--**

**S.F. No. 4104:** A bill for an act relating to human services; children; modifying policy provisions governing children and families services; amending Minnesota Statutes 2018, sections 256.87, subdivision 8, by adding a subdivision; 257.70; 518.005, subdivision 5, by adding a subdivision; 518A.53, subdivision 11; 518A.68; 518A.685; proposing coding for new law in Minnesota Statutes, chapter 518A.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Relph introduced--**

**S.F. No. 4105:** A bill for an act relating to human services; modifying adoption provisions; adding safe place for newborns provisions; modifying child welfare program provisions; modifying Northstar kinship assistance provisions; amending Minnesota Statutes 2018, sections 144.216, by adding subdivisions; 144.218, by adding a subdivision; 144.226, subdivision 1; 145.902; 256N.02, subdivisions 16, 17; 256N.22, subdivision 1; 256N.23, subdivisions 2, 6; 256N.24, subdivisions 1, 8, 11, 12, 14; 259.241; 259.35, subdivision 1; 259.53, subdivision 4; 259.75, subdivisions 5, 6, 9; 259.83, subdivision 1a; 259A.75, subdivisions 1, 2, 3, 4; 260C.212, subdivision 1, by adding a subdivision; 260C.219; 260C.503, subdivision 2; 260C.515, subdivision 3; 260C.605, subdivision

1; 260C.607, subdivision 6; 260C.609; 260C.615; Minnesota Statutes 2019 Supplement, sections 260C.007, subdivision 22a; 260C.212, subdivision 2.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Relph introduced--**

**S.F. No. 4106:** A bill for an act relating to human services; changing provisions regarding the juvenile treatment screening team; modifying provisions regarding child foster care services payments under Title IV-E of the Social Security Act; amending provisions regarding services for homeless and sexually exploited children; adding provisions allowing counties and tribes to reach agreements regarding oversight of Indian children's welfare; providing for a child welfare response to child sex trafficking and sexual exploitation of children; amending Minnesota Statutes 2018, sections 245.4871, by adding a subdivision; 245.4885, subdivision 1; 256.0112, subdivision 10; 256.82, subdivision 2; 256B.092, by adding a subdivision; 256N.02, subdivision 14a; 256N.21, subdivisions 2, 5; 256N.24, subdivision 4; 260C.007, by adding a subdivision; 260C.157, subdivision 3; 260C.202; 260C.204; 260C.212, subdivision 4a, by adding subdivisions; 260C.4412; 260C.503, by adding a subdivision; 260D.01; 260D.02, subdivisions 3, 5, 10, 11, by adding subdivisions; 260D.03; 260D.04; 260D.06; 260D.07; 260D.08; 260D.09; Minnesota Statutes 2019 Supplement, sections 260C.212, subdivision 2; 260C.503, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256K; 260; 260D.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Weber introduced--**

**S.F. No. 4107:** A bill for an act relating to taxation; tax increment financing; extending the five-year rule to ten years.

Referred to the Committee on Taxes.

**Senator Ruud introduced--**

**S.F. No. 4108:** A bill for an act relating to capital investment; appropriating money for RIM and other conservation purposes; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Limmer introduced--**

**S.F. No. 4109:** A bill for an act relating to public safety; authorizing the Metropolitan Airports Commission to receive pathway to policing grants; amending Laws 2017, chapter 95, article 1, section 11, subdivision 7.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senators Ruud, Eichorn, and Tomassoni introduced--**

**S.F. No. 4110:** A bill for an act relating to taxation; property and local; allowing for early withdrawal from the Sustainable Forest Incentive Act; amending Minnesota Statutes 2018, section 290C.10.

Referred to the Committee on Taxes.

**Senators Utke and Wiklund introduced--**

**S.F. No. 4111:** A bill for an act relating to human services; modifying provisions governing certified community behavioral health clinic payments; amending Minnesota Statutes 2019 Supplement, sections 245.735, subdivision 3; 256B.0625, subdivision 5m.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Klein introduced--**

**S.F. No. 4112:** A bill for an act relating to human services; modifying the age limit for dialectical behavioral therapy; correcting terminology related to disability services; modifying provisions regarding nursing facility rates; amending Minnesota Statutes 2018, sections 256B.0625, subdivision 5l; 256R.02, subdivisions 4, 17, 18, 29, 42a, 48a, by adding a subdivision; 256R.07, subdivisions 1, 2, 3; 256R.08, subdivision 1; 256R.09, subdivisions 2, 5; 256R.13, subdivision 4; 256R.16, subdivision 1; 256R.17, subdivision 3; 256R.37; 256R.39; Minnesota Statutes 2019 Supplement, sections 245A.03, subdivision 7; 256R.02, subdivision 19; 256R.26, subdivision 1; repealing Minnesota Statutes 2018, sections 256R.08, subdivision 2; 256R.49.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Klein introduced--**

**S.F. No. 4113:** A bill for an act relating to human services; adjusting the eligibility requirements for children's mental health respite grants; modifying provisions regarding home and community-based services; authorizing the correction of housing support payments; defining "qualified professional" for purposes of applying for general assistance and housing support; amending Minnesota Statutes 2018, sections 245D.04, subdivision 3; 245D.071, subdivision 3; 245F.02, subdivisions 7, 14; 245F.06, subdivision 2; 245F.12, subdivisions 2, 3; 245G.02, subdivision 2; 245G.09, subdivision 1; 256B.0652, subdivision 10; 256B.0941, subdivisions 1, 3; 256B.0949, subdivisions 2, 5, 6, 9, 13, 14, 15, 16; 256D.02, subdivision 17; 256I.03, subdivisions 3, 14; 256I.05, subdivisions 1c, 1n, 8; 256I.06, subdivision 2, by adding a subdivision; 256J.08, subdivision 73a; 256P.01, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 245.4889, subdivision 1; 254A.03, subdivision 3; 254B.05, subdivision 1; 256I.04, subdivision 2b; repealing Minnesota Statutes 2018, section 245F.02, subdivision 20.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senators Utke and Bigham introduced--**

