

EIGHTY-NINTH DAY

St. Paul, Minnesota, Thursday, May 7, 2020

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

Prayer was offered by Senator Andrew Mathews.

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 were present:

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

The President declared a quorum present.

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, B.; Carlson; Chamberlain; Clausen; Dahms; Eaton; Eichorn; Hayden; Isaacson; Klein; Laine; Lang; Latz; Little; Newton; Osmek; Pappas; Pratt; Relph; Rest; Rosen; Sparks; Torres Ray; and Wiklund.

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

REPORTS OF COMMITTEES

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

S.F. No. 512: A bill for an act relating to lawful gambling; regulating electronic paddlewheels; providing for use of symbols; modifying methods of wagering and ticket requirements; amending

Minnesota Statutes 2018, sections 349.12, subdivisions 18, 28a, 28b, 29; 349.151, subdivision 4a; 349.211, subdivision 2b; 609.76, subdivision 8.

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

Delete everything after the enacting clause and insert:

"Section 1. **EMERGENCY EXPENDITURES; BUSINESS LOANS.**

(a) Notwithstanding any law to the contrary, a congressionally chartered veterans organization or a fraternal organization as defined in Minnesota Statutes, section 349.12, subdivision 16a, that qualifies to make utility payments under Minnesota Statutes, section 349.12, subdivision 25, paragraph (a), clause (16), may loan lawful gambling funds to the organization's general account for emergency expenditures with prior approval. For purposes of this section, "emergency expenditure" means money required by the organization to have sufficient funds to: (1) reopen its primary headquarters or a non-gambling-related business it conducts at its primary headquarters; or (2) meet a financial obligation due and payable that, if not met, would require the organization to immediately close its primary headquarters or a non-gambling-related business it conducts at its primary headquarters. Loans made under this section cannot be used to pay salaries or payroll expenses.

(b) All loans made under this section must be repaid to the gambling account within 12 months after the date of the loan. Loans made under this section must not be forgiven, except by law. The Gambling Control Board is not authorized to forgive loans made under this section. As a condition of loan approval, the organization must agree to suspend the conduct of lawful gambling one year from the loan date until such time as the entire amount has been repaid to the gambling fund, to the satisfaction of the director of the Gambling Control Board.

(c) Applications for loans under this section must be received by the Gambling Control Board no later than 90 days following the date that the governor's emergency executive authority has expired, or is terminated or rescinded. For purposes of this section, "governor's emergency executive authority" means the governor's Emergency Executive Order 20-04, 20-08, or 20-18, or other subsequent executive order that provides for, modifies, or extends the temporary closure of bars, restaurants, and other places of public accommodation in response to the COVID-19 pandemic.

(d) If a congressionally chartered veterans organization or a fraternal organization as defined in Minnesota Statutes, section 349.12, subdivision 16a, is terminating lawful gambling and the loan under this section has not been repaid, the loan repayment must be included in the termination plan.

(e) This section does not authorize the use of gambling funds as loan collateral.

EFFECTIVE DATE. This section is effective the day following final enactment and paragraphs (a) and (c) expire the day that the governor's emergency executive authority has expired, or is terminated or rescinded.

Sec. 2. **USE OF GROSS PROFITS; TEMPORARY EXPENDITURE REQUIREMENTS.**

Notwithstanding Minnesota Statutes, section 349.15, subdivision 1, paragraph (c), or any other law to the contrary, an organization that fails to expend a minimum of 30 percent annually of gross profits on lawful purposes, or 20 percent annually for organizations that conduct lawful gambling

in a location where the primary business is bingo for fiscal year 2019, is automatically on probation effective July 1, 2019, for a period of two years. The organization must increase its rating to the required minimum for fiscal year 2021 or be subject to sanctions by the Gambling Control Board. If an organization fails to meet the minimum for fiscal year 2021, the board may suspend the organization's license or impose a civil penalty as provided in Minnesota Statutes, section 349.15, subdivision 1, paragraph (c), clauses (1) and (2).

EFFECTIVE DATE. This section is effective the day following final enactment and expires June 30, 2021.

Sec. 3. TEMPORARY SALES ON CREDIT RESTRICTION.

Notwithstanding any law to the contrary, the 30-day limit on credit for the sale of lawful gambling equipment contained in Minnesota Statutes, section 349.191, subdivision 1, does not apply during the period that the governor's emergency executive authority is in force. For purposes of this section, "governor's emergency executive authority" means the governor's Emergency Executive Order 20-04, 20-08, or 20-18, or other subsequent executive order that provides for, modifies, or extends the temporary closure of bars, restaurants, and other places of public accommodation in response to the COVID-19 pandemic; and the governor's Emergency Executive Order 20-20, or other subsequent executive order that provides for, modifies, or extends the restriction to stay at home or in place of residence, except to engage in exempt activities and critical sector work in response to the COVID-19 pandemic.

EFFECTIVE DATE. This section is effective retroactively from March 17, 2020, and expires the day that the governor's emergency executive authority has expired, or is terminated or rescinded.

Sec. 4. USE OF GROSS PROFITS; EVALUATION OF EXPENDITURES.

Notwithstanding any law to the contrary, the requirements of Minnesota Statutes, section 349.15, subdivision 1, paragraph (b), are waived for the fiscal year ending June 30, 2020.

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

Sec. 5. EXTENSION OF LICENSE RENEWAL DATES.

(a) The expiration dates for annual licenses required by Minnesota Statutes, sections 349.16, subdivisions 3 and 6; 349.161, subdivision 4; 349.163, subdivision 2; 349.1635, subdivision 2; 349.165, subdivision 1; and 349.167, subdivision 2, paragraph (b), are extended two calendar months from the respective licenses' current expiration dates.

(b) This subdivision applies only to licenses that were effective on April 1, 2020.

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

Sec. 6. EXEMPT ACTIVITIES.

(a) The \$150 application fee under Minnesota Statutes, section 349.166, subdivision 2, paragraph (a), is waived for 60 days following the date that the governor's emergency executive authority has expired, or is terminated or rescinded. The waiver granted under this paragraph is onetime.

(b) An organization that was granted a permit under Minnesota Statutes, section 349.166, subdivision 2, paragraph (a), for an exempt activity that occurred during the time that the governor's emergency executive authority was in force, may postpone its exempt activity for up to 400 days from the original date.

(c) For purposes of this section, "governor's emergency executive authority" means the governor's Emergency Executive Order 20-20, or other subsequent executive order that provides for, modifies, or extends the restriction to stay at home or in place of residence, except to engage in exempt activities and critical sector work in response to the COVID-19 pandemic.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on the day that the governor's emergency executive authority has expired, or is terminated or rescinded.

Sec. 7. TRAINING OF GAMBLING MANAGERS.

The 90-day gambling training requirement in Minnesota Statutes, section 349.167, subdivision 4, is extended 60 days following the date that the governor's emergency executive authority has expired, or is terminated or rescinded. For purposes of this section, "governor's emergency executive authority" means the governor's Emergency Executive Order 20-20, or other subsequent executive order that provides for, modifies, or extends the restriction to stay at home or in place of residence, except to engage in exempt activities and critical sector work in response to the COVID-19 pandemic.

EFFECTIVE DATE. This section is effective the day following final enactment and expires on the day that the governor's emergency executive authority has expired, or is terminated or rescinded."

Delete the title and insert:

"A bill for an act relating to state government; making temporary adjustments to gambling control laws in response to COVID-19."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Weber from the Committee on Agriculture, Rural Development, and Housing Policy, to which was referred

S.F. No. 4223: A bill for an act relating to agriculture; making policy and technical changes to agriculture-related provisions including provisions related to seed law, noxious weed law, loans, pet food, meat processing, eggs, and others; amending Minnesota Statutes 2018, sections 17.117, subdivisions 4, 5, 16; 18.77, subdivisions 8a, 13, by adding subdivisions; 18.771; 18.78, subdivisions 1, 3; 18.79, subdivisions 6, 10, 15, 18, 21; 18.82; 18.90; 18.91, subdivision 2; 18G.09; 21.72, subdivisions 11, 14, 15, by adding a subdivision; 21.73, subdivision 1; 21.74; 21.75, subdivision 1; 21.81, by adding subdivisions; 21.82, by adding a subdivision; 21.84; 21.85, subdivisions 2, 15; 21.86, subdivision 2; 21.89, subdivision 4; 21.891, subdivision 2; 25.40, subdivisions 1, 2; 28A.03, subdivision 8; 29.23, subdivision 3; 31A.02, subdivision 10; 31A.10; 31A.15, subdivision 1; Minnesota Statutes 2019 Supplement, section 41B.047, subdivision 1; proposing coding for new

law in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 2018, section 21.81, subdivision 12.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

DEPARTMENT OF AGRICULTURE; SEED LAW

Section 1. Minnesota Statutes 2018, section 21.72, subdivision 11, is amended to read:

Subd. 11. **Screenings.** "Screenings" means chaff, florets, immature or broken seed, weed seeds, inert matter, and other foreign material removed in any way from any seeds or grains in any kind of cleaning and processing, or obtained from any other source.

Sec. 2. Minnesota Statutes 2018, section 21.72, subdivision 14, is amended to read:

Subd. 14. **Noxious weed seeds.** "Noxious weed seeds" includes restricted and prohibited noxious weed seeds as defined in ~~subdivision~~ subdivisions 15 and 16.

Sec. 3. Minnesota Statutes 2018, section 21.72, subdivision 15, is amended to read:

Subd. 15. **Restricted weed seeds.** "Restricted weed seeds" are those weed seeds ~~which, if present in weed seed infested agricultural seeds and grains, or screenings, shall not be present singly or collectively in excess of the rate of 90 per pound. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata*), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense*), hoary alyssum (*Berteroa incana*), horse nettle (*Solanum carolinense*), wild mustard (*Brassica* spp.), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), perennial peppergrass (*Cardaria draba*), perennial sow thistle (*Sonchus arvensis*), and Russian knapweed (*Centaurea repens*) placed on the list provided under section 21.85, subdivision 15.~~

Sec. 4. Minnesota Statutes 2018, section 21.72, is amended by adding a subdivision to read:

Subd. 16. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those weed seeds placed on the list provided under section 21.85, subdivision 15.

Sec. 5. Minnesota Statutes 2018, section 21.73, subdivision 1, is amended to read:

Subdivision 1. **Infested feed grain; screenings.** It is unlawful for any person to feed or to sell, offer for sale, or expose for sale, or transport, to the consumer, for feeding purposes, any weed-seed infested agricultural seeds and grains, or screenings:

(1) containing restricted or prohibited noxious weed seeds in excess of the legal limit; and

(2) containing more than ten percent total weed seeds by weight.

Sec. 6. Minnesota Statutes 2018, section 21.74, is amended to read:

21.74 EXCEPTIONS.

The provisions of section 21.73 shall not apply to:

- (1) Agricultural seeds and grains, or screenings, not intended for feeding purposes;
- (2) Weed-seed infested agricultural seeds and grains, or screenings, being transported upon any public highway to or from a cleaning or processing establishment for cleaning or processing, which same are carried or transported in such vehicles or containers as will prevent the leaking or scattering thereof;
- (3) Weed-seed infested agricultural seeds and grains, or screenings, which have first been devitalized by grinding, heating, chemical treatment, or any other suitable method;
- (4) The sale of weed-seed infested agricultural seeds and grains, or screenings, to each other by jobbers, manufacturers, or processors who mix or grind concentrated commercial feeding stuff for sale; provided that the restrictions applying to clause (2), are complied with;
- (5) The sale of weed-seed infested agricultural seeds and grains, or screenings, by any vendor to a consumer, provided that the restrictions set forth in clauses (2) and (3) are complied with. However, where the vendor is not equipped to devitalize weed seeds, the vendor may sell weed-seed infested agricultural seeds, grains, or screenings only to a consumer who holds a permit issued by the commissioner for such a purchase. The commissioner shall issue such a permit annually to a consumer only if the consumer has the necessary facilities for devitalization, as determined by the commissioner, or has access to such facilities. The consumer shall devitalize such weed-seed infested agricultural seeds, grains, or screenings. The commissioner may revoke a permit after due notice and a hearing if the consumer does not comply with the provisions of this clause. The provisions of this clause shall not apply to the sale at a farm auction of a vendors agricultural seeds or grains for feeding or processing purposes. "Farm auction" for the purpose of this clause means the final sale at auction of the personal property of the farmer to the highest bidder. However, if such agricultural seeds and grains are sold under variety names, and in such manner and at such prices as to indicate that it is intended to use the seeds and grains for seeding purposes, the seeds and grains are then subject to all laws relating to cleaning, testing, and labeling of agricultural seed as set forth in the agricultural seed laws and the agricultural weed laws of the state of Minnesota and such rules as have been promulgated by the commissioner of agriculture thereunder; and
- (6) Weed-seed infested agricultural seed and grains or screenings, produced by the farmer and fed on the farmer's own farm, provided it does not contain restricted or prohibited noxious weed seeds in excess of the legal limit.

Sec. 7. Minnesota Statutes 2018, section 21.75, subdivision 1, is amended to read:

Subdivision 1. **Enforcement; rulemaking.** ~~The duty of enforcing sections 21.71 to 21.78 and carrying out the provisions and requirements thereof is vested in the commissioner of agriculture. The commissioner, personally or through agents, shall~~ The commissioner must enforce sections 21.71 to 21.78. The commissioner must:

(1) sample, inspect, make analysis of, and test weed-seed infested agricultural seeds and grains, or screenings, transported, sold, or offered, or exposed for sale within this state for any purpose, at such time and place, and to such extent as the commissioner may deem necessary to determine whether such weed-seed infested agricultural seeds and grain, or screenings, is in compliance with the provisions of sections 21.71 to 21.78, and to notify promptly the person who transported, sold, offered, or exposed the weed-seed infested agricultural seeds and grains, or screenings, for sale of any violation; and

(2) prescribe and, after public hearing following due public notice, adopt such rules as may be necessary to secure the efficient enforcement of sections 21.71 to 21.78. ~~Such rules are to be adopted in accordance with the law; and~~

~~(3) Prescribe and, after public hearing following due public notice, establish, add to, or subtract therefrom by rules a restricted noxious weed-seed list.~~

Sec. 8. Minnesota Statutes 2018, section 21.81, is amended by adding a subdivision to read:

Subd. 14a. **Labeler.** "Labeler" means the person whose complete name and address appears on the label of agricultural, vegetable, flower, tree, or shrub seed for sale within this state, or the person identified by the code designation on the label as authorized by Code of Federal Regulations, title 7, section 201.23.

Sec. 9. Minnesota Statutes 2018, section 21.81, is amended by adding a subdivision to read:

Subd. 21a. **Recommended Uniform State Seed Law.** "Recommended Uniform State Seed Law" refers to the Association of American Seed Control Officials guidelines for seed law.

Sec. 10. Minnesota Statutes 2018, section 21.82, is amended by adding a subdivision to read:

Subd. 9. **Hemp seed.** To comply with the hemp requirements in chapter 18K, a hemp seed labeler must test the hemp parent plants used to produce the hemp seed at the appropriate developmental stage and obtain a certificate of analysis showing that the hemp seed was produced from hemp parent plants with less than 0.3 percent total delta-9 tetrahydrocannabinol concentration.

Sec. 11. Minnesota Statutes 2018, section 21.84, is amended to read:

21.84 RECORDS.

(a) Each person whose name appears on the label of agricultural, vegetable, flower, wildflower, tree, or shrub seeds, or any other seed subject to section 21.82 or 21.83 shall must keep (1) for three years complete records of each seed lot of agricultural, vegetable, flower, wildflower, tree, or shrub seed sold in this state, and shall keep (2) for one year a file sample of each seed lot of seed after disposition of the lot.

(b) The labeler must retain the following information as part of the complete record for each seed lot sold:

(1) the lot number or other lot identification;

(2) a copy of the genuine grower's or tree seed collector's declaration, or a similar document containing the same information;

(3) copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or the kind and variety of the seed, and the lot number;

(4) a copy of the label that was attached to or accompanied the seed lot;

(5) a copy of the field and final certification documents, if applicable;

(6) a copy of each testing report of the seed for labeling purposes; and

(7) a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample in accordance with section 201.43 of the Federal Seed Act regulations.

Sec. 12. Minnesota Statutes 2018, section 21.85, subdivision 2, is amended to read:

Subd. 2. **Seed laboratory.** (a) The commissioner ~~shall~~ must establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 21.80 to 21.92, who shall be governed by chapter 43A.

(b) The laboratory procedures for testing official seed samples are the procedures set forth in the Rules for Testing Seeds that is published annually by the Association of Official Seed Analysts. If a laboratory procedure rule does not exist for a particular type of seed, then laboratory procedures from other recognized seed testing sources may be used, including procedures under the Code of Federal Regulations, title 7, part 201, or the International Rules for Testing Seeds.

(c) The commissioner must apply the following tolerances when comparing the label claims made for required label categories, minimum standards not specifically required to be labeled, or other label claims that can be verified by laboratory analysis:

(1) tolerances for pure seed, weed seed, other crop seed, and inert matter according to Code of Federal Regulations, title 7, section 201.60, including additional tolerances for chaffy seeds and mixtures containing chaffy seeds;

(2) tolerances for the presence of prohibited noxious weed seeds and rate of occurrence of restricted weed seeds according to Code of Federal Regulations, title 7, section 201.65;

(3) tolerances for germination, hard seed, dormant seed, total viable seed, and pure live seed percentages of kinds of seeds required to be labeled as agricultural seed according to Code of Federal Regulations, title 7, section 201.63; and

(4) minimum germination standards:

(i) for vegetable seed germination, in accordance with section 21.82, subdivision 7, paragraph (a), and the germination standards for vegetable seeds prepared for use by home gardeners in Code of Federal Regulations, title 7, section 201.31; and

(ii) for flower seed germination, in accordance with section 21.82, subdivision 8, paragraph (a), and the germination standards for flower seeds prepared for use by home gardeners as listed in the Recommended Uniform State Seed Law.

Sec. 13. Minnesota Statutes 2018, section 21.85, subdivision 15, is amended to read:

Subd. 15. **Prohibited and restricted seeds.** (a) The commissioner ~~shall~~, in consultation with the Seed Program Advisory Committee, must determine species that are considered prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence of restricted noxious weed seeds; subject to sections 21.80 to 21.92. The commissioner must prepare, publish, and revise at least once every three years, a list of prohibited and restricted noxious weed seeds. The commissioner must distribute the list to the public and may request the help of the United States Department of Agriculture's published All-States Noxious Weed Seed List or any other organization that the commissioner considers appropriate to assist in the distribution. The commissioner may, in consultation with the Seed Program Advisory Committee, accept and consider noxious weed seed designation petitions from Minnesota citizens or Minnesota organizations or associations including the Noxious Weed Advisory Committee.

