

## ONE HUNDRED THIRTEENTH DAY

St. Paul, Minnesota, Tuesday, May 7, 2024

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Sara E. Morse.

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	Dziedzic	Johnson	Maye Quade	Rarick
Anderson	Eichorn	Klein	McEwen	Rasmusson
Bahr	Farnsworth	Koran	Miller	Rest
Boldon	Fatch	Kreun	Mitchell	Seeberger
Carlson	Frentz	Kunesh	Mohamed	Utke
Champion	Green	Kupec	Morrison	Weber
Coleman	Gruenhagen	Lang	Murphy	Wesenberg
Cwodzinski	Gustafson	Latz	Nelson	Westlin
Dahms	Hauschild	Lieske	Oumou Verbeten	Westrom
Dibble	Hawj	Limmer	Pappas	Wiklund
Dornink	Hoffman	Lucero	Pha	Xiong
Draheim	Housley	Mann	Port	
Drazkowski	Howe	Marty	Pratt	
Duckworth	Jasinski	Mathews	Putnam	

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

May 6, 2024

The Honorable Bobby Joe Champion  
President of the Senate

Dear Senator Champion:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committees and placed on the Confirmation Calendar:

From the Committee on Labor, to which were referred the following appointments as reported in the Journal for April 20, 2023:

BOARD OF ELECTRICITY

Alfreda Daniels  
Thomas Fletcher  
Cole Funseth  
Duane Hendricks  
Trevor Turek

From the Committee on State and Local Government and Veterans, to which was referred the following appointment as reported in the Journal for April 20, 2023:

GAMBLING CONTROL BOARD

Kate Luthner

Sincerely,  
Thomas S. Bottern  
Secretary of the Senate

May 6, 2024

The Honorable Bobby Joe Champion  
President of the Senate

Dear President Champion:

I have received, approved, signed, and deposited in the Office of the Secretary of State, Chapter 95, S.F. No. 3204.

Sincerely,  
Tim Walz, Governor

May 6, 2024

The Honorable Melissa Hortman  
Speaker of the House of Representatives

The Honorable Bobby Joe Champion  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2024 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2024	Date Filed 2024
	3376	92	9:32 a.m. May 6	May 6
	3868	93	9:33 a.m. May 6	May 6
3204		95	9:36 a.m. May 6	May 6

Sincerely,  
Steve Simon  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 5335:** A bill for an act relating to human services; the human services omnibus budget bill; modifying provisions related to disability services, aging services, substance use disorder treatment services, priority admissions to state-operated programs and civil commitment, and Direct Care and Treatment; modifying provisions related to licensing of assisted living facilities; making technical changes; appropriating money; amending Minnesota Statutes 2022, sections 13.46, subdivisions 1, as amended, 10, as amended; 144G.41, subdivision 1, by adding subdivisions; 144G.63, subdivisions 1, 4; 145.61, subdivision 5; 245.821, subdivision 1; 245.825, subdivision 1; 245A.11, subdivision 2a; 246.018, subdivision 3, as amended; 246.13, subdivision 2, as amended; 246.234, as amended; 246.36, as amended; 246.511, as amended; 252.27, subdivision 2b; 252.282, subdivision 1, by adding a subdivision; 256.88; 256.89; 256.90; 256.91; 256.92; 256B.02, subdivision 11; 256B.073, subdivision 4; 256B.0911, subdivisions 12, 17, 20; 256B.0913, subdivision 5a; 256B.0924, subdivision 3; 256B.434, by adding a subdivision; 256B.49, subdivision 16; 256B.4911, by adding subdivisions; 256B.77, subdivision 7a; 256R.53, by adding a subdivision; 256S.205, subdivision 5; 447.42, subdivision 1; Minnesota Statutes 2023 Supplement, sections 10.65, subdivision 2; 13.46, subdivision 2, as amended; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 15A.082, subdivisions 1, 3, 7; 43A.08, subdivisions 1, 1a; 245A.03, subdivision 7, as amended; 246.0135, as amended; 246C.01; 246C.02, as amended; 246C.04, as amended; 246C.05, as amended; 253B.10, subdivision 1; 256.042, subdivision 2; 256.043, subdivision 3; 256.9756, subdivisions 1, 2; 256B.073, subdivision 3; 256B.0911, subdivision 13; 256B.0913, subdivision 5; 256B.4914, subdivision 10d; 256R.55, subdivision 9; 270B.14, subdivision 1; Laws 2021, First Special Session chapter 7, article 13, section 68; article 17, section 19, as amended; Laws 2023, chapter 61, article 1, sections 59, subdivisions 2, 3; 60, subdivisions 1, 2; 67, subdivision 3; article 4, section 11; article 8, sections 1; 2; 3; 8; article 9, section 2, subdivisions 13, 16, as amended, 18; Laws 2024, chapter 79, article 1, sections 18; 23; 24; 25, subdivision 3; article 10, sections 1; 6; proposing coding for new law in Minnesota Statutes, chapters 144G; 245D; 246C; 256S; repealing Minnesota Statutes 2022, sections 246.41; 252.021; 252.27, subdivisions 1a, 2, 3, 4a, 5, 6; 256B.0916, subdivision 10; Minnesota Statutes 2023 Supplement, sections 246C.03; 252.27, subdivision 2a.

Senate File No. 5335 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2024

Senator Murphy, for Senator Hoffman, moved that the Senate do not concur in the amendments by the House to S.F. No. 5335, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 4124:

**H.F. No. 4124:** A bill for an act relating to state government; appropriating money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; modifying and extending prior appropriations; amending Laws 2023, chapter 40, article 3, sections 2, subdivision 1; 3; 4.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Lillie; Lee, K., and Backer have been appointed as such committee on the part of the House.

House File No. 4124 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 6, 2024

Senator Hawj moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 4124, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

## REPORTS OF COMMITTEES

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

### Senator Marty from the Committee on Finance, to which was re-referred

**S.F. No. 4835:** A bill for an act relating to health; establishing an Office of Emergency Medical Services to replace the Emergency Medical Services Regulatory Board; specifying duties for the office; transferring duties; establishing advisory councils; establishing an alternative emergency medical services response pilot program; making conforming changes; requiring a report;

appropriating money; amending Minnesota Statutes 2022, sections 62J.49, subdivision 1; 144E.001, by adding subdivisions; 144E.16, subdivision 5; 144E.19, subdivision 3; 144E.27, subdivision 5; 144E.28, subdivisions 5, 6; 144E.285, subdivision 6; 144E.287; 144E.305, subdivision 3; 214.025; 214.04, subdivision 2a; 214.29; 214.31; 214.355; Minnesota Statutes 2023 Supplement, sections 15A.0815, subdivision 2; 43A.08, subdivision 1a; 152.126, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 144E; repealing Minnesota Statutes 2022, sections 144E.001, subdivision 5; 144E.01; 144E.123, subdivision 5; 144E.50, subdivision 3.

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

**Senator Marty from the Committee on Finance, to which was re-referred**

**S.F. No. 716:** A bill for an act relating to human services; establishing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act; modifying child welfare provisions; requiring reports; appropriating money; amending Minnesota Statutes 2022, section 260C.329, subdivisions 3, 8; proposing coding for new law in Minnesota Statutes, chapter 260.

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

Delete everything after the enacting clause and insert:

"Section 1. [260.61] CITATION.

Sections 260.61 to 260.693 may be cited as the "Minnesota African American Family Preservation and Child Welfare Disproportionality Act."

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 2. [260.62] PURPOSES.

(a) The purposes of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act are to:

(1) protect the best interests of African American and disproportionately represented children;

(2) promote the stability and security of African American and disproportionately represented children and their families by establishing minimum standards to prevent the arbitrary and unnecessary removal of African American and disproportionately represented children from their families; and

(3) improve permanency outcomes, including family reunification, for African American and disproportionately represented children.

(b) Nothing in this legislation is intended to interfere with the protections of the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 3. **[260.63] DEFINITIONS.**

**Subdivision 1. Scope.** The definitions in this section apply to sections 260.61 to 260.693.

**Subd. 2. Active efforts.** "Active efforts" means a rigorous and concerted level of effort that the responsible social services agency must continuously make throughout the time that the responsible social services agency is involved with an African American or a disproportionately represented child and the child's family. To provide active efforts to preserve an African American or a disproportionately represented child's family, the responsible social services agency must continuously involve an African American or a disproportionately represented child's family in all services for the family, including case planning and choosing services and providers, and inform the family of the ability to file a report of noncompliance with this act with the commissioner through the child welfare compliance and feedback portal. When providing active efforts, a responsible social services agency must consider an African American or a disproportionately represented child's family's social and cultural values at all times while providing services to the African American or disproportionately represented child and the child's family. Active efforts includes continuous efforts to preserve an African American or a disproportionately represented child's family and to prevent the out-of-home placement of an African American or a disproportionately represented child. If an African American or a disproportionately represented child enters out-of-home placement, the responsible social services agency must make active efforts to reunify the African American or disproportionately represented child with the child's family as soon as possible. Active efforts sets a higher standard for the responsible social services agency than reasonable efforts to preserve the child's family, prevent the child's out-of-home placement, and reunify the child with the child's family. Active efforts includes the provision of reasonable efforts as required by Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679c.

**Subd. 3. Adoptive placement.** "Adoptive placement" means the permanent placement of an African American or a disproportionately represented child made by the responsible social services agency upon a fully executed adoption placement agreement, including the signatures of the adopting parent, the responsible social services agency, and the commissioner of human services according to section 260C.613, subdivision 1.

**Subd. 4. African American child.** "African American child" means a child having origins in Africa, including a child of two or more races who has at least one parent with origins in Africa. Whether a child or parent has origins in Africa is based upon self-identification or identification of the child's origins by the parent or guardian.

**Subd. 5. Best interests of the African American or disproportionately represented child.** The "best interests of the African American or disproportionately represented child" means providing a culturally informed practice lens that acknowledges, utilizes, and embraces the African American or disproportionately represented child's community and cultural norms and allows the child to remain safely at home with the child's family. The best interests of the African American or disproportionately represented child support the child's sense of belonging to the child's family, extended family, kin, and cultural community.

**Subd. 6. Child placement proceeding.** (a) "Child placement proceeding" means any judicial proceeding that could result in:

- (1) an adoptive placement;
- (2) a foster care placement;
- (3) a preadoptive placement; or
- (4) a termination of parental rights.

(b) Judicial proceedings under this subdivision include a child's placement based upon a child's juvenile status offense but do not include a child's placement based upon:

- (1) an act which if committed by an adult would be deemed a crime; or
- (2) an award of child custody in a divorce proceeding to one of the child's parents.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of human services or the commissioner's designee.

Subd. 8. **Custodian.** "Custodian" means any person who is under a legal obligation to provide care and support for an African American or a disproportionately represented child, or who is in fact providing daily care and support for an African American or a disproportionately represented child. This subdivision does not impose a legal obligation upon a person who is not otherwise legally obligated to provide a child with necessary food, clothing, shelter, education, or medical care.

Subd. 9. **Disproportionality.** "Disproportionality" means the overrepresentation of African American children and other disproportionately represented children in Minnesota's child welfare system population as compared to the representation of those children in Minnesota's total child population.

Subd. 10. **Disproportionately represented child.** "Disproportionately represented child" means an unmarried person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

Subd. 11. **Egregious harm.** "Egregious harm" has the meaning given in section 260E.03, subdivision 5.

Subd. 12. **Foster care placement.** "Foster care placement" means the temporary placement in foster care as defined in section 260C.007, subdivision 18, following the court-ordered removal of an African American or a disproportionately represented child when the parent or legal custodian cannot have the child returned upon demand.

Subd. 13. **Imminent physical damage or harm.** "Imminent physical damage or harm" means that a child is threatened with immediate and present conditions that are life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

Subd. 14. **Responsible social services agency.** "Responsible social services agency" has the meaning given in section 260C.007, subdivision 27a.

Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a disproportionately represented child or any person who has legally adopted an African American or a disproportionately represented child. Parent includes an unmarried father whose paternity has been acknowledged or established and a putative father. Paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of a child.

Subd. 16. **Preadoptive placement.** "Preadoptive placement" means a responsible social services agency's placement of an African American or a disproportionately represented child when the child is under the guardianship of the commissioner for the purpose of adoption but an adoptive placement agreement for the child has not been fully executed.

Subd. 17. **Relative.** "Relative" has the meaning given in section 260C.007, subdivision 27.

Subd. 18. **Safety network.** "Safety network" means a group of individuals identified by the parent and child, when appropriate, that is accountable for developing, implementing, sustaining, supporting, or improving a safety plan to protect the safety and well-being of a child.

Subd. 19. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03, subdivision 20.

Subd. 20. **Termination of parental rights.** "Termination of parental rights" means an action resulting in the termination of the parent-child relationship under section 260C.301.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 4. **[260.64] DUTY TO PREVENT OUT-OF-HOME PLACEMENT AND PROMOTE FAMILY REUNIFICATION.**

Subdivision 1. **Active efforts.** A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable.

Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home under section 260.66, a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

(1) make active efforts to engage the child's parent or custodian and the child, when appropriate;

(2) assess the family's cultural and economic needs;

(3) hold a family group consultation meeting and connect the family with supports to establish a safety network for the family; and

(4) provide support, guidance, and input to assist the family and the family's safety network with developing the safety plan.

(b) The safety plan must:

(1) address the specific allegations impacting the child's safety in the home. If neglect is alleged, the safety plan must incorporate economic services and supports for the child and the child's family, if eligible, to address the family's specific needs and prevent neglect;

(2) evaluate whether an order for protection under section 518B.01 or other court order expelling an allegedly abusive household member from the home of a parent or custodian who is not alleged to be abusive will allow the child to safely remain in the home;

(3) incorporate family and community support to ensure the child's safety while keeping the family intact; and

(4) be adjusted as needed to address the child's and family's ongoing needs and support.

(c) The responsible social services agency is not required to establish a safety plan in a case with allegations of sexual abuse or egregious harm.

Subd. 3. **Out-of-home placement prohibited.** Unless the court finds by clear and convincing evidence that the child would be at risk of serious physical damage if the child were to remain in the child's home, a court shall not order a foster care or permanent out-of-home placement of an African American or a disproportionately represented child alleged to be in need of protection or services. At each hearing regarding an African American or a disproportionately represented child who is alleged or adjudicated to be in need of child protective services, the court shall review whether the responsible social services agency has provided active efforts to the child and the child's family and shall require the responsible social services agency to provide evidence and documentation that demonstrate that the agency is providing culturally informed, strength-based, community-involved, and community-based services to the child and the child's family.

Subd. 4. **Required findings that active efforts were provided.** When determining whether the responsible social services agency has made active efforts to preserve the child's family, the court shall make findings regarding whether the responsible social services agency made appropriate and meaningful services available to the child's family based upon the family's specific needs. If a court determines that the responsible social services agency did not make active efforts to preserve the family as required by this section, the court shall order the responsible social services agency to immediately provide active efforts to the child and child's family to preserve the family.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

**Sec. 5. [260.641] ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME PLACEMENT.**

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When

the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 6. **[260.65] NONCUSTODIAL PARENTS.**

(a) Prior to the removal of an African American or a disproportionately represented child from the child's home, the responsible social services agency must make active efforts to identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives to notify the child's parent and relatives that the child is or will be placed in foster care, and provide the child's parent and relatives with a list of legal resources. The notice to the child's noncustodial or nonadjudicated parent and relatives must also include the information required under section 260C.221, subdivision 2, paragraph (b). The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

(b) Notwithstanding the provisions of section 260C.219, the responsible social services agency must assess an African American or a disproportionately represented child's noncustodial or nonadjudicated parent's ability to care for the child before placing the child in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide daily care for the African American or disproportionately represented child temporarily or permanently, the court shall order that the child be placed in the home of the noncustodial or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The responsible social services agency must make active efforts to assist a noncustodial or nonadjudicated parent with remedying any issues that may prevent the child from being placed with the noncustodial or nonadjudicated parent.

Sec. 7. **[260.66] EMERGENCY REMOVAL.**

Subdivision 1. **Emergency removal or placement permitted.** Nothing in this section shall be construed to prevent the emergency removal of an African American or a disproportionately represented child's parent or custodian or the emergency placement of the child in a foster setting in order to prevent imminent physical damage or harm to the child.

Subd. 2. **Petition for emergency removal; placement requirements.** A petition for a court order authorizing the emergency removal or continued emergency placement of an African American or a disproportionately represented child or the petition's accompanying documents must contain a statement of the risk of imminent physical damage or harm to the African American or disproportionately represented child and any evidence that the emergency removal or placement continues to be necessary to prevent imminent physical damage or harm to the child. The petition or its accompanying documents must also contain the following information:

(1) the name, age, and last known address of the child;

(2) the name and address of the child's parents and custodians, or, if unknown, a detailed explanation of efforts made to locate and contact them;

(3) the steps taken to provide notice to the child's parents and custodians about the emergency proceeding;

(4) a specific and detailed account of the circumstances that led the agency responsible for the emergency removal of the child to take that action; and

(5) a statement of the efforts that have been taken to assist the child's parents or custodians so that the child may safely be returned to their custody.