**S.F. No. 4114:** A bill for an act relating to human services; clarifying qualification criteria for provider staff to provide treatment coordination services; authorizing pretreatment coordination services for individuals seeking substance use disorder treatment; requiring establishment of a reimbursement rate for pretreatment coordination services; authorizing pretreatment coordination services as a covered service; directing the commissioner of human services to develop a tool to screen individuals for pretreatment coordination services, to develop a method to evaluate the impact of recent substance use disorder legislation, and to create and distribute educational materials regarding recent substance use disorder legislation and implementation; amending Minnesota Statutes 2018, sections 245G.02, subdivision 2; 245G.06, subdivision 3; 256B.0625, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 245G.04, by adding a subdivision; 245G.11, subdivision 7; 254B.05, subdivisions 1, 5.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Newman introduced--**

**S.F. No. 4115:** A bill for an act relating to capital investment; establishing procedures for determining a compelling reason to waive or modify the nonstate match requirement for funding a project with bond proceeds; amending Minnesota Statutes 2018, section 16A.86, subdivisions 2, 4.

Referred to the Committee on Capital Investment.

**Senator Newman introduced--**

**S.F. No. 4116:** A bill for an act relating to taxation; local sales and use; authorizing the city of Litchfield to impose a local sales and use tax.

Referred to the Committee on Taxes.

**Senator Newman introduced--**

**S.F. No. 4117:** A bill for an act relating to capital investment; appropriating money for the renovation of the Litchfield Opera House.

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

**Senator Newman introduced--**

**S.F. No. 4118:** A bill for an act relating to capital investment; appropriating money for improvements to Otter and Campbell Lakes in Hutchinson; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Newman introduced--**

**S.F. No. 4119:** A bill for an act relating to motor vehicles; amending membership of the Driver and Vehicle Systems Oversight Committee; amending Laws 2019, First Special Session chapter 3, article 2, section 34, subdivision 2.

Referred to the Committee on Transportation Finance and Policy.

**Senator Jensen introduced--**

**S.F. No. 4120:** A bill for an act relating to human services; adding two members to the opioid prescribing work group; amending Minnesota Statutes 2018, section 256B.0638, subdivision 3.

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

**Senators Rosen, Jasinski, Frenz, Draheim, and Senjem introduced--**

**S.F. No. 4121:** A bill for an act relating to capital investment; appropriating money for restoration of the honey house and wax shed at Hofmann Apiaries.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Rosen, Jasinski, Frenz, Draheim, and Senjem introduced--**

**S.F. No. 4122:** A bill for an act relating to legacy; appropriating money to restore honey house and wax shed at Hofmann Apiaries.

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

**Senators Rosen; Frenz; Anderson, P.; Senjem; and Jasinski introduced--**

**S.F. No. 4123:** A bill for an act relating to retirement; volunteer firefighters relief associations; relief association dissolution and retirement plan termination; amending Minnesota Statutes 2018, section 424B.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 424B; repealing Minnesota Statutes 2018, sections 424B.20; 424B.21.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senator Jasinski introduced--**

**S.F. No. 4124:** A bill for an act relating to transportation; expanding impounded vehicle charges to include recovery and storage of a motor vehicle and its cargo and accident site cleanup; amending Minnesota Statutes 2018, sections 168B.045; 168B.07, subdivision 1.

Referred to the Committee on Transportation Finance and Policy.

**Senators Lang and Senjem introduced--**

**S.F. No. 4125:** A bill for an act relating to capital investment; appropriating money for a highway-rail grade separation on County State-Aid Highways 55, 5, and 15 in Kandiyohi County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Simonson introduced--**

**S.F. No. 4126:** A bill for an act relating to workforce development; creating the Minnesota technology training account in the special revenue fund; appropriating money in the account for training in digital technology; transferring funds from the excess surplus in the assigned risk plan; proposing coding for new law in Minnesota Statutes, chapter 116L.

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

**Senators Simonson, Dibble, Dzedzic, Abeler, and Senjem introduced--**

**S.F. No. 4127:** A bill for an act relating to railroads; providing for safety training for emergency preparedness in rail yards; amending Minnesota Statutes 2018, section 115E.042, by adding a subdivision.

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

**Senators Draheim, Benson, Koran, Abeler, and Hoffman introduced--**

**S.F. No. 4128:** A bill for an act relating to state government; creating Department of Direct Care and Treatment and Office of Inspector General; transferring duties from Department of Human Services and other state agencies to new state agency and office; directing commissioners of health and human services to contract with third party to administer grant programs administered by Department of Health and Department of Human Services; directing commissioner of human services to contract with third party to review appropriations for information technology projects; requiring reports; providing for performance-based budgeting for Department of Human Services; amending Minnesota Statutes 2018, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.103, subdivision 1a; 16A.11, subdivision 3; 43A.08, subdivision 1a; 256.974; 256.9742, subdivision 1; 256.975, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16A; 256; proposing coding for new law as Minnesota Statutes, chapters 245I; 246C; repealing Minnesota Statutes 2018, section 256.01, subdivision 9.

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

**Senators Dzedzic and Champion introduced--**

**S.F. No. 4129:** A bill for an act relating to economic development; authorizing a grant for Project Success; requiring a report; appropriating money.