(b) Restricted weed seeds, if present in weed-seed infested agricultural seeds and grains, or screenings, must not be present singly or collectively in excess of the rate of 90 per pound.

(c) Prohibited noxious weed seeds must not be present in weed-seed infested agricultural seeds and grains, or screenings.

Sec. 14. [21.851] **ADVISORY COMMITTEE; MEMBERSHIP.**

Subdivision 1. **Duties.** The commissioner must consult with the Seed Program Advisory Committee to advise the commissioner concerning responsibilities under the seed regulatory program. The committee must evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by each species. For each species evaluated, the committee must recommend to the commissioner whether a species should be listed as a prohibited noxious weed seed or restricted noxious weed seed or not be listed. Species designated as prohibited or restricted noxious weed seeds must be reevaluated every three years for a recommendation on whether or not the designated species need to remain on the noxious weed seed lists. The committee must also advise the commissioner on the implementation of the Minnesota Seed Law. Members of the committee are not entitled to reimbursement of expenses nor payment of per diem. Members serve two-year terms with subsequent reappointment by the commissioner.

Subd. 2. **Membership.** The commissioner must appoint members to include representatives from:

(1) the College of Food, Agricultural and Natural Resource Sciences or Extension at the University of Minnesota;

(2) Minnesota Crop Improvement;

(3) the seed industry in Minnesota, a minimum of six members with representation from multinational, national, regional, and Minnesota seed companies;

- (4) the grain industry in Minnesota;
- (5) farmers in Minnesota;
- (6) other state and federal agencies with an interest in seed; and
- (7) other members as needed.

Subd. 3. **Organization.** The committee must select a chair from its membership. Meetings of the committee may be called by or at the direction of the commissioner or the chair.

Sec. 15. Minnesota Statutes 2018, section 21.86, subdivision 2, is amended to read:

Subd. 2. **Miscellaneous violations.** No person may:

(a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or alter or falsify any seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, variety, history, quality, or origin of the seed;

(b) hinder or obstruct in any way any authorized person in the performance of duties under sections 21.80 to 21.92;

(c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(d) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(e) use the word "trace" as a substitute for any statement which is required; ~~or~~

(f) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed; or

(g) advertise or sell seed containing patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety of seed.

Sec. 16. Minnesota Statutes 2018, section 21.89, subdivision 4, is amended to read:

Subd. 4. **Exemptions.** ~~An initial~~ A labeler who sells for use in Minnesota agricultural, vegetable, or flower seeds must have a seed fee permit unless the agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

Sec. 17. **REPEALER.**

Minnesota Statutes 2018, section 21.81, subdivision 12, is repealed.

ARTICLE 2**DEPARTMENT OF AGRICULTURE;
NOXIOUS WEEDS**

Section 1. Minnesota Statutes 2018, section 18.77, subdivision 8a, is amended to read:

Subd. 8a. **Noxious weed management plan.** "Noxious weed management plan" means controlling or eradicating noxious weeds in the manner designated in a management plan developed for the ~~area or site~~ location where the infestations are found using specific strategies or methods that are to be used singly or in combination to achieve control or eradication.

Sec. 2. Minnesota Statutes 2018, section 18.77, subdivision 13, is amended to read:

Subd. 13. ~~Weed management area~~ **Noxious weed management site.** "~~Weed management area~~" "Noxious weed management site" means a designated area where special or unique noxious weed control or eradication strategies or methods are used according to a specific management plan developed for each management area established.

Sec. 3. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to read:

Subd. 14. **Cooperative weed management areas or CWMAAs.** "Cooperative weed management areas" or "CWMAAs" means partnership organizations formed with the goal of managing invasive plants across jurisdictional and land ownership boundaries through collective planning and sharing of knowledge and resources.

Sec. 4. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to read:

Subd. 15. **Biological control of plants.** "Biological control of plants" means the reduction of noxious weed or invasive plant populations through the use of natural enemies such as parasitoids, predators, pathogens, antagonists, or competitors to suppress noxious weed or invasive plant populations.

Sec. 5. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to read:

Subd. 16. **Appropriate disposal site.** "Appropriate disposal site" means a facility that lawfully destroys noxious weeds and noxious weed propagating parts.

Sec. 6. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to read:

Subd. 17. **Invasive plant.** "Invasive plant" means a nonnative species whose introduction and establishment causes, or may cause, economic or environmental harm or harm to human health.

Sec. 7. Minnesota Statutes 2018, section 18.771, is amended to read:

18.771 NOXIOUS WEED CATEGORIES.

(a) For purposes of designation under section 18.79, subdivision 13, noxious weed category means each of the following categories:

- (1) the prohibited-eradicate noxious weeds category;
- (2) the prohibited-control noxious weeds category;
- (3) the restricted noxious weeds category;
- (4) the specially regulated plants category; and
- (5) the county noxious weeds category.

~~(b) "Prohibited~~ The "prohibited-eradicate noxious weeds" category includes noxious weeds that must be controlled or eradicated on all lands within the state. Transportation of a prohibited noxious weed's propagating parts is restricted by permit the propagating parts of prohibited-eradicate noxious weeds is prohibited except as allowed by under section 18.82. Prohibited ~~Prohibited-eradicate noxious weeds may not be sold or propagated in Minnesota. There are two regulatory listings for prohibited noxious weeds in Minnesota: Noxious weeds that are designated as prohibited-eradicate noxious weeds and placed on the prohibited-eradicate noxious weeds list are plants that are not currently known to be present in Minnesota or are not widely established in the state. All prohibited-eradicate noxious weeds must be eradicated.~~

~~(1) the noxious weed eradicate list is established. Prohibited noxious weeds placed on the noxious weed eradicate list are plants that are not currently known to be present in Minnesota or are not widely established. These species must be eradicated; and~~

~~(2) the noxious weed control list is established. Prohibited noxious weeds placed on the noxious weed control list are plants that are already established throughout Minnesota or regions of the state. Species on this list must at least be controlled.~~

(c) The "prohibited-control noxious weeds" category includes noxious weeds that must be controlled on all lands within the state. Transportation of the propagating parts of prohibited-control noxious weeds is prohibited except as allowed under section 18.82. Prohibited-control noxious weeds may not be propagated or sold in Minnesota. Noxious weeds that are designated as prohibited-control noxious weeds and placed on the prohibited-control noxious weeds list are plants that are already established throughout the state or regions of the state. At minimum, these species must be controlled in a way that prevents spread of these species by seed or vegetative means.

~~(e) (d) The "restricted noxious weeds" category includes noxious weeds and their propagating parts that may not be imported, sold, or transported in the state, except as allowed by permit under section 18.82. Noxious weeds that are designated as restricted and placed on the restricted list may be plants that are widely distributed in Minnesota, but for which the only feasible means of control is to prevent their spread by prohibiting the importation, sale, and transportation of their propagating parts in the state, except as allowed by section 18.82 and for which a requirement of eradication or control would not be feasible on a statewide basis using existing practices.~~

~~(d) (e) The "specially regulated plants" category includes noxious weeds that may be native species or nonnative species that have demonstrated economic value, but also have the potential to cause harm in noncontrolled environments. Plants designated as specially regulated have been determined to pose ecological, economical, or human or animal health concerns. Species-specific management plans or rules that define the use and management requirements for these plants must~~

be developed by the commissioner of agriculture for each plant designated as specially regulated. The commissioner must also take measures to minimize the potential for harm caused by these plants.

~~(e)~~ (f) The "county noxious weeds" category includes noxious weeds that are designated by individual county boards to be enforced as prohibited noxious weeds within the county's jurisdiction and must be approved by the commissioner of agriculture, in consultation with the Noxious Weed Advisory Committee. Each county board must submit newly proposed county noxious weeds to the commissioner of agriculture for review. Approved county noxious weeds shall also be posted with the county's general weed notice prior to May 15 each year. Counties are solely responsible for developing county noxious weed lists and their enforcement.

Sec. 8. Minnesota Statutes 2018, section 18.78, subdivision 1, is amended to read:

Subdivision 1. **Generally.** A person owning land, a person occupying land, or a person responsible for the maintenance of public land ~~shall control or eradicate~~ must manage all noxious weeds, according to the noxious weed categories under section 18.771, on the land at a time and in a manner ordered by an inspector or county-designated employee.

Sec. 9. Minnesota Statutes 2018, section 18.78, subdivision 3, is amended to read:

Subd. 3. ~~Weed control agreement~~ **Noxious weed management plan.** The commissioner, municipality, or county agricultural inspector or county-designated employee may enter into ~~a weed control~~ an agreement with a landowner or noxious weed management area site group to establish a mutually agreed-upon noxious weed management plan for up to three years duration, whereby a noxious weed problem will be controlled without additional enforcement action. If a property owner fails to comply with the noxious weed management plan, an individual notice may be served.

Sec. 10. Minnesota Statutes 2018, section 18.79, subdivision 6, is amended to read:

Subd. 6. **Training for control or eradication of noxious weeds.** The commissioner shall conduct initial training considered necessary for inspectors and county-designated employees in the enforcement of the Minnesota Noxious Weed Law. The ~~director~~ dean of University of Minnesota Extension may conduct educational programs for the general public that will aid compliance with the Minnesota Noxious Weed Law. Upon request, the commissioner may provide information and other technical assistance to the county agricultural inspector or county-designated employee to aid in the performance of responsibilities specified by the county board under section 18.81, subdivisions 1a and 1b.

Sec. 11. Minnesota Statutes 2018, section 18.79, subdivision 10, is amended to read:

Subd. 10. **Prosecution.** On finding that a person has violated sections 18.76 to 18.91, the ~~county agricultural~~ inspector or county-designated employee may start court proceedings in the locality in which the violation occurred. The county attorney may prosecute actions under sections 18.76 to 18.91 within the county attorney's jurisdiction.

Sec. 12. Minnesota Statutes 2018, section 18.79, subdivision 15, is amended to read:

Subd. 15. **Noxious weed management.** The commissioner, in consultation with the Noxious Weed Advisory Committee, shall develop management strategies and criteria for each noxious weed category listed in section 18.771 and each individually listed species.

Sec. 13. Minnesota Statutes 2018, section 18.79, subdivision 18, is amended to read:

Subd. 18. **Noxious weed education and notification.** (a) The commissioner shall disseminate information and conduct educational campaigns with respect to control of noxious weeds or invasive plants to enhance regulatory compliance and voluntary efforts to eliminate or manage these plants. The commissioner shall call and attend meetings and conferences dealing with the subject of noxious weeds. The commissioner shall maintain on the department's website noxious weed management information including but not limited to the roles and responsibilities of citizens and government entities under sections 18.76 to 18.91 and specific guidance as to whom a person should contact to report a noxious weed issue.

(b) The commissioner shall post notice on the department's website ~~and alert~~ when a weed on the eradicate list is confirmed for the first time in a county. The commissioner may notify appropriate media outlets when a weed on the eradicate list is confirmed for the first time in a county.

Sec. 14. Minnesota Statutes 2018, section 18.79, subdivision 21, is amended to read:

Subd. 21. **Noxious weed management area site.** The commissioner, in consultation with the Noxious Weed Advisory Committee, may establish a noxious weed management area site to include a part of one or more counties or all of one or more counties of this state and shall include all the land within the boundaries of the area established. Noxious weed management plans developed for a noxious weed management area site must be reviewed and approved by the commissioner and in consultation with the Noxious Weed Advisory Committee. Noxious weed management areas sites may seek funding under section 18.90.

Sec. 15. Minnesota Statutes 2018, section 18.82, is amended to read:

18.82 TRANSPORTATION OF NOXIOUS WEED PROPAGATING PARTS IN INFESTED MATERIAL OR EQUIPMENT.

Subdivision 1. **Permits.** Transporting noxious weed propagating parts without a permit is prohibited, except as provided in section 21.74. If a person wants to transport noxious weed propagating parts along a public highway roadway, including materials or equipment containing the propagating parts of noxious weeds designated as noxious by the commissioner, the person must secure a written permit for transportation of the material or equipment from an inspector or county-designated employee. Inspectors or county-designated employees may issue permits to persons residing or operating within their jurisdiction. A permit is not required for the transport of noxious weeds for the purpose of destroying propagating parts at a Department of Agriculture-approved appropriate disposal site. Anyone transporting noxious weed propagating parts for the purpose of disposal at an approved appropriate disposal site shall ensure that all materials are contained in a manner that prevents escape during transport and complies with section 115A.931. A person must obtain a permit before possessing noxious weeds with propagating parts for research, education and outreach, or other reasons approved by the commissioner.

Subd. 2. **Conditions of permit issuance.** The following conditions must be met before a permit under subdivision 1 may be issued:

(1) any material or equipment containing noxious weed propagating parts that is about to be transported along a public ~~highway~~ roadway must be in a container that is sufficiently tight and closed or otherwise covered to prevent the blowing or scattering of the material along the highway or on other lands or water; ~~and~~

(2) the destination for unloading and the use of the material or equipment containing noxious weed propagating parts must be stated on the permit along with the method that will be used to destroy the viability of the propagating parts and thereby prevent ~~their~~ the material being dumped or scattered upon land or water; and

(3) the applicant for a permit for possession of noxious weed propagating parts must agree to follow the guidelines listed on the permit by the inspector.

Subd. 3. **Duration of permit; revocation.** A permit under subdivision 1 is valid for up to one year after the date it is issued unless otherwise specified by the inspector or county-designated employee issuing the permit. The permit may be revoked if an inspector or county-designated employee determines that the applicant has not complied with this section.

Sec. 16. Minnesota Statutes 2018, section 18.90, is amended to read:

18.90 GRANT PROGRAM.

(a) From funds available in the noxious weed and invasive plant species assistance account established in section 18.89, the commissioner shall administer a grant program to assist counties and municipalities and other weed management entities in the cost of implementing and maintaining noxious weed control programs and in addressing special weed control problems. The commissioner shall receive applications by counties, municipalities, noxious weed management ~~areas~~ sites, and weed management entities for assistance under this section and, in consultation with the Noxious Weed Advisory Committee, award grants for any of the following eligible purposes:

(1) to conduct applied research to solve locally significant weed management problems;

(2) to demonstrate innovative control methods or land management practices which have the potential to reduce landowner costs to control noxious weeds or improve the effectiveness of noxious weed control;

(3) to encourage the ongoing support of noxious weed management ~~areas~~ sites;

(4) to respond to introductions or infestations of invasive plants that threaten or potentially threaten the productivity of cropland and rangeland over a wide area;

(5) to respond to introductions or infestations of invasive plant species that threaten or potentially threaten the productivity of biodiversity of wildlife and fishery habitats on public and private lands;

(6) to respond to special weed control problems involving weeds not included in the list of noxious weeds published and distributed by the commissioner;

(7) to conduct monitoring or surveillance activities to detect, map, or determine the distribution of invasive plant species and to determine susceptible locations for the introduction or spread of invasive plant species; and

(8) to conduct educational activities.

(b) The commissioner shall select and prioritize applications for assistance under this section based on the following considerations:

(1) the seriousness of the noxious weed or invasive plant problem or potential problem addressed by the project;

(2) the ability of the project to provide timely intervention to save current and future costs of control and eradication;

(3) the likelihood that the project will prevent or resolve the problem or increase knowledge about resolving similar problems in the future;

(4) the extent to which the project will leverage federal funds and other nonstate funds;

(5) the extent to which the applicant has made progress in addressing noxious weed or invasive plant problems;

(6) the extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds;

(7) the extent to which the project will reduce the total population or area of infestation of a noxious weed;

(8) the extent to which the project uses the principles of integrated vegetation management and sound science; and

(9) other factors that the commissioner determines to be relevant.

(c) Nothing in this section may be construed to relieve a person of the duty or responsibility to control the spread of noxious weeds on lands owned and controlled by the person.

Sec. 17. Minnesota Statutes 2018, section 18.91, subdivision 2, is amended to read:

Subd. 2. **Membership.** The commissioner shall appoint members, which shall include representatives from the following:

(1) the Department of Horticultural Science, ~~agronomy, and forestry~~ at the University of Minnesota;

(2) the Department of Agronomy at the University of Minnesota;

(3) the Department of Forest Resources at the University of Minnesota;

(~~2~~) (4) the nursery and landscape industry in Minnesota;

- (3) (5) the seed industry in Minnesota;
- (4) (6) the Department of Agriculture;
- (5) (7) the Department of Natural Resources;
- (6) (8) a conservation organization;
- (7) (9) an environmental organization;
- (8) (10) at least two farm organizations;
- (9) (11) the county agricultural inspectors;
- (10) (12) city, ~~township, and county~~ governments;
- (13) township governments;
- (14) county governments;
- (11) (15) the Department of Transportation;
- (12) (16) the University of Minnesota Extension;
- (13) (17) the timber and forestry industry in Minnesota;
- (14) (18) the Board of Water and Soil Resources;
- (15) (19) soil and water conservation districts;
- (16) (20) the Minnesota Association of County Land Commissioners; and
- (17) (21) other members as needed.

ARTICLE 3

DEPARTMENT OF AGRICULTURE; MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 2018, section 13.6435, subdivision 4a, is amended to read:

Subd. 4a. **Industrial hemp background check licensing data.** ~~Criminal history records~~ Certain data provided to the commissioner by a first-time licensee or applicant for a license to grow or process industrial hemp for commercial purposes ~~are~~ is classified under section 18K.04, ~~subdivision 2.~~

Sec. 2. Minnesota Statutes 2018, section 17.117, subdivision 4, is amended to read:

Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Agricultural and environmental revolving accounts" means accounts in the agricultural fund, controlled by the commissioner, which hold funds available to the program.

(c) "Agriculture supply business" means a person, partnership, joint venture, corporation, limited liability company, association, firm, public service company, or cooperative that provides materials, equipment, or services to farmers or agriculture-related enterprises.

(d) "Allocation" means the funds awarded to an applicant for implementation of best management practices through a competitive or noncompetitive application process.

(e) "Applicant" means a local unit of government eligible to participate in this program that requests an allocation of funds as provided in subdivision 6b.

(f) "Best management practices" has the meaning given in sections 103F.711, subdivision 3, and 103H.151, subdivision 2. Best management practices also means other practices, techniques, and measures that have been demonstrated to the satisfaction of the commissioner: (1) to prevent or reduce adverse environmental impacts by using the most effective and practicable means of achieving environmental goals; or (2) to achieve drinking water quality standards under chapter 103H or under Code of Federal Regulations, title 40, parts 141 and 143, as amended.

(g) "Borrower" means a farmer, an agriculture supply business, or a rural landowner applying for a low-interest loan.

(h) "Commissioner" means the commissioner of agriculture, including when the commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee of the commissioner.

(i) "Committed project" means an eligible project scheduled to be implemented at a future date:

~~(1) that has been approved and certified by the local government unit; and~~

~~(2) for which a local lender has obligated itself to offer a loan.~~

(j) "Comprehensive water management plan" means a state-approved and locally adopted plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or 103D.405.