Subd. 3. **Emergency proceeding requirements.** (a) The court shall hold a hearing no later than 72 hours, excluding weekends and holidays, after the emergency removal of the African American or disproportionately represented child. The court shall determine whether the emergency removal continues to be necessary to prevent imminent physical damage or harm to the child and whether, after considering the child's particular circumstances, the imminent physical damage or harm to the child outweighs the harm that the child will experience as a result of continuing the emergency removal.

(b) The court shall hold additional hearings whenever new information indicates that the emergency situation has ended. The court shall consider all such new information at any court hearing after the emergency proceeding to determine whether the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child.

(c) Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota Rules of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American or a disproportionately represented child who is subject to an emergency hearing under this section and Minnesota Rules of Juvenile Protection Procedure, rule 30, has a right to counsel appointed by the court. The court must appoint qualified counsel to represent a parent if the parent meets the eligibility requirements in section 611.17.

Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal or placement of an African American or a disproportionately represented child must immediately terminate once the responsible social services agency or court possesses sufficient evidence to determine that the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child and the child shall be immediately returned to the custody of the child's parent or custodian. The responsible social services agency or court shall ensure that the emergency removal or placement terminates immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the African American or disproportionately represented child.

(b) An emergency removal or placement ends when the court orders, after service upon the African American or disproportionately represented child's parents or custodian, that the child shall be placed in foster care upon a determination supported by clear and convincing evidence that custody of the child by the child's parent or custodian is likely to result in serious physical damage to the child.

(c) In no instance shall emergency removal or emergency placement of an African American or a disproportionately represented child extend beyond 30 days unless the court finds by a showing of clear and convincing evidence that:

(1) continued emergency removal or placement is necessary to prevent imminent physical damage or harm to the child; and

(2) it has not been possible to initiate a child placement proceeding with all of the protections under sections 260.61 to 260.68.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

**Sec. 8. [260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT PROCEEDINGS.**

Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If an African American or a disproportionately represented child cannot be returned to the child's parent, the court shall consider the requirements of and responsibilities under section 260.012, paragraph (a), and, if possible, transfer permanent legal and physical custody of the child to:

(1) a noncustodial parent under section 260C.515, subdivision 4, if the child cannot return to the care of the parent or custodian from whom the child was removed or who had legal custody at the time that the child was placed in foster care; or

(2) a willing and able relative, according to the requirements of section 260C.515, subdivision 4, if the court determines that reunification with the child's family is not an appropriate permanency option for the child. Prior to the court ordering a transfer of permanent legal and physical custody to a relative who is not a parent, the responsible social services agency must inform the relative of Northstar kinship assistance benefits and eligibility requirements, and of the relative's ability to apply for benefits on behalf of the child under chapter 256N.

Subd. 2. **Termination of parental rights restrictions.** (a) A court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child based solely on the parent's failure to complete case plan requirements.

(b) Except as provided in paragraph (c), a court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child in a child placement proceeding unless the allegations against the parent involve sexual abuse; egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second, or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the first, second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter of an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic assault by strangulation under section 609.2247; felony domestic assault under section 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one or more aggravating factors are present; criminal sexual conduct under sections 609.342 to 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under section 609.352; possession of pornographic work involving minors under section 617.247; malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378; use of a minor in sexual performance under section 617.246; or failing to protect a child from an overt act or condition that constitutes egregious harm.

(c) The court may terminate the parental rights of a parent of an African American or a disproportionately represented child under section 260C.301, subdivision 1, paragraph (b), clause (4) or (6), if a transfer of permanent legal and physical custody under subdivision 1 is not possible because the child has no willing or able noncustodial parent or relative to whom custody can be transferred.

(d) Nothing in this subdivision precludes the court from terminating the parental rights of a parent of an African American or a disproportionately represented child if the parent desires to voluntarily terminate the parent's own parental rights for good cause under section 260C.301, subdivision 1, paragraph (a).

Subd. 3. **Appeals.** Notwithstanding the Minnesota Rules of Juvenile Protection Procedure, rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented child whose parental rights have been terminated may appeal the decision within 90 days of the service of notice by the court administrator of the filing of the court's order.

Sec. 9. **[260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND CASE REVIEW.**

Subdivision 1. **Responsible social services agency conduct.** (a) A responsible social services agency employee who has duties related to child protection shall not knowingly:

(1) make untrue statements about any case involving a child alleged to be in need of protection or services;

(2) intentionally withhold any information that may be material to a case involving a child alleged to be in need of protection or services; or

(3) fabricate or falsify any documentation or evidence relating to a case involving a child alleged to be in need of protection or services.

(b) Any of the actions listed in paragraph (a) shall constitute grounds for adverse employment action.

Subd. 2. **Case review.** (a) Each responsible social services agency shall conduct a review of all child welfare cases for African American and other disproportionately represented children handled by the agency. Each responsible social services agency shall create a summary report of trends identified under paragraphs (b) and (c), a remediation plan as provided in paragraph (d), and an update on implementation of any previous remediation plans. The first report shall be provided to the African American Child Well-Being Advisory Council, the commissioner, and the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare by October 1, 2029, and annually thereafter. For purposes of determining outcomes in this subdivision, responsible social services agencies shall use guidance from the commissioner under section 260.63, subdivision 10. The commissioner shall provide guidance starting on November 1, 2028, and annually thereafter.

(b) The case review must include:

(1) the number of African American and disproportionately represented children represented in the county child welfare system;

(2) the number and sources of maltreatment reports received and reports screened in for investigation or referred for family assessment and the race of the children and parents or custodians involved in each report;

(3) the number and race of children and parents or custodians who receive in-home preventive case management services;

(4) the number and race of children whose parents or custodians are referred to community-based, culturally appropriate, strength-based, or trauma-informed services;

(5) the number and race of children removed from their homes;

(6) the number and race of children reunified with their parents or custodians;

(7) the number and race of children whose parents or custodians are offered family group decision-making services;

(8) the number and race of children whose parents or custodians are offered the parent support outreach program;

(9) the number and race of children in foster care or out-of-home placement at the time that the data is gathered;

(10) the number and race of children who achieve permanency through a transfer of permanent legal and physical custody to a relative or an adoption; and

(11) the number and race of children who are under the guardianship of the commissioner or awaiting a permanency disposition.

(c) The required case review must also:

(1) identify barriers to reunifying children with their families;

(2) identify the family conditions that led to the out-of-home placement;

(3) identify any barriers to accessing culturally informed mental health or substance use disorder treatment services for the parents or children;

(4) document efforts to identify fathers and maternal and paternal relatives and to provide services to custodial and noncustodial fathers, if appropriate; and

(5) document and summarize court reviews of active efforts.

(d) Any responsible social services agency that has a case review showing disproportionality and disparities in child welfare outcomes for African American and other disproportionately represented children and the children's families, compared to the agency's overall outcomes, must include in their case review summary report a remediation plan with measurable outcomes to identify,

address, and reduce the factors that led to the disproportionality and disparities in the agency's child welfare outcomes. The remediation plan shall also include information about how the responsible social services agency will achieve and document trauma-informed, positive child well-being outcomes through remediation efforts.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 10. **[260.69] CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN.**

Subdivision 1. **Applicability.** The commissioner of human services must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers, supervisors, attorneys, juvenile court judges, and family law judges.

Subd. 2. **Training.** (a) The commissioner must develop training content and establish the frequency of trainings.

(b) The cultural competency training under this section is required prior to or within six months of beginning work with any African American or disproportionately represented child and their family. A responsible social services agency staff person who is unable to complete the cultural competency training prior to working with African American or disproportionately represented children and their families must work with a qualified staff person within the agency who has completed cultural competency training until the person is able to complete the required training. The training must be available by January 1, 2027, and must:

(1) be provided by an African American individual or individual from a community that is disproportionately represented in the child welfare system who is knowledgeable about African American and other disproportionately represented social and cultural norms and historical trauma;

(2) raise awareness and increase a person's competency to value diversity, conduct a self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt to diversity and the cultural contexts of communities served;

(3) include instruction on effectively developing a safety plan and instruction on engaging a safety network; and

(4) be accessible and comprehensive and include the ability to ask questions.

(c) The training may be provided in a series of segments, either in person or online.

Subd. 3. **Update.** The commissioner must provide an update to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection by July 1, 2027, on the rollout of the training under subdivision 1 and the content and accessibility of the training under subdivision 2.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 11. **[260.691] AFRICAN AMERICAN CHILD WELL-BEING ADVISORY COUNCIL.**

Subdivision 1. **Duties.** The African American Child Well-Being Advisory Council must:

(1) review annual reports related to African American children involved in the child welfare system. These reports may include but are not limited to the maltreatment, out-of-home placement, and permanency of African American children;

(2) assist in and make recommendations to the commissioner for developing strategies to reduce maltreatment determinations, prevent unnecessary out-of-home placement, promote culturally appropriate foster care and shelter or facility placement decisions and settings for African American children in need of out-of-home placement, ensure timely achievement of permanency, and improve child welfare outcomes for African American children and their families;

(3) review summary reports on targeted case reviews prepared by the commissioner to ensure that responsible social services agencies meet the needs of African American children and their families. Based on data collected from those reviews, the council shall assist the commissioner with developing strategies needed to improve any identified child welfare outcomes, including but not limited to maltreatment, out-of-home placement, and permanency for African American children;

(4) assist the Cultural and Ethnic Communities Leadership Council with making recommendations to the commissioner and the legislature for public policy and statutory changes that specifically consider the needs of African American children and their families involved in the child welfare system;

(5) advise the commissioner on stakeholder engagement strategies and actions that the commissioner and responsible social services agencies may take to improve child welfare outcomes for African American children and their families;

(6) assist the commissioner with developing strategies for public messaging and communication related to racial disproportionality and disparities in child welfare outcomes for African American children and their families;

(7) assist the commissioner with identifying and developing internal and external partnerships to support adequate access to services and resources for African American children and their families, including but not limited to housing assistance, employment assistance, food and nutrition support, health care, child care assistance, and educational support and training; and

(8) assist the commissioner with developing strategies to promote the development of a culturally diverse and representative child welfare workforce in Minnesota that includes professionals who are reflective of the community served and who have been directly impacted by lived experiences within the child welfare system. The council must also assist the commissioner in exploring strategies and partnerships to address education and training needs, hiring, recruitment, retention, and professional advancement practices.

Subd. 2. **Annual report.** By January 1, 2026, and annually thereafter, the council shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection on the council's activities under subdivision 1 and other issues on which the council chooses to report. The report may include recommendations for statutory changes to improve the child protection system and child welfare outcomes for African American children and families.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 12. [260.692] AFRICAN AMERICAN CHILD WELL-BEING UNIT.**

Subdivision 1. **Duties.** The African American Child Well-Being Unit, currently established by the commissioner, must:

(1) assist with the development of African American cultural competency training and review child welfare curriculum in the Minnesota Child Welfare Training Academy to ensure that responsible social services agency staff and other child welfare professionals are appropriately prepared to engage with African American children and their families and to support family preservation and reunification;

(2) provide technical assistance, including on-site technical assistance, and case consultation to responsible social services agencies to assist agencies with implementing and complying with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act;

(3) monitor individual county and statewide disaggregated and nondisaggregated data to identify trends and patterns in child welfare outcomes, including but not limited to reporting, maltreatment, out-of-home placement, and permanency of African American children and develop strategies to address disproportionality and disparities in the child welfare system;

(4) develop and implement a system for conducting case reviews when the commissioner receives reports of noncompliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act or when requested by the parent or custodian of an African American child. Case reviews may include but are not limited to a review of placement prevention efforts, safety planning, case planning and service provision by the responsible social services agency, relative placement consideration, and permanency planning;

(5) establish and administer a request for proposals process for African American and disproportionately represented family preservation grants under section 260.693, monitor grant activities, and provide technical assistance to grantees;

(6) in coordination with the African American Child Well-Being Advisory Council, coordinate services and create internal and external partnerships to support adequate access to services and resources for African American children and their families, including but not limited to housing assistance, employment assistance, food and nutrition support, health care, child care assistance, and educational support and training; and

(7) develop public messaging and communication to inform the public about racial disparities in child welfare outcomes, current efforts and strategies to reduce racial disparities, and resources available to African American children and their families involved in the child welfare system.

Subd. 2. **Case reviews.** (a) The African American Child Well-Being Unit must conduct systemic case reviews to monitor targeted child welfare outcomes, including but not limited to maltreatment, out-of-home placement, and permanency of African American children.

(b) The reviews under this subdivision must be conducted using a random sampling of representative child welfare cases stratified for certain case related factors, including but not limited to case type, maltreatment type, if the case involves out-of-home placement, and other demographic variables. In conducting the reviews, unit staff may use court records and documents, information from the social services information system, and other available case file information to complete the case reviews.

(c) The frequency of the reviews and the number of cases, child welfare outcomes, and selected counties reviewed shall be determined by the unit in consultation with the African American Child Well-Being Advisory Council, with consideration given to the availability of unit resources needed to conduct the reviews.

(d) The unit must monitor all case reviews and use the collective case review information and data to generate summary case review reports, ensure compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act, and identify trends or patterns in child welfare outcomes for African American children.

(e) The unit must review information from members of the public received through the compliance and feedback portal, including policy and practice concerns related to individual child welfare cases. After assessing a case concern, the unit may determine if further necessary action should be taken, which may include coordinating case remediation with other relevant child welfare agencies in accordance with data privacy laws, including the African American Child Well-Being Advisory Council, and offering case consultation and technical assistance to the responsible local social services agency as needed or requested by the agency.

Subd. 3. **Reports.** (a) The African American Child Well-Being Unit must provide regular updates on unit activities, including summary reports of case reviews, to the African American Child Well-Being Advisory Council, and must publish an annual census of African American children in out-of-home placements statewide. The annual census must include data on the types of placements, age and sex of the children, how long the children have been in out-of-home placements, and other relevant demographic information.

(b) The African American Child Well-Being Unit shall gather summary data about the practice and policy inquiries and individual case concerns received through the compliance and feedback portal under subdivision 2, paragraph (e). The unit shall provide regular reports of the nonidentifying compliance and feedback portal summary data to the African American Child Well-Being Advisory Council to identify child welfare trends and patterns to assist with developing policy and practice recommendations to support eliminating disparity and disproportionality for African American children.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 13. **[260.693] AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED FAMILY PRESERVATION GRANTS.**

Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants to organizations, service providers, and programs owned and led by African Americans and other individuals from communities disproportionately represented in the child welfare system to provide services and support for African American and disproportionately represented children and their families involved in Minnesota's child welfare system, including supporting existing eligible services and facilitating the development of new services and providers, to create a more expansive network of service providers available for African American and disproportionately represented children and their families.

Subd. 2. **Eligible services.** (a) Services eligible for grants under this section include but are not limited to:

(1) child out-of-home placement prevention and reunification services;

(2) family-based services and reunification therapy;

(3) culturally specific individual and family counseling;

(4) court advocacy;

(5) training for and consultation to responsible social services agencies and private social services agencies regarding this act;

(6) development and promotion of culturally informed, affirming, and responsive community-based prevention and family preservation services that target the children, youth, families, and communities of African American and African heritage experiencing the highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare system;

(7) culturally affirming and responsive services that work with children and families in their communities to address their needs and ensure child and family safety and well-being within a culturally appropriate lens and framework;

(8) services to support informal kinship care arrangements; and

(9) other activities and services approved by the commissioner that further the goals of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act, including but not limited to the recruitment of African American staff and staff from other communities disproportionately represented in the child welfare system to work for responsible social services agencies and licensed child-placing agencies.

(b) The commissioner may specify the priority of an activity and service based on its success in furthering these goals. The commissioner shall give preference to programs and service providers that are located in or serve counties with the highest rates of child welfare disproportionality for African American and other disproportionately represented children and their families and employ staff who represent the population primarily served.

Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for existing services or for the following purposes:

(1) child day care that is necessary solely because of the employment or training for employment of a parent or another relative with whom the child is living;

(2) foster care maintenance or difficulty of care payments;

(3) residential treatment facility payments;

(4) adoption assistance or Northstar kinship assistance payments under chapter 259A or 256N;

(5) public assistance payments for Minnesota family investment program assistance, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services; or

(6) administrative costs for income maintenance staff.