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

**Senator Utke introduced--**

**S.F. No. 4130:** A bill for an act relating to workers' compensation; adopting recommendations of the 2020 Workers' Compensation Advisory Council; amending Minnesota Statutes 2018, sections 79A.02, subdivision 4; 79A.04, subdivision 2; 79A.06, subdivision 5; 79A.22, subdivision 13; 79A.24, subdivision 2; 176.011, subdivision 15; 176.102, subdivision 10; 176.111, subdivision 22; 176.135, subdivision 1; 176.185, by adding a subdivision; 176.223; Minnesota Statutes 2019 Supplement, sections 176.181, subdivision 2; 176.231, subdivisions 5, 6, 9, 9a; 176.2611, subdivision 5; 176.2612, subdivisions 1, 3; 176.275, subdivision 2; 176.285, subdivision 1; repealing Minnesota Statutes 2018, section 176.181, subdivision 6.

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

**Senators Dzedzic, Hawj, and Hayden introduced--**

**S.F. No. 4131:** A bill for an act relating to housing; appropriating money for housing discrimination testing.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senators Hoffman, Abeler, and Newton introduced--**

**S.F. No. 4132:** A bill for an act relating to capital investment; authorizing the sale and issuance of housing infrastructure bonds; amending Minnesota Statutes 2018, section 462A.37, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 462A.37, subdivision 5.

Referred to the Committee on Capital Investment.

**Senators Hoffman and Abeler introduced--**

**S.F. No. 4133:** A bill for an act relating to housing; directing certain senior living rental properties to lower current rent.

Referred to the Committee on Family Care and Aging.

**Senators Abeler, Hoffman, Marty, and Housley introduced--**

**S.F. No. 4134:** A bill for an act relating to natural resources; establishing Lorax Act; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 88.

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

**Senators Limmer, Abeler, Kiffmeyer, and Benson introduced--**

**S.F. No. 4135:** A bill for an act relating to health care; prohibiting health care facilities or providers from denying services because patient refuses to sign a facility's consent form; amending Minnesota Statutes 2018, section 144.293, subdivision 2.

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

**Senator Newton introduced--**

**S.F. No. 4136:** A bill for an act relating to transportation; capital investment; appropriating money for intersection grade separations on marked Trunk Highway 65 at 99th Avenue and 117th Avenue; authorizing the sale and issuance of bonds.

Referred to the Committee on Capital Investment.

**Senators Chamberlain and Senjem introduced--**

**S.F. No. 4137:** A bill for an act relating to taxation; providing for the commissioner of revenue to be bound by Tax Court opinions; proposing coding for new law in Minnesota Statutes, chapter 270C.

Referred to the Committee on Taxes.

**Senator Newton introduced--**

**S.F. No. 4138:** A bill for an act relating to taxation; property and local; extending eligibility for the disabled veteran homestead market value exclusion.

Referred to the Committee on Taxes.

**Senator Carlson introduced--**

**S.F. No. 4139:** A bill for an act relating to state government; changing designer selection board provisions; amending Minnesota Statutes 2018, section 16B.33, subdivisions 1, 3, 3a; Minnesota Statutes 2019 Supplement, section 16A.15, subdivision 3.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senator Carlson introduced--**

**S.F. No. 4140:** A bill for an act relating to state government; changing state procurement provisions; amending Minnesota Statutes 2018, section 16C.16, subdivisions 6, 6a, 7.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Tomassoni and Bakk introduced--**

**S.F. No. 4141:** A bill for an act relating to capital investment; appropriating money for renovation of municipal buildings in Eveleth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.



**Senators Tomassoni, Bakk, and Newman introduced--**

**S.F. No. 4142:** A bill for an act relating to transportation; making technical corrections to the designation for the Specialist Noah Pierce Bridge in Eveleth; amending Minnesota Statutes 2019 Supplement, section 161.14, subdivision 94.

Referred to the Committee on Transportation Finance and Policy.

**Senators Tomassoni, Bakk, Hoffman, Senjem, and Osmek introduced--**

**S.F. No. 4143:** A bill for an act relating to economic development; providing a grant to the Mountain Iron Economic Development Authority to expand a city-owned building housing a solar panel manufacturer; appropriating money.

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

**Senator Anderson, P. introduced--**

**S.F. No. 4144:** A bill for an act relating to higher education; authorizing a grant to Black Men Teach Twin Cities to increase the number of black male teachers; requiring a report; appropriating money.

Referred to the Committee on Higher Education Finance and Policy.

**Senator Ruud introduced--**

**S.F. No. 4145:** A bill for an act relating to environment; modifying provisions for priority qualified facilities; modifying authority to acquire property interests; requiring rulemaking to modify scoring system for superfund sites; amending Minnesota Statutes 2018, sections 115B.406, subdivisions 1, 9; 115B.407; 116.07, by adding a subdivision.

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

**Senators Limmer, Newman, and Clausen introduced--**

**S.F. No. 4146:** A bill for an act relating to government data practices; requiring public postsecondary institutions to keep certain student information private; amending Minnesota Statutes 2018, section 13.32, subdivision 5.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Ingebrigtsen introduced--**

**S.F. No. 4147:** A bill for an act relating to taxation; providing sales tax exemptions and grants for disaster recovery related to properties destroyed or damaged by fire in the city of Alexandria; appropriating money; amending Minnesota Statutes 2018, section 297A.71, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 297A.75, subdivision 1.

Referred to the Committee on Taxes.

**Senator Ingebrigtsen introduced--**

**S.F. No. 4148:** A bill for an act relating to game and fish; modifying Cervidae carcass transportation restrictions; amending Minnesota Statutes 2019 Supplement, section 97A.505, subdivision 8.