(k) "Cost incurred" means expenses for implementation of a project accrued because the borrower has agreed to purchase equipment or is obligated to pay for services or materials already provided as a result of implementing an approved eligible project.

(l) "Farmer" means a person, partnership, joint venture, corporation, limited liability company, association, firm, public service company, or cooperative that regularly participates in physical labor or operations management of farming and files a Schedule F as part of filing United States Internal Revenue Service Form 1040 or indicates farming as the primary business activity under Schedule C, K, or S, or any other applicable report to the United States Internal Revenue Service.

(m) "Lender agreement" means an agreement entered into between the commissioner and a local lender which contains terms and conditions of participation in the program.

(n) "Local government unit" means a county, soil and water conservation district, or an organization formed for the joint exercise of powers under section 471.59 with the authority to participate in the program.

(o) "Local lender" means a local government unit as defined in paragraph (n); a local unit of government with taxing or special assessment authority, such as a watershed district, a drainage authority, or a township; a state or federally chartered bank; a savings association; a state or federal credit union; Agribank and its affiliated organizations; or a nonprofit economic development organization or other financial lending institution approved by the commissioner.

(p) "Local revolving loan account" means the account held by a local government unit and a local lender into which principal repayments from borrowers are deposited and new loans are issued in accordance with the requirements of the program and lender agreements.

(q) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

(r) "Program" means the agriculture best management practices loan program in this section.

(s) "Project" means one or more components or activities located within Minnesota that are required by the local government unit to be implemented for satisfactory completion of an eligible best management practice.

(t) "Rural landowner" means the owner of record of Minnesota real estate located in an area determined by the local government unit to be rural after consideration of local land use patterns, zoning regulations, jurisdictional boundaries, local community definitions, historical uses, and other pertinent local factors.

(u) "Water-quality cooperative" has the meaning given in section 115.58, paragraph (d), except as expressly limited in this section.

Sec. 3. Minnesota Statutes 2018, section 17.117, subdivision 5, is amended to read:

Subd. 5. **Uses of funds.** (a) Use of funds under this section must be in compliance with the rules and regulations of the funding source or appropriation. Use of funds from the Public Facilities Authority must comply with the federal Water Pollution Control Act, section 446A.07, and eligible activities listed in the intended use plan authorized in section 446A.07, subdivision 4.

(b) In the event of a conflict between this section and a law appropriating money for this program, the law appropriating money for this program governs.

Sec. 4. Minnesota Statutes 2018, section 17.117, subdivision 16, is amended to read:

Subd. 16. **Liens against property.** (a) The amount of loans and accruing interest made by ~~counties~~ a county, home rule charter city, statutory city, or town acting as a local lender's lender under this section is a lien against the real property for which the improvement was made and must be assessed against the property or properties benefited unless the amount is prepaid. The lien is a special assessment under chapter 419 and repayments may be collected as a special assessment as provided for in section 429.101 or by charter. An amount loaned under the program and its accruing interest assessed against the property is a priority lien only against subsequent liens.

(b) The county, home rule charter city, statutory city, or town may bill amounts due on the loan on the tax statement for the property. Enforcement of the lien created by this subdivision must, at the county's, home rule charter city's, statutory city's, or town's option, be in the manner set forth in chapter 580 or 581. When the amount due and all interest has been paid, the county, home rule charter city, statutory city, or town shall file a satisfaction of the lien created under this subdivision.

(c) A county, home rule charter city, statutory city, or town may also secure amounts due on a loan under this section by taking a purchase money security interest in equipment in accordance with chapter 336, article 9, and may enforce the purchase money security interest in accordance with chapters 336, article 9, and 565.

Sec. 5. Minnesota Statutes 2018, section 18G.09, is amended to read:

18G.09 SHIPMENT OF PLANT PESTS AND BIOLOGICAL CONTROL AGENTS.

~~Shipment, introduction into, or release in Minnesota of (1) a plant pest, noxious weed, or other organism that may directly or indirectly affect Minnesota's plant life as a harmful or dangerous pest, parasite, or predator of other organisms, or (2) an arthropod, is prohibited, except under permit issued by the commissioner.~~

~~No (a) A person may not sell, offer for sale, move, convey, transport, deliver, ship, or offer for shipment any plant pest, noxious weed, or biological control agent without a permit from the United States Department of Agriculture, Animal and Plant Health Inspection Service or its state equivalent. A permit may be issued only after the commissioner determines that the proposed shipment or use will not create a hazard to the agricultural, forest, or horticultural interests of this state or the state's general environmental quality. For interstate movement, the permit must be affixed conspicuously to the exterior of each shipping container, box, package, or appliance; accompany each shipping container, box, package, or appliance; or comply with other directions of the commissioner. This section does not apply to intrastate shipments of federal or state-approved biological control agents used in this state for control of plant pests. Shipping containers must be escape-proof and the commissioner shall specify labeling and shipping protocols.~~

(b) This section does not apply to:

(1) intrastate shipments of federal- or state-approved biological control agents used in this state for control of plant pests; and

(2) interstate shipments of organisms that the United States Department of Agriculture has specifically identified as not needing a permit for movement.

Sec. 6. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 1a. **Applicant.** "Applicant" means an individual who submits an application for a license as required under this chapter. If the applicant is an entity, applicant means the owner or most responsible individual in charge of the entity.

Sec. 7. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 1b. **Authorized representative.** "Authorized representative" means any individual authorized by the licensee to make changes to the license and share data on behalf of the licensee.

Sec. 8. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 2a. **Entity.** "Entity" means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

Sec. 9. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 5. **Processing.** "Processing" means rendering by refinement hemp plants or hemp plant parts from their natural or original state after harvest. Processing includes but is not limited to decortication, devitalization, chopping, crushing, extraction, and packaging. Processing does not include typical farm operations such as sorting, grading, baling, and harvesting.

Sec. 10. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 6. **Processing location.** "Processing location" means any area, building, plant, or facility registered with and approved by the commissioner in which a licensee converts raw hemp into a marketable product.

Sec. 11. Minnesota Statutes 2018, section 18K.02, is amended by adding a subdivision to read:

Subd. 7. **Processor.** "Processor" means a person or business that converts raw hemp into a product.

Sec. 12. Minnesota Statutes 2018, section 18K.04, subdivision 1, is amended to read:

Subdivision 1. **Requirement; issuance; presumption.** (a) A person must obtain a license from the commissioner before (1) growing industrial hemp for commercial or research purposes, and (2) before processing industrial hemp for commercial purposes.

(b) To obtain a license under paragraph (a), a person must apply to the commissioner in the form prescribed by the commissioner and must pay the annual registration and inspection fee established by the commissioner in accordance with section 16A.1285, subdivision 2.

(c) For a license to grow industrial hemp for commercial or research purposes, the license application must include the name and address of the applicant and the legal description of the land area or areas where industrial hemp will be grown by the applicant and any other information required under Code of Federal Regulations, title 7, part 990.

(d) For a license to process industrial hemp for commercial purposes, the license application must include the name and address of the applicant, the legal description of the processing location, and any other information required by the commissioner.

(e) A licensee is responsible for compliance with the license requirements irrespective of the acts or omissions of an authorized representative acting on behalf of the licensee.

~~(b)~~ (f) When an applicant has paid the fee and completed the application process to the satisfaction of the commissioner, the commissioner must issue a license which is valid until December 31 of the year of application.

~~(e)~~ (g) A person licensed under ~~this section~~ paragraph (a) to grow industrial hemp is presumed to be growing industrial hemp for commercial or research purposes.

Sec. 13. Minnesota Statutes 2018, section 18K.04, subdivision 3, is amended to read:

Subd. 3. **Federal requirements.** The applicant must demonstrate to the satisfaction of the commissioner that the applicant has complied with all applicable federal requirements pertaining to the processing, production, distribution, and sale of industrial hemp.

Sec. 14. Minnesota Statutes 2018, section 18K.04, is amended by adding a subdivision to read:

Subd. 4. Industrial hemp licensing data classification. (a) In addition to data classified pursuant to section 13.41, the following data collected, created, or maintained by the commissioner under this chapter is classified as private data, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9:

(1) nondesignated addresses provided by licensees and applicants; and

(2) data that identify the specific locations where licensees and applicants grow or process, or will grow or process, industrial hemp, including but not limited to legal descriptions, street addresses, geospatial locations, maps, and property boundaries and dimensions.

(b) The commissioner may disclose data classified as private data or nonpublic data under this subdivision if the commissioner determines that there is a substantive threat to human health or safety or to the environment, or to aid in the law enforcement process.

Sec. 15. Minnesota Statutes 2018, section 18K.04, is amended by adding a subdivision to read:

Subd. 5. Industrial hemp licensing data security and auditing. (a) The commissioner must establish written procedures to ensure that only individuals authorized by law may access the private data and nonpublic data identified in subdivision 4. An authorized individual's ability to enter, update, or access data must correspond to the official duties or training level of the individual and to the statutory authorization granting access for that purpose. All queries and responses, including the specific purpose for which data is requested and, if applicable, disclosed; and all actions in which data are entered, updated, accessed, shared, or disseminated, must be recorded in the data audit trail. Data contained in the audit trail are public to the extent the data are not otherwise classified by law.

(b) The commissioner must immediately and permanently revoke the authorization of any individual who willfully entered, updated, accessed, shared, or disseminated data in violation of state or federal law. If an individual willfully gained access to data without authorization by law, the commissioner must forward the matter to the appropriate prosecuting authority for prosecution.

(c) By January 15 of each odd-numbered year, the commissioner must provide a copy of the data audit trail required under paragraph (a) to the commissioner of administration; the chairs and ranking members of the legislative committees and divisions with jurisdiction over agriculture policy

and finance, public safety, and data practices; and the Legislative Commission on Data Practices and Personal Data Privacy or its successor commission.

Sec. 16. Minnesota Statutes 2018, section 18K.06, is amended to read:

18K.06 RULEMAKING.

(a) The commissioner shall adopt rules governing the production, testing, and licensing of industrial hemp. Notwithstanding the 18-month limit in section 14.125, the commissioner has until December 31, 2022 to publish a notice of intent to adopt rules or a notice of hearing.

(b) Rules adopted under paragraph (a) must include, but not be limited to, provisions governing:

(1) the supervision and inspection of industrial hemp during its growth and harvest;

(2) the testing of industrial hemp to determine delta-9 tetrahydrocannabinol levels;

(3) the use of background check results required under section 18K.04 to approve or deny a license application; and

(4) any other provision or procedure necessary to carry out the purposes of this chapter.

(c) Rules issued under this section must be consistent with federal law regarding the production, distribution, and sale of industrial hemp.

Sec. 17. Minnesota Statutes 2018, section 25.40, subdivision 1, is amended to read:

Subdivision 1. **Adoption.** (a) The commissioner may adopt rules for commercial feeds, pet foods, and specialty pet foods as are authorized in sections 25.31 to 25.43 and other reasonable rules as may be necessary for the efficient enforcement of sections 25.31 to 25.43. In the interest of uniformity the commissioner shall by rule adopt, unless the commissioner determines that they are inconsistent with the provisions of sections 25.31 to 25.43 or are not appropriate to conditions which exist in this state, the official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization.

(b) The Model Pet and Specialty Pet Food Regulation, as adopted by the Association of American Feed Control Officials, is adopted as the pet food and specialty pet food rules in this state.

Sec. 18. Minnesota Statutes 2018, section 25.40, subdivision 2, is amended to read:

Subd. 2. **Notice; public comment.** Before the issuance, amendment, or repeal of any rule authorized by sections 25.31 to 25.43, the commissioner shall publish the proposed rule, amendment, or notice to repeal an existing rule in a manner reasonably calculated to give interested parties, including all current license holders, adequate notice and shall afford all interested persons an opportunity to present their views orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the commissioner shall take appropriate action to issue the proposed rule or to amend or repeal an existing rule. The provisions of this subdivision notwithstanding, if the commissioner, pursuant to the authority of sections 25.31 to 25.43, adopts the Model Pet and Specialty Pet Food Regulation, official definitions of feed ingredients,

and official feed terms as adopted by the Association of American Feed Control Officials, any amendment or modification adopted by the association is adopted automatically under sections 25.31 to 25.43 without regard to the publication of the notice required by this subdivision unless the commissioner, by order specifically determines that the amendment or modification shall not be adopted.

Sec. 19. Minnesota Statutes 2018, section 28A.03, subdivision 8, is amended to read:

Subd. 8. **Custom processor.** "Custom processor" means a person who ~~slaughters animals or processes noninspected meat for the owner of the animals, and returns the meat products derived from the slaughter or processing to the owner.~~ "Custom processor" ~~does not include a person who slaughters animals or poultry or processes meat for the owner of the animals or poultry on the farm or premises of the owner of the animals, meat, or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom~~ conducts activities as defined in section 31A.02, subdivision 5.

Sec. 20. Minnesota Statutes 2018, section 29.23, subdivision 3, is amended to read:

Subd. 3. **Egg temperature.** Eggs must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius) after being received by the egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs offered for sale by a retail food handler must be held at a temperature not to exceed ~~41~~ 45 degrees Fahrenheit (7 degrees Celsius). ~~Equipment in use prior to August 1, 1991, is not subject to this requirement.~~ Shell eggs that have been frozen must not be offered for sale except as approved by the commissioner.

Sec. 21. Minnesota Statutes 2018, section 31A.02, subdivision 10, is amended to read:

Subd. 10. **Meat food product; poultry food product.** "Meat food product" or "poultry food product" means a product usable as human food and made wholly or in part from meat or poultry or a portion of the carcass of cattle, sheep, swine, poultry, wild game or fowl, farmed Cervidae, as defined in section 35.153, subdivision 3, llamas, as defined in section 17.455, subdivision 2, Ratitae, as defined in section 17.453, subdivision 3, or goats. "Meat food product" or "poultry food product" does not include products which contain meat, poultry, or other portions of the carcasses of cattle, sheep, swine, wild game or fowl, farmed Cervidae, llamas, Ratitae, or goats only in a relatively small proportion or that historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product or poultry food product by the commissioner under the conditions the commissioner prescribes to assure that the meat or other portions of carcasses contained in the products are not adulterated and that the products are not represented as meat food products or poultry food products.

"Meat food product," as applied to products of equines, has a meaning comparable to that for cattle, sheep, swine, wild game or fowl, farmed Cervidae, llamas, Ratitae, and goats.

Sec. 22. Minnesota Statutes 2018, section 31A.10, is amended to read:

31A.10 PROHIBITIONS.

No person may, with respect to an animal, carcass, part of a carcass, poultry, poultry food product, meat, or meat food product:

(1) slaughter an animal or prepare an article that is usable as human food, at any establishment preparing articles solely for intrastate commerce, except in compliance with this chapter;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce (i) articles which are usable as human food and are adulterated or misbranded at the time of sale, transportation, offer for sale or transportation, or receipt for transportation; or (ii) articles required to be inspected under sections 31A.01 to 31A.16 that have not been inspected and passed;

(3) do something to an article that is usable as human food while the article is being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing the article to be adulterated or misbranded; or

(4) sell, offer for sale, or possess with intent to sell meat derived from custom processing, except wild game and fowl products may be donated under sections 17.035; 97A.505, subdivision 5; 97A.510; and 97B.303.

Sec. 23. Minnesota Statutes 2018, section 31A.15, subdivision 1, is amended to read:

Subdivision 1. **Inspection.** The provisions of sections 31A.01 to 31A.16 requiring inspection of the slaughter of animals and the preparation of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products at establishments conducting slaughter and preparation do not apply:

(1) to the processing by a person of the person's own animals and the owner's preparation and transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products of those animals exclusively for use by the owner and members of the owner's household, nonpaying guests, and employees; or

(2) to the custom processing by a person of ~~eattle, sheep, swine, poultry, or goats~~ animals, wild game, or fowl delivered by the owner for processing, and the preparation or transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry, poultry food products, and meat food products of animals, exclusively for use in the household of the owner by the owner and members of the owner's household, nonpaying guests, and employees. Meat from custom processing ~~of eattle, sheep, swine, poultry, or goats~~ must be identified and handled as required by the commissioner, during all phases of processing, chilling, cooling, freezing, preparation, storage, and transportation. The custom processor may not engage in the business of buying or selling carcasses, parts of carcasses, meat, poultry, poultry food products, or meat food products of animals usable as human food unless the carcasses, parts of carcasses, meat, poultry, poultry food products, or meat food products have been inspected and passed and are identified as inspected and passed by the Minnesota Department of Agriculture or the United States Department of Agriculture.

Sec. 24. Minnesota Statutes 2018, section 41B.056, subdivision 4, is amended to read:

Subd. 4. **Loans.** (a) The authority may disburse loans through an intermediary to farmers who are eligible under subdivision 3. The total accumulative loan principal must not exceed ~~\$10,000~~ \$20,000 per loan.

(b) Refinancing an existing debt is not an eligible purpose.

(c) The loan may be disbursed over a period not to exceed six years.

(d) A borrower may receive loans, depending on the availability of funds, up to 70 percent of the estimated value of the crop or livestock.

(e) Security for the loan must be a personal note executed by the borrower and any other security required by the intermediary or the authority.

(f) The authority may prescribe forms and establish an application process for applicants to apply for a loan.

(g) The interest payable on loans for the pilot agricultural microloan program must be at a rate determined by the authority.

(h) Loans under this program will be made using money in the revolving loan account established under section 41B.06.

(i) Repayments of financial assistance under this section, including principal and interest, must be deposited into the revolving loan account established under section 41B.06.

Sec. 25. Minnesota Statutes 2018, section 41D.01, is amended to read:

41D.01 MINNESOTA ~~AGRICULTURE~~ AGRICULTURAL EDUCATION LEADERSHIP COUNCIL.

Subdivision 1. **Establishment; membership.** (a) The Minnesota ~~Agriculture~~ Agricultural Education Leadership Council is established. The council is composed of ~~17~~ 16 members as follows:

(1) ~~the chair of the University of Minnesota agricultural education program~~ a representative of an agricultural education program at a higher education institution that prepares agriculture teachers for licensure;

(2) a representative of the commissioner of education;

(3) a representative of the Minnesota State Colleges and Universities recommended by the chancellor;

(4) the president and the president-elect of the Minnesota Association of ~~Agriculture~~ Agricultural Educators;

(5) a representative of the ~~Future Farmers of America~~ Minnesota FFA Foundation;

(6) a representative of the commissioner of agriculture;

(7) the dean of the College of ~~Agriculture~~, Food, Agricultural and ~~Environmental~~ Natural Resource Sciences at the University of Minnesota;

(8) ~~a representative of the Minnesota Private Colleges Council;~~

~~(9)~~ (8) two members representing ~~agriculture~~ agricultural education and agriculture business appointed by the governor;

~~(10)~~ (9) the chair and ranking minority member of ~~the a senate Committee on Agriculture, General Legislation and Veterans Affairs~~ committee with jurisdiction over agriculture;

~~(11)~~ (10) the chair and ranking minority member of ~~the a house of representatives Committee on Agriculture~~ committee with jurisdiction over agriculture;

~~(12) the ranking minority member of the senate Committee on Agriculture, General Legislation and Veterans Affairs, and~~ (11) a member of ~~the a senate Education Committee~~ committee with jurisdiction over education designated by the Subcommittee on Committees of the Committee on Rules and Administration; and

~~(13) the ranking minority member of the house of representatives Agriculture Committee, and~~ (12) a member of ~~the a house of representatives Education Committee~~ committee with jurisdiction over education designated by the speaker.