Subd. 4. **Requests for proposals.** The commissioner shall request proposals for grants under subdivisions 1, 2, and 3 and specify the information and criteria required.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 14. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

Subd. 3. **Petition.** The county attorney or a parent whose parental rights were terminated under a previous order of the court, a child who is ten years of age or older, the responsible social services agency, or a guardian ad litem may file a petition for the reestablishment of the legal parent and child relationship. A parent filing a petition under this section shall pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived pursuant to chapter 563. A petition for the reestablishment of the legal parent and child relationship may be filed when:

~~(1) in cases where the county attorney is the petitioning party, both the responsible social services agency and the county attorney agree that reestablishment of the legal parent and child relationship is in the child's best interests;~~

~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental rights;

~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child;

~~(4)~~ (3) the child has been in foster care for at least ~~48~~ 24 months after the court issued the order terminating parental rights;

~~(5)~~ (4) the child has not been adopted; and

~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent, as required under Minnesota Rules, part 9560.0060, subpart 2.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 15. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

Subd. 8. **Hearing.** The court may grant the petition ordering the reestablishment of the legal parent and child relationship only if it finds by clear and convincing evidence that:

(1) reestablishment of the legal parent and child relationship is in the child's best interests;

(2) the child has not been adopted;

(3) the child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent, as required under Minnesota Rules, part 9560.0060, subpart 2;

(4) at least ~~48~~ 24 months have elapsed following a final order terminating parental rights and the child remains in foster care;

(5) the child desires to reside with the parent;

(6) the parent has corrected the conditions that led to an order terminating parental rights; and

(7) the parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 16. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; DISAGGREGATE DATA.**

The commissioner of human services must establish a process to improve the disaggregation of data to monitor child welfare outcomes for African American and other disproportionately represented children in the child welfare system. The commissioner must begin disaggregating data by January 1, 2027.

**EFFECTIVE DATE.** This section is effective July 1, 2026.

Sec. 17. **CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.**

The commissioner of human services shall develop, maintain, and administer a publicly accessible online compliance and feedback portal to receive reports of noncompliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections 260.61 to 260.693, and other statutes related to child maltreatment, safety, and placement. Reports received through the portal must be transferred for review and further action to the appropriate unit or department within the Department of Human Services, including but not limited to the African American Child Well-Being Unit.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

**Sec. 18. DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS IN FOSTER CARE BEST PRACTICES.**

The commissioner of human services shall develop and publish guidance on best practices for ensuring that African American and disproportionately represented children in foster care maintain connections and relationships with their parents, custodians, and extended relatives. The commissioner shall also develop and publish best practice guidance on engaging and assessing noncustodial and nonadjudicated parents to care for their African American or disproportionately represented children who cannot remain with the children's custodial parents.

**EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under section 20 of this act.

**Sec. 19. DIRECTION TO THE COMMISSIONER; COMPLIANCE SYSTEM REVIEW DEVELOPMENT.**

(a) By January 1, 2026, the commissioner of human services, in consultation with counties and the working group established under section 21 of this act, must develop a system to review county compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The system may include, but is not limited to, the cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of noncompliance and the coordinating penalty, the program improvement plan, and training.

(b) By January 1, 2026, the commissioner of human services must provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare on the proposed compliance system review process and language to codify that process in statute.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 20. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; PHASE-IN PROGRAMS.**

(a) The commissioner of human services must establish a phase-in program that implements sections 1 to 18 in Hennepin and Ramsey Counties.

(b) The commissioner of human services must report on the outcomes of the phase-in program, including the number of participating families, the rate of children in out-of-home placement, and the measures taken to prevent out-of-home placement for each participating family to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare.

(c) Sections 1 to 18 are effective July 1, 2024, for purposes of this phase-in program.

(d) This section expires July 1, 2027.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.**

(a) The commissioner of human services must establish a working group to provide guidance and oversight for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in programs in Hennepin and Ramsey Counties.

(b) The members of the working group must include representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, Hennepin County, Ramsey County, the Department of Human Services, and community organizations with experience in child welfare. The legislature may provide recommendations to the commissioner on the selection of the representatives from the community organizations.

(c) The working group must provide oversight of the phase-in program and evaluate the cost of the phase-in program. The working group must also assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide.

(d) By June 30, 2026, the working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 22. **APPROPRIATIONS; MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT.**

(a) \$5,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services for grants to Hennepin and Ramsey Counties to implement the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in programs. This is a onetime appropriation and is available until June 30, 2026.

(b) \$1,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services for the African American and disproportionately represented family preservation grant program under Minnesota Statutes, section 260.693. Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the amount for administrative costs under this paragraph is \$0.

(c) \$1,967,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services to implement the African American Family Preservation and Child Welfare Disproportionality Act. The base for this appropriation is \$3,451,000 in fiscal year 2026 and \$3,310,000 in fiscal year 2027."

Amend the title numbers accordingly

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

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

**H.F. No. 4411** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
4411	4260

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 4411 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 4411, the third engrossment; and insert the language after the enacting clause of S.F. No. 4260, the first engrossment; further, delete the title of H.F. No. 4411, the third engrossment; and insert the title of S.F. No. 4260, the first engrossment.

And when so amended H.F. No. 4411 will be identical to S.F. No. 4260, and further recommends that H.F. No. 4411 be given its second reading and substituted for S.F. No. 4260, and that the Senate File be indefinitely postponed.

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

**Senator Rest from the Committee on Taxes, to which was referred**

**S.F. No. 3886:** A bill for an act relating to taxation; aid to local governments and private ambulance services; establishing a onetime aid program for certain licensed ambulance services; requiring reports; appropriating money.

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 AMBULANCE SERVICE AID.**

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

(b) "Ambulance service" has the meaning given in Minnesota Statutes, section 144E.001, subdivision 3.

(c) "Board" means the Emergency Medical Services Regulatory Board.

(d) "Capital expenses" means expenses that are incurred by a licensed ambulance service provider for the purchase, improvement, or maintenance of long-term assets to improve the efficiency or capability of the ambulance services, with an expected useful life of greater than five years.

(e) "Commissioner" means the commissioner of revenue.

(f) "EMS responses" means the number of responses reported to the board by a licensed ambulance service provider via the Minnesota state ambulance reporting system during calendar year 2022.

(g) "Licensed ambulance service provider" means a natural person, partnership, association, corporation, Tribal government, or unit of government which possesses an ambulance service license under Minnesota Statutes, chapter 144E.

(h) "Operational expenses" means costs related to personnel expenses, supplies and equipment, fuel, vehicle maintenance, travel, education, fundraising, and expenses associated with obtaining advanced life support intercepts.

(i) "Primary service area" has the meaning given in Minnesota Statutes, section 144E.001, subdivision 10.

(j) "Response density" means the quotient of a licensed ambulance service provider's EMS responses divided by the square mileage of the licensed ambulance service provider's primary service area.

(k) "Unit of government" means a county, a statutory or home rule charter city, or a township.

Subd. 2. **Excluded services.** The commissioner must exclude EMS responses by specialized life support as described in Minnesota Statutes, section 144E.101, subdivision 9, when calculating EMS responses, response density, and aid payments under this section.

Subd. 3. **Multiple licenses.** When a licensed ambulance service provider, a licensed ambulance service provider's parent company, a subsidiary of the licensed ambulance service provider, or a subsidiary of the licensed ambulance service provider's parent company collectively: (1) hold one or more licenses; and (2) are mainly located within the metropolitan counties listed in Minnesota Statutes, section 473.121, subdivision 4, or at least partially within the city of Duluth, Mankato, Moorhead, Rochester, or St. Cloud, the commissioner must treat all such related licensed ambulance service providers as a single licensed ambulance service provider and the sum of the square mileages of the primary service areas as a single primary service area for the purposes of calculating EMS responses, response density, and aid payments under this section.

Subd. 4. **Eligibility.** Except as otherwise required under subdivision 6, paragraphs (c) and (d), a licensed ambulance service provider is eligible for aid under this section if the licensed ambulance service provider:

- (1) possessed a license in calendar year 2022;
- (2) continues to operate under the license for aids payable in 2024; and
- (3) completes the requirements under subdivision 5.

Subd. 5. **Application process.** (a) An eligible licensed ambulance service provider may apply to the commissioner, in the form and manner determined by the commissioner, for aid under this section. Applications must be submitted by September 16, 2024. The commissioner may require an eligible licensed ambulance service provider to submit any information necessary, including financial statements, to make the calculations under subdivision 6. An eligible licensed ambulance service provider who applies for aid under this section must provide a copy of the application to the executive director of the board by September 16, 2024.

(b) The commissioner and the executive director of the board must establish a process for verifying the data submitted with applications under this section.

Subd. 6. **Commissioner calculations.** (a) Prior to determining an aid payment amount for eligible licensed ambulance service providers, the commissioner must make the calculations in paragraphs (b) to (d).

(b) In addition to meeting the criteria in subdivision 4, a licensed ambulance service provider is eligible for aid according to the calculations under this paragraph unless the licensed ambulance service provider: (1) is mainly located within the metropolitan counties listed in Minnesota Statutes, section 473.121, subdivision 4, or at least partially within the city of Duluth, Mankato, Moorhead, Rochester, or St. Cloud; and (2) has a response density of greater than 30 responses per square mile. For each eligible service provider, the commissioner must determine the amount equal to dividing 20 percent of the amount appropriated for aid payments under this section equally among all eligible licensed ambulance service providers.

(c) In addition to meeting the criteria in subdivision 4, a licensed ambulance service provider is eligible for aid according to the calculations under this paragraph only if the licensed ambulance service provider has a response density of 30 responses per square mile or fewer. For each eligible licensed ambulance service provider, the commissioner must determine the amount equal to the product of: 40 percent of the amount appropriated for aid payments under this section; multiplied by each eligible licensed ambulance service provider's primary service area square mileage divided by the total square mileage of all eligible licensed ambulance service providers' primary service areas. For purposes of this paragraph, the square mileage of an eligible licensed ambulance service provider's primary service area is equal to the lesser of the number of square miles in the primary service area, or 1,200.

(d) In addition to meeting the criteria in subdivision 4, a licensed ambulance service provider is eligible for aid according to the calculations under this paragraph only if the licensed ambulance service provider has a response density of 30 responses per square mile or fewer. For each eligible licensed ambulance service provider, the commissioner must determine the amount equal to the product of: 40 percent of the amount appropriated for aid payments under this section; multiplied by the number of points determined under clauses (1) to (4) for each eligible licensed ambulance service provider divided by the total points determined under clauses (1) to (4) for all eligible licensed ambulance service providers. For calculations under this paragraph, the commissioner must determine points for an eligible licensed ambulance service provider as follows:

(1) for EMS response one to EMS response 500, an eligible licensed ambulance service provider is awarded ten points for each EMS response;

(2) for EMS response 501 to EMS response 1,500, an eligible licensed ambulance service provider is awarded five points for each EMS response;

(3) for EMS response 1,501 to EMS response 2,500, an eligible licensed ambulance service provider is awarded zero points for each EMS response; and

(4) for EMS response 2,501 and each subsequent EMS response, an eligible licensed ambulance service provider's points are reduced by two points for each EMS response, except an eligible licensed ambulance service provider's total awarded points must not be reduced below zero.

Subd. 7. **Aid amount.** The commissioner must make an aid payment to each eligible licensed ambulance service provider in the amount equal to the sum of the amounts calculated in subdivision 6, paragraphs (b) to (d).

Subd. 8. **Eligible uses.** A licensed ambulance service provider must spend aid received under this section on operational expenses and capital expenses incurred to provide ambulance services within the licensed ambulance service provider's primary service area that is located in Minnesota.

Subd. 9. **Administration.** (a) The commissioner must certify the aid amount to each licensed ambulance service provider by December 1, 2024.

(b) The commissioner must make the full aid payment to each eligible licensed ambulance service provider by December 26, 2024.

(c) Any funds not spent on or encumbered for eligible uses by December 31, 2025, must be returned to the commissioner.

Subd. 10. **Report.** By February 15, 2026, each licensed ambulance service provider that receives aid under this section must submit a report to the commissioner and to the chairs and ranking minority members of the legislative committees with jurisdiction over taxes and property taxes. The report must include the amount of aid that each licensed ambulance service provider received, the amount of aid that was spent on or encumbered for operational expenses, the amount of aid that was spent on or encumbered for capital expenses, and documentation sufficient to establish that awarded aid was spent on or encumbered for eligible uses as defined in subdivision 8. The commissioner may request financial statements or other information necessary to verify that aid was spent on eligible uses.

Subd. 11. **Appropriation.** (a) An amount sufficient to make aid payments under this section is appropriated from the general fund to the commissioner of revenue in fiscal year 2025, provided the total does not exceed \$120,000,000.

(b) Of the amount in paragraph (a), the commissioner may retain up to \$60,000 for administrative costs related to aid under this section.

(c) This is a onetime appropriation.

**EFFECTIVE DATE.** This section is effective for aids payable in 2024."

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

**Senator Rest from the Committee on Taxes, to which was re-referred**

**S.F. No. 4985:** A bill for an act relating to taxation; property; modifying distribution of excess proceeds from sales of tax-forfeited property; appropriating money; amending Minnesota Statutes 2022, sections 281.23, subdivision 2; 282.08; 282.241, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 282.

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

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

S.F. Nos. 4835 and 716 were read the second time.

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

H.F. No. 4411 was read the second time.

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

The following bills were read the first time.

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

**S.F. No. 5515:** A bill for an act relating to capital investment; amending an earlier appropriation of state bond funds for clean water infrastructure in Braham; amending Laws 2023, chapter 71, article 1, section 15, subdivision 4.

Referred to the Committee on Capital Investment.

#### **Senators Rasmusson, Fateh, Draheim, Draskowski, and Maye Quade introduced--**

**S.F. No. 5516:** A bill for an act relating to local government; prohibiting minimum parking mandates; prohibiting counties and municipalities from requiring the creation of a homeowners association as a condition for building permit; amending Minnesota Statutes 2022, section 394.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462.

Referred to the Committee on State and Local Government and Veterans.

### **MOTIONS AND RESOLUTIONS**

Senator Draheim moved that his name be stricken as a co-author to S.F. No. 1253. The motion prevailed.

Senator Draheim moved that his name be stricken as a co-author to S.F. No. 3720. The motion prevailed.

Senator Latz moved that his name be stricken as chief author and the name of Senator Westlin be added as chief author to S.F. No. 4201. The motion prevailed.

Senator Frentz moved that the name of Senator Putnam be added as a co-author to S.F. No. 4942. The motion prevailed.

Senator Eichorn moved that the name of Senator Lieske be added as a co-author to S.F. No. 5014. The motion prevailed.

Senator Pratt moved that the name of Senator Wesenberg be added as a co-author to S.F. No. 5316. The motion prevailed.

Senator Dziejdzic moved that the name of Senator Klein be added as a co-author to S.F. No. 5507. The motion prevailed.

Senator Westlin moved that the name of Senator Latz be added as a co-author to S.F. No. 4201. The motion prevailed.

### SPECIAL ORDERS

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

H.F. Nos. 3911, 5247, 4109, and 4247.

### SPECIAL ORDER

**H.F. No. 3911:** A bill for an act relating to state government; modifying disposition of certain state property; modifying remedies, penalties, and enforcement; providing for boat wrap product stewardship; providing for compliance protocols for certain air pollution facilities; providing for recovery of certain state and county costs; establishing certain priorities in environmental regulation; prohibiting certain mercury-containing lighting; establishing and modifying grant and rebate programs; modifying snowmobile requirements; modifying use of state lands; providing for tree planting; extending Mineral Coordinating Committee; providing for gas and oil exploration and production leases and permits on state-owned land; modifying game and fish laws; modifying Water Law; establishing Packaging Waste and Cost Reduction Act; providing for domestic hog control; modifying fur farm provisions; modifying pesticide and fertilizer regulation; modifying agricultural development provisions; creating task force; classifying data; providing criminal penalties; requiring studies and reports; requiring rulemaking; appropriating money; amending Minnesota Statutes 2022, sections 13.7931, by adding a subdivision; 16A.125, subdivision 5; 18B.01, by adding a subdivision; 18C.005, by adding a subdivision; 21.81, by adding a subdivision; 84.027, subdivision 12; 84.0895, subdivision 1; 84.871; 84.943, subdivision 5, by adding a subdivision; 88.82; 89.36, subdivision 1; 89.37, subdivision 3; 93.0015, subdivision 3; 93.25, subdivisions 1, 2; 97A.015, by adding a subdivision; 97A.105; 97A.341, subdivisions 1, 2, 3; 97A.345; 97A.425, subdivision 4, by adding a subdivision; 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97A.512; 97A.56, subdivisions 1, 2, by adding a subdivision; 97B.001, by adding a subdivision; 97B.022, subdivisions 2, 3; 97B.516; 97C.001, subdivision 2; 97C.005, subdivision 2; 97C.395, as amended; 97C.411; 103B.101, subdivisions 12, 12a; 103F.211, subdivision 1; 103F.48, subdivision 7; 103G.005, subdivision 15; 103G.315, subdivision 15; 115.071, subdivisions 1, 3, 4, by adding subdivisions; 115A.02; 115A.03, by adding a subdivision; 115A.5502; 115B.421; 116.07, subdivision 9, by adding subdivisions; 116.072, subdivisions 2, 5; 116.11; 116.92, by adding a subdivision; 116D.02, subdivision 2; 473.845, by adding a subdivision; Minnesota Statutes 2023 Supplement, sections 17.457, as amended; 21.86, subdivision 2; 41A.30, subdivision 1; 97B.071; 103B.104; 103F.06, by adding a subdivision; 103G.301, subdivision 2; 115.03, subdivision 1; 116P.09, subdivision 6; 116P.18; Laws 2023, chapter 60, article 1, section 3, subdivision 10; proposing coding for new law in Minnesota Statutes,

chapters 84; 86B; 93; 97A; 97C; 103F; 115A; 116; 473; repealing Minnesota Statutes 2022, sections 17.353; 84.033, subdivision 3; 97B.802; 115A.5501.