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

**Senator Senjem introduced--**

**S.F. No. 4149:** A bill for an act relating to energy; establishing a revolving loan fund for energy conservation in schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senators Goggin, Weber, Sparks, and Jasinski introduced--**

**S.F. No. 4150:** A bill for an act relating to agriculture; appropriating money for a grant to plan a poultry processing plant and associated industrial park; requiring a report.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senators Miller, Westrom, and Eken introduced--**

**S.F. No. 4151:** A bill for an act relating to agriculture; requiring meat processing recommendations; appropriating money.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senators Torres Ray, Wiger, and Isaacson introduced--**

**S.F. No. 4152:** A bill for an act relating to education; requiring paid orientation for paraprofessionals; appropriating money for paraprofessional training; amending Minnesota Statutes 2018, section 125A.08.

Referred to the Committee on E-12 Finance and Policy.

**Senators Kent, Cwodzinski, Wiger, and Isaacson introduced--**

**S.F. No. 4153:** A bill for an act relating to education; modifying teacher licensure provisions; amending Minnesota Statutes 2018, sections 122A.181, subdivision 5; 122A.183, subdivision 2.

Referred to the Committee on E-12 Finance and Policy.

**Senators Klein, Hayden, Wiklund, Franzen, and Kent introduced--**

**S.F. No. 4154:** A bill for an act relating to health; expanding eligibility for MinnesotaCare; expanding the use of integrated health partnerships and modifying service delivery; increasing

provider payment rates; modifying enrollee premiums; requiring an implementation plan; modifying benefit coverage requirements for joint self-insurance plans; establishing the MinnesotaCare Advisory Council; amending Minnesota Statutes 2018, sections 62H.04; 62H.18, subdivision 9; 62U.04, subdivision 11; 256L.03, subdivision 1; 256L.04, subdivisions 1, 1c, 7; 256L.07, subdivision 1; 256L.11, by adding a subdivision; 256L.15, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2018, sections 256L.01, subdivision 7; 256L.07, subdivision 2; 256L.11, subdivisions 1, 3, 4; 256L.12; 256L.121, subdivisions 1, 2.

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

**Senator Eichorn introduced--**

**S.F. No. 4155:** A bill for an act relating to taxation; property and local; exempting certain tribal-owned property; amending Minnesota Statutes 2018, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Little, Kent, and Pappas introduced--**

**S.F. No. 4156:** A bill for an act relating to capital investment; appropriating money for a wastewater collection and treatment system for the city of Randolph; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Howe introduced--**

**S.F. No. 4157:** A bill for an act relating to capital investment; appropriating money for improvements to local roads in Rockville; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Lang introduced--**

**S.F. No. 4158:** A bill for an act relating to veterans; authorizing the commissioner of veteran's affairs to establish veteran adult day care programs; amending Minnesota Statutes 2018, section 198.006.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

**Senator Lang introduced--**

**S.F. No. 4159:** A bill for an act relating to veterans; authorizing the provision of dental services for residents of veterans homes; amending Minnesota Statutes 2018, section 198.006.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

**Senator Jensen introduced--**

**S.F. No. 4160:** A bill for an act relating to health care access; requesting that the Board of Regents of the University of Minnesota establish certain rural training programs for physicians and nurses; establishing a grant program to increase rural access to prenatal care; appropriating money; amending Minnesota Statutes 2018, section 137.40, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 137; 145.

Referred to the Committee on Higher Education Finance and Policy.

**Senators Chamberlain and Rest introduced--**

**S.F. No. 4161:** A bill for an act relating to taxation; individual income and corporate franchise; providing subtractions for certain capital gains and interest; amending Minnesota Statutes 2018, sections 290.0132, by adding a subdivision; 290.0134, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Chamberlain introduced--**

**S.F. No. 4162:** A bill for an act relating to education; modifying capacity provisions for certain special education programs; amending Minnesota Statutes 2018, section 124D.03, subdivisions 2, 6.

Referred to the Committee on E-12 Finance and Policy.

**Senators Chamberlain and Rest introduced--**

**S.F. No. 4163:** A bill for an act relating to taxes; property and local; reimbursing state general fund for extra payments made in the previous year; amending Minnesota Statutes 2018, section 477A.014, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Jensen and Weber introduced--**

**S.F. No. 4164:** A bill for an act relating to housing finance; appropriating money for a grant to Open Hands Foundation.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senators Abeler and Clausen introduced--**

**S.F. No. 4165:** A bill for an act relating to higher education; appropriating money for grants to student teachers.

Referred to the Committee on Higher Education Finance and Policy.

**Senators Abeler, Nelson, Eichorn, and Torres Ray introduced--**

**S.F. No. 4166:** A bill for an act relating to education; strengthening the Increase Teachers of Color Act; seeking to increase the percentage of teachers of color and American Indian teachers in Minnesota; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 120B.11, subdivisions 2, 3; 122A.185, subdivision 1; 124D.861, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A.

Referred to the Committee on E-12 Finance and Policy.

**Senator Draheim introduced--**

**S.F. No. 4167:** A bill for an act relating to taxation; local sales and use; authorizing the city of Northfield to impose a local sales and use tax.

Referred to the Committee on Taxes.

**Senator Utke introduced--**

**S.F. No. 4168:** A bill for an act relating to public safety; establishing when vehicle is involved in collision for purposes of investigation and reporting; amending Minnesota Statutes 2018, section 169.09, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

**Senators Benson, Rosen, Marty, and Abeler introduced--**

**S.F. No. 4169:** A bill for an act relating to human services; prohibiting the commissioner of human services from employing any individual who serves or has an immediate family member who serves on the board of an organization that receives at least 25 percent of its funding from the Department of Human Services; amending Minnesota Statutes 2018, section 256.01, by adding a subdivision.