(b) An ex officio member of the council under paragraph (a), clause ~~(1)~~, (4), (7), ~~(10)~~ (9), ~~(11)~~ (10), ~~(12)~~ (11), or ~~(13)~~ (12), may designate a permanent or temporary replacement member representing the same constituency.

Subd. 2. **Powers and duties.** Specific powers and duties of the council are to:

(1) develop recommendations to the legislature and the governor and provide review for ~~agriculture~~ agricultural education programs in Minnesota;

(2) establish a grant program to foster and encourage the development of secondary and postsecondary ~~agriculture~~ agricultural education programs;

(3) coordinate and articulate Minnesota's ~~agriculture~~ agricultural education policy across all programs and institutions;

(4) identify the critical needs for ~~agriculture~~ agricultural educators;

(5) serve as a link between the agribusiness sector and the ~~agriculture~~ agricultural education system to communicate mutual concerns, needs, and projections;

(6) establish and maintain an increased awareness of ~~agriculture~~ agricultural education and its continued need to all citizens of Minnesota;

(7) operate the Minnesota Center for ~~Agriculture~~ Agricultural Education created in section 41D.03;

(8) gain broad public support for ~~agriculture~~ agricultural education in Minnesota; and

(9) report annually on its activities to the ~~senate Agriculture and Rural Development Committee and the house of representatives Agriculture Committee~~ legislative committees with jurisdiction over agriculture policy.

Subd. 3. **Council officers; terms and compensation of appointees; staff.** (a) The ~~chair~~ chairs of the ~~senate Agriculture, General Legislation and Veterans Affairs Committee and the chair of the house of representatives Agriculture Committee~~ legislative committees with jurisdiction over agriculture policy, or their designees, are the cochairs of the council.

(b) The council's membership terms, compensation, filling of vacancies, and removal of members are as provided in section 15.0575.

(c) The council may employ an executive director and any other staff to carry out its functions.

Sec. 26. Minnesota Statutes 2018, section 41D.02, is amended to read:

41D.02 ~~AGRICULTURE~~ AGRICULTURAL EDUCATION GRANT PROGRAM.

Subdivision 1. **Establishment.** The Minnesota ~~Agriculture~~ Agricultural Education Leadership Council shall establish a program to provide grants under subdivisions 2 and 3 to educational institutions and other appropriate entities for secondary and postsecondary ~~agriculture~~ agricultural education programs.

Subd. 2. **Elementary and secondary agricultural education.** The council may provide grants for:

(1) planning and establishment costs for elementary and secondary ~~agriculture~~ agricultural education programs;

(2) new instructional and communication technologies; and

(3) curriculum updates.

Subd. 3. **Postsecondary education.** The council may provide grants for:

(1) new instructional and communication technologies; and

(2) special project funding, including programming, in-service training, and support staff.

Sec. 27. Minnesota Statutes 2018, section 41D.03, is amended to read:

41D.03 ~~MINNESOTA CENTER FOR AGRICULTURE~~ AGRICULTURAL EDUCATION.

Subdivision 1. **Governance.** The Minnesota Center for ~~Agriculture~~ Agricultural Education is governed by the Minnesota ~~Agriculture~~ Agricultural Education Leadership Council.

Subd. 2. **Powers and duties of council.** (a) The council has the powers necessary for the care, management, and control of the Minnesota Center for ~~Agriculture~~ Agricultural Education and all its real and personal property. The powers shall include, but are not limited to, those listed in this subdivision.

(b) The council may employ necessary employees, and contract for other services to ensure the efficient operation of the Center for ~~Agriculture~~ Agricultural Education.

(c) The council may receive and award grants. The council may establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance. The council shall adopt internal procedures to administer and monitor aids and grants.

(d) The council may establish or coordinate evening, continuing education, and summer programs for teachers and pupils.

(e) The council may determine the location for the Minnesota Center for ~~Agriculture~~ Agricultural Education and any additional facilities related to the center, including the authority to lease a temporary facility.

(f) The council may enter into contracts with other public and private agencies and institutions for building maintenance services if it determines that these services could be provided more efficiently and less expensively by a contractor than by the council itself. The council may also enter into contracts with public or private agencies and institutions, school districts or combinations of school districts, or educational cooperative service units to provide supplemental educational instruction and services.

Subd. 3. **Center account.** There is established in the state treasury a center for ~~agriculture~~ agricultural education account in the special revenue fund. All money collected by the council, including rental income, shall be deposited in the account. Money in the account, including interest earned, is appropriated to the council for the operation of its services and programs.

Subd. 4. **Employees.** The employees hired under this subdivision and any other necessary employees hired by the council shall be employees of the University of Minnesota.

Subd. 5. **Policies.** The council may adopt administrative policies about the operation of the center.

Subd. 6. **Public postsecondary institutions; providing space.** Public postsecondary institutions shall provide space for the Minnesota Center for ~~Agriculture~~ Agricultural Education at a reasonable cost to the center to the extent that space is available at the public postsecondary institutions.

Subd. 7. **Purchasing instructional items.** Technical educational equipment may be procured for programs of the Minnesota Center for ~~Agriculture~~ Agricultural Education by the council either by brand designation or in accordance with standards and specifications the council may adopt, notwithstanding chapter 16C.

Sec. 28. Minnesota Statutes 2018, section 41D.04, is amended to read:

41D.04 RESOURCE, MAGNET, AND OUTREACH PROGRAMS.

Subdivision 1. **Resource and outreach.** The center shall offer resource and outreach programs and services statewide aimed at the enhancement of ~~agriculture~~ agricultural education opportunities for pupils in elementary and secondary school.

Subd. 2. **Center responsibilities.** The center shall:

(1) provide information and technical services to agriculture teachers, professional agriculture organizations, school districts, and the Department of Education;

(2) gather and conduct research in ~~agriculture~~ agricultural education;

(3) design and promote ~~agriculture~~ agricultural education opportunities for all Minnesota pupils in elementary and secondary schools; and

(4) serve as liaison for the Department of Education to national organizations for ~~agriculture~~ agricultural education.

Sec. 29. Minnesota Statutes 2019 Supplement, section 223.16, subdivision 4, is amended to read:

Subd. 4. **Grain.** "Grain" means ~~any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture, dry edible beans, or other agricultural crops designated by the commissioner by rule~~ all products commonly referred to as grain, including wheat, corn, oats, barley, rye, rice, soybeans, emmer, sorghum, triticale, millet, pulses, dry edible beans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, and other products ordinarily stored in grain warehouses.

Sec. 30. Minnesota Statutes 2019 Supplement, section 223.177, subdivision 2, is amended to read:

Subd. 2. **Oral contracts.** Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 223.175 within ~~ten~~ 30 days of entering the voluntary extension of credit contract. Written confirmation of oral contracts must meet the requirements of subdivision 3.

Sec. 31. Minnesota Statutes 2019 Supplement, section 223.177, subdivision 3, is amended to read:

Subd. 3. **Contracts reduced to writing.** A voluntary extension of credit contract must be reduced to writing by the grain buyer, mailed or given to the seller, and signed by both buyer and seller within ~~ten~~ 30 days of the date of delivery of the grain. The form of the contract shall comply with the requirements of section 223.175. A grain buyer may use an electronic version of a voluntary extension of credit contract that contains the same information as a written document and that conforms to the requirements of this chapter to which a seller has applied an electronic signature in place of a written document. There must not at any time be an electronic and paper voluntary extension of credit contract representing the same lot of grain.

Sec. 32. **[343.215] VETERINARIAN IMMUNITY.**

A licensed veterinarian acting in good faith and in the normal course of business is immune from civil and criminal liability in any action arising in connection with the report of a suspected incident of animal cruelty.

EFFECTIVE DATE. This section is effective August 1, 2020, and applies to actions committed on or after that date.

Sec. 33. Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 4, is amended to read:

Subd. 4. Agriculture, Bioenergy, and Bioproduct Advancement	23,653,000	23,654,000
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(a) \$9,300,000 the first year and \$9,300,000 the second year are for transfer to the agriculture research, education, extension, and technology transfer account under Minnesota Statutes, section 41A.14, subdivision 3. Of these amounts: at least \$600,000 the first year and \$600,000 the second year are for the Minnesota Agricultural Experiment Station's agriculture rapid response fund under Minnesota Statutes, section 41A.14, subdivision 1, clause (2); \$2,000,000 the first year and \$2,000,000 the second year are for grants to the Minnesota Agriculture Education Leadership Council to enhance agricultural education with priority given to Farm Business Management challenge grants; \$350,000 the first year and \$350,000 the second year are for potato breeding; and \$450,000 the first year and \$450,000 the second year are for the cultivated wild rice breeding project at the North Central Research and Outreach Center to include a tenure track/research associate plant breeder. The commissioner shall transfer the remaining funds in this appropriation each year to the Board of Regents of the University of Minnesota for purposes of Minnesota Statutes, section 41A.14. Of the amount transferred to the Board of Regents, up to \$1,000,000 each year is for research on avian influenza.

To the extent practicable, money expended under Minnesota Statutes, section 41A.14, subdivision 1, clauses (1) and (2), must supplement and not supplant existing sources and levels of funding. The commissioner may use up to one percent of this appropriation for costs incurred to administer the program.

(b) \$14,353,000 the first year and \$14,354,000 the second year are for the agricultural growth, research, and innovation program in Minnesota Statutes, section 41A.12. Except as provided below, the commissioner may allocate the appropriation each year among the following areas: facilitating the start-up, modernization, improvement, or expansion of livestock operations including beginning and transitioning livestock operations with preference given to robotic dairy-milking equipment; providing funding not to exceed \$400,000 each year to develop and enhance farm-to-school markets for Minnesota farmers by providing more fruits, vegetables, meat, grain, and dairy for Minnesota children in school and child care settings including, at the commissioner's discretion, reimbursing schools for purchases from local farmers; assisting value-added agricultural businesses to begin or expand, to access new markets, or to diversify, including aquaponics systems; providing funding not to exceed \$300,000 each year for urban youth agricultural education or urban agriculture community development; providing funding not to exceed \$300,000 each year for the good food access program under Minnesota Statutes, section 17.1017; facilitating the start-up, modernization, or expansion of other beginning and transitioning farms including by providing loans under Minnesota Statutes, section 41B.056; sustainable agriculture on-farm research and demonstration; development or expansion of food hubs and other alternative community-based food distribution systems; enhancing renewable energy infrastructure and use; crop research including basic and applied turf seed research; Farm Business Management tuition assistance; and good agricultural practices/good handling practices certification assistance. The commissioner may use up to 6.5 percent of this appropriation for costs incurred to administer the program.

Of the amount appropriated for the agricultural growth, research, and innovation program in Minnesota Statutes, section 41A.12:

(1) \$1,000,000 the first year and \$1,000,000 the second year are for distribution in equal amounts to each of the state's county fairs to preserve and promote Minnesota agriculture;

(2) \$2,500,000 the first year and \$2,500,000 the second year are for incentive payments under Minnesota Statutes, sections 41A.16, 41A.17, and 41A.18. Notwithstanding Minnesota Statutes, section 16A.28, the first year appropriation is available until June 30, 2021, and the second year appropriation is available until June 30, 2022. If this appropriation exceeds the total amount for which all producers are eligible in a fiscal year, the balance of the appropriation is available for the agricultural growth, research, and innovation program. The base amount for the allocation under this clause is \$3,000,000 in fiscal year 2022 and later;

(3) up to \$5,000,000 the first year is for Dairy Assistance, Investment, Relief Initiative (DAIRI) grants to Minnesota dairy farmers who enroll for five years of coverage under the federal dairy margin coverage program and produced no more than 16,000,000 pounds of milk in 2018. The commissioner must award DAIRI grants based on participating producers' amount of 2018 milk, up to 5,000,000 pounds per participating producer, at a rate determined by the commissioner within the limits of available funding;

(4) up to \$5,000,000 the second year is for an innovative soybean processing and research facility at the Ag Innovation Campus;

(5) \$75,000 the first year is for a grant to Greater Mankato Growth, Inc. for assistance to agricultural-related businesses to promote

jobs, innovation, and synergy development;
and

(6) \$75,000 the first year and \$75,000 the second year are for grants to the Minnesota Turf Seed Council for basic and applied research.

The amounts in clauses (3) to (6) are onetime.

Notwithstanding Minnesota Statutes, section 16A.28, any unencumbered balance does not cancel at the end of the first year and is available for the second year and appropriations encumbered under contract on or before June 30, 2021, for agricultural growth, research, and innovation grants are available until June 30, 2024.

The base amount for the agricultural growth, research, and innovation program is \$14,693,000 in fiscal year 2022 and \$14,693,000 in fiscal year 2023, and includes funding for incentive payments under Minnesota Statutes, sections 41A.16, 41A.17, 41A.18, and 41A.20.

The commissioner must consult with the commissioner of transportation, the commissioner of administration, and local units of government to identify at least ten parcels of publicly owned land that are suitable for urban agriculture.

Sec. 34. **BIOFUELS REPORT.**

The commissioner of agriculture must prepare a report outlining Minnesota's ability to meet the petroleum replacement goal in Minnesota Statutes, section 239.7911, and utilize biofuels to achieve the greenhouse gas reductions under Minnesota Statutes, chapter 216H. No later than January 15, 2021, the commissioner of agriculture must submit the report to the chairs and ranking members of the legislative committees and divisions with jurisdiction over agriculture policy and finance. The report must:

(1) recommend specific policies that would utilize biofuels to accelerate achievement of the petroleum replacement goal and the greenhouse gas reduction goals;

(2) identify the biofuels infrastructure required to achieve the petroleum replacement goal; and

(3) recommend cost-effective incentives necessary to expedite the use of greater biofuel blends in this state, including but not limited to incentives for retailers to install equipment necessary to dispense renewable liquid fuels to the public.

Sec. 35. FARM SAFETY RECOMMENDATIONS.

The commissioner of agriculture, in consultation with the Farm Safety Advisory Committee, must develop recommendations regarding how best to provide financial and technical workplace safety assistance to Minnesota farmers. No later than January 15, 2021, the commissioner of agriculture must report to the legislative committees and divisions with jurisdiction over agriculture."

Delete the title and insert:

"A bill for an act relating to agriculture; making policy and technical changes to agriculture-related provisions including provisions related to seed law, noxious weed law, loans, pet food, hemp, meat processing, eggs, grain buyers, and others; modifying agriculture education; providing immunity for animal cruelty reporting by veterinarians; modifying rulemaking; modifying a 2019 appropriation; requiring reports; amending Minnesota Statutes 2018, sections 13.6435, subdivision 4a; 17.117, subdivisions 4, 5, 16; 18.77, subdivisions 8a, 13, by adding subdivisions; 18.771; 18.78, subdivisions 1, 3; 18.79, subdivisions 6, 10, 15, 18, 21; 18.82; 18.90; 18.91, subdivision 2; 18G.09; 18K.02, by adding subdivisions; 18K.04, subdivisions 1, 3, by adding subdivisions; 18K.06; 21.72, subdivisions 11, 14, 15, by adding a subdivision; 21.73, subdivision 1; 21.74; 21.75, subdivision 1; 21.81, by adding subdivisions; 21.82, by adding a subdivision; 21.84; 21.85, subdivisions 2, 15; 21.86, subdivision 2; 21.89, subdivision 4; 25.40, subdivisions 1, 2; 28A.03, subdivision 8; 29.23, subdivision 3; 31A.02, subdivision 10; 31A.10; 31A.15, subdivision 1; 41B.056, subdivision 4; 41D.01; 41D.02; 41D.03; 41D.04; Minnesota Statutes 2019 Supplement, sections 223.16, subdivision 4; 223.177, subdivisions 2, 3; Laws 2019, First Special Session chapter 1, article 1, section 2, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 21; 343; repealing Minnesota Statutes 2018, section 21.81, subdivision 12."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 3204: A bill for an act relating to health care coverage; modifying requirements governing utilization review and prior authorization of health care services; making conforming changes; amending Minnesota Statutes 2018, sections 62M.01, subdivision 2; 62M.02, subdivisions 2, 5, 8, 20, 21, by adding subdivisions; 62M.04, subdivisions 1, 2, 3, 4; 62M.05, subdivisions 3, 3a, 4, 5, by adding a subdivision; 62M.06, subdivisions 1, 3, 4; 62M.07; 62M.09, subdivisions 3, 3a, 4, 4a, 5; 62M.10, subdivision 7, by adding a subdivision; 62M.11; 62M.12; 62M.14; 62Q.71; 62Q.73, subdivision 1; 256B.0625, subdivision 25; proposing coding for new law in Minnesota Statutes, chapters 62A; 62M; repealing Minnesota Statutes 2018, sections 62D.12, subdivision 19; 62M.02, subdivision 19; 62M.05, subdivision 3b; 62M.06, subdivision 2.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

UTILIZATION REVIEW AND PRIOR AUTHORIZATION OF HEALTH CARE SERVICES

Section 1. Minnesota Statutes 2018, section 62M.01, subdivision 2, is amended to read:

Subd. 2. **Jurisdiction.** ~~Sections 62M.01 to 62M.16 apply~~ This chapter applies to any insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; the Minnesota Comprehensive Health Association created under chapter 62E; a community integrated service network licensed under chapter 62N; an accountable provider network operating under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third-party administrator licensed under section 60A.23, subdivision 8, that provides utilization review services for the administration of benefits under a health benefit plan as defined in section 62M.02; any other entity that provides, offers, or administers hospital, outpatient, medical, prescription drug, or other health benefits to individuals treated by a health professional under a policy, plan, or contract; or any entity performing utilization review on behalf of a business entity in this state pursuant to a health benefit plan covering a Minnesota resident.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 1a. **Adverse determination.** "Adverse determination" means a decision by a utilization review organization relating to an admission, extension of stay, or health care service that is partially or wholly adverse to the enrollee, including a decision to deny an admission, extension of stay, or health care service on the basis that it is not medically necessary.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 62M.02, subdivision 5, is amended to read:

Subd. 5. ~~**Certification Authorization.**~~ "Certification" "Authorization" means a determination by a utilization review organization that an admission, extension of stay, or other health care service has been reviewed and that ~~it~~, based on the information provided, ~~meets~~ it satisfies the utilization review requirements of the applicable health plan and the health plan company ~~will then pay for the covered benefit, provided the preexisting limitation provisions, the general exclusion provisions, and any deductible, co-payment, coinsurance, or other policy requirements have been met.~~

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 62M.02, subdivision 8, is amended to read:

Subd. 8. **Clinical criteria.** "Clinical criteria" means the written policies, ~~decision~~ rules, clinical protocols, medical protocols, or guidelines any other criteria or rationale used by the utilization review organization to determine ~~certification~~ whether a health care service is authorized.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 10a. **Emergency services.** "Emergency services" has the meaning given in section 62Q.55, subdivision 3.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 62M.02, is amended by adding a subdivision to read:

Subd. 13a. **Medically necessary care.** "Medically necessary care" has the meaning given in section 62Q.53.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 7. Minnesota Statutes 2018, section 62M.02, subdivision 20, is amended to read:

Subd. 20. **Utilization review.** "Utilization review" means the evaluation of the necessity, appropriateness, and efficacy of the use of health care services, procedures, and facilities, by a person or entity other than the attending health care professional, for the purpose of determining the medical necessity of the service or admission. Utilization review also includes prior authorization and review conducted after the admission of the enrollee. It includes situations where the enrollee is unconscious or otherwise unable to provide advance notification. Utilization review does not include a referral or participation in a referral process by a participating provider unless the provider is acting as a utilization review organization.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 62M.02, subdivision 21, is amended to read:

Subd. 21. **Utilization review organization.** "Utilization review organization" means an entity including but not limited to an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a prepaid limited health service organization issued a certificate of authority and operating under sections 62A.451 to 62A.4528; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network licensed under chapter 62N; an accountable provider network operating under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income

Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third-party administrator licensed under section 60A.23, subdivision 8, which conducts utilization review and ~~determines certification of~~ authorizes or makes adverse determinations regarding an admission, extension of stay, or other health care services for a Minnesota resident; any other entity that provides, offers, or administers hospital, outpatient, medical, prescription drug, or other health benefits to individuals treated by a health professional under a policy, plan, or contract; or any entity performing utilization review that is affiliated with, under contract with, or conducting utilization review on behalf of, a business entity in this state. Utilization review organization does not include a clinic or health care system acting pursuant to a written delegation agreement with an otherwise regulated utilization review organization that contracts with the clinic or health care system. The regulated utilization review organization is accountable for the delegated utilization review activities of the clinic or health care system.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 62M.05, subdivision 3a, is amended to read:

Subd. 3a. **Standard review determination.** (a) Notwithstanding subdivision 3b, ~~an initial~~ a standard review determination on all requests for utilization review must be communicated to the provider and enrollee in accordance with this subdivision within ~~ten~~ five business days ~~of~~ after receiving the request, provided that all information reasonably necessary to make a determination on the request has been made available to the utilization review organization.