Senator Seeberger moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 43, line 23, after "fob" insert ", pen, or mechanical pencil"

Page 43, line 24, after "fobs" insert ", pens, and mechanical pencils"

Page 43, line 27, after the period, insert "For the purposes of this paragraph, "pen" and "mechanical pencil" are instruments used for the general purpose of handwriting."

The motion prevailed. So the amendment was adopted.

Senator Wesenberg moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 3, line 17, delete "\$2,000,000" and insert "\$1,800,000"

Page 13, after line 2, insert:

**"Subd. 21. Study of Impact of Eagles on Loons**

\$200,000 the second year is for the study of impact of eagles on loons in article 2, section 41. This is a onetime appropriation."

Page 56, after line 20, insert:

**"Sec. 41. STUDY OF IMPACT OF EAGLES ON LOONS.**

The commissioner of natural resources must conduct a study of the impact that eagles have on loons in this state. The study must include an assessment of the impact that the presence of bald eagles has on juvenile loons and on the loon population generally. By March 1, 2028, the commissioner must submit a report on the results of the study to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the environment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wesenberg moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 24, after line 25, insert:

"Sec. 10. Minnesota Statutes 2022, section 97A.105, subdivision 8, is amended to read:

Subd. 8. **Penalty.** A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation. Additionally, a person who transports a live beaver in violation of subdivision 7 is subject to a fine of \$500 and must pay for any damages caused as a result of the unlawful transportation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rasmusson moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 74, delete article 5

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Utke
Anderson	Duckworth	Jasinski	Lucero	Weber
Bahr	Eichorn	Johnson	Mathews	Wesenberg
Coleman	Farnsworth	Koran	Miller	Westrom
Dahms	Green	Kreun	Nelson	
Dornink	Gruenhagen	Lang	Rarick	
Draheim	Housley	Lieske	Rasmusson	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Rest
Carlson	Gustafson	Latz	Morrison	Seeberger
Champion	Hauschild	Mann	Murphy	Westlin
Cwodzinski	Hawj	Marty	Oumou Verbeten	Wiklund
Dibble	Hoffman	Maye Quade	Pappas	Xiong
Dziedzic	Klein	McEwen	Pha	
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

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

Senator Rasmusson moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 74, delete article 5 and insert:

## "ARTICLE 5

### PACKAGING WASTE AND COST REDUCTION ACT

#### Section 1. NEEDS ASSESSMENT REQUIRED.

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

(b) "Needs assessment" means an assessment conducted according to subdivision 2.

(c) "Compostable material" means a covered material that:

(1) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400) or its successor;

(2) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor;

(3) is comprised of only wood without any coatings or additives; or

(4) is comprised of only paper without any coatings or additives.

(d) "Covered material" means packaging and paper products introduced into the state.

(e) "Covered materials type" means a singular and specific type of covered material, such as paper, plastic, metal, or glass that can be categorized based on distinguishing chemical or physical properties, including properties that allow for a covered materials type to be aggregated into a commonly defined discrete commodity category for purposes of reuse, recycling, or composting, and based on similar uses in the form of a product or package.

(f) "Introduce" means to sell, offer for sale, distribute, or use to ship a product within or into this state.

(g) "Nondisclosure agreement" means an agreement that requires the parties to the agreement to treat private and nonpublic data submitted to facilitate completion of a needs assessment according to the definitions and requirements established in Minnesota Statutes, section 115A.06, subdivision 13.

(h) "Service provider" means an entity that collects, transfers, sorts, processes, recovers, or otherwise prepares covered materials for reuse, recycling, or composting. A political subdivision that provides or that contracts or otherwise arranges with another party to provide reuse, collection, recycling, or composting services for covered materials within its jurisdiction may be a service provider regardless of whether it provided, contracted for, or otherwise arranged for similar services before the approval of the applicable stewardship plan.

Subd. 2. **Needs assessment.** (a) On or before February 15, 2025, the commissioner of the Pollution Control Agency must complete a needs assessment. The commissioner must develop a request for proposals for the needs assessment and hire an independent third party approved by the commissioner to complete the needs assessment.

(b) In conducting a needs assessment under this section, the commissioner must:

(1) initiate a consultation process to obtain recommendations from stakeholders, political subdivisions, service providers, and other interested parties regarding the type and scope of information that should be collected and analyzed in the statewide needs assessment required by this section;

(2) contract with a third party who is not a producer to conduct the needs assessment; and

(3) prior to finalizing the needs assessment, make the draft needs assessment available for comment by stakeholders, political subdivisions, service providers, and other interested parties.

Subd. 3. **Content of needs assessment.** The needs assessment may include but not be limited to:

(1) with respect to collection service:

(i) recycling access information for residential customers of the service providers including households served, type of service provided, materials accepted, frequency of service provided where relevant;

(ii) weight of material collected per time period and capacity of the current collection method; and

(iii) contracted rates for services and the services covered by the rates;

(2) with respect to processing:

(i) the material at a processing facility providing recycling services to covered entities and the facility's capacity for processing material;

(ii) the design and capabilities of the facility;

(iii) fees charged for processing; and

(iv) data on contamination; and

(3) with respect to additional data:

(i) the market conditions and opportunities for the use of recycled covered materials in the state and region and issues with access to markets for recycled covered materials;

(ii) the availability and scope of any reuse or refill systems in the state affecting the use of covered materials; and

(iii) access to, capacity, and characteristics of facilities to process and recover compostable materials.

Subd. 4. **Participation required.** (a) A service provider or other person with data or information necessary to complete a needs assessment must provide the data or information to the commissioner upon request. A service provider or other person who does not want to be identified with information submitted to the commissioner under this subdivision may request to proceed under a nondisclosure agreement. A nondisclosure agreement is limited to the items under Minnesota Statutes, section 115A.06, subdivision 13. Once a request is made, the requestor, the commissioner, and all third parties participating in the completion of the needs assessment in whatever capacity must enter into a nondisclosure agreement. Once these parties have entered into a nondisclosure agreement, the requestor must submit the necessary data or information to the contractor selected by the commissioner according to subdivision 2, who must aggregate and anonymize the data or information, excluding location data necessary to assess needs, received from all parties proceeding under a nondisclosure agreement under this subdivision and must then submit the aggregated anonymized information to the commissioner or to the party or parties contracted to complete the needs assessment, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts.

(b) The commissioner, any employee of the agency, or any agent thereof, when authorized by the commissioner, may enter upon any property, public or private, for the purpose of obtaining information necessary for completing the needs assessment.

Subd. 5. **Commissioner's report.** By February 15, 2025, the commissioner of the Pollution Control Agency must submit a report to the governor and to the chairs and ranking minority members of the legislative committees with jurisdiction over solid waste. The report must contain a summary of the needs assessment, recommendations for policy, statutory or regulatory changes, and any other information the commissioner deems to be relevant.

Subd. 6. **Rules prohibited.** The Pollution Control Agency shall not adopt rules, undertake rulemaking, or implement recommendations from the needs assessment until the legislature has enacted a statute that authorizes such an undertaking."

Amend the title accordingly

## RECESS

Senator Johnson moved that the Senate do now recess until 15 minutes after the conclusion of the Subcommittee on Ethical Conduct.

The question was taken on the adoption of the Johnson motion.

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

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Morrison	Rest
Carlson	Gustafson	Latz	Murphy	Seeberger
Champion	Hauschild	Mann	Oumou Verbeten	Westlin
Cwodzinski	Hawj	Marty	Pappas	Wiklund
Dibble	Hoffman	Maye Quade	Pha	Xiong
Dziedzic	Klein	McEwen	Port	
Fateh	Kunesh	Mohamed	Putnam	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic, Frentz, and Port.

The motion did not prevail.

The question was taken on the adoption of the second Rasmusson amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Limmer	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic, Frentz, and Port.

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

Senator Rasmusson moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 77, line 24, delete "or"

Page 77, line 26, delete the period and insert "; and"

Page 77, after line 26, insert:

"(13) are packaging for a watercraft and its component parts, as defined in United States Code, title 12, section 13001, subsection 28, or a seaplane."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Abeler	Drazkowski	Jasinski	Lucero	Utke
Anderson	Duckworth	Johnson	Mathews	Weber
Bahr	Eichorn	Koran	Miller	Wesenberg
Coleman	Farnsworth	Kreun	Nelson	Westrom
Dahms	Green	Lang	Pratt	
Dornink	Gruenhagen	Lieske	Rarick	
Draheim	Housley	Limmer	Rasmusson	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic, Frentz, and Port.

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

Senator Drazkowski moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 27, after line 17, insert:

"Sec. 12. Minnesota Statutes 2022, section 97B.031, is amended by adding a subdivision to read:

Subd. 7. Regular firearms deer season. During the regular firearms deer season, all legal firearms may be used statewide."

Page 56, after line 20, insert:

"Sec. 41. **REPORT.**

By December 1, 2027, the commissioner of natural resources must report to the chairs and ranking minority members of the legislative committees with jurisdiction over environment and natural resources on the effect of eliminating the shotgun zone on deer hunting and deer populations. The report may include any recommendations for additional statutory or policy changes that the commissioner deems advisable."

Page 56, line 22, delete "section" and insert "sections 97B.318 and" and delete "is" and insert "are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Boldon moved to amend the Drazkowski amendment to H.F. No. 3911 as follows:

Page 1, line 8, delete "statewide" and insert "north of Highway 12"

The question was taken on the adoption of the Boldon amendment to the Drazkowski amendment.

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

Those who voted in the affirmative were:

Boldon	Frentz	Mann	Murphy	Rest
Carlson	Gustafson	Marty	Nelson	Westlin
Champion	Hawj	Maye Quade	Oumou Verbeten	Wiklund
Cwodzinski	Hoffman	McEwen	Pha	Xiong
Dibble	Klein	Mitchell	Port	
Dziedzic	Kunesh	Mohamed	Pratt	
Fateh	Latz	Morrison	Putnam	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Abeler	Duckworth	Howe	Lieske	Rasmusson
Anderson	Eichorn	Jasinski	Limmer	Seeberger
Bahr	Farnsworth	Johnson	Lucero	Utke
Coleman	Green	Koran	Mathews	Weber
Dahms	Gruenhagen	Kreun	Miller	Wesenberg
Draheim	Hauschild	Kupec	Pappas	Westrom
Drazkowski	Housley	Lang	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

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

The question was taken on the adoption of the Drazkowski amendment.

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

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Lieske	Rasmusson
Anderson	Duckworth	Jasinski	Limmer	Seeberger
Bahr	Eichorn	Johnson	Lucero	Utke
Coleman	Farnsworth	Koran	Mathews	Weber
Dahms	Green	Kreun	Miller	Wesenberg
Dornink	Gruenhagen	Kupec	Pratt	Westrom
Draheim	Hauschild	Lang	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Mann	Murphy	Rest
Carlson	Gustafson	Marty	Nelson	Westlin
Champion	Hawj	Maye Quade	Oumou Verbeten	Wiklund
Cwodzinski	Hoffman	McEwen	Pappas	Xiong
Dibble	Klein	Mitchell	Pha	
Dziedzic	Kunesh	Mohamed	Port	
Fateh	Latz	Morrison	Putnam	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion prevailed. So the amendment was adopted.

Senator Green moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 43, delete section 24

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Howe	Lieske	Rasmusson
Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Kupec	Pratt	
Draheim	Housley	Lang	Rarick	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Latz	Mohamed	Putnam
Carlson	Gustafson	Limmer	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic, Frentz, and Port.

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

Senator Hauschild moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 27, after line 17, insert:

"Sec. 12. Minnesota Statutes 2022, section 97B.667, subdivision 3, is amended to read:

Subd. 3. **Permits and notice; requirements.** (a) Before killing or arranging to kill a beaver under this section, the road authority or government unit must contact a conservation officer for a special beaver permit if the beaver will be killed within two weeks before or after the trapping season for beaver, and the conservation officer must issue the permit for any beaver subject to this section. A permit is not required:

- (1) for a licensed trapper during the open trapping season for beaver; or
- (2) when the trapping season for beaver is closed and it is not within two weeks before or after the trapping season for beaver.

(b) A road authority or government unit that kills or arranges to have killed a beaver under this section must notify a conservation officer or employee of the Fish and Wildlife Division within ten days after the animal is killed.

(c) Unless otherwise directed by a conservation officer, the road authority, local government unit, the landowner, or their agent may dispose of or retain beaver killed under this section."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hauschild moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 21, after line 25, insert:

"Sec. 5. Minnesota Statutes 2022, section 93.222, is amended to read:

**93.222 TACONITE IRON ORE SPECIAL ADVANCE ROYALTY ACCOUNT.**

The taconite iron ore special advance royalty account is created as an account in the state treasury for disposal of certain mineral lease money received under negotiated state iron ore or taconite iron ore mining leases and under the terms of extension agreements adopted under section 93.193, relating to state iron ore or taconite iron ore mining leases. The principal of the account is distributed under the terms of the negotiated leases or extension agreements to the account or entity entitled by applicable law and lease terms to receive the income from the class of land being leased. Interest accruing from investment of the account remains with the account until distributed as provided in this section. The interest accrued through June 30 under each extension agreement is distributed annually, as soon as possible after June 30, to the account or entity entitled by applicable law and lease terms to receive the income from the class of land being leased in the same proportion that the total acres included in a particular class of land bears to the total acreage of the leased land covered by each extension agreement. Money in the taconite iron ore special advance royalty account is appropriated for distribution as provided in this section."

Page 56, after line 20, insert:

**Sec. 41. RULEMAKING; CHANGES TO NONFERROUS METALLIC MINERAL LEASE TERMS.**

(a) The commissioner of natural resources must amend paragraph 8c of the lease terms under Minnesota Rules, part 6125.0700, as follows:

(1) in the first paragraph, strike "(1) the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore mined from the mining unit exceeds \$75; and (2)";

(2) amend the second paragraph to read "The adjustment to the base rate must be computed by multiplying a fraction, the numerator of which is the Base Index and the denominator of which is equal to the Producer Price Index for All Commodities for the month in question, by the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore mined from the mining unit. The resulting product must be carried to four decimal places and then rounded to the nearest one-hundredth of a dollar. This product must be used instead of the net return value to reference Appendix A: Royalty Base Rate Table and to determine the base rate."; and

(3) in the third paragraph, make changes to the example consistent with clauses (1) and (2) and update and reformat as needed.

(b) The commissioner may use the good-cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule under paragraph (a), and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

(c) Effective on the date that the rule under paragraph (a) is adopted, all existing nonferrous metallic mineral leases issued by the commissioner are deemed amended to reflect the adopted rule."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hauschild requested division of his amendment as follows:

First portion:

Page 21, after line 25, insert:

"Sec. 5. Minnesota Statutes 2022, section 93.222, is amended to read:

**93.222 TACONITE IRON ORE SPECIAL ADVANCE ROYALTY ACCOUNT.**

The taconite iron ore special advance royalty account is created as an account in the state treasury for disposal of certain mineral lease money received under negotiated state iron ore or taconite iron ore mining leases and under the terms of extension agreements adopted under section 93.193, relating to state iron ore or taconite iron ore mining leases. The principal of the account is distributed under the terms of the negotiated leases or extension agreements to the account or entity entitled by applicable law and lease terms to receive the income from the class of land being leased. Interest accruing from investment of the account remains with the account until distributed as provided in this section. The interest accrued through June 30 under each extension agreement is distributed annually, as soon as possible after June 30, to the account or entity entitled by applicable law and lease terms to receive the income from the class of land being leased in the same proportion that the total acres included in a particular class of land bears to the total acreage of the leased land covered by each extension agreement. Money in the taconite iron ore special advance royalty account is appropriated for distribution as provided in this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the Hauschild amendment. The motion prevailed. So the first portion of the amendment was adopted.