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

**Senator Benson introduced--**

**S.F. No. 4170:** A bill for an act relating to capital investment; appropriating money for design of a highway interchange in Zimmerman; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Westrom introduced--**

**S.F. No. 4171:** A bill for an act relating to taxation; property and local; modifying levy authority for the Sauk River Watershed District; amending Laws 2005, chapter 152, article 1, section 37.

Referred to the Committee on Taxes.

**Senators Westrom, Weber, Draheim, Hawj, and Dziejczak introduced--**

**S.F. No. 4172:** A bill for an act relating to capital investment; appropriating money for improvements and renovation of the Minnesota Departments of Agriculture and Health Laboratory Building; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Westrom introduced--**

**S.F. No. 4173:** A bill for an act relating to taxes; property and local; providing refunds.

Referred to the Committee on Taxes.

**Senator Cohen introduced--**

**S.F. No. 4174:** A bill for an act relating to public transit; requiring the Metropolitan Council to sell bus passes to school districts; requiring the rate charged to be the same for all districts; amending Minnesota Statutes 2018, section 473.408, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

**Senators Senjem, Dibble, Pratt, Simonson, and Housley introduced--**

**S.F. No. 4175:** A bill for an act relating to energy; appropriating money for solar energy systems.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senators Limmer and Bakk introduced--**

**S.F. No. 4176:** A bill for an act relating to taxation; property; establishing a residential rental housing market value exclusion; amending Minnesota Statutes 2018, sections 273.13, by adding a subdivision; 276.04, subdivision 2; Minnesota Statutes 2019 Supplement, section 273.032; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes.

**Senators Dahms, Eken, Goggin, Miller, and Weber introduced--**

**S.F. No. 4177:** A bill for an act relating to agriculture; appropriating money for farm advocate services.

Referred to the Committee on Agriculture, Rural Development, and Housing Finance.

**Senator Anderson, B. introduced--**

**S.F. No. 4178:** A bill for an act relating to capital investment; appropriating money for new wells and water tower improvements in South Haven; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Newton, Abeler, and Hoffman introduced--**

**S.F. No. 4179:** A bill for an act relating to health; appropriating money for grants to housing with services establishments for assistive technology.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senators Newton, Little, Cwodzinski, and Bigham introduced--**

**S.F. No. 4180:** A bill for an act relating to veterans; authorizing the commissioner of veterans affairs to establish a veterans stable housing initiative; classifying certain homeless veterans data; authorizing data sharing; proposing coding for new law in Minnesota Statutes, chapter 196.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

**Senators Hawj, Rarick, and Dibble introduced--**

**S.F. No. 4181:** A bill for an act relating to environment; appropriating money for study to examine costs and benefits of requiring environmental assessments of certain building materials used in state buildings to be included in bids.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

**Senator Lang introduced--**

**S.F. No. 4182:** A bill for an act relating to taxation; property and local; authorizing the creation of a fire and ambulance special taxing district.

Referred to the Committee on Taxes.

**Senator Weber introduced--**

**S.F. No. 4183:** A bill for an act relating to taxation; property and local; authorizing the creation of a fire and ambulance special taxing district.

Referred to the Committee on Taxes.

**Senator Tomassoni introduced--**

**S.F. No. 4184:** A bill for an act relating to taxation; property and local; authorizing the creation of a fire and ambulance special taxing district.

Referred to the Committee on Taxes.

**Senators Abeler and Hoffman introduced--**

**S.F. No. 4185:** A bill for an act relating to human services; revising the definition of supervision for purposes of licensed child care centers; amending Minnesota Statutes 2019 Supplement, section 245A.02, subdivision 18.

Referred to the Committee on Family Care and Aging.

**Senators Sparks and Dzedzic introduced--**

**S.F. No. 4186:** A bill for an act relating to taxes; property and local; providing an aid penalty forgiveness to certain cities.

Referred to the Committee on Taxes.

**Senator Howe introduced--**

**S.F. No. 4187:** A bill for an act relating to public safety; modifying provisions governing the Statewide Emergency Communication Board; amending Minnesota Statutes 2018, sections 403.21, subdivision 7a; 403.36, subdivisions 1, 1c; 403.37, subdivision 12; 403.382, subdivision 1.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Eichorn, Tomassoni, Wiger, Rarick, and Bakk introduced--**

**S.F. No. 4188:** A bill for an act relating to education finance; creating a regional Grow Your Own teachers grant program; appropriating money.

Referred to the Committee on E-12 Finance and Policy.

**Senators Eichorn, Wiger, Ruud, Gazelka, and Utke introduced--**

**S.F. No. 4189:** A bill for an act relating to education finance; creating a regional Grow Your Own teachers grant program; appropriating money.

Referred to the Committee on E-12 Finance and Policy.

**Senators Johnson, Eichorn, Utke, Eken, and Wiger introduced--**

**S.F. No. 4190:** A bill for an act relating to education finance; creating a regional Grow Your Own teachers grant program; appropriating money.

Referred to the Committee on E-12 Finance and Policy.

**Senators Simonson and Eichorn introduced--**

**S.F. No. 4191:** A bill for an act relating to capital investment; appropriating money for construction and renovation of psychiatric residential treatment facilities.



Referred to the Committee on Human Services Reform Finance and Policy.