(b) When ~~an initial~~ a determination is made to ~~certify~~ authorize, notification must be provided promptly by telephone to the provider. The utilization review organization shall send written notification to the provider or shall maintain an audit trail of the determination and telephone notification. For purposes of this subdivision, "audit trail" includes documentation of the telephone notification, including the date; the name of the person spoken to; the enrollee; the service, procedure, or admission ~~certified~~ authorized; and the date of the service, procedure, or admission. If the utilization review organization indicates ~~certification~~ authorization by use of a number, the number must be called the "~~certification~~ authorization number." For purposes of this subdivision, notification may also be made by facsimile to a verified number or by electronic mail to a secure electronic mailbox. These electronic forms of notification satisfy the "audit trail" requirement of this paragraph.

(c) When an ~~initial~~ adverse determination is made ~~not to certify~~, notification must be provided within five business days after receiving the request by telephone, by facsimile to a verified number, or by electronic mail to a secure electronic mailbox ~~within one working day after making the determination~~ to the attending health care professional and hospital or physician office as applicable. Written notification must also be sent to the hospital or physician office as applicable and attending health care professional if notification occurred by telephone. For purposes of this subdivision, notification may be made by facsimile to a verified number or by electronic mail to a secure electronic mailbox. Written notification must be sent to the enrollee and may be sent by United States mail, facsimile to a verified number, or by electronic mail to a secure mailbox. The written notification must include ~~the principal reason or~~ all reasons relied on by the utilization review organization for the determination and the process for initiating an appeal of the determination. Upon request, the utilization review organization shall provide the provider or enrollee with the criteria used to determine the necessity, appropriateness, and efficacy of the health care service and identify the

database, professional treatment parameter, or other basis for the criteria. Reasons for ~~a~~ an adverse determination not to certify may include, among other things, the lack of adequate information to ~~certify~~ authorize after a reasonable attempt has been made to contact the provider or enrollee.

(d) When an ~~initial~~ adverse determination is made ~~not to certify~~, the written notification must inform the enrollee and the attending health care professional of the right to submit an appeal to the internal appeal process described in section 62M.06 and the procedure for initiating the internal appeal. The written notice shall be provided in a culturally and linguistically appropriate manner consistent with the provisions of the Affordable Care Act as defined under section 62A.011, subdivision 1a.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 10. Minnesota Statutes 2018, section 62M.05, subdivision 3b, is amended to read:

Subd. 3b. **Expedited review determination.** (a) An expedited ~~initial~~ determination must be utilized if the attending health care professional believes that an expedited determination is warranted.

(b) Notification of an expedited ~~initial~~ determination to ~~either certify or not to certify~~ authorize or an expedited adverse determination must be provided to the hospital, the attending health care professional, and the enrollee as expeditiously as the enrollee's medical condition requires, but no later than ~~72~~ 48 hours ~~from~~ and must include at least one business day after the initial request. When an expedited ~~initial~~ adverse determination is made ~~not to certify~~, the utilization review organization must also notify the enrollee and the attending health care professional of the right to submit an appeal to the expedited internal appeal as described in section 62M.06 and the procedure for initiating an expedited internal ~~expedited~~ appeal.

EFFECTIVE DATE. This section is effective January 1, 2022, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 62M.05, subdivision 4, is amended to read:

Subd. 4. **Failure to provide necessary information.** A utilization review organization must have written procedures to address the failure of a provider or enrollee to provide the ~~necessary~~ information ~~for review~~ necessary to make a determination on the request. If the enrollee or provider will not release the necessary information to the utilization review organization, the utilization review organization may ~~deny certification~~ make an adverse determination in accordance with its own policy or the policy described in the health benefit plan.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 62M.06, subdivision 3, is amended to read:

Subd. 3. **Standard appeal.** (a) The utilization review organization must establish procedures for appeals to be made either in writing or by telephone.

(b) A utilization review organization shall notify in writing the enrollee, attending health care professional, and claims administrator of its determination on the appeal within ~~30 days upon~~ 15 days after receipt of the notice of appeal. If the utilization review organization cannot make a determination within ~~30~~ 15 days due to circumstances outside the control of the utilization review organization, the utilization review organization may take up to ~~4~~ four additional days to notify the enrollee, attending health care professional, and claims administrator of its determination. If the utilization review organization takes any additional days beyond the initial ~~30-day~~ 15-day period to make its determination, it must inform the enrollee, attending health care professional, and claims administrator, in advance, of the extension and the reasons for the extension.

(c) The documentation required by the utilization review organization may include copies of part or all of the medical record and a written statement from the attending health care professional.

(d) Prior to upholding the ~~initial~~ adverse determination ~~not to certify~~ for clinical reasons, the utilization review organization shall conduct a review of the documentation by a physician who did not make the ~~initial~~ adverse determination ~~not to certify~~.

(e) The process established by a utilization review organization may include defining a period within which an appeal must be filed to be considered. The time period must be communicated to the enrollee and attending health care professional when the ~~initial~~ adverse determination is made.

(f) An attending health care professional or enrollee who has been unsuccessful in an attempt to reverse ~~a an~~ an adverse determination ~~not to certify~~ shall, consistent with section 72A.285, be provided the following:

(1) a complete summary of the review findings;

(2) qualifications of the reviewers, including any license, certification, or specialty designation; and

(3) the relationship between the enrollee's diagnosis and the review criteria used as the basis for the decision, including the specific rationale for the reviewer's decision.

(g) In cases of appeal to reverse ~~a an~~ an adverse determination ~~not to certify~~ for clinical reasons, the utilization review organization must ensure that a physician of the utilization review organization's choice in the same or a similar specialty as typically manages the medical condition, procedure, or treatment under discussion is reasonably available to review the case.

(h) If the ~~initial~~ adverse determination is not reversed on appeal, the utilization review organization must include in its notification the right to submit the appeal to the external review process described in section 62Q.73 and the procedure for initiating an appeal under the external process.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 13. Minnesota Statutes 2018, section 62M.07, is amended to read:

62M.07 PRIOR AUTHORIZATION OF SERVICES.

Subdivision 1. **Written standards.** ~~(a)~~ Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 62M.05, subdivisions 3a and 3b, regarding time frames for ~~approving and disapproving~~ authorizing and making adverse determinations regarding prior authorization requests;

(4) written procedures ~~for appeals of denials~~ to appeal adverse determinations of prior authorization requests which specify the responsibilities of the enrollee and provider, and which meet the requirements of sections 62M.06 and 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

Subd. 2. **Prior authorization of emergency services prohibited.** ~~(b)~~ No utilization review organization, health plan company, or claims administrator may conduct or require prior authorization of emergency confinement or an emergency treatment service. The enrollee or the enrollee's authorized representative may be required to notify the health plan company, claims administrator, or utilization review organization as soon as reasonably possible after the beginning of the emergency confinement or emergency ~~treatment as reasonably possible~~ service.

Subd. 3. **Retrospective revocation or limitation of prior authorization.** No utilization review organization, health plan company, or claims administrator may revoke, limit, condition, or restrict a prior authorization that has been authorized unless there is evidence that the prior authorization was authorized based on fraud or misinformation or a previously approved prior authorization conflicts with state or federal law. Application of a deductible, coinsurance, or other cost-sharing requirement does not constitute a limit, condition, or restriction under this subdivision.

Subd. 4. **Submission of prior authorization requests.** ~~(c)~~ If prior authorization for a health care service is required, the utilization review organization, health plan company, or claim administrator must allow providers to submit requests for prior authorization of the health care services without unreasonable delay by telephone, facsimile, or voice mail or through an electronic mechanism 24 hours a day, seven days a week. This paragraph subdivision does not apply to dental service covered under MinnesotaCare or medical assistance.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 62M.09, subdivision 3, is amended to read:

Subd. 3. **Physician reviewer involvement; adverse determinations.** (a) A physician must review and make the adverse determination under section 62M.05 in all cases in which the utilization review organization has concluded that a an adverse determination ~~not to certify~~ for clinical reasons is appropriate.

(b) The physician conducting the review and making the adverse determination ~~must be licensed:~~

(1) hold a current, unrestricted license to practice medicine in this state; and

(2) have the same or similar medical specialty as a provider that typically treats or manages the condition for which the health care service has been requested.

This paragraph does not apply to reviews conducted in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

(c) The physician should be reasonably available by telephone to discuss the determination with the attending health care professional.

(d) Notwithstanding paragraph (a), a review of an adverse determination involving a prescription drug must be conducted by a licensed pharmacist who is competent to evaluate the specific clinical issues presented in the review, or a physician who meets the requirements in paragraph (b).

(e) This subdivision does not apply to outpatient mental health or substance abuse services governed by subdivision 3a.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 62M.10, subdivision 7, is amended to read:

Subd. 7. **Availability of criteria.** ~~Upon request,~~ (a) For utilization review determinations other than prior authorization, a utilization review organization shall, upon request, provide to an enrollee, a provider, and the commissioner of commerce the criteria used to determine the medical necessity, appropriateness, and efficacy of a procedure or service and identify the database, professional treatment guideline, or other basis for the criteria.

(b) For prior authorization determinations, a utilization review organization must submit the organization's current prior authorization requirements and restrictions, including written, evidence-based, clinical criteria used to make an authorization or adverse determination, to all health plan companies for which the organization performs utilization review. A health plan company must post on its public website the prior authorization requirements and restrictions of any utilization review organization that performs utilization review for the health plan company. These prior authorization requirements and restrictions must be detailed and written in language that is easily understandable to providers.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 62M.10, is amended by adding a subdivision to read:

Subd. 8. Notice; new prior authorization requirements or restrictions; change to existing requirement or restriction. (a) Before a utilization review organization may implement a new prior authorization requirement or restriction or amend an existing prior authorization requirement or restriction, the utilization review organization must submit the new or amended requirement or restriction to all health plan companies for which the organization performs utilization review. A health plan company must post on its website the new or amended requirement or restriction.

(b) At least 45 days before a new prior authorization requirement or restriction or an amended existing prior authorization requirement or restriction is implemented, the utilization review organization, health plan company, or claims administrator must provide written or electronic notice of the new or amended requirement or restriction to all Minnesota-based, in-network attending health care professionals who are subject to the prior authorization requirements and restrictions.

(c) This subdivision does not apply to managed care plans or county-based purchasing plans when the plan is providing coverage for public health care program enrollees under chapter 2656B or 256L.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 17. **[62M.17] CONTINUITY OF CARE; PRIOR AUTHORIZATIONS.**

Subdivision 1. Compliance with prior authorization approved by previous utilization review organization; change in health plan company. If an enrollee obtains coverage from a new health plan company and the health plan company for the enrollee's new health benefit plan uses a different utilization review organization from the enrollee's previous health benefit plan to conduct utilization review, the health plan company for the enrollee's new health benefit plan shall comply with a prior authorization for health care services approved by the utilization review organization used by the enrollee's previous health benefit plan for at least the first 60 days that the enrollee is covered under the new health benefit plan. In order to obtain coverage for this 60-day time period, the enrollee or the enrollee's attending health care professional must submit documentation of the previous prior authorization to the enrollee's new health plan company according to procedures in the enrollee's new health benefit plan. During this 60-day time period, the utilization review organization used by the enrollee's new health plan company may conduct its own utilization review of these health care services.

Subd. 2. Effect of change in prior authorization clinical criteria. (a) If, during a plan year, a utilization review organization, health plan company, or claims administrator changes coverage terms for a health care service or the clinical criteria used to conduct prior authorizations for a health care service, the change in coverage terms or change in clinical criteria shall not apply until the next plan year for any enrollee who received prior authorization for a health care service using the coverage terms or clinical criteria in effect before the effective date of the change.

(b) Paragraph (a) does not apply if a utilization review organization, health plan company, or claims administrator changes coverage terms for a drug or device that has been deemed unsafe by the United States Food and Drug Administration (FDA); that has been withdrawn by either the FDA or the product manufacturer; or when an independent source of research, clinical guidelines, or

evidence-based standards has issued drug- or device-specific warnings or recommended changes in drug or device usage.

(c) Paragraph (a) does not apply if a utilization review organization, health plan company, or claims administrator changes coverage terms for a service or the clinical criteria used to conduct prior authorizations for a service when an independent source of research, clinical guidelines, or evidence-based standards has recommended changes in usage of the service for reasons related to patient harm.

(d) Paragraph (a) does not apply if a utilization review organization, health plan company, or claims administrator removes a brand name drug from its formulary or places a brand name drug in a benefit category that increases the enrollee's cost, provided the utilization review organization, health plan company, or claims administrator (1) adds to its formulary a generic or multisource brand name drug rated as therapeutically equivalent according to the FDA Orange Book, or a biologic drug rated as interchangeable according to the FDA Purple Book, at a lower cost to the enrollee, and (2) provides at least a 60-day notice to prescribers, pharmacists, and affected enrollees.

Subd. 3. **Limitations.** This section does not apply to public health care programs administered under chapter 256B or 256L.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 18. [62M.18] ANNUAL POSTING ON WEBSITE; PRIOR AUTHORIZATIONS.

(a) By April 1, 2022, and each April 1 thereafter, a health plan company must post on the health plan company's public website the following data for the immediately preceding calendar year for each commercial product:

(1) the number of prior authorization requests for which an authorization was issued;

(2) the number of prior authorization requests for which an adverse determination was issued and sorted by: (i) health care service; (ii) whether the adverse determination was appealed; and (iii) whether the adverse determination was upheld or reversed on appeal;

(3) the number of prior authorization requests that were submitted electronically and not by facsimile or e-mail or other method pursuant to section 62J.497; and

(4) the reasons for prior authorization denial including but not limited to:

(i) patient did not meet prior authorization criteria;

(ii) incomplete information submitted by the provider to the utilization review organization;

(iii) change in treatment program; and

(iv) the patient is no longer covered by the plan.

(b) All information posted under this section must be written in easily understandable language.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 19. **COMPLIANCE REPORT ON DRUG PRIOR AUTHORIZATION.**

By February 1, 2021, the commissioner of health shall submit to the chairs and ranking minority members of the legislative committees with jurisdiction over health care policy and finance a report on compliance with the requirements for providers in Minnesota Statutes, section 62J.497, subdivision 5. The report must include the following information from health plans offered in the commercial fully insured and self-insured health insurance markets:

(1) the total number of drug prior authorization requests;

(2) the frequency with which drug prior authorization requests are submitted electronically. Electronic submission does not include facsimile or e-mail requests;

(3) the turnaround times for health plans when drug prior authorizations are submitted electronically;

(4) the turnaround times for health plans when drug prior authorizations are not submitted electronically;

(5) the reasons electronic drug prior authorizations are denied;

(6) the reasons nonelectronic drug prior authorizations are denied;

(7) the anticipated effect on denials and turnaround times if all providers in Minnesota were to submit drug prior authorizations electronically;

(8) the differences between the commercial fully insured and self-insured markets for clauses (1) to (7); and

(9) the reasons providers are not able to comply with Minnesota Statutes, section 62J.497, subdivision 5.

Sec. 20. **REPEALER.**

(a) Minnesota Statutes 2018, section 62M.02, subdivision 19, is repealed effective January 1, 2021.

(b) Minnesota Rules, part 4685.0100, subpart 9b, is repealed effective January 1, 2021.

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2018, section 62M.02, subdivision 2, is amended to read:

Subd. 2. **Appeal.** "Appeal" means a formal request, either orally or in writing, to reconsider a an adverse determination not to certify regarding an admission, extension of stay, or other health care service.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 2. Minnesota Statutes 2018, section 62M.04, subdivision 1, is amended to read:

Subdivision 1. **Responsibility for obtaining certification authorization.** A health benefit plan that includes utilization review requirements must specify the process for notifying the utilization review organization in a timely manner and obtaining certification authorization for health care services. Each health plan company must provide a clear and concise description of this process to an enrollee as part of the policy, subscriber contract, or certificate of coverage. In addition to the enrollee, the utilization review organization must allow any provider or provider's designee, or responsible patient representative, including a family member, to fulfill the obligations under the health plan.