Second portion:

Page 56, after line 20, insert:

**"Sec. 41. RULEMAKING; CHANGES TO NONFERROUS METALLIC MINERAL LEASE TERMS.**

(a) The commissioner of natural resources must amend paragraph 8c of the lease terms under Minnesota Rules, part 6125.0700, as follows:

(1) in the first paragraph, strike ": (1) the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore mined from the mining unit exceeds \$75; and (2)";

(2) amend the second paragraph to read "The adjustment to the base rate must be computed by multiplying a fraction, the numerator of which is the Base Index and the denominator of which is equal to the Producer Price Index for All Commodities for the month in question, by the net return value of the metallic minerals and associated mineral products recovered from each ton of dried crude ore mined from the mining unit. The resulting product must be carried to four decimal places and then rounded to the nearest one-hundredth of a dollar. This product must be used instead of the net return value to reference Appendix A: Royalty Base Rate Table and to determine the base rate.";  
and

(3) in the third paragraph, make changes to the example consistent with clauses (1) and (2) and update and reformat as needed.

(b) The commissioner may use the good-cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule under paragraph (a), and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

(c) Effective on the date that the rule under paragraph (a) is adopted, all existing nonferrous metallic mineral leases issued by the commissioner are deemed amended to reflect the adopted rule."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the second portion of the Hauschild amendment.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Lucero	Rest
Anderson	Farnsworth	Johnson	Mathews	Seeberger
Bahr	Frentz	Klein	Miller	Utke
Coleman	Green	Kreun	Nelson	Weber
Dahms	Gruenhagen	Kupec	Pappas	Wesenberg
Dornink	Hauschild	Lang	Pratt	Westlin
Draheim	Hoffman	Latz	Putnam	Xiong
Drazkowski	Housley	Lieske	Rarick	
Duckworth	Howe	Limmer	Rasmusson	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senator: Frentz.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Cwodzinski	Fateh	Kunesh	Maye Quade
Carlson	Dibble	Gustafson	Mann	McEwen
Champion	Dziedzic	Hawj	Marty	Mitchell

Mohamed  
Morrison

Oumou Verbeten  
Pha

Port  
Wiklund

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

The motion prevailed. So the second portion of the amendment was adopted.

Senator Boldon moved to amend H.F. No. 3911, as amended pursuant to Rule 45, adopted by the Senate May 3, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 3887.)

Page 3, line 17, delete "\$2,000,000" and insert "\$1,900,000"

Page 4, after line 18, insert:

**"Subd. 8. Olmsted County Environmental Remediation.**

\$100,000 the second year is for a grant to Olmsted County for the environmental remediation of a 12-acre tax-forfeited property in Haverhill Township. This appropriation may be used to remove tires and solid waste, demolish buildings, and remove asbestos contamination. This is a onetime appropriation."

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

H.F. No. 3911 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 40 and nays 27, as follows:

Those who voted in the affirmative were:

Abeler	Fateh	Kunesh	Miller	Pha
Boldon	Frentz	Kupec	Mitchell	Port
Carlson	Gustafson	Latz	Mohamed	Putnam
Champion	Hauschild	Limmer	Morrison	Rest
Coleman	Hawj	Mann	Murphy	Seeberger
Cwodzinski	Hoffman	Marty	Nelson	Westlin
Dibble	Housley	Maye Quade	Oumou Verbeten	Wiklund
Dziedzic	Klein	McEwen	Pappas	Xiong

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Anderson	Duckworth	Jasinski	Lucero	Weber
Bahr	Eichorn	Johnson	Mathews	Wesenberg
Dahms	Farnsworth	Koran	Pratt	Westrom
Dornink	Green	Kreun	Rarick	
Draheim	Gruenhagen	Lang	Rasmusson	
Drazkowski	Howe	Lieske	Utke	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senator: Anderson.

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

### SPECIAL ORDER

**H.F. No. 5247:** A bill for an act relating to taxation; modifying individual income taxes, corporate franchise taxes, property taxes, local government aids, minerals taxes, sales and use taxes, gross receipts taxes, excise taxes, and other tax-related provisions; modifying income tax credits and subtractions; expanding the child tax credit and providing for a minimum credit; providing for nonconformity to certain worker classification rules; providing for disclosure of certain corporate franchise tax information; providing for direct free filing; requiring a corporate tax base erosion study; modifying property tax exemptions, credits, classifications, and abatements; adjusting local government aid calculations and payments and forgiving local government aid penalties; providing for an advance homestead credit for seniors; providing for transfers and distributions of proceeds of minerals taxes; providing for issuance of revenue bonds; providing for an amusement device gross receipts tax in lieu of the sales and use tax; providing sales and use tax construction exemptions; repealing the tax on illegal marijuana and controlled substances; providing special tax increment financing authority; authorizing cities and counties to impose local sales and use taxes for certain projects; establishing a local sales tax equalization distribution; providing for state auditor oversight of local sales and use taxes; modifying certain special local taxes; providing for taxpayer assistance and outreach grants; providing aid for various uses; providing for the establishment of land valuation districts; making technical changes; requiring reports; transferring money; appropriating money; amending Minnesota Statutes 2022, sections 10A.02, subdivision 11b; 10A.322, subdivision 4; 116U.27, subdivision 2; 123B.53, subdivision 1; 123B.71, subdivision 8; 270C.21; 270C.445, subdivision 6; 272.02, subdivisions 7, 19, by adding subdivisions; 273.13, subdivision 22; 273.135, subdivision 2; 273.1393; 273.38; 273.41; 275.065, by adding a subdivision; 276.04, subdivision 2, as amended, by adding a subdivision; 276A.01, subdivision 17; 276A.06, subdivision 8; 289A.08, subdivision 1; 289A.12, subdivision 18; 290.0132, by adding a subdivision; 290.0683, subdivision 3; 290.92, by adding a subdivision; 290A.03, by adding subdivisions; 295.53, subdivision 4a; 297A.68, subdivisions 3a, 45; 297A.99, subdivision 3, by adding a subdivision; 297I.20, subdivision 4; 298.17; 298.28, subdivision 8; 298.282, subdivision 1; 298.292, subdivision 2; 375.192, subdivision 2; 446A.086, subdivision 1; 469.104; 469.1812, by adding a subdivision; 469.1813, subdivisions 1, 6, by adding a subdivision; 469.190, subdivisions 1, 7; 474A.091, subdivisions 2, 2a; 609.902, subdivision 4; Minnesota Statutes 2023 Supplement, sections 41B.0391, subdivision 4; 123B.71, subdivision 12; 126C.40, subdivision 6; 273.13, subdivisions 25, 34; 273.1392; 275.065, subdivision 3; 290.01, subdivision 19; 290.0132, subdivision 34; 290.0134, subdivision 20; 290.06, subdivision 23; 290.0661, subdivisions 1, 8, by adding a subdivision; 290.0671, subdivision 1a; 290.0693, subdivisions 1, 6, 8; 290.0695, subdivision 2; 290A.03, subdivisions 3, 13; 297A.61, subdivision 3; 297A.99, subdivision 1; 297H.13, subdivision 2; 298.018, subdivision 1; 298.28, subdivisions

7a, 16; 349.12, subdivision 25; 477A.30, subdivisions 4, 5, 6, 7; 477A.35, subdivision 6; Laws 1986, chapter 396, section 5, as amended; Laws 1986, chapter 400, section 44, as amended; Laws 2010, chapter 389, article 7, section 22, as amended; Laws 2014, chapter 308, article 6, section 9, as amended; Laws 2017, First Special Session chapter 1, article 6, section 22; Laws 2023, chapter 1, sections 22; 28; proposing coding for new law in Minnesota Statutes, chapters 270B; 273; 289A; 290A; 295; 297A; 428A; repealing Minnesota Statutes 2022, sections 13.4967, subdivision 5; 297D.02; 297D.03; 297D.05; 297D.09, subdivisions 1, 2; 297D.12; 297D.13; Minnesota Statutes 2023 Supplement, sections 297A.99, subdivision 3a; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 477A.30, subdivision 8; Laws 2023, chapter 64, article 15, section 24.

Senator Rest moved to amend H.F. No. 5247, as amended pursuant to Rule 45, adopted by the Senate May 6, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 5234.)

Page 70, line 11, before the first "Safety" insert "Firearm"

Page 70, line 13, before "safety" insert "firearm" and delete everything after "device" and insert "means:"

Page 70, delete line 14 and insert:

"(i) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(ii) a device to be equipped or installed on a firearm that is designed to prevent the operation of the firearm by anyone who does not have authorized access to the firearm;"

Page 70, after line 19, insert:

"(b) A firearm sold with a firearm safety device already installed on it is treated as the sale of a firearm and not the sale of a firearm safety device."

Page 70, line 20, strike "(b)" and insert "(c)" and before "safety" insert "firearm"

Page 70, line 22, after the period, insert "If information about the purchase or transfer of a firearm safety device or firearm storage unit is required to be collected by a government entity, all data pertaining to that purchase or transfer are private data on individuals, as defined in section 13.02, subdivision 12, or nonpublic data, as defined in section 13.02, subdivision 9."

Page 73, line 7, strike "2042" and insert "2050"

Page 99, line 10, delete "the city of Duluth and" and after "Ely" insert "and at the former Central High School site in the city of Duluth"

Page 99, line 13, delete "50" and insert "37"

Page 100, line 5, after "exempt" insert "from sales and use tax under Minnesota Statutes, chapter 297A"

Page 101, after line 2, insert:

"Sec. 44. **COMBINED RATE.**

In sections 11 through 43, wherever there is a reference to the rate under Minnesota Statutes, section 297A.62, subdivision 1, the rate to be applied is the combined rate under Minnesota Statutes, section 297A.62, subdivisions 1 and 1a."

Page 119, delete line 5

Reletter the paragraphs in sequence

Page 124, line 2, delete "(c)" and insert "(d)"

Page 124, line 7, delete "(h)" and insert "(j)"

Page 124, line 10, delete "(n)" and insert "(o)"

Page 124, line 13, delete everything after "(b)" and insert "All contracts for construction of specified capital projects under this section that are located in a metropolitan county are subject to the requirement to pay the prevailing wage rate, as defined in section 177.42, subdivision 6, and to the requirements and enforcement provisions of sections 177.27, 177.30, 177.32, 177.41 to 177.435, 177.44, and 177.45. For purposes of complying with sections 177.30, paragraph (a), clauses (6) and (7), and 177.41 to 177.435, the political subdivision imposing the tax is the contracting authority and contracting agency and the project is considered a public works project."

Page 124, delete line 14

Page 125, after line 22, insert:

"Sec. 5. Minnesota Statutes 2022, section 473.757, subdivision 10, is amended to read:

Subd. 10. **Sales and use tax.** (a) Notwithstanding section 477A.016, or other law, the governing body of the county may by ordinance, impose a sales and use tax at the rate of 0.15 percent for the purposes listed in this section. The taxes authorized under this section and the manner in which they are imposed are exempt from the rules of section 297A.99, subdivisions 2 and 3. The provisions of section 297A.99, except for subdivisions 2 and 3, apply to the imposition, administration, collection, and enforcement of this tax.

(b) The tax imposed under this section is not included in determining if the total tax on lodging in the city of Minneapolis exceeds the maximum allowed tax under Laws 1986, chapter 396, section 5, as amended by Laws 2001, First Special Session chapter 5, article 12, section 87, or in determining a tax that may be imposed under any other limitations.

(c) The requirements of sections 297A.9901 and 297A.9902 do not apply to taxes authorized under this chapter.

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

Page 129, delete section 6

Page 134, line 6, delete "to" and insert "for"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Jasinski	Marty	Port
Bahr	Eichorn	Johnson	Mathews	Pratt
Boldon	Farnsworth	Klein	Maye Quade	Putnam
Carlson	Fateh	Koran	McEwen	Rarick
Champion	Frentz	Kreun	Miller	Rasmusson
Coleman	Green	Kunesh	Mitchell	Rest
Cwodzinski	Gruenhagen	Kupec	Mohamed	Seeberger
Dahms	Gustafson	Lang	Morrison	Weber
Dibble	Hauschild	Latz	Murphy	Wesenberg
Dornink	Hawj	Lieske	Nelson	Westlin
Draheim	Hoffman	Limmer	Oumou Verbeten	Westrom
Draskowski	Housley	Lucero	Pappas	Wiklund
Duckworth	Howe	Mann	Pha	Xiong

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senator: Anderson.

The motion prevailed. So the amendment was adopted.

Senator Duckworth moved to amend H.F. No. 5247, as amended pursuant to Rule 45, adopted by the Senate May 6, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 5234.)

Page 26, after line 10, insert:

"Sec. 5. Minnesota Statutes 2022, section 272.02, is amended by adding a subdivision to read:

Subd. 108. **Congressionally chartered veterans service organizations.** (a) Property qualifying for classification under section 273.13, subdivision 25, paragraph (d), clause (3), that is owned and operated by a congressionally chartered veterans service organization is exempt. The commissioner of veterans affairs must annually provide a list of congressionally chartered veterans service organizations to the commissioner of revenue by January 1.

(b) For assessment year 2024 only: (1) the commissioner of veterans affairs must provide a list of congressionally chartered veterans service organizations to the commissioner of revenue by July 1, 2024; and (2) a congressionally chartered veterans service organization must file an exemption application under this section with the county assessor by August 1, 2024.

**EFFECTIVE DATE.** This section is effective beginning with assessment year 2024."

Page 34, after line 4, insert:

"Sec. 7. Minnesota Statutes 2022, section 273.13, subdivision 25, is amended to read:

Subd. 25. **Class 4.** (a) Class 4a is residential real estate containing four or more units and used or held for use by the owner or by the tenants or lessees of the owner as a residence for rental periods of 30 days or more, excluding property qualifying for class 4d. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other than hospitals exempt under section 272.02, and contiguous property used for hospital purposes, without regard to whether the property has been platted or subdivided. The market value of class 4a property has a classification rate of 1.25 percent.

(b) Class 4b includes:

(1) residential real estate containing less than four units, including property rented as a short-term rental property for more than 14 days in the preceding year, that does not qualify as class 4bb, other than seasonal residential recreational property;

(2) manufactured homes not classified under any other provision;

(3) a dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b) containing two or three units; and

(4) unimproved property that is classified residential as determined under subdivision 33.

For the purposes of this paragraph, "short-term rental property" means nonhomestead residential real estate rented for periods of less than 30 consecutive days.

The market value of class 4b property has a classification rate of 1.25 percent.

(c) Class 4bb includes:

(1) nonhomestead residential real estate containing one unit, other than seasonal residential recreational property;

(2) a single family dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b); and

(3) a condominium-type storage unit having an individual property identification number that is not used for a commercial purpose.

Class 4bb property has the same classification rates as class 1a property under subdivision 22.

Property that has been classified as seasonal residential recreational property at any time during which it has been owned by the current owner or spouse of the current owner does not qualify for class 4bb.

(d) Class 4c property includes:

(1) except as provided in subdivision 22, paragraph (c), real and personal property devoted to commercial temporary and seasonal residential occupancy for recreation purposes, for not more than 250 days in the year preceding the year of assessment. For purposes of this clause, property is devoted to a commercial purpose on a specific day if any portion of the property is used for residential occupancy, and a fee is charged for residential occupancy. Class 4c property under this clause must contain three or more rental units. A "rental unit" is defined as a cabin, condominium, townhouse, sleeping room, or individual camping site equipped with water and electrical hookups for recreational vehicles. A camping pad offered for rent by a property that otherwise qualifies for class 4c under this clause is also class 4c under this clause regardless of the term of the rental agreement, as long as the use of the camping pad does not exceed 250 days. In order for a property to be classified under this clause, either (i) the business located on the property must provide recreational activities, at least 40 percent of the annual gross lodging receipts related to the property must be from business conducted during 90 consecutive days, and either (A) at least 60 percent of all paid bookings by lodging guests during the year must be for periods of at least two consecutive nights; or (B) at least 20 percent of the annual gross receipts must be from charges for providing recreational activities, or (ii) the business must contain 20 or fewer rental units, and must be located in a township or a city with a population of 2,500 or less located outside the metropolitan area, as defined under section 473.121, subdivision 2, that contains a portion of a state trail administered by the Department of Natural Resources. For purposes of item (i)(A), a paid booking of five or more nights shall be counted as two bookings. Class 4c property also includes commercial use real property used exclusively for recreational purposes in conjunction with other class 4c property classified under this clause and devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 250 days in the year preceding the year of assessment and is located within two miles of the class 4c property with which it is used. In order for a property to qualify for classification under this clause, the owner must submit a declaration to the assessor designating the cabins or units occupied for 250 days or less in the year preceding the year of assessment by January 15 of the assessment year. Those cabins or units and a proportionate share of the land on which they are located must be designated class 4c under this clause as otherwise provided. The remainder of the cabins or units and a proportionate share of the land on which they are located will be designated as class 3a. The owner of property desiring designation as class 4c property under this clause must provide guest registers or other records demonstrating that the units for which class 4c designation is sought were not occupied for more than 250 days in the year preceding the assessment if so requested. The portion of a property operated as a (1) restaurant, (2) bar, (3) gift shop, (4) conference center or meeting room, and (5) other nonresidential facility operated on a commercial basis not directly related to temporary and seasonal residential occupancy for recreation purposes does not qualify for class 4c. For the purposes of this paragraph, "recreational activities" means renting ice fishing houses, boats and motors, snowmobiles, downhill or cross-country ski equipment; providing marina services, launch services, or guide services; or selling bait and fishing tackle;

(2) qualified property used as a golf course if:

(i) it is open to the public on a daily fee basis. It may charge membership fees or dues, but a membership fee may not be required in order to use the property for golfing, and its green fees for golfing must be comparable to green fees typically charged by municipal courses; and

(ii) it meets the requirements of section 273.112, subdivision 3, paragraph (d).

A structure used as a clubhouse, restaurant, or place of refreshment in conjunction with the golf course is classified as class 3a property;

(3) real property up to a maximum of three acres of land owned and used by a nonprofit community service oriented organization and not used for residential purposes on either a temporary or permanent basis, provided that:

(i) the property is not used for a revenue-producing activity for more than six days in the calendar year preceding the year of assessment; or

(ii) the organization makes annual charitable contributions and donations at least equal to the property's previous year's property taxes and the property is allowed to be used for public and community meetings or events for no charge, as appropriate to the size of the facility.

For purposes of this clause:

(A) "charitable contributions and donations" has the same meaning as lawful gambling purposes under section 349.12, subdivision 25, excluding those purposes relating to the payment of taxes, assessments, fees, auditing costs, and utility payments;

(B) "property taxes" excludes the state general tax;

(C) a "nonprofit community service oriented organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, fraternal, civic, or educational purposes, and which is exempt from federal income taxation pursuant to section 501(c)(3), (8), (10), or (19) of the Internal Revenue Code; and

(D) "revenue-producing activities" shall include but not be limited to property or that portion of the property that is used as an on-sale intoxicating liquor or 3.2 percent malt liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling alley, a retail store, gambling conducted by organizations licensed under chapter 349, an insurance business, or office or other space leased or rented to a lessee who conducts a for-profit enterprise on the premises.

Any portion of the property not qualifying under either item (i) or (ii) is class 3a. The use of the property for social events open exclusively to members and their guests for periods of less than 24 hours, when an admission is not charged nor any revenues are received by the organization shall not be considered a revenue-producing activity.

The organization shall maintain records of its charitable contributions and donations and of public meetings and events held on the property and make them available upon request any time to the assessor to ensure eligibility. An organization meeting the requirement under item (ii) must file an application by May 1 with the assessor for eligibility for the current year's assessment. The commissioner shall prescribe a uniform application form and instructions;

(4) postsecondary student housing of not more than one acre of land that is owned by a nonprofit corporation organized under chapter 317A and is used exclusively by a student cooperative, sorority, or fraternity for on-campus housing or housing located within two miles of the border of a college campus;

(5)(i) manufactured home parks as defined in section 327.14, subdivision 3, excluding manufactured home parks described in items (ii) and (iii), (ii) manufactured home parks as defined in section 327.14, subdivision 3, that are described in section 273.124, subdivision 3a, and (iii) class I manufactured home parks as defined in section 327C.015, subdivision 2;

(6) real property that is actively and exclusively devoted to indoor fitness, health, social, recreational, and related uses, is owned and operated by a not-for-profit corporation, and is located within the metropolitan area as defined in section 473.121, subdivision 2;

(7) a leased or privately owned noncommercial aircraft storage hangar not exempt under section 272.01, subdivision 2, and the land on which it is located, provided that:

(i) the land is on an airport owned or operated by a city, town, county, Metropolitan Airports Commission, or group thereof; and

(ii) the land lease, or any ordinance or signed agreement restricting the use of the leased premise, prohibits commercial activity performed at the hangar.

If a hangar classified under this clause is sold after June 30, 2000, a bill of sale must be filed by the new owner with the assessor of the county where the property is located within 60 days of the sale;

(8) a privately owned noncommercial aircraft storage hangar not exempt under section 272.01, subdivision 2, and the land on which it is located, provided that:

(i) the land abuts a public airport; and

(ii) the owner of the aircraft storage hangar provides the assessor with a signed agreement restricting the use of the premises, prohibiting commercial use or activity performed at the hangar; and

(9) residential real estate, a portion of which is used by the owner for homestead purposes, and that is also a place of lodging, if all of the following criteria are met:

(i) rooms are provided for rent to transient guests that generally stay for periods of 14 or fewer days;

(ii) meals are provided to persons who rent rooms, the cost of which is incorporated in the basic room rate;

(iii) meals are not provided to the general public except for special events on fewer than seven days in the calendar year preceding the year of the assessment; and

(iv) the owner is the operator of the property.

The market value subject to the 4c classification under this clause is limited to five rental units. Any rental units on the property in excess of five, must be valued and assessed as class 3a. The portion of the property used for purposes of a homestead by the owner must be classified as class 1a property under subdivision 22;

(10) real property up to a maximum of three acres and operated as a restaurant as defined under section 157.15, subdivision 12, provided it: (i) is located on a lake as defined under section 103G.005, subdivision 15, paragraph (a), clause (3); and (ii) is either devoted to commercial purposes for not more than 250 consecutive days, or receives at least 60 percent of its annual gross receipts from business conducted during four consecutive months. Gross receipts from the sale of alcoholic beverages must be included in determining the property's qualification under item (ii). The property's primary business must be as a restaurant and not as a bar. Gross receipts from gift shop sales located on the premises must be excluded. Owners of real property desiring 4c classification under this clause must submit an annual declaration to the assessor by February 1 of the current assessment year, based on the property's relevant information for the preceding assessment year;

(11) lakeshore and riparian property and adjacent land, not to exceed six acres, used as a marina, as defined in section 86A.20, subdivision 5, which is made accessible to the public and devoted to recreational use for marina services. The marina owner must annually provide evidence to the assessor that it provides services, including lake or river access to the public by means of an access ramp or other facility that is either located on the property of the marina or at a publicly owned site that abuts the property of the marina. No more than 800 feet of lakeshore may be included in this classification. Buildings used in conjunction with a marina for marina services, including but not limited to buildings used to provide food and beverage services, fuel, boat repairs, or the sale of bait or fishing tackle, are classified as class 3a property; and

(12) real and personal property devoted to noncommercial temporary and seasonal residential occupancy for recreation purposes.

Class 4c property has a classification rate of 1.5 percent of market value, except that: (i) each parcel of noncommercial seasonal residential recreational property under clause (12) has the same classification rates as class 4bb property; (ii) manufactured home parks assessed under clause (5), item (i), have the same classification rate as class 4b property, the market value of manufactured home parks assessed under clause (5), item (ii), have a classification rate of 0.75 percent if more than 50 percent of the lots in the park are occupied by shareholders in the cooperative corporation or association and a classification rate of one percent if 50 percent or less of the lots are so occupied, and class I manufactured home parks as defined in section 327C.015, subdivision 2, have a classification rate of 1.0 percent; (iii) commercial-use seasonal residential recreational property and marina recreational land as described in clause (11), has a classification rate of one percent for the first \$500,000 of market value, and 1.25 percent for the remaining market value; (iv) the market value of property described in clause (4) has a classification rate of one percent; (v) the market value of property described in clauses (2), (6), and (10) has a classification rate of 1.25 percent; and (vi) that portion of the market value of property in clause (9) qualifying for class 4c property has a classification rate of 1.25 percent, ~~and (vii) property qualifying for classification under clause (3) that is owned or operated by a congressionally chartered veterans organization has a classification rate of one percent. The commissioner of veterans affairs must provide a list of congressionally chartered veterans organizations to the commissioner of revenue by June 30, 2017, and by January 1, 2018, and each year thereafter.~~

(e) Class 4d property is qualifying low-income rental housing certified to the assessor by the Housing Finance Agency under section 273.128, subdivision 3. If only a portion of the units in the building qualify as low-income rental housing units as certified under section 273.128, subdivision 3, only the proportion of qualifying units to the total number of units in the building qualify for class

4d. The remaining portion of the building shall be classified by the assessor based upon its use. Class 4d also includes the same proportion of land as the qualifying low-income rental housing units are to the total units in the building. For all properties qualifying as class 4d, the market value determined by the assessor must be based on the normal approach to value using normal unrestricted rents.

(f) The first tier of market value of class 4d property has a classification rate of 0.75 percent. The remaining value of class 4d property has a classification rate of 0.25 percent. For the purposes of this paragraph, the "first tier of market value of class 4d property" means the market value of each housing unit up to the first tier limit. For the purposes of this paragraph, all class 4d property value must be assigned to individual housing units. The first tier limit is \$100,000 for assessment years 2022 and 2023. For subsequent assessment years, the limit is adjusted each year by the average statewide change in estimated market value of property classified as class 4a and 4d under this section for the previous assessment year, excluding valuation change due to new construction, rounded to the nearest \$1,000, provided, however, that the limit may never be less than \$100,000. Beginning with assessment year 2015, the commissioner of revenue must certify the limit for each assessment year by November 1 of the previous year.

**EFFECTIVE DATE.** This section is effective beginning with assessment year 2024."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Duckworth	Howe	Limmer	Rarick
Bahr	Eichorn	Johnson	Lucero	Rasmusson
Coleman	Farnsworth	Koran	Mathews	Utke
Dornink	Green	Kreun	Miller	Weber
Draheim	Gruenhagen	Lang	Nelson	Wesenberg
Drazkowski	Housley	Lieske	Pratt	Westrom

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

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

Senator Nelson moved to amend H.F. No. 5247, as amended pursuant to Rule 45, adopted by the Senate May 6, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 5234.)

Page 134, after line 8, insert:

"Sec. 4. Minnesota Statutes 2023 Supplement, section 349.12, subdivision 12b, is amended to read:

Subd. 12b. **Electronic pull-tab device.** (a) "Electronic pull-tab device" means a handheld and portable electronic device that:

- (1) is used to play one or more electronic pull-tab games;
- (2) requires coded entry to activate play but does not allow the use of coin, currency, or tokens to be inserted to activate play;
- (3) requires that a player must individually activate or individually open each electronic pull-tab ticket and each individual line, row, or column of each electronic pull-tab ticket;
- (4) maintains information pertaining to accumulated win credits that may be applied to games in play or redeemed upon termination of play;
- (5) has no spinning reels or other representations that mimic a video slot machine;
- (6) has no additional function as a gambling device other than as an electronic-linked bingo game played on a device defined under section 349.12, subdivision 12a;
- (7) may incorporate an amusement game feature as part of the pull-tab game but may not require additional consideration for that feature or award any prize, or other benefit for that feature;
- (8) may have auditory or visual enhancements to promote or provide information about the game being played, provided the component does not affect the outcome of a game or display the results of a game;
- (9) maintains, on nonresettable meters, a printable, permanent record of all transactions involving each device and electronic pull-tab games played on the device;
- (10) is not a pull-tab dispensing device as defined under subdivision 32a; and
- (11) has the capability to allow use by a player who is visually impaired.

~~(b) An electronic pull-tab device must not include representations that mimic the display or user interface of a video slot machine by requiring a player to manually activate the reveal or result of each single row of symbols with a separate and distinct action for each electronic pull-tab ticket.~~

**EFFECTIVE DATE.** This section is effective for games approved after August 1, 2024.

Sec. 5. Minnesota Statutes 2023 Supplement, section 349.12, subdivision 12c, is amended to read:

Subd. 12c. **Electronic pull-tab game.** ~~(a)~~ "Electronic pull-tab game" means a pull-tab game containing:

- (1) facsimiles of pull-tab tickets that are played on an electronic pull-tab device;
  - (2) a predetermined, finite number of winning and losing tickets, not to exceed 7,500 tickets;
  - (3) the same price for each ticket in the game;
  - (4) a price paid by the player of not less than 25 cents per ticket;
  - (5) tickets that are in conformance with applicable board rules for pull-tabs;
  - (6) winning tickets that comply with prize limits under section 349.211;
  - (7) a unique serial number that may not be regenerated;
  - (8) an electronic flare that displays the game name; form number; predetermined, finite number of tickets in the game; and prize tier; and
  - (9) no spinning reels or other representations that mimic a video slot machine, ~~including but not limited to free plays, bonus games, screens, or game features that are triggered after the initial symbols are revealed that display the results of the game;~~
  - (10) ~~a mechanism requiring a player to manually activate each electronic pull-tab ticket to be opened; and~~
  - (11) ~~a mechanism requiring a player to manually activate the reveal of each single row of symbols with a separate and distinct action.~~
- (b) Each electronic pull-tab game shall include a certification from a board-approved testing laboratory that the game and device meets the standards and requirements established in Minnesota Statutes and Minnesota Rules and is in conformance with game procedures provided by the manufacturer.

**EFFECTIVE DATE.** This section is effective for games approved after August 1, 2024.

Sec. 6. Minnesota Statutes 2023 Supplement, section 349.151, subdivision 4d, is amended to read:

Subd. 4d. **Electronic pull-tab devices and electronic pull-tab game system.** (a) The board may adopt rules it deems necessary to ensure the integrity of electronic pull-tab devices, the electronic pull-tab games played on the devices, and the electronic pull-tab game system necessary to operate them.

(b) The board may not require an organization to use electronic pull-tab devices.

(c) Before authorizing the lease or sale of electronic pull-tab devices and the electronic pull-tab game system, the board shall examine electronic pull-tab devices allowed under section 349.12, subdivision 12b. The board may contract for the examination of the game system and electronic

pull-tab devices and may require a working model to be transported to locations the board designates for testing, examination, and analysis. The manufacturer must pay all costs of any testing, examination, analysis, and transportation of the model. The system must be approved by the board before its use in the state and must have the capability to permit the board to electronically monitor its operation and internal accounting systems.

(d) The board may require a manufacturer to submit a certificate from an independent testing laboratory approved by the board to perform testing services, stating that the equipment has been tested, analyzed, and meets the standards required in this chapter and any applicable board rules.

(e) The board, or the director if authorized by the board, may require the deactivation of an electronic pull-tab device for violation of a law or rule and to implement any other controls deemed necessary to ensure and maintain the integrity of electronic pull-tab devices and the electronic pull-tab games played on the devices.

~~(f) The board, or the director if authorized by the board, may remove any electronic pull-tab device that does not conform to the requirements of section 349.12, subdivision 12b, and any electronic pull-tab device containing games that do not conform to the requirements of section 349.12, subdivision 12e, from the inventories of distributors and organizations.~~

**EFFECTIVE DATE.** This section is effective for games approved after August 1, 2024.

Sec. 7. **REPEALER.**

Minnesota Statutes 2023 Supplement, section 349.12, subdivision 25e, is repealed.

**EFFECTIVE DATE.** This section is effective for games approved after August 1, 2024."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Rest questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Nelson appealed the decision of the President.

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

The roll was called, and there were yeas 43 and nays 20, as follows:

Those who voted in the affirmative were:

Boldon	Frentz	Kupec	Mitchell	Rarick
Carlson	Gustafson	Lang	Mohamed	Rasmusson
Champion	Hauschild	Latz	Morrison	Rest
Cwodzinski	Hawj	Lieske	Murphy	Seeberger
Dibble	Hoffman	Mann	Oumou Verbeten	Westlin
Dornink	Howe	Marty	Pappas	Wiklund
Draheim	Johnson	Maye Quade	Pha	Xiong
Dziedzic	Klein	McEwen	Port	
Fateh	Kunesh	Miller	Putnam	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Anderson	Duckworth	Gruenhagen	Limmer	Pratt
Coleman	Eichorn	Housley	Lucero	Utke
Dahms	Farnsworth	Jasinski	Mathews	Weber
Drazkowski	Green	Kreun	Nelson	Westrom

Pursuant to Rule 40, Senator Duckworth cast the negative vote on behalf of the following Senator: Anderson.

So the decision of the President was sustained.

Senator Drazkowski moved to amend H.F. No. 5247, as amended pursuant to Rule 45, adopted by the Senate May 6, 2024, as follows:

(The text of the amended House File is identical to S.F. No. 5234.)