**Senators Hayden, Dziedzic, Pappas, Latz, and Torres Ray introduced--**

**S.F. No. 4192:** A bill for an act relating to human rights; prohibiting employers from inquiring about past pay; amending Minnesota Statutes 2018, section 363A.08, by adding a subdivision.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senators Anderson, B.; Lang; and Goggin introduced--**

**S.F. No. 4193:** A bill for an act relating to veterans; making technical changes to the GI Bill; amending Minnesota Statutes 2018, section 197.791, subdivisions 4, 5, 5a, 5b.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

**Senators Nelson and Klein introduced--**

**S.F. No. 4194:** A bill for an act relating to health; modifying isolation and quarantine provisions; amending Minnesota Statutes 2018, section 144.4196.

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

**Senators Housley, Wiger, Clausen, Chamberlain, and Miller introduced--**

**S.F. No. 4195:** A bill for an act relating to education; making policy and technical changes for charter school provisions; amending Minnesota Statutes 2018, sections 124E.01, subdivision 1; 124E.02; 124E.05, subdivisions 2, 4, 5, 6; 124E.06, subdivision 1; 124E.07, subdivisions 1, 2, 3, 4, 5, 6, 7; 124E.09; 124E.10, subdivisions 1, 4, by adding a subdivision; 124E.11; 124E.12, subdivision 2; 124E.14; 124E.16; 124E.17, subdivision 1.

Referred to the Committee on E-12 Finance and Policy.

**Senator Draheim introduced--**

**S.F. No. 4196:** A bill for an act relating to motor vehicles; providing for a mental health identifier to be placed on a driver's license or state identification card; amending Minnesota Statutes 2018, section 171.07, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 171.07, subdivision 6a.

Referred to the Committee on Transportation Finance and Policy.

**Senator Draheim introduced--**

**S.F. No. 4197:** A bill for an act relating to motor vehicles; requiring school buses to be equipped with stop-signal arm extensions; amending Minnesota Statutes 2018, section 169.442, subdivision 1.

Referred to the Committee on Transportation Finance and Policy.

**Senators Draheim and Koran introduced--**

**S.F. No. 4198:** A bill for an act relating to rural broadband; allowing existing easements held by rural electric cooperatives to be used to provide broadband service; amending Minnesota Statutes 2018, section 308A.201, subdivision 12.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senator Lang introduced--**

**S.F. No. 4199:** A bill for an act relating to capital investment; canceling previous appropriations; appropriating money for road improvements in Swift County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Abeler and Hoffman introduced--**

**S.F. No. 4200:** A bill for an act relating to human services; modifying long-term care consultation services; modifying long-term care options counseling; modifying reimbursement for long-term care consultation services; amending Minnesota Statutes 2018, sections 144.586, by adding a subdivision; 144D.04, subdivision 2; 144G.03, subdivision 4; 256.01, subdivision 24; 256.975, subdivisions 7, 7c, 7d, by adding subdivisions; 256B.055, subdivision 12; 256B.0575, subdivision 2; 256B.0911, subdivisions 1, 2b, 2c, 3, 3b, 4d, 6, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 144G.50, subdivision 2; 144G.70, subdivision 2; 256B.0911, subdivisions 1a, 3a, 3f, 5; repealing Minnesota Statutes 2018, section 256B.0911, subdivisions 3c, 3d, 3e.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senators Jasinski and Pappas introduced--**

**S.F. No. 4201:** A bill for an act relating to retirement; Public Employees Retirement Association; privatized medical facilities; amending augmentation for privatized employees; amending the calculation of liability for privatizing medical facilities; making administrative and technical changes; amending Minnesota Statutes 2018, sections 353F.02, by adding subdivisions; 353F.025, subdivision 1, by adding a subdivision; 353F.04; Minnesota Statutes 2019 Supplement, section 353F.025, subdivision 2.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Dahms and Pappas introduced--**

**S.F. No. 4202:** A bill for an act relating to retirement; Public Employees Retirement Association; allowing for purchases of service credit for less than the entire period of service in the uniformed services; clarifying retroactive benefit commencement dates; revising provisions related to phased retirement; revising duty disability provisions to comply with plan operation; making other changes of an administrative nature; amending Minnesota Statutes 2018, sections 353.29, subdivisions 1, 7; 353.30, subdivision 3c; 353.31, subdivision 8; 353.32, subdivision 4; 353.651, subdivision 1; 353.656,

subdivisions 1, 3; 353.657, subdivision 1; Minnesota Statutes 2019 Supplement, sections 353.01, subdivision 2b; 353.0141, subdivision 1; 353.34, subdivision 3; 353.371, subdivisions 1, 2, by adding a subdivision; repealing Minnesota Statutes 2018, section 353.30, subdivision 4.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Rosen and Pappas introduced--**

**S.F. No. 4203:** A bill for an act relating to retirement; public employees police and fire plan; amending disability provisions; amending Minnesota Statutes 2018, section 353.656, subdivisions 1, 1a, 1b, 3, 3a, 5a, by adding a subdivision.

Referred to the Committee on State Government Finance and Policy and Elections.

**Senators Tomassoni, Simonson, Eichorn, and Bakk introduced--**

**S.F. No. 4204:** A bill for an act relating to taxation; individual income; allowing a subtraction for mileage reimbursement for volunteer drivers; amending Minnesota Statutes 2018, section 290.0132, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Eaton, Cwodzinski, Carlson, Dziedzic, and Torres Ray introduced--**

**S.F. No. 4205:** A bill for an act relating to environment; modifying enforcement authority; amending Minnesota Statutes 2018, sections 115.03, subdivision 1; 115.071, subdivisions 1, 4, by adding subdivisions; 116.07, subdivision 9, by adding subdivisions; 116.11.

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

**Senators Weber and Dahms introduced--**

**S.F. No. 4206:** A bill for an act relating to taxes; property and local; establishing the agricultural riparian buffer credit; appropriating money; amending Minnesota Statutes 2018, sections 273.1392; 273.1393; 275.065, subdivision 3; 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes.