A claims administrator that contracts directly with providers for the provision of health care services to enrollees may, through contract, require the provider to notify the review organization in a timely manner and obtain certification authorization for health care services.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 3. Minnesota Statutes 2018, section 62M.04, subdivision 2, is amended to read:

Subd. 2. **Information upon which utilization review is conducted.** (a) If the utilization review organization is conducting routine prospective and concurrent utilization review, utilization review organizations must collect only the information necessary to certify authorize the admission, procedure of treatment, and length of stay.

(b) Utilization review organizations may request, but may not require providers to supply, numerically encoded diagnoses or procedures as part of the certification authorization process.

(c) Utilization review organizations must not routinely request copies of medical records for all patients reviewed. In performing prospective and concurrent review, copies of the pertinent portion of the medical record should be required only when a difficulty develops in certifying authorizing the medical necessity or appropriateness of the admission or extension of stay.

(d) Utilization review organizations may request copies of medical records retrospectively for a number of purposes, including auditing the services provided, quality assurance review, ensuring compliance with the terms of either the health benefit plan or the provider contract, and compliance with utilization review activities. Except for reviewing medical records associated with an appeal or with an investigation or audit of data discrepancies, providers must be reimbursed for the reasonable costs of duplicating records requested by the utilization review organization for retrospective review unless otherwise provided under the terms of the provider contract.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 4. Minnesota Statutes 2018, section 62M.04, subdivision 3, is amended to read:

Subd. 3. **Data elements.** (a) Except as otherwise provided in ~~sections 62M.01 to 62M.16~~ this chapter, for purposes of ~~certification~~ authorization a utilization review organization must limit its data requirements to the following elements:

(b) Patient information that includes the following:

- (1) name;
- (2) address;
- (3) date of birth;
- (4) sex;
- (5) Social Security number or patient identification number;
- (6) name of health plan company or health plan; and
- (7) plan identification number.

(c) Enrollee information that includes the following:

- (1) name;
- (2) address;
- (3) Social Security number or employee identification number;
- (4) relation to patient;
- (5) employer;
- (6) health benefit plan;
- (7) group number or plan identification number; and
- (8) availability of other coverage.

(d) Attending health care professional information that includes the following:

- (1) name;
- (2) address;
- (3) telephone numbers;
- (4) degree and license;

- (5) specialty or board certification status; and
- (6) tax identification number or other identification number.
- (e) Diagnosis and treatment information that includes the following:
 - (1) primary diagnosis with associated ICD or DSM coding, if available;
 - (2) secondary diagnosis with associated ICD or DSM coding, if available;
 - (3) tertiary diagnoses with associated ICD or DSM coding, if available;
 - (4) proposed procedures or treatments with ICD or associated CPT codes, if available;
 - (5) surgical assistant requirement;
 - (6) anesthesia requirement;
 - (7) proposed admission or service dates;
 - (8) proposed procedure date; and
 - (9) proposed length of stay.
- (f) Clinical information that includes the following:
 - (1) support and documentation of appropriateness and level of service proposed; and
 - (2) identification of contact person for detailed clinical information.
- (g) Facility information that includes the following:
 - (1) type;
 - (2) licensure and certification status and DRG exempt status;
 - (3) name;
 - (4) address;
 - (5) telephone number; and
 - (6) tax identification number or other identification number.
- (h) Concurrent or continued stay review information that includes the following:
 - (1) additional days, services, or procedures proposed;
 - (2) reasons for extension, including clinical information sufficient for support of appropriateness and level of service proposed; and
 - (3) diagnosis status.

(i) For admissions to facilities other than acute medical or surgical hospitals, additional information that includes the following:

- (1) history of present illness;
- (2) patient treatment plan and goals;
- (3) prognosis;
- (4) staff qualifications; and
- (5) 24-hour availability of staff.

Additional information may be required for other specific review functions such as discharge planning or catastrophic case management. Second opinion information may also be required, when applicable, to support benefit plan requirements.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 62M.04, subdivision 4, is amended to read:

Subd. 4. **Additional information.** A utilization review organization may request information in addition to that described in subdivision 3 when there is significant lack of agreement between the utilization review organization and the provider regarding the appropriateness of ~~certification~~ authorization during the review or appeal process. For purposes of this subdivision, "significant lack of agreement" means that the utilization review organization has:

- (1) tentatively determined through its professional staff that a service cannot be ~~certified~~ authorized;
- (2) referred the case to a physician for review; and
- (3) talked to or attempted to talk to the attending health care professional for further information.

Nothing in ~~sections 62M.01 to 62M.16~~ this chapter prohibits a utilization review organization from requiring submission of data necessary to comply with the quality assurance and utilization review requirements of chapter 62D or other appropriate data or outcome analyses.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 6. Minnesota Statutes 2018, section 62M.05, subdivision 3, is amended to read:

Subd. 3. **Notification of adverse determinations and authorizations.** A utilization review organization must have written procedures for providing notification of ~~its determinations on all certifications~~ its adverse determinations and authorizations in accordance with this section.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 7. Minnesota Statutes 2018, section 62M.05, subdivision 5, is amended to read:

Subd. 5. **Notification to claims administrator.** If the utilization review organization and the claims administrator are separate entities, the utilization review organization must forward, electronically or in writing, a notification of ~~certification or determination not to certify an authorization~~ or adverse determination to the appropriate claims administrator for the health benefit plan. If it is determined by the claims administrator that the ~~certified~~ authorized health care service is not covered by the health benefit plan, the claims administrator must promptly notify the claimant and provider of this information.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 8. Minnesota Statutes 2018, section 62M.06, subdivision 1, is amended to read:

Subdivision 1. **Procedures for appeal.** (a) A utilization review organization must have written procedures for appeals of adverse determinations ~~not to certify~~. The right to appeal must be available to the enrollee and to the attending health care professional.

(b) The enrollee shall be allowed to review the information relied upon in the course of the appeal, present evidence and testimony as part of the appeals process, and receive continued coverage pending the outcome of the appeals process. This paragraph does not apply to managed care plans or county-based purchasing plans serving state public health care program enrollees under section 256B.69, 256B.692, or chapter 256L, or to grandfathered plans as defined under section 62A.011, subdivision 1c. Nothing in this paragraph shall be construed to limit or restrict the appeal rights of state public health care program enrollees provided under section 256.045 and Code of Federal Regulations, title 42, section 438.420(d).

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 9. Minnesota Statutes 2018, section 62M.06, subdivision 2, is amended to read:

Subd. 2. **Expedited appeal.** (a) When an ~~initial~~ adverse determination not to certify for a health care service is made prior to or during an ongoing service requiring review and the attending health care professional believes that the determination warrants an expedited appeal, the utilization review organization must ensure that the enrollee and the attending health care professional have an opportunity to appeal the determination over the telephone on an expedited basis. In such an appeal, the utilization review organization must ensure reasonable access to its consulting physician or health care provider.

(b) The utilization review organization shall notify the enrollee and attending health care professional by telephone of its determination on the expedited appeal as expeditiously as the enrollee's medical condition requires, but no later than 72 hours after receiving the expedited appeal.

(c) If the adverse determination not to certify is not reversed through the expedited appeal, the utilization review organization must include in its notification the right to submit the appeal to the external appeal process described in section 62Q.73 and the procedure for initiating the process.

This information must be provided in writing to the enrollee and the attending health care professional as soon as practical.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 10. Minnesota Statutes 2018, section 62M.06, subdivision 4, is amended to read:

Subd. 4. **Notification to claims administrator.** If the utilization review organization and the claims administrator are separate entities, the utilization review organization must notify, either electronically or in writing, the appropriate claims administrator for the health benefit plan of any adverse determination ~~not to certify~~ that is reversed on appeal.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 11. Minnesota Statutes 2018, section 62M.09, subdivision 3a, is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating mental health or substance abuse provider, a doctoral-level psychologist, or a physician must review requests for outpatient services in which the utilization review organization has concluded that a an adverse determination ~~not to certify for~~ a mental health or substance abuse service for clinical reasons is appropriate, provided that any final adverse determination ~~not to certify~~ issued under section 62M.05 for a treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology and appropriately licensed in this state or by a doctoral-level psychologist licensed in this state.

(b) Notwithstanding paragraph (a), a doctoral-level psychologist shall not review any request or final adverse determination ~~not to certify for~~ a mental health or substance abuse service or treatment if the treating provider is a psychiatrist.

(c) Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision adverse determination to certify authorize in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

(d) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 12. Minnesota Statutes 2018, section 62M.09, subdivision 4, is amended to read:

Subd. 4. **Dentist plan reviews.** A dentist must review all cases in which the utilization review organization has concluded that a an adverse determination ~~not to certify for~~ a dental service or procedure for clinical reasons is appropriate and an appeal has been made by the attending dentist, enrollee, or designee.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 13. Minnesota Statutes 2018, section 62M.09, subdivision 4a, is amended to read:

Subd. 4a. **Chiropractic review.** A chiropractor must review all cases in which the utilization review organization has concluded that ~~a an adverse determination not to certify~~ for a chiropractic service or procedure for clinical reasons is appropriate and an appeal has been made by the attending chiropractor, enrollee, or designee.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 14. Minnesota Statutes 2018, section 62M.09, subdivision 5, is amended to read:

Subd. 5. **Written clinical criteria.** A utilization review organization's decisions must be supported by written clinical criteria and review procedures. Clinical criteria and review procedures must be established with appropriate involvement from actively practicing physicians. A utilization review organization must use written clinical criteria, as required, for determining the appropriateness of the ~~certification~~ authorization request. The utilization review organization must have a procedure for ensuring, at a minimum, the annual evaluation and updating of the written criteria based on sound clinical principles.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 15. Minnesota Statutes 2018, section 62M.11, is amended to read:

62M.11 COMPLAINTS TO COMMERCE OR HEALTH.

Notwithstanding the provisions of ~~sections 62M.01 to 62M.16~~ this chapter, an enrollee may file a complaint regarding ~~a an adverse determination not to certify~~ directly to the commissioner responsible for regulating the utilization review organization.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 16. Minnesota Statutes 2018, section 62M.12, is amended to read:

62M.12 PROHIBITION OF INAPPROPRIATE INCENTIVES.

No individual who is performing utilization review may receive any financial incentive based on the number of ~~denials of certifications~~ adverse determinations made by such individual, provided that utilization review organizations may establish medically appropriate performance standards. This prohibition does not apply to financial incentives established between health plan companies and providers.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 17. Minnesota Statutes 2018, section 62Q.71, is amended to read:

62Q.71 NOTICE TO ENROLLEES.

Each health plan company shall provide to enrollees a clear and concise description of its complaint resolution procedure, if applicable under section 62Q.68, subdivision 1, and the procedure used for utilization review as defined under chapter 62M as part of the member handbook, subscriber contract, or certificate of coverage. If the health plan company does not issue a member handbook, the health plan company may provide the description in another written document. The description must specifically inform enrollees:

- (1) how to submit a complaint to the health plan company;
- (2) if the health plan includes utilization review requirements, how to notify the utilization review organization in a timely manner and how to obtain ~~certification~~ authorization for health care services;
- (3) how to request an appeal either through the procedures described in section 62Q.70, if applicable, or through the procedures described in chapter 62M;
- (4) of the right to file a complaint with either the commissioner of health or commerce at any time during the complaint and appeal process;
- (5) of the toll-free telephone number of the appropriate commissioner; and
- (6) of the right, for individual and group coverage, to obtain an external review under section 62Q.73 and a description of when and how that right may be exercised, including that under most circumstances an enrollee must exhaust the internal complaint or appeal process prior to external review. However, an enrollee may proceed to external review without exhausting the internal complaint or appeal process under the following circumstances:
 - (i) the health plan company waives the exhaustion requirement;
 - (ii) the health plan company is considered to have waived the exhaustion requirement by failing to substantially comply with any requirements including, but not limited to, time limits for internal complaints or appeals; or
 - (iii) the enrollee has applied for an expedited external review at the same time the enrollee ~~qualifies for and~~ has applied for an ~~expedited~~ internal review under chapter 62M.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 18. Minnesota Statutes 2018, section 62Q.73, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section, "adverse determination" means:

- (1) for individual health plans, a complaint decision relating to a health care service or claim that is partially or wholly adverse to the complainant;

(2) an individual health plan that is grandfathered plan coverage may instead apply the definition of adverse determination for group coverage in clause (3);

(3) for group health plans, a complaint decision relating to a health care service or claim that has been appealed in accordance with section 62Q.70 and the appeal decision is partially or wholly adverse to the complainant;

(4) any ~~initial~~ adverse determination ~~not to certify~~, as defined in section 62M.02, subdivision 1a, that has been appealed in accordance with section 62M.06 and the appeal did not reverse the ~~initial~~ adverse determination ~~not to certify~~;

(5) a decision relating to a health care service made by a health plan company licensed under chapter 60A that denies the service on the basis that the service was not medically necessary; or

(6) the enrollee has met the requirements of subdivision 6, paragraph (e).

An adverse determination does not include complaints relating to fraudulent marketing practices or agent misrepresentation.

EFFECTIVE DATE. This section is effective January 1, 2021, and applies to health plans offered, sold, issued, or renewed on or after that date.

Sec. 19. **REVISOR INSTRUCTIONS.**

(a) In Minnesota Statutes, chapter 62M, the revisor of statutes shall replace references to "sections 62M.01 to 62M.16" with "this chapter." In Minnesota Statutes, section 256B.692, subdivision 2, the revisor of statutes shall replace a reference to "sections 62M.01 to 62M.16" with "chapter 62M." The revisor shall make any necessary technical and conforming changes to sentence structure to preserve the meaning of the text.

(b) The revisor of statutes shall replace the term "DETERMINATIONS NOT TO CERTIFY" with "ADVERSE DETERMINATIONS" in the section headnote for Minnesota Statutes, section 62M.06.

EFFECTIVE DATE. Paragraph (a) is effective August 1, 2020. Paragraph (b) is effective January 1, 2021."

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.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred

S.F. No. 4511: A bill for an act relating to economic development; authorizing reopening of businesses for safe operation during the COVID-19 pandemic if certain safety guidance is followed.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred the following appointment:

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
COMMISSIONER
Steve Grove

Reports the same back with the recommendation that the appointment be confirmed.

Senator Gazelka moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Pratt from the Committee on Jobs and Economic Growth Finance and Policy, to which was referred the following appointment:

DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER
Nancy Leppink

Reports the same back with the recommendation that the appointment be reported to the Senate without recommendation.

Senator Gazelka moved that the foregoing committee report be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Wiger introduced--

S.F. No. 4575: A bill for an act relating to education; requiring the commissioner to equitably distribute the state education agencies reserve portion of Elementary and Secondary School Emergency Relief Fund; requiring certain uses of relief funds and permanent school fund apportionment.

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

Senator Jensen introduced--

S.F. No. 4576: A bill for an act relating to capital investment; appropriating money for levee restoration in Carver; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Koran introduced--

S.F. No. 4577: A bill for an act relating to human services; requiring the commissioner of human services to award grants from the opiate epidemic response account.

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

Senators Goggin and Eichorn introduced--

S.F. No. 4578: A bill for an act relating to unemployment insurance; modifying the effect of certain payments on unemployment benefits during peacetime emergency declaration.

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

Senator Torres Ray introduced--

S.F. No. 4579: A bill for an act relating to public safety; extending the deadline for the task force on missing and murdered indigenous women to submit a final report; appropriating money for the task force on missing and murdered indigenous women; amending Laws 2019, First Special Session chapter 5, article 1, section 12, subdivisions 1, 7; article 2, section 28, subdivisions 4, 5.

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

Senator Torres Ray introduced--

S.F. No. 4580: A bill for an act relating to education; establishing a distance learning broadband access grant program; requiring the commissioner to equitably distribute the state education agencies reserve portion of the Elementary and Secondary School Emergency Relief Funds; requiring school districts and charter schools to use Elementary and Secondary School Emergency Relief Funds for certain purposes; requiring school districts and charter schools to use the September 2020 permanent school fund apportionment for certain purposes; appropriating money.

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

Senator Torres Ray introduced--

S.F. No. 4581: A resolution memorializing Congress to overturn the United States Supreme Court decision *Citizens United v. FEC*; requesting that Congress clarify that the rights protected under the Constitution are the rights of natural persons and not the rights of artificial entities and that spending money to influence elections is not speech under the First Amendment; asking that Congress propose a constitutional amendment to provide such clarification.

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

Senators Goggin and Eichorn introduced--

S.F. No. 4582: A bill for an act relating to taxes; property; repealing the state general tax; amending Minnesota Statutes 2018, sections 273.1231, subdivision 6; 273.13, subdivision 25; 275.065, subdivision 3; 275.28, subdivision 1; 469.1794, subdivision 5; repealing Minnesota Statutes

2018, sections 273.42; 275.025, subdivisions 2, 3, 4, 5; 276.112; Minnesota Statutes 2019 Supplement, section 275.025, subdivisions 1, 6.

Referred to the Committee on Taxes.

Senator Utke introduced--

S.F. No. 4583: A bill for an act relating to state government; proposing a constitutional amendment to the Minnesota Constitution article V, section 3; declaring an emergency by the governor; amending Minnesota Statutes 2018, section 12.31, subdivision 2.

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

Senator Utke introduced--

S.F. No. 4584: A bill for an act relating to child protection; requiring training for child welfare workers and state agency staff to serve American Indian children and families; appropriating money for a tribal child welfare partnership; amending Minnesota Statutes 2018, section 626.559, by adding a subdivision.

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

Senator Hayden introduced--

S.F. No. 4585: A bill for an act relating to cannabis; establishing the Cannabis Management Board; establishing advisory councils; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults; providing for the licensing, inspection, and regulation of cannabis businesses; requiring testing of cannabis and cannabis products; requiring labeling of cannabis and cannabis products; limiting the advertisement of cannabis, cannabis products, and cannabis businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; taxing the sale of adult-use cannabis; establishing grant and loan programs; amending criminal penalties; establishing expungement procedures for certain individuals; establishing labor standards for the use of cannabis by employees and testing of employees; creating a civil cause of action for certain nuisances; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; appropriating money; amending Minnesota Statutes 2018, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 152.02, subdivisions 2, 4; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, by adding subdivisions; 181.952, by adding a subdivision; 181.953, by adding a subdivision; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 256.01, subdivision 18c; 256D.024, subdivision 1; 256J.26, subdivision 1; 297A.61, subdivision 12; 609.135, subdivision 1; 609.531, subdivision 1; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609.5317, subdivision 1; 609A.01; 609A.03, subdivisions 5, 9; Minnesota Statutes 2019 Supplement, sections 290.0132, subdivision 29; 290.0134, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 17; 28A; 34A; 116J; 116L; 120B; 144; 152; 175; 295; 604; 609A; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2018, sections 152.027, subdivisions 3, 4; 152.22, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 14; 152.23; 152.24; 152.25, subdivisions 1b, 2, 3; 152.26; 152.261; 152.27, subdivisions 1, 7; 152.28,

subdivisions 2, 3; 152.29, subdivision 4; 152.30; 152.32, subdivisions 1, 3; 152.33, subdivisions 1a, 3, 4, 5, 6; 152.35; 152.36, subdivisions 1, 1a, 3, 4, 5; 152.37; Minnesota Statutes 2019 Supplement, sections 152.22, subdivisions 5a, 5b, 6, 11, 13; 152.25, subdivisions 1, 1a, 1c, 4; 152.27, subdivisions 2, 3, 4, 5, 6; 152.28, subdivision 1; 152.29, subdivisions 1, 2, 3, 3a; 152.31; 152.32, subdivision 2; 152.33, subdivisions 1, 2; 152.34; 152.36, subdivision 2; Minnesota Rules, parts 4770.0100; 4770.0200; 4770.0300; 4770.0400; 4770.0500; 4770.0600; 4770.0800; 4770.0900; 4770.1000; 4770.1100; 4770.1200; 4770.1300; 4770.1400; 4770.1460; 4770.1500; 4770.1600; 4770.1700; 4770.1800; 4770.1900; 4770.2000; 4770.2100; 4770.2200; 4770.2300; 4770.2400; 4770.2700; 4770.2800; 4770.4000; 4770.4002; 4770.4003; 4770.4004; 4770.4005; 4770.4007; 4770.4008; 4770.4009; 4770.4010; 4770.4012; 4770.4013; 4770.4014; 4770.4015; 4770.4016; 4770.4017; 4770.4018; 4770.4030.