Page 120, after line 23, insert:

"(b) The public must be allowed to speak at the hearing required under paragraph (a). The hearing must not be held before 6:00 p.m. The political subdivision must provide a website address and a telephone number for the political subdivision that members of the public may call if they have questions related to the notice and an address where comments will be received by mail, except that no notice required under this paragraph shall be interpreted as requiring the printing of a personal telephone number or address as the contact information for a political subdivision. If a political subdivision does not maintain a website or public offices where telephone calls can be received by the political subdivision, the notice of the hearing required under paragraph (a) must indicate that the political subdivision does not maintain a website or public offices where telephone calls can be received by the political subdivision."

Reletter the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

H.F. No. 5247 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 55 and nays 10, as follows:

Those who voted in the affirmative were:

Boldon	Farnsworth	Howe	Mann	Oumou Verbeten
Carlson	Fatch	Jasinski	Marty	Pappas
Champion	Frentz	Klein	Maye Quade	Pha
Coleman	Green	Koran	McEwen	Port
Cwodzinski	Gruenhagen	Kreun	Miller	Pratt
Dahms	Gustafson	Kunesh	Mitchell	Putnam
Dibble	Hauschild	Kupec	Mohamed	Rarick
Dornink	Hawj	Lang	Morrison	Rest
Draheim	Hoffman	Latz	Murphy	Seeberger
Dziedzic	Housley	Limmer	Nelson	Utke

Weber

Westlin

Westrom

Wiklund

Xiong

Pursuant to Rule 40, Senator Oumou Veberthen cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Those who voted in the negative were:

Bahr  
DrazkowskiDuckworth  
EichornJohnson  
LieskeLucero  
MathewsRasmusson  
Wesenberg

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

### SPECIAL ORDER

**H.F. No. 4109:** A bill for an act relating to judiciary; amending name of competency attainment board; amending Minnesota Statutes 2023 Supplement, sections 611.55, subdivision 1; 611.56, subdivisions 1, 6; 611.57, subdivisions 1, 4.

Senator Westlin moved to amend H.F. No. 4109 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2023 Supplement, section 363A.02, subdivision 1, is amended to read:

Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(1) in employment because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, familial status, and age;

(2) in housing and real property because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, and familial status;

(3) in public accommodations because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, sexual orientation, and disability;

(4) in public services because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, marital status, disability, sexual orientation, and status with regard to public assistance; and

(5) in education because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, and age.

(b) Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 2. Minnesota Statutes 2022, section 363A.03, subdivision 12, is amended to read:

Subd. 12. **Disability.** "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; ~~or~~ (3) is regarded as having such an impairment; or (4) has an impairment that is episodic or in remission and would materially limit a major life activity when active.

Sec. 3. Minnesota Statutes 2022, section 363A.03, subdivision 13, is amended to read:

Subd. 13. **Discriminate.** The term "discriminate" includes segregate ~~or~~ separate ~~and, for purposes of discrimination based on sex, it includes sexual,~~ or harassment.

Sec. 4. Minnesota Statutes 2022, section 363A.03, subdivision 18, is amended to read:

Subd. 18. **Familial status.** "Familial status" means the condition of one or more minors ~~being domiciled~~ having legal status or custody with (1) ~~their~~ the minor's parent or parents or the minor's legal guardian or guardians or (2) the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

Sec. 5. Minnesota Statutes 2022, section 363A.03, subdivision 29, is amended to read:

Subd. 29. **Party in interest.** "Party in interest" means the complainant, respondent, or commissioner ~~or board member~~.

Sec. 6. Minnesota Statutes 2023 Supplement, section 363A.04, is amended to read:

#### **363A.04 CONSTRUCTION AND EXCLUSIVITY.**

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, gender identity, age, disability, marital status, status with regard to public assistance, national origin, sexual orientation, or familial status; but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the administrative procedure herein provided shall, while pending, be exclusive. The rights and remedies herein provided are in addition to, and shall not preclude, those available at law or in equity.

Sec. 7. Minnesota Statutes 2022, section 363A.06, subdivision 4, is amended to read:

Subd. 4. **Publication of case account.** The commissioner may publish an account of a case in which the complaint has been dismissed or the terms of settlement of a case that has been voluntarily adjusted resolved with the Department of Human Rights. ~~Except as provided in other sections of this chapter, the commissioner shall not disclose any information concerning efforts in a particular~~

~~ease to eliminate an unfair discriminatory practice through education, conference, conciliation and persuasion.~~

Sec. 8. Minnesota Statutes 2022, section 363A.07, subdivision 4, is amended to read:

Subd. 4. **Withdrawal from local commission.** Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363A.34 at the following times:

(1) within ~~45~~ 90 days after receipt of notice that the local commission has determined that there is no probable cause to credit the allegations contained in the charge; receipt of notice is presumed to be five days from the date of service by mail of the written notice; or

(2) after 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the local commission and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstated with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 9. Minnesota Statutes 2023 Supplement, section 363A.16, subdivision 1, is amended to read:

Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of race, color, creed, religion, disability, national origin, sex, gender identity, sexual orientation, familial status, or marital status, or due to the receipt of federal, state, or local public assistance including medical assistance.

Sec. 10. Minnesota Statutes 2022, section 363A.19, is amended to read:

**363A.19 DISCRIMINATION AGAINST ~~BLIND, DEAF, OR OTHER PERSONS WITH PHYSICAL OR SENSORY DISABILITIES PROHIBITED.~~**

(a) It is an unfair discriminatory practice for an owner, operator, or manager of a hotel, restaurant, public conveyance, or other public place to prohibit a ~~blind or deaf person or a person with a physical or sensory disability~~ from taking a service animal into the public place or conveyance to aid ~~blind or deaf persons or persons with physical or sensory disabilities~~, and if the service animal is properly harnessed or leashed so that the ~~blind or deaf person or a person with a physical or sensory disability~~ may maintain control of the service animal.

(b) No person shall require a ~~blind, physically disabled, or deaf person~~ with a disability to make an extra payment or pay an additional charge when taking a service animal into any of the public places referred to in paragraph (a).

(c) For purposes of this section, "service animal" means a service animal as defined by the federal Americans with Disabilities Act, as amended.

Sec. 11. Minnesota Statutes 2022, section 363A.28, subdivision 5, is amended to read:

Subd. 5. **Alternative dispute resolution.** Charging parties and respondents shall be offered and may request an opportunity to resolve a charge through mediation or another alternative dispute resolution process. Neutrals providing mediation and alternative dispute resolution processes for parties are bound by the Code of Ethics for Court-Annexed ADR Neutrals. The running of the 12-month period during which the commissioner must make a determination of probable cause to credit allegations is suspended during a period of time specified by the commissioner during which the parties are involved in mediation or other alternative dispute resolution process that has been sanctioned by the commissioner.

Sec. 12. Minnesota Statutes 2022, section 363A.29, subdivision 1, is amended to read:

Subdivision 1. **Conduct of hearings.** A ~~complaint~~ determination issued by the commissioner shall ~~may~~ be heard as a contested case, except that the report of the administrative law judge shall be binding on all parties to the proceeding and if appropriate shall be implemented by an order as provided for in subdivision 3. The party contesting the determination issued by the commissioner may file a request with the commissioner to appear at a hearing on the party's own behalf or through a private attorney. The commissioner shall forward the request for hearing to the Office of Administrative Hearings, which shall promptly set the matter for hearing. The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has a principal place of business. The hearing shall be conducted in accordance with sections 14.57 to 14.62, and is subject to appeal in accordance with sections 14.63 to 14.68.

Sec. 13. Minnesota Statutes 2022, section 363A.29, subdivision 2, is amended to read:

Subd. 2. **Hearings 180 days after charge Tolling during investigation.** At any time after 180 days from the filing of a charge, if there has been neither a finding of probable cause nor of no probable cause, the charging party may file a request with the commissioner to appear at a hearing on the party's own behalf or through a private attorney. The commissioner shall make a determination of probable cause or no probable cause within one year of the filing of a case in which the time has not been tolled. The amount of time during which a case is involved in significant settlement negotiations, is being investigated by another enforcement agency under a work sharing agreement, or has been referred to mediation or to a local human rights commission for no fault grievance processing is not counted in computing the 180 days tolled. Tolling of the time during settlement negotiations requires written approval of the charging party or the party's attorney. The right of a charging party to file a request for hearing does not apply in cases that have been certified as complex by the commissioner within 60 days of the filing of the charge. A case may not be certified as complex unless it involves multiple parties or issues, presents complex issues of law or fact, or presents substantially new issues of law in the discrimination area. Within five days of certifying a case as complex, the commissioner shall give notice of the certification to the charging party and the respondent. The commissioner shall make a determination of probable cause or no probable cause within one year of the filing of a case in which the time has not been counted or a case certified as complex. Upon receipt of the request, the commissioner shall review the documents and

~~information held in the department's files concerning the charge and shall release to the charging party and respondent all documents and information that are accessible to the charging party and respondent under chapter 13. The commissioner shall forward the request for hearing to the Office of Administrative Hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the administrative law judge may require the respondent to reimburse the charging party for reasonable attorney's fees.~~

Sec. 14. Minnesota Statutes 2022, section 363A.33, subdivision 1, is amended to read:

Subdivision 1. **Court actions, suits by private parties, intervention.** The commissioner or a person may bring a civil action seeking redress for an unfair discriminatory practice directly to district court. In addition, a person may bring a civil action:

(1) within ~~45~~ 90 days after receipt of notice that the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, because the commissioner has determined that further use of department resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner;

(2) within ~~45~~ 90 days after receipt of notice that the commissioner has reaffirmed a determination of no probable cause if the charging party requested a reconsideration of the no probable cause determination, or has decided not to reopen a dismissed case that the charging party has asked to be reopened; or

(3) after 45 days from the filing of a charge pursuant to section 363A.28, subdivision 1, if a hearing has not been held pursuant to section 363A.29 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

For purposes of clauses (1) and (2), receipt of notice is presumed to be five days from the date of service by mail of the written notice.

Sec. 15. Minnesota Statutes 2022, section 363A.33, subdivision 6, is amended to read:

Subd. 6. **District court jurisdiction.** Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has a principal place of business.

A person bringing a civil action seeking redress for an unfair discriminatory practice or a respondent is entitled to a jury trial.

If the court or jury finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order or verdict directing appropriate relief as provided by this section ~~363A.29, subdivisions 3 to 6.~~

When the court issues an order providing for payment to the state of a civil penalty pursuant to this section ~~363A.29, subdivisions 3 to 6,~~ it shall serve a copy of that order upon the attorney general at the same time as it makes service upon the parties.

Sec. 16. Minnesota Statutes 2022, section 363A.33, is amended by adding a subdivision to read:

Subd. 8. **Civil penalty; punitive damages.** (a) The court shall order any respondent found to be in violation of any provision of sections 363A.08 to 363A.19 and 363A.28, subdivision 10, to pay a civil penalty to the state. This penalty is in addition to all damages recoverable at law and punitive damages to be paid to an aggrieved party. The court shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases where the court finds that the respondent has engaged in an unfair discriminatory practice, the court shall order the respondent to pay an aggrieved party who has suffered discrimination compensatory damages, including mental anguish or suffering, in an amount up to three times the actual damages sustained. In all cases, the court may also order the respondent to pay an aggrieved party punitive damages pursuant to section 549.20. In any case under this chapter that is decided by a jury, the jury shall determine the amount of all damages to be awarded.

(b) In any case where a political subdivision is a respondent, the total of punitive damages awarded an aggrieved party may not exceed \$25,000 and if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this section.

Sec. 17. Minnesota Statutes 2022, section 363A.33, is amended by adding a subdivision to read:

Subd. 9. **Other remedies.** In addition to the remedies in subdivision 8, where a case involves discrimination in:

(1) employment, the court may order: (i) the hiring, reinstatement, or upgrading of an aggrieved party who has suffered discrimination, with or without back pay; (ii) admission or restoration to membership in a labor organization; (iii) admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program; or (iv) any other relief the court deems just and equitable; or

(2) housing, the court may order: (i) the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party who has suffered discrimination; (ii) the sale, lease, or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to the terms as listed with a real estate broker, or if no such listing has been made, as advertised or offered by the vendor or lessor; or (iii) any other relief the court deems just and equitable.

Sec. 18. **REPEALER.**

Minnesota Statutes 2022, section 363A.03, subdivision 3, is repealed."

Amend the title accordingly

Senator Limmer moved to amend the Westlin amendment to H.F. No. 4109 as follows:

Page 4, after line 15, insert:

"Sec. 11. Minnesota Statutes 2022, section 363A.20, subdivision 2, is amended to read:

Subd. 2. ~~Religious or Fraternal organization.~~ The provisions of section 363A.08 shall not apply to a ~~religious or fraternal~~ corporation, association, or society, with respect to qualifications based on religion ~~or sexual orientation~~, when religion ~~or sexual orientation shall be~~ is a bona fide occupational qualification for employment.

Sec. 12. Minnesota Statutes 2022, section 363A.26, is amended to read:

**363A.26 EXEMPTION BASED ON RELIGIOUS ASSOCIATION.**

Nothing in this chapter prohibits any religious association, religious corporation, or religious society that is not organized for private profit, or any institution organized for educational purposes that is operated, supervised, or controlled by a religious association, religious corporation, or religious society that is not organized for private profit, consistent with the protections or privileges of the First Amendment of the United States Constitution and article I, section 16, of the Minnesota Constitution, including ministerial exceptions provided therein, from:

(1) limiting admission to or giving preference to persons of the same religion or denomination;

(2) ~~in matters relating to sexual orientation~~, taking any action with respect to education, employment, housing and real property, or use of facilities. ~~This clause shall not apply to secular business activities engaged in by the religious association, religious corporation, or religious society, the conduct of which is unrelated to the religious and educational purposes for which it is organized;~~  
or

(3) taking any action with respect to the provision of goods, services, facilities, or accommodations directly related to the solemnization or celebration of a civil marriage that is in violation of its religious beliefs.

This section shall not apply to secular business activities engaged in by the religious association, religious corporation, religious society, or any institution organized for educational purposes that is operated, supervised, or controlled by a religious association, religious corporation, or religious society that is not organized for private profit, the conduct of which is unrelated to the religious and educational purposes for which it is organized."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the Limmer amendment to the Westlin amendment.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Cwodzinski	Duckworth	Green	Housley
Anderson	Dahms	Dziedzic	Gruenhagen	Howe
Bahr	Dibble	Eichorn	Gustafson	Jasinski
Boldon	Dornink	Farnsworth	Hauschild	Johnson
Champion	Draheim	Fateh	Hawj	Klein
Coleman	Drazkowski	Frentz	Hoffman	Koran

Kreun	Mann	Morrison	Putnam	Westlin
Kunesh	Marty	Murphy	Rarick	Westrom
Kupec	Mathews	Nelson	Rasmusson	Wiklund
Lang	Maye Quade	Oumou Verbeten	Rest	Xiong
Latz	McEwen	Pappas	Seeberger	
Lieske	Miller	Pha	Utke	
Limmer	Mitchell	Port	Weber	
Lucero	Mohamed	Pratt	Wesenberg	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senators: Abeler and Anderson.

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

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Klein	McEwen	Rasmusson
Anderson	Eichorn	Koran	Miller	Rest
Bahr	Farnsworth	Kreun	Mitchell	Seeberger
Boldon	Frentz	Kunesh	Mohamed	Utke
Carlson	Green	Kupec	Morrison	Weber
Champion	Gruenhagen	Lang	Murphy	Wesenberg
Coleman	Gustafson	Latz	Nelson	Westlin
Cwodzinski	Hauschild	Lieske	Oumou Verbeten	Westrom
Dahms	Hawj	Limmer	Pappas	Wiklund
Dibble	Hoffman	Lucero	Pha	Xiong
Dornink	Housley	Mann	Port	
Draheim	Howe	Marty	Pratt	
Drazkowski	Jasinski	Mathews	Putnam	
Duckworth	Johnson	Maye Quade	Rarick	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senators: Abeler and Anderson.

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

H.F. No. 4109 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 0, as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dahms	Drazkowski	Farnsworth
Anderson	Champion	Dibble	Duckworth	Frentz
Bahr	Coleman	Dornink	Dziedzic	Green
Boldon	Cwodzinski	Draheim	Eichorn	Gruenhagen

Gustafson	Kreun	Mathews	Pappas	Weber
Hauschild	Kunesh	Maye Quade	Pha	Wesenberg
Hawj	Kupec	McEwen	Port	Westlin
Hoffman	Lang	Miller	Pratt	Westrom
Housley	Latz	Mitchell	Putnam	Wiklund
Howe	Lieske	Mohamed	Rarick	Xiong
Jasinski	Limmer	Morrison	Rasmusson	
Johnson	Lucero	Murphy	Rest	
Klein	Mann	Nelson	Seeberger	
Koran	Marty	Oumou Verbeten	Utke	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senators: Abeler and Anderson.

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

### SPECIAL ORDER

**H.F. No. 4247:** A bill for an act relating to health; establishing registration for transfer care specialists; establishing licensure for behavior analysts; establishing licensure for veterinary technicians and a veterinary institutional license; modifying provisions of veterinary supervision; modifying specialty dentist licensure and dental assistant licensure by credentials; removing additional collaboration requirements for physician assistants to provide certain psychiatric treatment; modifying social worker provisional licensure; establishing guest licensure for marriage and family therapists; modifying pharmacy provisions for certain reporting requirements and change of ownership or relocation; appropriating money; amending Minnesota Statutes 2022, sections 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3; 149A.02, subdivision 13a, by adding a subdivision; 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 150A.06, subdivisions 1c, 8; 151.065, by adding subdivisions; 151.066, subdivisions 1, 2, 3; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2, 4; Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 149A; 156; repealing Minnesota Statutes 2022, sections 147A.09, subdivision 5; 148D.061, subdivision 9; 156.12, subdivision 6.

Senator Nelson moved to amend H.F. No. 4247, the first unofficial engrossment, as follows:

Page 94, after line 6, insert:

"Sec. 11. **BOARD OF NURSING; NURSING LICENSURE COMPACT.**

\$157,000 in fiscal year 2025 is appropriated from the state government special revenue fund to the Board of Nursing for the purposes of implementing Minnesota Statutes, section 148.2855. The base for this appropriation is \$6,000 in fiscal year 2026 and \$6,000 in fiscal year 2027."

Page 250, after line 13, insert:

**"ARTICLE 21****NURSES****Section 1. [148.2855] NURSE LICENSURE COMPACT.**

The Nurse Licensure Compact is enacted into law and entered into with all other jurisdictions legally joining in it, in the form substantially as follows:

ARTICLE 1DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's law that is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

(b) "Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

(c) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

(d) "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety, regardless of whether the nurse has been notified and had an opportunity to respond.

(e) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

(f) "Home state" means the party state that is the nurse's primary state of residence.

(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

(h) "Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

(i) "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

(j) "Nurse" means an RN or LPN/VN, as those terms are defined by each party state's practice laws.

(k) "Party state" means any state that has adopted this compact.

(l) "Remote state" means a party state other than the home state.

(m) "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

(n) "State" means a state, territory, or possession of the United States and the District of Columbia.

(o) "State practice laws" means a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. State practice laws do not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

## ARTICLE 2

### GENERAL PROVISIONS AND JURISDICTION

(a) A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as an RN or LPN/VN under a multistate licensure privilege in each party state.

(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. The procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(c) Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

(1) meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

(2)(i) has graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program; or

(ii) has graduated from a foreign RN or LPN/VN prelicensure education program that:

(A) has been approved by the authorized accrediting body in the applicable country; and

(B) has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

(3) has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

(4) has successfully passed an NCLEX-RN or NCLEX-PN Examination or recognized predecessor, as applicable;

(5) is eligible for or holds an active, unencumbered license;

(6) has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(7) has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

(8) has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) is not currently enrolled in an alternative program;

(10) is subject to self-disclosure requirements regarding current participation in an alternative program; and

(11) has a valid United States Social Security number.

(d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege shall subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

(f) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in

any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

(g) Any nurse holding a home state multistate license, on the effective date of this compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

(1) a nurse, who changes primary state of residence after this compact's effective date, must meet all applicable paragraph (c) requirements to obtain a multistate license from a new home state; or

(2) a nurse who fails to satisfy the multistate licensure requirements in paragraph (c) due to a disqualifying event occurring after this compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators ("Commission").

### ARTICLE 3

#### APPLICATIONS FOR LICENSURE IN A PARTY STATE

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held or is the holder of a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license issued by the home state in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission:

(1) the nurse may apply for licensure in advance of a change in primary state of residence; and

(2) a multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

ARTICLE 4ADDITIONAL AUTHORITIES INVESTED IN PARTY STATE LICENSING BOARDS

(a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:

(1) take adverse action against a nurse's multistate licensure privilege to practice within that party state:

(i) only the home state shall have the power to take adverse action against a nurse's license issued by the home state; and

(ii) for purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if the conduct occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state;

(3) complete any pending investigations of a nurse who changes primary state of residence during the course of the investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions;

(4) issue subpoenas for hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located;

(5) obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions;

(6) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse; and

(7) take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

(b) If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders

that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

(c) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

#### ARTICLE 5

#### COORDINATED LICENSURE INFORMATION SYSTEM AND EXCHANGE OF INFORMATION

(a) All party states shall participate in a coordinated licensure information system of RNs and LPNs. The system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

(c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action; any current significant investigative information; denials of applications, including the reasons for the denials; and nurse participation in alternative programs known to the licensing board, regardless of whether the participation is deemed nonpublic or confidential under state law.

(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(e) Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.

(f) Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

(h) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

(1) identifying information;

(2) licensure data;

(3) information related to alternative program participation; and

(4) other information that may facilitate the administration of this compact, as determined by commission rules.

(i) The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

#### ARTICLE 6

### ESTABLISHMENT OF THE INTERSTATE COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS

(a) The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators:

(1) the commission is an instrumentality of the party states;

(2) except as provided under paragraph (k), venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

(3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings:

(1) each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the laws of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists;

(2) each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication;

(3) the commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission;

(4) all meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article 7;

(5) the commission may convene in a closed, nonpublic meeting if the commission must discuss:

(i) noncompliance of a party state with its obligations under this compact;

(ii) the employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) current, threatened, or reasonably anticipated litigation;

(iv) negotiation of contracts for the purchase or sale of goods, services, or real estate;

(v) accusing any person of a crime or formally censuring any person;

(vi) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) disclosure of investigatory records compiled for law enforcement purposes;

(ix) disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or

(x) matters specifically exempted from disclosure by federal or state statute; and

(6) if a meeting or portion of a meeting is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including but not limited to:

(1) establishing the fiscal year of the commission;

(2) providing reasonable standards and procedures:

(i) for the establishment and meetings of other committees; and

(ii) governing any general or specific delegation of any authority or function of the commission;

(3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of the meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The

commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

(4) establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and

(6) providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations.

(d) The commission shall publish its bylaws, rules, and any amendments in a convenient form on the website of the commission.

(e) The commission shall maintain its financial records in accordance with the bylaws.

(f) The commission shall meet and take actions consistent with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers:

(1) to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

(4) to borrow, accept, or contract for services of personnel, including but not limited to employees of a party state or nonprofit organizations;

(5) to cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space, or other resources;

(6) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(7) to accept any and all appropriate donations, grants, and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(9) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

(10) to establish a budget and make expenditures;

(11) to borrow money;

(12) to appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons;

(13) to provide and receive information from, and to cooperate with, law enforcement agencies;

(14) to adopt and use an official seal; and

(15) to perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the commission:

(1) the commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities;

(2) the commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based on a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states;

(3) the commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by and with the authority of the party state; and

(4) the commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified immunity, defense, and indemnification:

(1) the administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall

be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person;

(2) the commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct; and

(3) the commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

(j) Notwithstanding paragraph (h), clause (1), the liability of the executive director, employees, or representatives of the interstate commission, acting within the scope of their employment or duties, may not exceed the limits of liability set forth under the constitution and laws of this state for state officials, employees, and agents. This paragraph expressly incorporates Minnesota Statutes, section 3.736, and neither expands nor limits the rights and remedies provided under that statute.

(k) Except for a claim alleging a violation of this compact, a claim against the commission, its executive director, employees, or representatives alleging a violation of the constitution and laws of this state may be brought in any county where the plaintiff resides. Nothing in this paragraph creates a private right of action.

(l) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

## ARTICLE 7

### RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.

(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted on, the commission shall file a notice of proposed rulemaking:

(1) on the website of the commission; and

(2) on the website of each licensing board or the publication in which the state would otherwise publish proposed rules.

(d) The notice of proposed rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted on;

(2) the text of the proposed rule or amendment, and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments that shall be made available to the public.

(f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

(g) The commission shall publish the place, time, and date of the scheduled public hearing:

(1) hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded and a copy will be made available upon request; and

(2) nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(h) If no person appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

(i) Following the scheduled hearing date or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice or opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) meet an imminent threat to public health, safety, or welfare;
- (2) prevent a loss of commission or party state funds; or
- (3) meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

(1) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

## ARTICLE 8

### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### (a) Oversight:

(1) each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent; and

(2) the commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in the proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

#### (b) Default, technical assistance, and termination:

(1) if the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and

(ii) provide remedial training and specific technical assistance regarding the default;

(2) if a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default;

(3) termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given

by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states;

(4) a state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination;

(5) the commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated, unless agreed upon in writing between the commission and the defaulting state; and

(6) the defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees.

(c) Dispute resolution:

(1) upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states;

(2) the commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate; and

(3) in the event the commission cannot resolve disputes among party states arising under this compact:

(i) the party states may submit the issues in dispute to an arbitration panel, that will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(ii) the decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement:

(1) the commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact;

(2) by majority vote, the commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees; and

(3) the remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE 9EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

(a) This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact that also were parties to the prior Nurse Licensure Compact that was superseded by this compact shall be deemed to have withdrawn from the prior compact within six months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until the party state has withdrawn from the prior compact.

(c) Any party state may withdraw from this compact by legislative enactment. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of the withdrawal or termination.

(e) Nothing in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact.

(f) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(g) Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission on a nonvoting basis prior to the adoption of this compact by all states.

ARTICLE 10CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. This compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact is held to be contrary to the constitution of any party state, this compact shall remain in full force and effect for the remaining party states and in full force and effect for the party state affected as to all severable matters.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

**Sec. 2. [148.2856] APPLICATION OF NURSE LICENSURE COMPACT TO EXISTING LAWS.**

(a) Section 148.2855 does not supersede existing state labor laws.

(b) If the board takes action against an individual's multistate privilege, the action must be adjudicated following the procedures in sections 14.50 to 14.62 and must be subject to the judicial review provided for in sections 14.63 to 14.69.

(c) The board may take action against an individual's multistate privilege based on the grounds listed in section 148.261, subdivision 1, and any other statute authorizing or requiring the board to take corrective or disciplinary action.

(d) The board may take all forms of disciplinary action provided in section 148.262, subdivision 1, and corrective action provided in section 214.103, subdivision 6, against an individual's multistate privilege.

(e) The cooperation requirements of section 148.265 apply to individuals who practice professional or practical nursing in Minnesota under section 148.2855.

(f) Complaints against individuals who practice professional or practical nursing in Minnesota under section 148.2855 must be addressed according to sections 214.10 and 214.104.

**EFFECTIVE DATE.** This section is effective July 1, 2024."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Nelson moved to amend the Nelson amendment to H.F. No. 4247 as follows:

Page 5, after line 8, insert:

"(h) Health care facilities, as defined in section 145B.02, shall report to the board of nursing, within 30 days of employment, all nurses holding a multistate license issued by a state other than Minnesota and an attestation that the employees holding a multistate license issued by a state other than Minnesota have completed the tasks required under this section as a condition of employment.

(i) Beginning September 1, 2024, and annually thereafter, nurses that hold a multistate nurse license issued by a state other than Minnesota and employed by a health care facility, as defined in section 145B.02, shall complete any demographic data surveys required by the board of nursing in rule as a condition of employment.

(j) A nurse that holds a multistate nurse license issued by a state other than Minnesota and that is employed by a Minnesota employer shall complete the continuing education hour requirements under section 148.231 as a condition of employment."

Page 5, after line 31, insert:

"(e) The application fee for a multistate license issued pursuant to this nurse licensure compact shall be \$150.00."

Page 19, lines 8 and 26, after "2024" insert "and shall sunset on January 1, 2029"

Page 19, after line 25, insert:

"(g) The interstate commission of nurse licensure compact administrators established under the nurse licensure compact under section 148.2855 may not adopt rules that alter the requirements or scope of practice of a license issued under chapter 148. Any rule adopted by the interstate commission of nurse licensure compact administrators that purports to alter the requirements or scope of practice of a license issued under chapter 148 is not enforceable."

Page 19, after line 26, insert:

**"Sec. 3. [148.287] EMPLOYER REPORTING.**

Subdivision 1. **Data collection.** Commencing in calendar year 2025, Minnesota employers who employ registered nurses or licensed practical or vocational nurses shall report to the Department of Health, not later than January 30 of each year, the following information and data for the employer, for the period of the immediately preceding calendar year:

(1) the number of new hires of registered nurses who hold multistate licenses and are not licensed in Minnesota during the reporting period; and

(2) the number of new hires of licensed practical nurses and vocational nurses who hold multistate licenses and are not licensed in Minnesota during the reporting period.

Subd. 2. **Reporting.** The commissioner of health shall annually compile the data received from employers pursuant to subdivision 1 and prepare a report that aggregates the information, and disaggregated by new hires and retained employees, for registered nurses, license practical nurses, and vocational nurses, from the results of the data collected pursuant to subdivision 1. This compiled data shall be incorporated into a report which shall be provided to the governor, the speaker of the house, and the president of the senate, not later than March 1 of each year, with the first report due on March 1, 2025.

**Sec. 4. REQUEST FOR RECONSIDERATION.**

The Minnesota Nurses Association, on behalf of its constituency, may send a request to the chair and ranking minority members of the legislative committees with jurisdiction over health care finance and policy for reconsideration of the Nurse Licensure Compact if the nurses of Minnesota become dissatisfied with its provisions."

The question was taken on the adoption of the Nelson amendment to the Nelson amendment.

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

Those who voted in the affirmative were:

Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	
Drazkowski	Howe	Limmer	Rasmusson	

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Mohamed	Putnam
Carlson	Gustafson	Latz	Morrison	Rest
Champion	Hauschild	Mann	Murphy	Seeberger
Cwodzinski	Hawj	Marty	Oumou Verbeten	Westlin
Dibble	Hoffman	Maye Quade	Pappas	Wiklund
Dziedzic	Klein	McEwen	Pha	Xiong
Fateh	Kunesh	Mitchell	Port	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

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

The question was taken on the adoption of the first Nelson amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Duckworth	Jasinski	Lucero	Utke
Bahr	Eichorn	Johnson	Mathews	Weber
Coleman	Farnsworth	Koran	Miller	Wesenberg
Dahms	Green	Kreun	Nelson	Westrom
Dornink	Gruenhagen	Lang	Pratt	
Draheim	Housley	Lieske	Rarick	
Drazkowski	Howe	Limmer	Rasmusson	

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senator: Anderson.

Those who voted in the negative were:

Boldon	Frentz	Kupec	Morrison	Rest
Carlson	Gustafson	Latz	Murphy	Seeberger
Champion	Hauschild	Marty	Oumou Verbeten	Westlin
Cwodzinski	Hawj	Maye Quade	Pappas	Wiklund
Dibble	Hoffman	McEwen	Pha	Xiong
Dziedzic	Klein	Mitchell	Port	
Fateh	Kunesh	Mohamed	Putnam	

Pursuant to Rule 40, Senator Oumou Verbeten cast the negative vote on behalf of the following Senators: Dziedzic and Port.

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

H.F. No. 4247 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eichorn	Klein	McEwen	Rasmusson
Bahr	Farnsworth	Koran	Miller	Rest
Boldon	Fateh	Kreun	Mitchell	Seeberger
Carlson	Frentz	Kunesh	Mohamed	Utke
Champion	Green	Kupec	Morrison	Weber
Coleman	Gruenhagen	Lang	Murphy	Wesenberg
Cwodzinski	Gustafson	Latz	Nelson	Westlin
Dahms	Hauschild	Lieske	Oumou Verbeten	Westrom
Dibble	Hawj	Limmer	Pappas	Wiklund
Dornink	Hoffman	Lucero	Pha	Xiong
Draheim	Housley	Mann	Port	
Drazkowski	Howe	Marty	Pratt	
Duckworth	Jasinski	Mathews	Putnam	
Dziedzic	Johnson	Maye Quade	Rarick	

Pursuant to Rule 40, Senator Oumou Verbeten cast the affirmative vote on behalf of the following Senators: Dziedzic and Port.

Pursuant to Rule 40, Senator Duckworth cast the affirmative vote on behalf of the following Senator: Anderson.

So the bill passed and its title was agreed to.

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 5335: Senators Hoffman, Fateh, and Abeler.

H.F. No. 4124: Senators Hawj, Pha, and Housley.

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

### MEMBERS EXCUSED

Senator Pratt was excused from the Session of today from 12:45 to 1:05 p.m. Senator Abeler was excused from the Session of today from 2:20 to 3:05 p.m. and at 3:45 p.m. Senator Jasinski was excused from the Session of today from 2:30 to 2:40 p.m.

**ADJOURNMENT**

Senator Murphy moved that the Senate do now adjourn until 11:00 a.m., Thursday, May 9, 2024. The motion prevailed.

Thomas S. Bottern, Secretary of the Senate