**Senators Rest, Dziedzic, and Marty introduced--**

**S.F. No. 4207:** A bill for an act relating to energy; providing for a revenue-neutral assessment on environmental emissions; providing for refundable FICA and property tax credits; providing for credits against income taxes to be paid as dividends; authorizing loans for energy efficiency and renewable energy projects; providing rulemaking authority; requiring reports; appropriating money; amending Minnesota Statutes 2018, sections 273.1392; 273.1393; 275.065, subdivision 3; 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 273; 290; proposing coding for new law as Minnesota Statutes, chapter 216I.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senators Jasinski and Franzen introduced--**

**S.F. No. 4208:** A bill for an act relating to transportation; regulating personal delivery devices; amending Minnesota Statutes 2018, section 169.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation Finance and Policy.

**Senators Jensen, Draheim, and Abeler introduced--**

**S.F. No. 4209:** A bill for an act relating to health; determining payment parameters for emergency services; amending Minnesota Statutes 2018, section 62Q.556.

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

**Senator Senjem introduced--**

**S.F. No. 4210:** A bill for an act relating to public safety; requiring a policy for the use of confidential informants; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

**Senator Johnson introduced--**

**S.F. No. 4211:** A bill for an act relating to taxes; property and local; providing an aid penalty forgiveness to certain cities.

Referred to the Committee on Taxes.

**Senator Abeler introduced--**

**S.F. No. 4212:** A bill for an act relating to natural resources; appropriating money for lawns to legumes program; canceling appropriation.

Referred to the Committee on Environment and Natural Resources Finance.

**Senators Hoffman, Bigham, and Abeler introduced--**

**S.F. No. 4213:** A bill for an act relating to insurance; requiring health plans to cover intermittent catheters; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

**Senator Cohen introduced--**

**S.F. No. 4214:** A bill for an act relating to taxation; income and corporate franchise; requiring a historic structure credit certificate be awarded to the Minnesota Museum of American Art.

Referred to the Committee on Taxes.

**Senator Cwodzinski introduced--**

**S.F. No. 4215:** A bill for an act relating to energy; establishing a revolving loan fund for energy conservation in schools; establishing a residential energy conservation grant program; providing energy efficiency grants to commercial buildings; establishing an energy efficiency grant program for nursing homes; establishing a grant program to provide financial assistance to cities to address climate change; establishing a grant program for pilot projects to encourage and increase composting in multifamily buildings; establishing a grant program to assist school districts to purchase and install solar energy systems; establishing a rebate for the installation of solar energy devices on residences; establishing a grant program for innovative distributed energy projects; establishing a grant program assisting school districts to purchase electric school buses; providing a grant program to encourage the purchase of electric buses; establishing a program to provide rebates to purchasers of electric vehicles; providing financial incentives to enrollees in the conservation reserve program; acquiring land for wellhead protection and ash tree disposal; requiring a carbon sequestration report; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 115A; 216C.

Referred to the Committee on Energy and Utilities Finance and Policy.

**Senators Cohen, Hoffman, Pappas, and Hayden introduced--**

**S.F. No. 4216:** A bill for an act relating to human services; appropriating money for a payment to a day school in Ramsey County for child care assistance overpayments.

Referred to the Committee on Human Services Reform Finance and Policy.

**Senator Mathews introduced--**

**S.F. No. 4217:** A bill for an act relating to health; expanding midwifery scope of practice; amending Minnesota Statutes 2018, section 147D.03, subdivision 2.

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

**Senators Dzedzic and Latz introduced--**

**S.F. No. 4218:** A bill for an act relating to employment; prohibiting employers or prospective employers from requiring or using credit information as a condition of employment or for employment purposes; amending Minnesota Statutes 2018, section 181.53.

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

**Senators Housley, Draheim, and Koran introduced--**

**S.F. No. 4219:** A bill for an act relating to the State Building Code; prohibiting adoption of building codes without prior legislative approval; placing a moratorium on adoption of new or amended building codes; requiring energy code changes to be offset by savings; clarifying building

code inspection requirements; amending Minnesota Statutes 2018, sections 326B.106, subdivision 1; 326B.121, by adding a subdivision.

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

### **MOTIONS AND RESOLUTIONS**

Senator Isaacson moved that the name of Senator Marty be added as a co-author to S.F. No. 1700. The motion prevailed.

Senator Hayden moved that the name of Senator Newton be added as a co-author to S.F. No. 2711. The motion prevailed.

Senator Housley moved that the name of Senator Bigham be added as a co-author to S.F. No. 2863. The motion prevailed.

Senator Abeler moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Koran be added as chief author to S.F. No. 2900. The motion prevailed.

Senator Hoffman moved that the name of Senator Clausen be added as a co-author to S.F. No. 3105. The motion prevailed.

Senator Lang moved that the name of Senator Westrom be added as a co-author to S.F. No. 3157. The motion prevailed.

Senator Sparks moved that the name of Senator Dziejczak be added as a co-author to S.F. No. 3268. The motion prevailed.

Senator Clausen moved that the name of Senator Latz be added as a co-author to S.F. No. 3393. The motion prevailed.

Senator Eaton moved that her name be stricken as a co-author to S.F. No. 3511. The motion prevailed.

Senator Eichorn moved that the name of Senator Anderson, P. be added as a co-author to S.F. No. 3522. The motion prevailed.

Senator Dziejczak moved that her name be stricken as a co-author to S.F. No. 3573. The motion prevailed.

Senator Wiger moved that his name be stricken as a co-author to S.F. No. 3630. The motion prevailed.

Senator Newton moved that the name of Senator Bigham be added as a co-author to S.F. No. 3724. The motion prevailed.