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

Senator Weber introduced--

S.F. No. 4586: A bill for an act relating to housing; extending deadline for bond obligations.

Referred to the Committee on Capital Investment.

Senators Abeler, Housley, Relph, and Hoffman introduced--

S.F. No. 4587: A bill for an act relating to local government aid; state finances; establishing a supplemental county aid program to pay for social services costs related to the COVID-19 pandemic; establishing grant programs to support businesses and farmers impacted by the COVID-19 pandemic; allocating money from the federal fund.

Referred to the Committee on Taxes.

Senators Limmer, Relph, Johnson, and Tomassoni introduced--

S.F. No. 4588: A bill for an act relating to public safety; clarifying the penalties for violations related to Minnesota Statutes, chapter 12; amending Minnesota Statutes 2018, section 12.45.

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

Senators Dzedzic, Dibble, Hawj, and Eken introduced--

S.F. No. 4589: A bill for an act relating to housing; appropriating money for certain Minnesota Housing Finance Agency programs.

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

Senators Dzedzic, Simonson, and Hawj introduced--

S.F. No. 4590: A bill for an act relating to economic development; establishing a program for emergency community relief grants; appropriating money.

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

MOTIONS AND RESOLUTIONS

Senator Rarick moved that the name of Senator Osmek be added as a co-author to S.F. No. 4409. The motion prevailed.

Senator Rosen moved that the name of Senator Nelson be added as a co-author to S.F. No. 4564. The motion prevailed.

Senator Rosen moved that the name of Senator Nelson be added as a co-author to S.F. No. 4565. The motion prevailed.

Senator Pappas moved that the names of Senators Kent, Little, Sparks, and Clausen be added as co-authors to S.F. No. 4573. The motion prevailed.

Senator Gazelka moved that H.F. No. 4415 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 4415: A bill for an act relating to education; providing for compensation for school employees during distance learning periods during the 2019-2020 school year due to COVID-19; making exceptions for probationary teachers and truancy during the 2019-2020 school year due to COVID-19; making formula adjustments for school aid and revenue calculations and providing for fund transfers due to COVID-19; granting emergency powers to the commissioner of education and Professional Educator Licensing and Standards Board due to COVID-19; requiring a report; amending Minnesota Statutes 2018, section 134.355, subdivision 8; Laws 2019, First Special Session chapter 11, article 2, section 33, subdivisions 2, 4; article 8, section 13, subdivision 6; article 10, section 8, subdivision 1.

H.F. No. 4415 was read the second time.

Senator Gazelka moved that H.F. No. 4415 be laid on the table. The motion prevailed.

Senator Abeler moved that S.F. No. 4587 be withdrawn from the Committee on Taxes and re-referred to the Committee on Human Services Reform Finance and Policy. 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

Senator Gazelka from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 512: A bill for an act relating to lawful gambling; regulating electronic paddlewheels; providing for use of symbols; modifying methods of wagering and ticket requirements; amending Minnesota Statutes 2018, sections 349.12, subdivisions 18, 28a, 28b, 29; 349.151, subdivision 4a; 349.211, subdivision 2b; 609.76, subdivision 8.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 512 and that the report from the Committee on State Government Finance and Policy and Elections, shown in the Journal for May 7, 2020, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Senator Gazelka from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 4223: A bill for an act relating to agriculture; making policy and technical changes to agriculture-related provisions including provisions related to seed law, noxious weed law, loans, pet food, meat processing, eggs, and others; amending Minnesota Statutes 2018, sections 17.117, subdivisions 4, 5, 16; 18.77, subdivisions 8a, 13, by adding subdivisions; 18.771; 18.78, subdivisions 1, 3; 18.79, subdivisions 6, 10, 15, 18, 21; 18.82; 18.90; 18.91, subdivision 2; 18G.09; 21.72, subdivisions 11, 14, 15, by adding a subdivision; 21.73, subdivision 1; 21.74; 21.75, subdivision 1; 21.81, by adding subdivisions; 21.82, by adding a subdivision; 21.84; 21.85, subdivisions 2, 15; 21.86, subdivision 2; 21.89, subdivision 4; 21.891, subdivision 2; 25.40, subdivisions 1, 2; 28A.03, subdivision 8; 29.23, subdivision 3; 31A.02, subdivision 10; 31A.10; 31A.15, subdivision 1; Minnesota Statutes 2019 Supplement, section 41B.047, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 21; repealing Minnesota Statutes 2018, section 21.81, subdivision 12.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 4223 and that the report from the Committee on Agriculture, Rural Development, and Housing Policy, shown in the Journal for May 7, 2020, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Senator Gazelka from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 4511: A bill for an act relating to economic development; authorizing reopening of businesses for safe operation during the COVID-19 pandemic if certain safety guidance is followed.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 4511 and that the report from the Committee on Jobs and Economic Growth Finance and Policy, shown in the Journal for May 7, 2020, be adopted; that committee recommendation being:

"the bill do pass". Report adopted.

Senator Gazelka from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3204: A bill for an act relating to health care coverage; modifying requirements governing utilization review and prior authorization of health care services; making conforming changes; amending Minnesota Statutes 2018, sections 62M.01, subdivision 2; 62M.02, subdivisions 2, 5, 8, 20, 21, by adding subdivisions; 62M.04, subdivisions 1, 2, 3, 4; 62M.05, subdivisions 3, 3a, 4, 5, by adding a subdivision; 62M.06, subdivisions 1, 3, 4; 62M.07; 62M.09, subdivisions 3, 3a, 4, 4a, 5; 62M.10, subdivision 7, by adding a subdivision; 62M.11; 62M.12; 62M.14; 62Q.71; 62Q.73, subdivision 1; 256B.0625, subdivision 25; proposing coding for new law in Minnesota Statutes, chapters 62A; 62M; repealing Minnesota Statutes 2018, sections 62D.12, subdivision 19; 62M.02, subdivision 19; 62M.05, subdivision 3b; 62M.06, subdivision 2.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 3204 and that the report from the Committee on Health and Human Services Finance and Policy, shown in the Journal for May 7, 2020, be adopted; that committee recommendation being:

"the bill be amended 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.

SECOND READING OF SENATE BILLS

S.F. Nos. 512, 4223, and 4511 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Gazelka, for Senator Rosen, moved that S.F. No. 4564 be withdrawn from the Committee on Taxes and re-referred to the Committee on Finance. The motion prevailed.

SPECIAL ORDERS

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

H.F. No. 3429, S.F. Nos. 3255, 3560, and 3298.

SPECIAL ORDER

H.F. No. 3429: A bill for an act relating to elections; providing special procedures for the safe and secure conduct of the 2020 state primary and state general elections; appropriating money for various election-related purposes, including administration, security, accessibility, training, public health and safety, and public outreach; authorizing local grants; requiring a report; transferring and appropriating money for purposes of the Help America Vote Act, the federal CARES Act, and the federal Consolidated Appropriations Act.

Senator Kiffmeyer moved that the amendment made to H.F. No. 3429 by the Committee on Rules and Administration in the report adopted May 6, 2020, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Kiffmeyer moved to amend H.F. No. 3429 as follows:

Page 2, line 2, delete "three" and insert "two"

Page 2, after line 10, insert:

"(b) A governing body of a municipality or county must only use a school as a polling place when no other public or private location is reasonably available for use as a polling place. If a municipality or county has designated a school as a polling place, the municipality or county must work with school staff to ensure that contact between students and voters is minimized. For purposes of this paragraph, a school is any public or private school, college, or university."

Page 2, line 11, delete "(b)" and insert "(c)"

The motion prevailed. So the amendment was adopted.

H.F. No. 3429 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 66 and nays 1, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Gazelka cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Lang; Osmek; Pratt; Relph; and Rosen.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Hayden, Isaacson, Klein, Laine, Latz, Little, Newton, Pappas, Rest, Sparks, Torres Ray, and Wiklund.

Those who voted in the negative were:

Howe

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

SPECIAL ORDER

S.F. No. 3255: A bill for an act relating to transportation; modifying and authorizing various provisions relating to transportation, motor vehicles, and drivers; requiring reports; amending Minnesota Statutes 2018, sections 160.05, subdivision 1; 161.115, subdivision 43; 168.09, subdivision 7; 168.091; 168.092; 169.09, subdivision 3; 169.451, subdivisions 2, 4, by adding a subdivision; 171.07, by adding a subdivision; 174.30, subdivisions 2a, 4a, 8; Minnesota Statutes 2019 Supplement, sections 161.14, subdivision 94; 171.07, subdivision 6a; Laws 2019, First Special Session chapter 3, article 2, section 34, subdivision 2; article 3, section 120; Laws 2020, chapter 71, article 2, section 15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2018, sections 169.86, subdivision 3b; 174.30, subdivision 4b.

Senator Newman moved to amend S.F. No. 3255 as follows:

Page 7, after line 32, insert:

"Sec. 12. Minnesota Statutes 2018, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2, paragraph (b), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus or a multifunction school activity bus under the following conditions:

(a) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this subdivision.

(b) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(c) The operator is prohibited from using the eight-light system. Violation of this paragraph is a misdemeanor.

(d) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(1) safe operation of the type of school bus the operator will be driving;

(2) understanding student behavior, including issues relating to students with disabilities;

(3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(5) handling emergency situations; and

(6) safe loading and unloading of students.

(e) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a school bus under this subdivision.

(f) Operators shall submit to a physical examination as required by section 171.321, subdivision 2, and must have in their possession the original or a copy of a current medical examiner's certificate, or otherwise provide proof of being medically qualified, to operate a school bus under this subdivision.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(k) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(l) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by the passengers.

(m) Annual certification of the requirements listed in this subdivision must be maintained under separate file at the business location for each operator licensed under this subdivision and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this subdivision is responsible for maintaining these files for inspection.

(n) The school bus must bear a current certificate of inspection issued under section 169.451.

(o) If the word "School" appears on the front and rear of the bus, the word "School" must be covered by a sign that reads "Activities" when the bus is being operated under authority of this subdivision.

(p) The type A-I school bus or multifunction school activity bus is designed to transport 15 or fewer passengers, including the driver.

(q) The school bus or multifunction school activity bus has a gross vehicle weight rating of 14,500 pounds or less.

(r) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while employed by the entity that owns, leases, or contracts for the school bus must report the conviction to the employer within ten days of the date of the conviction.

(s) An operator whose driver's license is suspended, revoked, canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify the operator's employer in writing of the suspension, revocation, cancellation, lost privilege, or disqualification. The operator must notify the operator's employer before the end of the business day immediately following the day the operator received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

Sec. 13. Minnesota Statutes 2018, section 171.02, subdivision 2b, is amended to read:

Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under the conditions in this subdivision.

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

(c) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(1) safe operation of a type III vehicle;

(2) understanding student behavior, including issues relating to students with disabilities;

(3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(5) handling emergency situations;

(6) proper use of seat belts and child safety restraints;

(7) performance of pretrip vehicle inspections;

(8) safe loading and unloading of students, including, but not limited to:

(i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location;

(iv) placing the type III vehicle in "park" during loading and unloading; and

(v) escorting a pupil across the road under item (iii) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

(9) compliance with paragraph (k), concerning reporting certain convictions to the employer within ten days of the date of conviction.

(d) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type III vehicle under this subdivision.

(e) Operators shall submit to a physical examination as required by section 171.321, subdivision 2, and must have in their possession the original or a copy of a current medical examiner's certificate, or otherwise provide proof of being medically qualified, to operate a school bus under this subdivision.

(f) The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a Breathalyzer or similar device to fulfill random alcohol testing requirements.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required under section 171.321, subdivision 5.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law or section 171.177, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a type III vehicle under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.

(k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction.

(l) An operator of a type III vehicle whose driver's license is suspended, revoked, canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify the operator's employer in writing of the suspension, revocation, cancellation, lost privilege, or disqualification. The operator must notify the operator's employer before the end of the business day immediately following the day the operator received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

(m) Students riding the type III vehicle must have training required under section 123B.90, subdivision 2.

(n) Documentation of meeting the requirements listed in this subdivision must be maintained under separate file at the business location for each type III vehicle operator. The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the type III vehicle operating under this subdivision is responsible for maintaining these files for inspection.

(o) The type III vehicle must bear a current certificate of inspection issued under section 169.451.

(p) An employee of a school or of a school district, who is not employed for the sole purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f)."

Page 10, after line 11, insert:

"Sec. 19. **[216F.015] REQUIREMENTS CODED ELSEWHERE.**

Requirements governing certain towers are established in section 360.915.

Sec. 20. Minnesota Statutes 2018, section 299D.03, is amended by adding a subdivision to read:

Subd. 2a. **Salary and benefits survey.** (a) By January 1 of 2021, 2023, 2027, and 2031, the legislative auditor must conduct a compensation and benefit survey of law enforcement officers in every police department:

(1) in a city with a population in excess of 25,000, located in a metropolitan county, as defined in section 473.121, subdivision 4, that is represented by a union certified by the Bureau of Mediation Services; or

(2) in a city of the first class.

The State Patrol must also be included in the survey.

(b) The legislative auditor must base the survey on compensation and benefits for the past completed calendar year. The survey must be based on full-time equivalent employees. The legislative auditor must calculate compensation using base salary, overtime wages, and premium pay. Premium pay is payment that is received by a majority of employees and includes, but is not limited to, education pay and longevity pay. The legislative auditor must not include any payments made to

officers or troopers for work performed for an entity other than the agency that employs the officer or trooper, regardless of who makes the payment. The legislative auditor must also include in the survey all benefits, including insurance, retirement, and pension benefits. The legislative auditor must include contributions from both the employee and employer when determining benefits.

(c) The legislative auditor must compile the survey results into a report. The report must show each department separately. For each department, the survey must include:

(1) an explanation of the salary structure, and include minimum and maximum salaries for each range or step; and

(2) an explanation of benefits offered, including the options that are offered and the employee and employer contribution for each option.

Wherever possible, the report must be designed so that the data for each department is in the same table or grid format to facilitate easy comparison.

(d) By January 15 of 2021, 2023, 2027, and 2031, the legislative auditor must transmit the survey report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over the State Patrol budget.

(e) It is the legislature's intent to use the information in this study to compare salaries between the identified police departments and the State Patrol and to make appropriate increases to patrol trooper salaries. For purposes of this paragraph, "patrol troopers" has the meaning given in subdivision 2, paragraph (a).

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

Sec. 21. **[360.915] METEOROLOGICAL TOWERS.**

Subdivision 1. **Definition.** (a) For purposes of this section, "stand-alone meteorological tower" means a structure, whether self-standing or supported by guy wires and ground anchors, that:

(1) is designed with accessory facilities on which antenna, sensor, camera, meteorological, or other equipment is able to be mounted;

(2) has a height of at least 50 feet and not more than 200 feet; and

(3) has a diameter of ten feet or less at the aboveground base, excluding concrete footing.

(b) A stand-alone meteorological tower does not include a structure that is:

(1) affixed or adjacent to a building, including a house, barn, or utility station;

(2) an electric transmission or distribution line;

(3) a streetlight erected or maintained by a governmental entity;

(4) a wind energy conversion system, as defined in section 216F.01, subdivision 4, that has rotor blades with a length of more than six feet;

(5) a facility registered with the Federal Communications Commission or any structure with the primary purpose of supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service, as the terms are defined in Code of Federal Regulations, title 47, section 20.3; or

(6) a utility pole located in the public right-of-way.

Subd. 2. **Application; location.** The requirements of this section do not apply to a stand-alone meteorological tower that is located:

(1) within the curtilage of a farmstead; or

(2) in a statutory or home rule charter city or town.

Subd. 3. **Visibility; marking.** A stand-alone meteorological tower must:

(1) be painted in equal-width bands of solid color over its entire length, alternating between aviation orange and white so that orange is at the top of the tower and at the base of the tower;

(2) have at least two spherical markers attached to each of the highest or outside guy wires that are:

(i) painted solid aviation orange; and

(ii) placed so that one is within 15 feet of the upper anchor point of the guy wire;

(3) have a high-visibility sleeve on each guy wire, which must extend at least seven feet from the lower anchor point of each guy wire; and

(4) have a flashing red light placed at the top of the tower that is compatible with a night vision imaging system, as determined by the commissioner.

Subd. 4. **Notifications.** (a) At least 30 days prior to erecting a stand-alone meteorological tower, the tower owner must provide notice to the commissioner in the manner specified by the commissioner. The notice must identify:

(1) the tower owner's name and contact information;

(2) the name and contact information of any tower owner's representative;

(3) the height above ground level of the tower, including its base;

(4) the elevation of the tower site; and

(5) global positioning system coordinates of the center of the tower.

(b) The tower owner must notify the commissioner within 15 days of any change in any information provided under paragraph (a).

(c) The tower owner must notify the commissioner within 30 days after removal of a stand-alone meteorological tower.

Subd. 5. **Fee.** The owner of a stand-alone meteorological tower who provides notice under subdivision 4, paragraph (a), must pay a fee of \$50. A fee is not imposed for a notification provided under subdivision 4, paragraphs (b) and (c).

Subd. 6. **Administration.** (a) The commissioner must maintain records on stand-alone meteorological towers under this section and must provide information on stand-alone meteorological tower locations on the department's website.

(b) The commissioner must deposit revenue received under this section in the state airports fund.

Subd. 7. **Penalty.** The owner of a stand-alone meteorological tower who violates the requirements under subdivision 3 or 4, paragraph (a), is guilty of a misdemeanor.