Senator Relph moved that the name of Senator Hayden be added as a co-author to S.F. No. 3748. The motion prevailed.

Senator Simonson moved that the name of Senator Abeler be added as a co-author to S.F. No. 3755. The motion prevailed.

Senator Jasinski moved that the name of Senator Sparks be added as a co-author to S.F. No. 3812. The motion prevailed.

Senator Dziejcz moved that the name of Senator Limmer be added as a co-author to S.F. No. 3832. The motion prevailed.

Senator Jasinski moved that the name of Senator Jensen be added as a co-author to S.F. No. 3870. The motion prevailed.

Senator Rarick moved that the name of Senator Goggin be added as a co-author to S.F. No. 3962. The motion prevailed.

Senator Dziejcz moved that the name of Senator Sparks be added as a co-author to S.F. No. 4003. The motion prevailed.

Senator Johnson moved that the name of Senator Lang be added as a co-author to S.F. No. 4014. The motion prevailed.

Senator Bigham moved that the name of Senator Rosen be added as a co-author to S.F. No. 4040. The motion prevailed.

Senator Limmer moved that the names of Senators Pappas and Laine be added as co-authors to S.F. No. 4088. The motion prevailed.

Senator Ruud moved that S.F. No. 1667 be withdrawn from the Committee on Judiciary and Public Safety Finance and Policy and re-referred to the Committee on Environment and Natural Resources Finance. The motion prevailed.

Senator Dziejcz moved that S.F. No. 3832 be withdrawn from the Committee on Health and Human Services Finance and Policy and re-referred to the Committee on Judiciary and Public Safety Finance and Policy. The motion prevailed.

Senator Goggin moved that S.F. No. 4085 be withdrawn from the Committee on Environment and Natural Resources Finance and re-referred to the Committee on Energy and Utilities Finance and Policy. The motion prevailed.

**Senator Bigham introduced --**

**Senate Resolution No. 212:** A Senate resolution recognizing Officer Kevin Booth for being named St. Paul Park's Police Officer of the Year.

Referred to the Committee on Rules and Administration.

**Senators Nelson; Anderson, P.; Wiklund; and Newton introduced --**

**Senate Resolution No. 213:** A Senate resolution congratulating Minnesota School Boards Association on its 100th anniversary and recognizing School Board Recognition Week.

Referred to the Committee on Rules and Administration.

Senator Ruud moved that the appointment withdrawn from the Committee on Environment and Natural Resources Policy and Legacy Finance and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for March 9, 2020, be returned to the committee from which it was withdrawn.

MINNESOTA ENVIRONMENTAL QUALITY BOARD  
Benjamin Yawakie

The motion prevailed.

**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.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 3813 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 3813:** A bill for an act relating to health; appropriating money for public health response planning and preparation for coronavirus disease 2019 (COVID-19).

Senator Relph moved to amend S.F. No. 3813 as follows:

Page 1, line 5, delete "APPROPRIATION;" and after "RESPONSE" insert "; TRANSFER OF FUNDS"

Page 1, line 12, delete "requirement" and insert "requirements"

Page 1, line 13, before "do" insert "and subdivision 7, paragraph (a),"

Page 1, line 14, after "amount" insert "in the contingency account"

Page 1, line 15, delete "cancel" and insert "transfer" and delete "by the close of fiscal year 2021"

Page 1, line 17, after the comma, insert "paragraph (b),"



Amend the title accordingly

The motion prevailed. So the amendment was adopted.

### 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.

The Senate resumed consideration of S.F. No. 3813.

Senator Relph moved to amend the Relph amendment to S.F. No. 3813, adopted by the Senate March 9, 2020, as follows:

Page 1, delete lines 7 and 8 and insert:

"Page 1, line 15, delete "cancel" and insert "transfer" and delete "by the close of fiscal year 2021" and after the period, insert "Any amount remaining in the account after February 1, 2021, is not subject to the restrictions provided in this section, with the exception that,"

The motion prevailed. So the amendment was adopted.

S.F. No. 3813 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### 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.

**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**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3813:** A bill for an act relating to health; transferring funds for public health response planning and preparation for coronavirus disease 2019 (COVID-19).

Senate File No. 3813 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned March 9, 2020

**CONCURRENCE AND REPASSAGE**

Senator Relph moved that the Senate concur in the amendments by the House to S.F. No. 3813 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 3813:** A bill for an act relating to health; transferring funds for public health response planning and preparation for coronavirus disease 2019 (COVID-19); appropriating federal funds.

S.F. No. 3813 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Cwodzinski	Gazelka	Jasinski	Little
Anderson, B.	Dahms	Goggin	Johnson	Marty
Anderson, P.	Dibble	Hall	Kent	Mathews
Benson	Draheim	Hawj	Kiffmeyer	Miller
Bigham	Dziedzic	Hayden	Klein	Nelson
Chamberlain	Eichorn	Hoffman	Koran	Newman
Champion	Eken	Housley	Laine	Osmek
Clausen	Franzen	Ingebrigtsen	Lang	Pappas
Cohen	Frentz	Isaacson	Limmer	Pratt

Rarick  
Relph  
Rosen

Senjem  
Tomassoni  
Torres Ray

Utke  
Weber  
Westrom

Wiger  
Wiklund

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

#### **MEMBERS EXCUSED**

Senators Howe and Jenson were excused from the Session of today. Senator Clausen was excused from the Session of today from 11:00 a.m. to 12:50 p.m. Senators Bakk, Carlson, Eaton, Latz, Newton, Rest, Ruud, Simonson, and Sparks were excused from the Session of today at 7:15 p.m.

#### **ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 11, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