Subd. 8. **Implementation; existing towers.** The owner of a stand-alone meteorological tower erected prior to the effective date of this section must meet the requirements of this section within one year of the effective date of this section."

Page 13, after line 12, insert:

"Sec. 27. NONCOMPLIANT DRIVER'S LICENSE APPLICATION; NEW PHOTOGRAPH AND EYE EXAMINATION NOT REQUIRED.

(a) This section applies to applications for noncompliant driver's licenses or identification card made on or before June 30, 2021, if the applicant's name, address, signature, and driver's license number have not changed.

(b) Notwithstanding Minnesota Statutes, section 171.13, or Minnesota Rules, part 7410.2400, subpart 1, an applicant for a noncompliant driver's license or identification card is not required to undergo a vision examination if the Department of Public Safety has a record that the applicant passed an examination of the applicant's eyesight.

(c) Notwithstanding Minnesota Statutes, section 171.071, or Minnesota Rules, chapter 7410, an applicant for a noncompliant driver's license or identification card is not required to appear in person to have a new photograph taken if the commissioner of public safety has a photograph of the applicant on file. If there is such a photograph on file, the commissioner must use the photograph for the applicant's driver's license or identification card.

EFFECTIVE DATE. This section is effective two weeks following final enactment or on the date the changes required by this section are implemented, whichever is earlier. If the changes required by this section are implemented earlier than two weeks after final enactment, the commissioner of public safety must notify the revisor of statutes of the date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3255 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Lang; Osmek; Pratt; Relph; and Rosen.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Hayden, Isaacson, Klein, Laine, Latz, Little, Newton, Pappas, Rest, Sparks, Torres Ray, and Wiklund.

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

SPECIAL ORDER

S.F. No. 3560: A bill for an act relating to human services; modifying policy provisions governing health care; specifying when a provider must furnish requested medical records; modifying x-ray equipment provisions; requiring an annual unannounced inspection of medical cannabis manufacturers; modifying eligibility for the reduced patient enrollment fee for the medical cannabis program; permitting licensed physician assistants to practice without a delegation agreement; modifying licensed traditional midwifery scope of practice; modifying the request for proposal for a central drug repository; authorizing pharmacists to prescribe self-administered hormonal contraceptives, nicotine replacement medications, and opiate antagonists; allowing telemedicine examinations to be used to prescribe medications for erectile dysfunction and for the treatment of substance abuse disorders; changing the terminology and other technical changes to the opiate epidemic response account and council; adding advanced practice registered nurses to certain statutes; amending Minnesota Statutes 2018, sections 62A.307, subdivision 2; 62D.09, subdivision 1; 62E.06, subdivision 1; 62J.17, subdivision 4a; 62J.495, subdivision 1a; 62J.52, subdivision 2; 62J.823, subdivision 3; 62Q.43, subdivisions 1, 2; 62Q.54; 62Q.57, subdivision 1; 62Q.73, subdivision 7; 62Q.733, subdivision 3; 62Q.74, subdivision 1; 62S.08, subdivision 3; 62S.20, subdivision 5b; 62S.21, subdivision 2; 62S.268, subdivision 1; 62U.03; 62U.04, subdivision 11; 144.121, subdivisions 1, 2, 5, by adding subdivisions; 144.292, subdivisions 2, 5; 144.3345, subdivision 1; 144.3352;

144.34; 144.441, subdivisions 4, 5; 144.442, subdivision 1; 144.4803, subdivisions 1, 4, 10, by adding a subdivision; 144.4806; 144.4807, subdivisions 1, 2, 4; 144.50, subdivision 2; 144.55, subdivision 6; 144.6501, subdivision 7; 144.651, subdivisions 7, 8, 9, 10, 12, 14, 31, 33; 144.652, subdivision 2; 144.69; 144.7402, subdivision 2; 144.7406, subdivision 2; 144.7407, subdivision 2; 144.7414, subdivision 2; 144.7415, subdivision 2; 144.9502, subdivision 4; 144.966, subdivisions 3, 6; 144A.135; 144A.161, subdivisions 5, 5a, 5e, 5g; 144A.75, subdivisions 3, 6; 144A.752, subdivision 1; 145.853, subdivision 5; 145.892, subdivision 3; 145.94, subdivision 2; 145B.13; 145C.02; 145C.06; 145C.07, subdivision 1; 145C.16; 147A.01, subdivisions 3, 21, 26, 27, by adding a subdivision; 147A.02; 147A.03, by adding a subdivision; 147A.05; 147A.09; 147A.13, subdivision 1; 147A.14, subdivision 4; 147A.16; 147A.23; 147D.03, subdivision 2; 148.6438, subdivision 1; 151.01, by adding a subdivision; 151.071, subdivision 8; 151.19, subdivision 4; 151.21, subdivision 4a; 151.37, subdivision 2, by adding subdivisions; 152.12, subdivision 1; 152.32, subdivision 3; 152.35; 245A.143, subdivision 8; 245A.1435; 245C.02, subdivision 18; 245C.04, subdivision 1; 245D.02, subdivision 11; 245D.11, subdivision 2; 245D.22, subdivision 7; 245D.25, subdivision 2; 245G.08, subdivisions 2, 5; 245G.21, subdivisions 2, 3; 246.711, subdivision 2; 246.715, subdivision 2; 246.716, subdivision 2; 246.721; 246.722; 251.043, subdivision 1; 252A.02, subdivision 12; 252A.04, subdivision 2; 252A.20, subdivision 1; 253B.03, subdivisions 4, 6d; 253B.06, subdivision 2; 253B.23, subdivision 4; 254A.08, subdivision 2; 256.01, subdivision 29; 256.9685, subdivision 1c; 256.975, subdivisions 7a, 11; 256B.04, subdivision 14a; 256B.043, subdivision 2; 256B.055, subdivision 12; 256B.056, subdivisions 1a, 4, 7, 10; 256B.0561, subdivision 2; 256B.057, subdivisions 1, 10; 256B.0575, subdivisions 1, 2; 256B.0622, subdivision 2b; 256B.0623, subdivision 2; 256B.0625, subdivisions 1, 12, 13h, 26, 27, 28, 64; 256B.0654, subdivisions 1, 2a, 3, 4; 256B.0659, subdivisions 2, 4, 8; 256B.0751; 256B.0753, subdivision 1; 256B.69, by adding a subdivision; 256B.73, subdivision 5; 256B.75; 256J.08, subdivision 73a; 256L.03, subdivision 1; 256L.15, subdivision 1; 256R.54, subdivisions 1, 2; 257.63, subdivision 3; 257B.01, subdivisions 3, 9, 10; 257B.06, subdivision 7; Minnesota Statutes 2019 Supplement, sections 16A.151, subdivision 2; 62J.23, subdivision 2; 62Q.184, subdivision 1; 144.121, subdivisions 1a, 5a; 144.55, subdivision 2; 145C.05, subdivision 2; 147A.06; 151.01, subdivisions 23, 27; 151.065, subdivisions 1, as amended, 3, as amended, 6, 7, as amended; 151.071, subdivision 2; 151.19, subdivision 3; 151.252, subdivision 1; 151.555, subdivision 3; 152.29, subdivision 1; 245G.08, subdivision 3; 245H.11; 256.042, subdivisions 2, 4; 256.043; 256B.056, subdivision 7a; 256B.0625, subdivisions 13, 17, 60a; 256B.0659, subdivision 11; 256B.0913, subdivision 8; 256R.44; Laws 2019, chapter 63, article 3, sections 1; 2; Laws 2019, First Special Session chapter 9, article 11, section 35; proposing coding for new law in Minnesota Statutes, chapters 62Q; 147A; repealing Minnesota Statutes 2018, sections 62U.15, subdivision 2; 144.121, subdivisions 3, 5b; 147A.01, subdivisions 4, 11, 16a, 17a, 24, 25; 147A.04; 147A.10; 147A.11; 147A.18, subdivisions 1, 2, 3; 147A.20; 256B.057, subdivision 8; 256B.0752; 256L.04, subdivision 13; Minnesota Rules, part 9505.0365, subpart 3.

Senator Benson moved to amend S.F. No. 3560 as follows:

Page 19, after line 2, insert:

"Subd. 5. **Scope of practice limitations; psychiatric care for children with emotional disturbance or adults with serious mental illness.** Notwithstanding subdivision 1, a physician assistant may only provide ongoing psychiatric treatment for children with emotional disturbance, as defined in section 245.4871, subdivision 15, or adults with serious mental illness in collaboration with a physician licensed under chapter 147. For purposes of providing ongoing psychiatric treatment

for children with emotional disturbance or adults with serious mental illness, the practice agreement between the physician assistant and one or more physicians licensed under chapter 147 must define the collaboration between the physician assistant and the collaborating physician, including appropriate consultation or referral to psychiatry."

Page 24, delete section 18

Page 35, after line 25, insert:

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

Page 40, after line 3, insert:

"Sec. 30. LICENSE RENEWAL FOR PODIATRISTS; CONTINUING EDUCATION.

(a) Notwithstanding Minnesota Statutes, section 153.16, subdivision 5, for purposes of obtaining the required hours of continuing education for licensure renewal, any continuing education hours obtained by a licensed podiatrist through participation in an internet live online continuing educational activity as defined by the Council on Podiatric Medical Education from March 13, 2020, to the expiration date of this section, shall be classified by the board of podiatric medicine in the same manner as if the credits were obtained through in-person participation.

(b) This section expires December 31, 2020, or the day after the peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19 is terminated or rescinded by proper authority, whichever is later.

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

Sec. 31. OBSERVATION OF PHYSICAL THERAPIST ASSISTANTS.

Subdivision 1. **Applicability during a peacetime emergency.** This section applies during a peacetime emergency by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19.

Subd. 2. **On-site requirements.** For purposes of Minnesota Statutes, section 148.706, subdivision 3, the on-site observation requirement of treatment components delegated to a physical therapist assistant by a physical therapist may be met through observation via telemedicine.

Subd. 3. **Expiration.** This section expires 60 days after the peacetime emergency specified in subdivision 1 is terminated or rescinded by the proper authority.

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

Page 40, after line 27:

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

Page 44, line 23, strike "\$55,000" and insert "\$55,260"

Page 45, line 21, strike "\$55,000" and insert "\$55,260"

Page 46, line 26, strike "the fees" and insert "\$55,000 of each fee"

Page 155, after line 14, insert:

"Sec. 105. Minnesota Statutes 2018, section 256.9685, subdivision 1a, is amended to read:

Subd. 1a. **Administrative reconsideration.** Notwithstanding section 256B.04, subdivision 15, the commissioner shall establish an administrative reconsideration process for appeals of inpatient hospital services determined to be medically unnecessary. A physician, advanced practice registered nurse, or hospital may request a reconsideration of the decision that inpatient hospital services are not medically necessary by submitting a written request for review to the commissioner within 30 days after receiving notice of the decision. The reconsideration process shall take place prior to the procedures of subdivision 1b and shall be conducted by the medical review agent that is independent of the case under reconsideration.

Sec. 106. Minnesota Statutes 2018, section 256.9685, subdivision 1b, is amended to read:

Subd. 1b. **Appeal of reconsideration.** Notwithstanding section 256B.72, the commissioner may recover inpatient hospital payments for services that have been determined to be medically unnecessary after the reconsideration and determinations. A physician, advanced practice registered nurse, or hospital may appeal the result of the reconsideration process by submitting a written request for review to the commissioner within 30 days after receiving notice of the action. The commissioner shall review the medical record and information submitted during the reconsideration process and the medical review agent's basis for the determination that the services were not medically necessary for inpatient hospital services. The commissioner shall issue an order upholding or reversing the decision of the reconsideration process based on the review."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 3560 as follows:

Page 12, after line 18, insert:

"Sec. 14. Minnesota Statutes 2018, section 446A.081, subdivision 9, is amended to read:

Subd. 9. **Other uses of fund.** (a) The drinking water revolving loan fund may be used as provided in the act, including the following uses:

(1) to buy or refinance the debt obligations, at or below market rates, of public water systems for drinking water systems, where the debt was incurred after the date of enactment of the act, for the purposes of construction of the necessary improvements to comply with the national primary drinking water regulations under the federal Safe Drinking Water Act;

(2) to purchase or guarantee insurance for local obligations to improve credit market access or reduce interest rates;

(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loans or loan guarantees for similar revolving funds established by a governmental unit or state agency;

(5) to earn interest on fund accounts;

(6) to pay the reasonable costs incurred by the authority, the Department of Employment and Economic Development, and the Department of Health for conducting activities as authorized and required under the act up to the limits authorized under the act;

(7) to develop and administer programs for water system supervision, source water protection, and related programs required under the act;

(8) ~~notwithstanding Minnesota Rules, part 7380.0280,~~ to provide principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal law, based on the criteria and requirements established for drinking water projects under the water infrastructure funding program under section 446A.072;

(9) to provide loans, principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal law to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; ~~and~~

(10) to provide principal forgiveness, or grants for ~~50~~ 80 percent of ~~the project cost~~ costs up to a maximum of ~~\$10,000~~ \$100,000 for projects needed to comply with national primary drinking water standards for an existing nonmunicipal community ~~or noncommunity~~ public water system; and

(11) to provide principal forgiveness or grants to the extent permitted under the federal Safe Drinking Water Act and other federal laws for 50 percent of the project costs up to a maximum of \$250,000 for projects to replace the privately owned portion of drinking water lead service lines.

(b) Principal forgiveness or grants provided under paragraph (a), clause (9), may not exceed 25 percent of the eligible project costs as determined by the Department of Health for project components directly related to green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities, up to a maximum of \$1,000,000."

Page 12, delete section 15 and insert:

"Sec. 16. REPEALER.

(a) Minnesota Statutes 2018, section 144.121, subdivisions 3 and 5b, are repealed.

(b) Minnesota Rules, part 7380.0280, is repealed."

Page 24, after line 21, insert:

"Sec. 18. Minnesota Statutes 2018, section 147D.03, subdivision 2, is amended to read:

Subd. 2. **Scope of practice.** The practice of traditional midwifery includes; but is not limited to:

- (1) initial and ongoing assessment for suitability of traditional midwifery care;
- (2) providing prenatal education and coordinating with a licensed health care provider as necessary to provide comprehensive prenatal care, including the routine monitoring of vital signs, indicators of fetal developments, and ordering standard prenatal laboratory tests and imaging, as needed, with attention to the physical, nutritional, and emotional needs of the woman and her family;
- (3) attending and supporting the natural process of labor and birth;
- (4) postpartum care of the mother and an initial assessment of the newborn; ~~and~~
- (5) providing information and referrals to community resources on childbirth preparation, breastfeeding, exercise, nutrition, parenting, and care of the newborn; and
- (6) ordering ultrasounds, providing point-of-care testing, and ordering laboratory tests that conform to the standard prenatal protocol of the licensed traditional midwife's standard of care."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Benson moved to amend S.F. No. 3560 as follows:

Page 81, after line 14:

"Sec. 37. Laws 2020, chapter 73, section 4, subdivision 3, is amended to read:

Subd. 3. **Access to urgent-need insulin.** (a) MNsure shall develop an application form to be used by an individual who is in urgent need of insulin. The application must ask the individual to attest to the eligibility requirements described in subdivision 2. The form shall be accessible through MNsure's website. MNsure shall also make the form available to pharmacies and health care providers who prescribe or dispense insulin, hospital emergency departments, urgent care clinics, and community health clinics. By submitting a completed, signed, and dated application to a pharmacy, the individual attests that the information contained in the application is correct.

(b) If the individual is in urgent need of insulin, the individual may present a completed, signed, and dated application form to a pharmacy. The individual must also:

- (1) have a valid insulin prescription; and
- (2) present the pharmacist with identification indicating Minnesota residency in the form of a valid Minnesota identification card, driver's license, or permit, or tribal identification card as defined in section 171.072, paragraph (b). 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 a completed and signed application, the pharmacist shall dispense the prescribed insulin in an amount that will provide the individual with 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 may submit to the manufacturer of the dispensed insulin product or to the manufacturer's vendor a claim for payment that is in accordance with the National Council for Prescription Drug Program standards for electronic claims processing, unless the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse the pharmacy in an amount that covers the pharmacy's acquisition cost.

(e) The pharmacy may collect an insulin co-payment from the individual to cover the pharmacy's costs of processing and dispensing in an amount not to exceed \$35 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 assistance in:

(1) applying for medical assistance or MinnesotaCare;

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

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

(g) The pharmacist shall retain a copy of the application form submitted by the individual to the pharmacy for reporting and auditing purposes.

Sec. 38. Laws 2020, chapter 73, section 4, subdivision 4, is amended to read:

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 contact information for individuals to call for assistance in accessing their patient assistance program.

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

(1) be a Minnesota resident with a valid Minnesota identification card that indicates Minnesota residency in the form of a Minnesota identification card ~~or~~, driver's license or permit, or tribal identification card as defined in section 171.072, paragraph (b). If the individual is under the age of 18, the individual's parent or legal guardian must provide proof of residency;

(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 be enrolled in 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."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3560 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Tomassoni
Torres Ray

Utke
Weber

Westrom
Wiger

Wiklund

Pursuant to Rule 40, Senator Gazelka cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Lang; Osmek; Pratt; Relph; and Rosen.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Hayden, Isaacson, Klein, Laine, Latz, Little, Newton, Pappas, Rest, Sparks, Torres Ray, and Wiklund.

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

SPECIAL ORDER

S.F. No. 3298: A bill for an act relating to local government; modifying the deadline for appointments of commission members; permitting reappointments; amending Minnesota Statutes 2018, section 410.05, subdivision 2.

Senator Senjem moved to amend S.F. No. 3298 as follows:

Page 2, after line 8, insert:

"Sec. 2. Minnesota Statutes 2018, section 410.06, is amended to read:

410.06 COMPENSATION; EXPENSES.

The members of such the commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing such the charter, and any amendment or revision ~~thereof, and~~ of it. When so directed by the commission, the reasonable compensation and of personnel, the cost of printing such the charter; or any amendment or revision thereof of it, when so directed by the commission and the cost of informing the citizens of a suggested charter or suggested charter amendments or revisions, shall be paid by such the city. The amount of reasonable and necessary charter commission expenses that shall be ~~so~~ paid by the city ~~shall~~ is the greater of .07 percent of the city's current certified general property tax levy or \$1,500, not to exceed \$20,000 in any one year the sum of \$10,000 for a first class city and \$1,500 for any other city; but the council may authorize such additional charter commission expenses as it deems the commission considers necessary. Other statutory and charter provisions requiring budgeting of; or limiting; expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay such the expenses."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3298 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Ingebrigtsen; Lang; Osmek; Pratt; Relph; and Rosen.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Hayden, Isaacson, Klein, Laine, Latz, Little, Newton, Pappas, Rest, Sparks, Torres Ray, and Wiklund.

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

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Monday, May 11, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate