

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, March 16, 2015

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

**CALL OF THE SENATE**

Senator Bakk 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. Carl M. Nielsen, III.

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

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

Anderson	Dziedzic	Jensen	Pederson, J.	Sparks
Bakk	Eaton	Johnson	Petersen, B.	Stumpf
Benson	Fischbach	Kent	Reinert	Thompson
Bonoff	Franzen	Kiffmeyer	Rest	Tomassoni
Brown	Gazelka	Limmer	Rosen	Torres Ray
Carlson	Goodwin	Lourey	Ruud	Weber
Chamberlain	Hall	Marty	Saxhaug	Westrom
Champion	Hann	Metzen	Scalze	Wiger
Clausen	Hawj	Miller	Schmit	Wiklund
Cohen	Hayden	Nelson	Senjem	
Dahle	Hoffman	Newman	Sheran	
Dahms	Housley	Osmek	Sieben	
Dibble	Ingebrigtsen	Pappas	Skoe	

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.

February 13, 2015

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

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

**WORKERS' COMPENSATION COURT OF APPEALS**

David A. Stofferahn, 405 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Saint Paul, in the county of Ramsey, effective February 13, 2015, for a term expiring on January 4, 2021.

Deborah K. Sundquist, 405 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Saint Paul, in the county of Ramsey, effective March 9, 2015, for a term expiring on January 4, 2021.

(Referred to the Committee on Jobs, Agriculture and Rural Development.)

February 24, 2015

The Honorable Sandra L. Pappas  
President of the Senate

Dear Senator Pappas:

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

**LESSARD-SAMS OUTDOOR HERITAGE COUNCIL**

Julie Blackburn, 79 Western Ave. N., #402, Saint Paul, in the county of Ramsey, effective March 1, 2015, for a term expiring on January 7, 2019.

Jane Kingston, 7874 N. Saint Mary's Dr., Eveleth, in the county of Saint Louis, effective March 1, 2015, for a term expiring on January 7, 2019.

(Referred to the Committee on Environment and Energy.)

Sincerely,  
Mark Dayton, Governor

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 239 and 417.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted March 12, 2015

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 239:** A bill for an act relating to conservatorships; providing an exception for conservators to post bond for the assets of a protected person; amending Minnesota Statutes 2014, sections 524.5-413; 524.5-416.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 283, now on General Orders.

**H.F. No. 417:** A bill for an act relating to local government; authorizing three-year terms for members of the Houston County Economic Development Authority.

Referred to the Committee on State and Local Government.

**REPORTS OF COMMITTEES**

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 934:** A bill for an act relating to health care coverage; modifying utilization review and prior authorization requirements for prescription drug coverage; requiring prescription drug benefit transparency and disclosure; amending Minnesota Statutes 2014, sections 62J.497, subdivisions 1, 3, 4; 62M.02, subdivisions 12, 14, 15, 17, by adding subdivisions; 62M.05, subdivisions 3a, 3b, 4; 62M.06, subdivisions 2, 3; 62M.07; 62M.09, subdivisions 3, 6; 62M.10, subdivision 7; 62M.11; 256B.0625, subdivision 13f; 256B.69, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 62M; 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 62J.497, subdivision 1, is amended to read:

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

(a) "Backward compatible" means that the newer version of a data transmission standard would retain, at a minimum, the full functionality of the versions previously adopted, and would permit the successful completion of the applicable transactions with entities that continue to use the older versions.

(b) "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision 30. Dispensing does not include the direct administering of a controlled substance to a patient by a licensed health care professional.

(c) "Dispenser" means a person authorized by law to dispense a controlled substance, pursuant to a valid prescription.

(d) "Electronic media" has the meaning given under Code of Federal Regulations, title 45, part 160.103.

(e) "E-prescribing" means the transmission using electronic media of prescription or prescription-related information between a prescriber, dispenser, pharmacy benefit manager, or group purchaser, either directly or through an intermediary, including an e-prescribing network. E-prescribing includes, but is not limited to, two-way transmissions between the point of care and the dispenser and two-way transmissions related to eligibility, formulary, and medication history information.

(f) "Electronic prescription drug program" means a program that provides for e-prescribing.

(g) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

(h) "HL7 messages" means a standard approved by the standards development organization known as Health Level Seven.

(i) "National Provider Identifier" or "NPI" means the identifier described under Code of Federal Regulations, title 45, part 162.406.

(j) "NCPDP" means the National Council for Prescription Drug Programs, Inc.

(k) "NCPDP Formulary and Benefits Standard" means the National Council for Prescription Drug Programs Formulary and Benefits Standard, Implementation Guide, Version 1, Release 0, October 2005.

(l) "NCPDP SCRIPT Standard" means the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard, Implementation Guide Version 8, Release 1 (Version 8.1), October 2005, or the most recent standard adopted by the Centers for Medicare and Medicaid Services for e-prescribing under Medicare Part D as required by section 1860D-4(e)(4)(D) of the Social Security Act, and regulations adopted under it. The standards shall be implemented according to the Centers for Medicare and Medicaid Services schedule for compliance. Subsequently released versions of the NCPDP SCRIPT Standard may be used, provided that the new version of the standard is backward compatible to the current version adopted by the Centers for Medicare and Medicaid Services.

(m) "Pharmacy" has the meaning given in section 151.01, subdivision 2.

(n) "Prescriber" means a licensed health care practitioner, other than a veterinarian, as defined in section 151.01, subdivision 23.

(o) "Prescription-related information" means information regarding eligibility for drug benefits, medication history, or related health or drug information.

(p) "Provider" or "health care provider" has the meaning given in section 62J.03, subdivision 8.

(q) "Utilization review organization" has the meaning given in section 62M.02, subdivision 21.

Sec. 2. Minnesota Statutes 2014, section 62J.497, subdivision 3, is amended to read:

Subd. 3. **Standards for electronic prescribing.** (a) Prescribers and dispensers must use the NCPDP SCRIPT Standard for the communication of a prescription or prescription-related information. The NCPDP SCRIPT Standard shall be used to conduct the following transactions:

- (1) get message transaction;
- (2) status response transaction;
- (3) error response transaction;
- (4) new prescription transaction;
- (5) prescription change request transaction;
- (6) prescription change response transaction;
- (7) refill prescription request transaction;
- (8) refill prescription response transaction;
- (9) verification transaction;
- (10) password change transaction;
- (11) cancel prescription request transaction; and
- (12) cancel prescription response transaction.

(b) Providers, group purchasers, prescribers, and dispensers must use the NCPDP SCRIPT Standard for communicating and transmitting medication history information.

(c) Providers, group purchasers, prescribers, and dispensers must use the NCPDP Formulary and Benefits Standard for communicating and transmitting formulary and benefit information.

(d) Group purchasers and utilization review organizations must develop processes to ensure notification to prescribers upon denial of a claim for a prescribed drug that is not covered or is not included on the group purchaser's formulary. The process must provide a list of covered drugs from the same class or classes as the drug originally prescribed. If the NCPDP SCRIPT Standard or the NCPDP Formulary and Benefits Standard do not allow for the inclusion of this information, group purchasers and utilization review organizations must develop telephone, facsimile, or other secure electronic processes to communicate this information to the prescriber.

~~(d)~~ (e) Providers, group purchasers, prescribers, and dispensers must use the national provider identifier to identify a health care provider in e-prescribing or prescription-related transactions when a health care provider's identifier is required.

~~(e)~~ (f) Providers, group purchasers, prescribers, and dispensers must communicate eligibility information and conduct health care eligibility benefit inquiry and response transactions according to the requirements of section 62J.536.

Sec. 3. Minnesota Statutes 2014, section 62J.497, subdivision 4, is amended to read:

Subd. 4. **Development and use of uniform formulary exception form.** (a) The commissioner of health, in consultation with the Minnesota Administrative Uniformity Committee, shall develop by July 1, 2009, a uniform formulary exception form that allows health care providers to request exceptions from group purchaser formularies using a uniform form. Upon development of the form, all health care providers must submit requests for formulary exceptions using the uniform form, and all group purchasers must accept this form from health care providers.

(b) ~~No later than January 1, 2011,~~ The uniform formulary exception form must be accessible and submitted by health care providers, and accepted and processed by group purchasers, through secure electronic transmissions.

(c) Health care providers, group purchasers, prescribers, dispensers, and utilization review organizations using paper forms for prescription drug prior authorization or for medical exception requests as defined in section 62Q.83, subdivision 5, must only use the uniform formulary exception form.

Sec. 4. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 10a. **Drug.** "Drug" has the meaning given in section 151.01, subdivision 5.

Sec. 5. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 11a. **Formulary.** "Formulary" has the meaning given in section 62Q.83, subdivision 1.

Sec. 6. Minnesota Statutes 2014, section 62M.02, subdivision 12, is amended to read:

Subd. 12. **Health benefit plan.** "Health benefit plan" means a policy, contract, or certificate issued by a health plan company for the coverage of medical, dental, prescription drug, or hospital benefits. A health benefit plan does not include coverage that is:

- (1) limited to disability or income protection coverage;
- (2) automobile medical payment coverage;
- (3) supplemental to liability insurance;
- (4) designed solely to provide payments on a per diem, fixed indemnity, or nonexpense incurred basis;
- (5) credit accident and health insurance issued under chapter 62B;
- (6) blanket accident and sickness insurance as defined in section 62A.11;
- (7) accident only coverage issued by a licensed and tested insurance agent; or
- (8) workers' compensation.

Sec. 7. Minnesota Statutes 2014, section 62M.02, subdivision 14, is amended to read:

Subd. 14. **Outpatient services.** "Outpatient services" means procedures or services performed on a basis other than as an inpatient, and includes obstetrical, psychiatric, chemical dependency, dental, prescription drug, and chiropractic services.

Sec. 8. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 14b. **Prescription.** "Prescription" has the meaning given in section 151.01, subdivision 16a.

Sec. 9. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 14c. **Prescription drug order.** "Prescription drug order" has the meaning given in section 151.01, subdivision 16.

Sec. 10. Minnesota Statutes 2014, section 62M.02, subdivision 15, is amended to read:

Subd. 15. **Prior authorization.** "Prior authorization" means utilization review conducted prior to the delivery of a service, including an outpatient service. Prior authorization includes, but is not limited to, preadmission review, pretreatment review, quantity limits, step therapy, utilization, and case management. Prior authorization also includes any utilization review organization's requirement that an enrollee or provider notify the utilization review organization prior to providing a service, including an outpatient service.

Sec. 11. Minnesota Statutes 2014, section 62M.02, subdivision 17, is amended to read:

Subd. 17. **Provider.** "Provider" means a licensed health care facility, physician, pharmacist, or other health care professional that delivers health care services to an enrollee.

Sec. 12. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 18a. **Quantity limit.** "Quantity limit" means a limit on the number of doses of a prescription drug that are covered during a specific time period.

Sec. 13. Minnesota Statutes 2014, section 62M.02, is amended by adding a subdivision to read:

Subd. 19a. **Step therapy.** "Step therapy" means clinical practice or other evidence-based protocols or requirements that specify the sequence in which different prescription drugs for a given medical condition are to be used by an enrollee before a drug prescribed by a provider is covered.

Sec. 14. Minnesota Statutes 2014, section 62M.05, subdivision 3a, is amended to read:

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

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

(c) When an initial determination is made not to certify, notification must be provided by telephone, by facsimile to a verified number, or by electronic mail to a secure electronic mailbox within one working day after making the determination to the attending health care professional and hospital as applicable. Written notification must also be sent to the hospital as applicable and attending health care professional if notification occurred by telephone. For purposes of this subdivision, notification may be made by facsimile to a verified number or by electronic mail to a secure electronic mailbox. Written notification must be sent to the enrollee and may be sent by United States mail, facsimile to a verified number, or by electronic mail to a secure mailbox. The written notification must include the principal reason or reasons for the determination and

the process for initiating an appeal of the determination. Upon request, the utilization review organization shall provide the provider or enrollee with the criteria used to determine the necessity, appropriateness, and efficacy of the health care service and identify the database, professional treatment parameter, or other basis for the criteria. Reasons for a determination not to certify may include, among other things, the lack of adequate information to certify after a reasonable attempt has been made to contact the provider or enrollee.

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

Sec. 15. Minnesota Statutes 2014, section 62M.05, subdivision 3b, is amended to read:

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

(b) Notification of an expedited initial determination to either certify or not to certify must be provided to the hospital, the attending health care professional, and the enrollee as expeditiously as the enrollee's medical condition requires, but no later than ~~72~~ 36 hours from the initial request. When an expedited initial determination is made not to certify, the utilization review organization must also notify the enrollee and the attending health care professional of the right to submit an appeal to the expedited internal appeal as described in section 62M.06 and the procedure for initiating an internal expedited appeal.

Sec. 16. Minnesota Statutes 2014, section 62M.05, subdivision 4, is amended to read:

Subd. 4. **Failure to provide necessary information.** A utilization review organization must have written procedures to address the failure of a provider or enrollee to provide the necessary information for review, and to address processes by which the utilization review organization must track and manage review requests and documentation submitted by providers or enrollees. If the enrollee or provider will not release the necessary information to the utilization review organization, the utilization review organization may deny certification in accordance with its own policy or the policy described in the health benefit plan. If a utilization review organization fails to meet the timelines in subdivision 3a or 3b, or fails to notify the provider that information needed to conduct the review is incomplete, or if a utilization review organization fails to properly maintain submitted records for which the provider or enrollee has documentation of submission, the service shall be deemed approved.

Sec. 17. Minnesota Statutes 2014, section 62M.06, subdivision 2, is amended to read:

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



(b) The utilization review organization shall notify the enrollee and attending health care professional by telephone of its determination on the expedited appeal as expeditiously as the enrollee's medical condition requires, but no later than ~~72~~ 36 hours after receiving the expedited appeal.

(c) If the determination not to certify is not reversed through the expedited appeal, the utilization review organization must include in its notification the right to submit the appeal to the external appeal process described in section 62Q.73 and the procedure for initiating the process. This information must be provided in writing to the enrollee and the attending health care professional as soon as practical.

Sec. 18. Minnesota Statutes 2014, section 62M.06, subdivision 3, is amended to read:

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

(a) A utilization review organization shall notify in writing the enrollee, attending health care professional, and claims administrator of its determination on the appeal within ~~30~~ 15 days upon receipt of the notice of appeal. If the utilization review organization cannot make a determination within ~~30~~ 15 days due to circumstances outside the control of the utilization review organization, the utilization review organization may take up to ~~14~~ ten additional days to notify the enrollee, attending health care professional, and claims administrator of its determination. If the utilization review organization takes any additional days beyond the initial ~~30-day~~ 15-day period to make its determination, it must inform the enrollee, attending health care professional, and claims administrator, in advance, of the extension and the reasons for the extension.

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

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

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

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

- (1) a complete summary of the review findings;
- (2) qualifications of the reviewers, including any license, certification, or specialty designation; and
- (3) the relationship between the enrollee's diagnosis and the review criteria used as the basis for the decision, including the specific rationale for the reviewer's decision.

(f) In cases of appeal to reverse a determination not to certify for clinical reasons, the utilization review organization must ensure that a physician of the utilization review organization's choice in

the same or a similar specialty as typically manages the medical condition, procedure, or treatment under discussion is reasonably available to review the case.

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

Sec. 19. Minnesota Statutes 2014, section 62M.07, is amended to read:

**62M.07 PRIOR AUTHORIZATION OF SERVICES.**

(a) Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

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

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

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

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

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

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

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

(d) Any authorization for a prescription drug must remain valid for the duration of an enrollee's contract term, provided the drug continues to be prescribed for a patient with a condition that requires ongoing medication therapy, provided the drug has not otherwise been deemed unsafe by the Food and Drug Administration, has not been withdrawn by the manufacturer or the Food and Drug Administration, or provided no independent source of research, clinical guidelines, or evidence-based standards has issued drug-specific warnings or recommended changes in drug usage.

(e) No utilization review organization, health plan company, or claims administrator may impose step therapy requirements for enrollees currently taking a prescription drug, as substantiated from available claims data or provider documentation, in one of the following classes: (1) immunosuppressants; (2) antidepressants; (3) antipsychotics; (4) anticonvulsants; (5) antiretrovirals; or (6) antineoplastics.

Sec. 20. Minnesota Statutes 2014, section 62M.09, subdivision 3, is amended to read:

Subd. 3. **Physician reviewer involvement.** (a) A physician must review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate.

(b) The physician conducting the review must be licensed in this state. ~~This paragraph does not apply to reviews conducted in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.~~

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

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

Sec. 21. Minnesota Statutes 2014, section 62M.09, subdivision 6, is amended to read:

Subd. 6. **Physician consultants.** A utilization review organization must use physician consultants in the appeal process described in section 62M.06, subdivision 3. The physician consultants must be licensed in this state and must be board certified by the American Board of Medical Specialists or the American Board of Osteopathy.

Sec. 22. Minnesota Statutes 2014, section 62M.10, subdivision 7, is amended to read:

Subd. 7. **Availability of criteria.** Upon request, a utilization review organization shall provide to an enrollee, a provider, and the commissioner of commerce the written clinical criteria used to determine the medical necessity, appropriateness, and efficacy of a procedure or service and identify the database, professional treatment guideline, or other basis for the criteria.

Sec. 23. Minnesota Statutes 2014, section 62M.11, is amended to read:

#### **62M.11 COMPLAINTS TO COMMERCE OR HEALTH.**

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

Sec. 24. **[62M.17] REPORTING.**

Utilization review organizations must annually report to the commissioner of health, on the forms and in the manner specified by the commissioner, the following information:

(1) for medical exception requests, the 25 most frequently requested drugs by exception type, including lack of available clinical alternative, ineffective formulary drug, and dosage limits; and

(2) for prescription drug prior authorization requests:

(i) the number and rate of initial approvals by commercial product and by prepaid medical assistance product types;

(ii) the number and rate of standard appeal approvals by commercial product and by prepaid medical assistance product types;

(iii) the number and rate of expedited appeal approvals by commercial product and by prepaid medical assistance product types;

(iv) for standard reviews, the range and average time from receipt of completed request to notification of decision;

(v) for expedited reviews, the range and average time from receipt of completed request to notification of decision;

(vi) for standard appeals, the range and average time from receipt of completed request to notification of decision; and

(vii) for expedited appeals, the range and average time from receipt of completed request to notification of decision.

**Sec. 25. [62Q.83] PRESCRIPTION DRUG BENEFIT TRANSPARENCY AND MANAGEMENT.**

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

(b) "Drug" has the meaning given in section 151.01, subdivision 5.

(c) "Formulary" means a list of prescription drugs that have been developed by clinical and pharmacy experts and represents the health plan company's medically appropriate and cost-effective prescription drugs approved for use.

(d) "Health plan company" has the meaning given in section 62Q.01, subdivision 4, and includes an entity that performs pharmacy benefits management for the health plan company. For purposes of this definition, "pharmacy benefits management" means the administration or management of prescription drug benefits provided by the health plan company for the benefit of its enrollees and may include, but is not limited to, procurement of prescription drugs, clinical formulary development and management services, claims processing, and rebate contracting and administration.

(e) "Prescription" has the meaning given in section 151.01, subdivision 16a.

Subd. 2. **Prescription drug benefit disclosure.** (a) A health plan company that provides prescription drug benefit coverage and uses a formulary must make its formulary and related benefit information available by electronic means and, upon request, in writing, at least 30 days prior to annual renewal dates.

(b) Formularies must be organized and disclosed consistent with the most recent version of the United States Pharmacopeia's (USP) Model Guidelines.

(c) For each item or category of items on the formulary, the specific enrollee benefit terms must be identified, including enrollee cost-sharing and expected out-of-pocket costs.

Subd. 3. **Formulary changes.** (a) Once a formulary has been established, a health plan company may, at any time during the enrollee's contract year:

- (1) expand its formulary by adding drugs to the formulary;
- (2) reduce co-payments or co-insurance; or
- (3) move a drug to a benefit category that reduces an enrollee's cost.

(b) A health plan company may remove a brand name drug from its formulary or place a brand name drug in a benefit category that increases an enrollee's cost only upon the addition to the formulary of an A-rated generic or multisource brand name equivalent at a lower cost to the enrollee, and upon at least a 60-day notice to prescribers, pharmacists, and affected enrollees.

(c) A health plan company is prohibited from removing drugs from its formulary or moving drugs to a benefit category that increases an enrollee's cost during the enrollee's contract year. This paragraph does not apply to any changes associated with drugs that have been deemed unsafe by the Food and Drug Administration, that have been withdrawn by either the Food and Drug Administration or the product manufacturer, or where an independent source of research, clinical guidelines, or evidence-based standards has issued drug-specific warnings or recommended changes in drug usage.

Subd. 4. **Transition process.** (a) A health plan company must establish and maintain a transition process to prevent gaps in prescription drug coverage for both new and continuing enrollees with ongoing prescription drug needs who are affected by changes in formulary drug availability.

(b) The transition process must provide coverage for at least 60 days.

(c) Any enrollee cost-sharing applied must be based on the defined prescription drug benefit terms and must be consistent with any cost-sharing that the health plan company would charge for nonformulary drugs approved under a medication exceptions process.

(d) A health plan company must ensure that written notice is provided to each affected enrollee and prescriber within three business days after adjudication of the transition coverage.

Subd. 5. **Medical exceptions process.** (a) Each health plan company must establish and maintain a medical exceptions process that allows enrollees, providers, or an enrollee's authorized representative to request and obtain coverage approval in the following situations:

(1) there is no acceptable clinical alternative listed on the formulary to treat the enrollee's disease or medical condition;

(2) the prescription listed on the formulary has been ineffective in the treatment of an enrollee's disease or medical condition or, based on clinical and scientific evidence and the relevant physical or mental characteristics of the enrollee, is likely to be ineffective or adversely affect the drug's effectiveness or the enrollee's medication compliance; or

(3) the number of doses that are available under a dose restriction has been ineffective in the treatment of the enrollee's disease or medical condition or, based on clinical and scientific evidence and the relevant physical or mental characteristics of the enrollee, is likely to be ineffective or adversely affect the drug's effectiveness or the enrollee's medication compliance.

(b) An approved medical exception request must remain valid for the duration of an enrollee's contract term, provided the medication continues to be prescribed for the same condition, and provided the medication has not otherwise been withdrawn by the manufacturer or the Food and Drug Administration.

(c) The medical exceptions process must comply with the requirements of chapter 62M.

Subd. 6. **Advisory group.** (a) The commissioner of health shall convene an advisory group to provide guidance in monitoring changes and trends in prescription drug coverage and formulary design. The advisory group must be comprised of individuals representing patients, physicians, other prescribers, pharmacists, health plan companies, pharmacy benefit managers, pharmaceutical manufacturers, and purchasers. At least two-thirds of the advisory group must represent prescribers, pharmacists, and patients.

(b) Beginning January 15, 2017, and on at least a biennial basis thereafter, the commissioner, in consultation with the advisory group, shall submit a report to the chairs and lead minority members of the legislative committees with jurisdiction over health care coverage describing trends in prescription drug coverage, formulary design, medication exception requests, and benefit design. Health plan companies must cooperate in providing information necessary for the advisory group to carry out its responsibilities.

Sec. 26. Minnesota Statutes 2014, section 256B.0625, subdivision 13f, is amended to read:

Subd. 13f. **Prior authorization.** (a) The Formulary Committee shall review and recommend drugs which require prior authorization. The Formulary Committee shall establish general criteria to be used for the prior authorization of brand-name drugs for which generically equivalent drugs are available, but the committee is not required to review each brand-name drug for which a generically equivalent drug is available.

(b) Prior authorization may be required by the commissioner before certain formulary drugs are eligible for payment. The Formulary Committee may recommend drugs for prior authorization directly to the commissioner. The commissioner may also request that the Formulary Committee review a drug for prior authorization. Before the commissioner may require prior authorization for a drug:

(1) the commissioner must provide information to the Formulary Committee on the impact that placing the drug on prior authorization may have on the quality of patient care and on program costs, information regarding whether the drug is subject to clinical abuse or misuse, and relevant data from the state Medicaid program if such data is available;

(2) the Formulary Committee must review the drug, taking into account medical and clinical data and the information provided by the commissioner; and

(3) the Formulary Committee must hold a public forum and receive public comment for an additional 15 days.

The commissioner must provide a 15-day notice period before implementing the prior authorization and may only update prior authorization requirements on an annual basis unless a drug has been deemed unsafe by the Food and Drug Administration, has been withdrawn by the manufacturer or the Food and Drug Administration, or an independent source of research, clinical guidelines,

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

(c) Except as provided in subdivision 13j, prior authorization shall not be required or utilized for any atypical antipsychotic drug prescribed for the treatment of mental illness if:

- (1) there is no generically equivalent drug available; and
- (2) the drug was initially prescribed for the recipient prior to July 1, 2003; or
- (3) the drug is part of the recipient's current course of treatment.

This paragraph applies to any multistate preferred drug list or supplemental drug rebate program established or administered by the commissioner. Prior authorization shall automatically be granted for 60 days for brand name drugs prescribed for treatment of mental illness within 60 days of when a generically equivalent drug becomes available, provided that the brand name drug was part of the recipient's course of treatment at the time the generically equivalent drug became available.

(d) Prior authorization shall not be required or utilized for any antihemophilic factor drug prescribed for the treatment of hemophilia and blood disorders where there is no generically equivalent drug available if the prior authorization is used in conjunction with any supplemental drug rebate program or multistate preferred drug list established or administered by the commissioner.

(e) The commissioner may require prior authorization for brand name drugs whenever a generically equivalent product is available, even if the prescriber specifically indicates "dispense as written-brand necessary" on the prescription as required by section 151.21, subdivision 2.

(f) Notwithstanding this subdivision, the commissioner may automatically require prior authorization, for a period not to exceed 180 days, for any drug that is approved by the United States Food and Drug Administration on or after July 1, 2005. The 180-day period begins no later than the first day that a drug is available for shipment to pharmacies within the state. The Formulary Committee shall recommend to the commissioner general criteria to be used for the prior authorization of the drugs, but the committee is not required to review each individual drug. In order to continue prior authorizations for a drug after the 180-day period has expired, the commissioner must follow the provisions of this subdivision.

Sec. 27. Minnesota Statutes 2014, section 256B.69, subdivision 6, is amended to read:

Subd. 6. **Service delivery.** (a) Each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in sections 256B.02, subdivision 8, and 256B.0625 in order to ensure appropriate health care is delivered to enrollees. Notwithstanding section 256B.0621, demonstration providers that provide nursing home and community-based services under this section shall provide relocation service coordination to enrolled persons age 65 and over;

(2) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program;

(3) may contract with other health care and social service practitioners to provide services to enrollees; and

(4) shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

(b) Demonstration providers must comply with the standards for claims settlement under section 72A.201, subdivisions 4, 5, 7, and 8, when contracting with other health care and social service practitioners to provide services to enrollees. A demonstration provider must pay a clean claim, as defined in Code of Federal Regulations, title 42, section 447.45(b), within 30 business days of the date of acceptance of the claim.

(c) Managed care plans and county-based purchasing plans must comply with chapter 62M and section 62Q.83.

Sec. 28. **REVISOR INSTRUCTION.**

The revisor of statutes shall change "sections 62M.01 to 62M.16" to "sections 62M.01 to 62M.17" wherever the term appears in Minnesota Statutes, chapter 62M."

Amend the title numbers accordingly

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

**Senator Marty from the Committee on Environment and Energy, to which was referred**

**S.F. No. 1303:** A bill for an act relating to natural resources; modifying certain authorities; extending expiration of citizen oversight committees; providing for compliance with federal law; modifying enforcement provisions; modifying provisions to take, possess, and transport wild animals; providing for certain licenses; modifying landowner's bill of rights; providing criminal penalties; requiring rulemaking; amending Minnesota Statutes 2014, sections 84.027, subdivision 13a; 84.0274, subdivisions 3, 5; 84D.03, subdivision 3; 97A.045, subdivision 11; 97A.055, subdivision 4b; 97A.057, subdivision 1; 97A.211, subdivisions 1, 2; 97A.255, subdivision 4; 97A.425, subdivisions 1, 2; 97A.435, subdivision 4; 97A.475, subdivision 21, by adding a subdivision; 97B.001, subdivision 7; 97B.081, subdivision 3; 97B.085, subdivision 2; 97B.668; 97B.701, by adding a subdivision; 97B.905, subdivision 1; 97B.931, subdivision 2; 97C.005, subdivision 3; 97C.301, by adding a subdivision; 97C.345, by adding a subdivision; 97C.501, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2014, sections 97A.475, subdivision 25; 97B.905, subdivision 3; Minnesota Rules, part 6264.0400, subparts 27, 28.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 84.027, subdivision 13a, is amended to read:

Subd. 13a. **Game and fish expedited permanent rules.** (a) In addition to the authority granted in subdivision 13, the commissioner of natural resources may adopt rules under section 14.389 that are authorized under:



(1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to designate fish spawning beds or fish preserves, to select hunters or anglers for areas, to provide for registration of game or fish, to prevent or control wildlife disease, or to correct errors or omissions in rules that do not have a substantive effect on the intent or application of the original rule; or

(2) section 84D.12 to list prohibited invasive species, regulated invasive species, and unregulated nonnative species.

(b) The commissioner of natural resources may adopt rules under section 14.389 that are authorized under chapters 97A, 97B, and 97C for purposes in addition to those listed in paragraph (a), clause (1), subject to the notice and public hearing provisions of section 14.389, subdivision 5.

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

Sec. 2. Minnesota Statutes 2014, section 84.0274, subdivision 3, is amended to read:

Subd. 3. **Condemnation limits.** No lands shall be acquired by the commissioner of natural resources by means of condemnation unless the owner requests that the owner's lands be condemned or the condemnation is specifically authorized by law. Notwithstanding subdivision 5, paragraph (g), and sections 117.52 and 117.521, the owner shall not be paid relocation costs when the owner requests that their lands be condemned.

Sec. 3. Minnesota Statutes 2014, section 84.0274, subdivision 5, is amended to read:

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) the right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) the right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) all necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;

(c) the right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) the right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and the owner shall be allowed to accompany the appraiser when the appraisal is made. The state's appraiser shall certify in the appraisal report to having physically inspected the property and having given the landowner an opportunity to accompany the appraiser on inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the landowner shall be informed of the value determined pursuant to section 84.0272;

(e) the right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property ~~and to be reimbursed for appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state~~ and to have that appraisal considered along with the state's in certifying the selling price and the right to be reimbursed for appraisal fees up to \$1,500 if the land is sold to the state;

(f) the right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) when the property is being acquired by condemnation or the condemnation is specifically authorized by law, the right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521 and to contest the state's offer for relocation and moving expenses;

(h) the right to accept the state's offer for the property ~~and contest the state's offer for relocation and moving expenses;~~

(i) the right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) the right to seek the advice of counsel regarding any aspect of the land transaction.

Sec. 4. Minnesota Statutes 2014, section 84D.03, subdivision 3, is amended to read:

Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b), (c), or (d) and section 97C.341.

(b) In waters that are listed as infested waters, except those listed ~~because they contain as infested with prohibited invasive species of fish or certifiable diseases of fish, as defined under section 17.4982, subdivision 6,~~ taking wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes ~~according to as provided in a permit issued under section 84D.11, subject to rules adopted by the commissioner;~~ and

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are listed solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length; ~~and.~~

~~(3) (c) In streams or rivers that are listed as infested waters, except those listed as infested with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait from streams or rivers listed as infested waters, by hook and line for noncommercial personal use. Other provisions that apply to this clause are~~ is allowed as follows:

~~(i) (1) fish taken under this clause paragraph~~ must be used on the same body of water where caught and while still on that water body. Where the river or stream is divided by barriers such as dams, the fish must be caught and used on the same section of the river or stream;

(ii) (2) fish taken under this clause paragraph may not be transported live from or off the water body;

(iii) (3) fish harvested under this clause paragraph may only be used in accordance with this section;

(iv) (4) any other use of wild animals used for bait from infested waters is prohibited;

(v) (5) fish taken under this clause paragraph must meet all other size restrictions and requirements as established in rules; and

(vi) (6) all species listed under this clause paragraph shall be included in the person's daily limit as established in rules, if applicable.

(d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for angling, as provided in a permit issued under section 84D.11, is allowed as follows:

(1) nontarget species must immediately be returned to the water;

(2) gizzard shad taken under this paragraph must be used on the same body of water where caught and while still on that water body. Where the river is divided by barriers such as dams, the gizzard shad must be caught and used on the same section of the river;

(3) gizzard shad taken under this paragraph may not be transported off the water body; and

(4) gizzard shad harvested under this paragraph may only be used in accordance with this section.

This paragraph expires December 1, 2017.

(e) (e) Equipment authorized for minnow harvest in a listed infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

Sec. 5. Minnesota Statutes 2014, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner shall restrict wildlife feeding within the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any other penalties provided by law, a person who violates wildlife feeding restrictions required under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by posting restrictions on public access to active disease areas or by emergency rule adopted under section 84.027, subdivision 13.

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

Sec. 6. Minnesota Statutes 2014, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees, each comprised of at least ten affected persons:

(1) a Fisheries Oversight Committee to review fisheries funding and expenditures, including activities related to trout and salmon stamps and walleye stamps; and

(2) a Wildlife Oversight Committee to review wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.

(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the fisheries and wildlife oversight committees.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.

(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of either of the other oversight committees.

(f) The Budgetary Oversight Committee may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) The committees authorized under this subdivision are not advisory councils or committees governed by section 15.059 and are not subject to section 15.059. Committee members appointed by the commissioner may request reimbursement for mileage expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Committee members must not receive daily compensation for oversight activities. The Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee expire June 30, ~~2015~~ 2020.

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

Sec. 7. Minnesota Statutes 2014, section 97A.057, subdivision 1, is amended to read:

Subdivision 1. **Compliance with federal law.** The commissioner shall take any action necessary to comply with the Federal Aid in Wildlife Restoration Act, United States Code, title 16, sections 669 to 669i, and the Federal Aid in Fish Restoration Act, United States Code, title 16, sections 777 to 777k. Notwithstanding section 16E.145 or any other law to the contrary, an appropriation for an information or telecommunications technology project from the game and fish fund, as established in section 97A.055, must be made to the commissioner. Any assets acquired with or expenditures made from the game and fish fund must remain under control of the commissioner.

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

Sec. 8. Minnesota Statutes 2014, section 97A.211, subdivision 1, is amended to read:

Subdivision 1. **Notice to appear in court.** (a) A person must be given notice to appear in court for a misdemeanor violation of the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 if:

(1) the person is arrested and is released from custody prior to appearing before a court; or

(2) the person is subject to a lawful arrest and is not arrested because it reasonably appears to the enforcement officer that arrest is unnecessary to prevent further criminal conduct and that there is a substantial likelihood that the person will respond to a notice.

(b) The enforcement officer shall prepare, ~~in quadruplicate,~~ a written or electronic notice to appear in court as provided by Rules of Criminal Procedure and section 169.99. The notice must be in the form and has the effect of a summons and complaint. The notice must contain the name and address of the person charged; ~~and the offense;~~ and. The notice must contain the time and the place to appear in court. ~~The court must have jurisdiction within the county where the offense is alleged to have been committed~~ or must direct the defendant to contact the court or violations bureau to schedule an appearance.

Sec. 9. Minnesota Statutes 2014, section 97A.211, subdivision 2, is amended to read:

Subd. 2. **Release after arrest.** A person arrested for a misdemeanor violation of the game and fish laws; chapter 84, 84D, 103E, or 103G; sections 103F.201 to 103F.221; or section 103F.601 or 609.68 may obtain release by ~~signing the written notice prepared by the arresting officer~~ promising to appear in court. The officer shall deliver a copy marked "SUMMONS" notice to the person arrested. The officer must then release the person from custody.

Sec. 10. Minnesota Statutes 2014, section 97A.255, subdivision 4, is amended to read:

Subd. 4. **Each violation a separate offense; prosecution of aggregated offenses.** (a) Except as allowed in paragraph (b), each wild animal unlawfully taken, bought, sold, transported, or possessed is a separate offense. If acquitted, a person may not be prosecuted for a similar offense involving another animal in the same incident.

(b) In any prosecution that involves two or more offenses committed by the same person within six months in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses in aggregate.

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

Sec. 11. Minnesota Statutes 2014, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the permit area, and their family members who live on the qualifying land, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the permit area where the qualifying land is located.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 12. Minnesota Statutes 2014, section 97A.465, is amended by adding a subdivision to read:

Subd. 7. **Residents of veterans homes.** (a) A resident from a Minnesota veterans home may obtain a firearm or muzzleloader deer license during the season and take antlerless deer without a permit in all areas of the state open during the respective regular firearms or muzzleloader deer seasons in any permit area. This subdivision does not authorize the taking of an antlerless deer by another member of a party under section 97B.301, subdivision 3, in an area closed to taking antlerless deer or where the number of antlerless deer that may be taken is limited by a quota on the number of permits.

(b) A person may assist a Minnesota veterans home resident during the firearms or muzzleloader deer season without having a deer hunting license, but the person may not shoot a deer.

Sec. 13. **[97A.56] FERAL SWINE.**

Subdivision 1. **Definition.** For purposes of this section, "feral swine" means a member of the genus and species *Sus scrofa* that lives in the wild.

Subd. 2. **Prohibited actions; penalty.** (a) A person may not possess or release feral swine or swine that were feral during any part of the swines' lifetime or allow feral swine to run at large.

(b) A person may not hunt or trap feral swine, except as authorized by the commissioner for feral swine control or eradication.

(c) A person who violates this subdivision is guilty of a misdemeanor.

Subd. 3. **Authorized removal of feral swine.** A person authorized under game and fish laws to take feral swine is not liable to the owner for the value of the animals.

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

Sec. 14. Minnesota Statutes 2014, section 97B.031, subdivision 5, is amended to read:

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

Sec. 15. Minnesota Statutes 2014, section 97B.031, is amended by adding a subdivision to read:

Subd. 6. **Scopes; age 60 or over.** A person age 60 or over may use a muzzleloader with a scope to take deer during the muzzleloader season. The scope may have magnification capabilities.

Sec. 16. Minnesota Statutes 2014, section 97B.041, is amended to read:

**97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.**

(a) A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

(b) This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzle-loading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during the muzzleloader season. While muzzleloader hunting, a person with a valid license to take deer by muzzleloader may not possess a firearm other than:

(1) a muzzleloader that is legal for taking deer under section 97B.031, subdivision 1; and

(2) a firearm as described in paragraph (a), clauses (2) to (5).

(c) A first violation of paragraph (a) may be punishable by a warning.

Sec. 17. Minnesota Statutes 2014, section 97B.081, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) It is not a violation of this section for a person to:

(1) cast the rays of a spotlight, headlight, or other artificial light to take raccoons according to section 97B.621, subdivision 3, or tend traps according to section 97B.931;

(2) hunt fox or coyote from January 1 to March 15 while using a handheld artificial light, provided that the person is:

(i) on foot;

(ii) using a shotgun;

(iii) not within a public road right-of-way;

(iv) using a handheld or electronic calling device; and

(v) not within 200 feet of a motor vehicle; or

(3) cast the rays of a handheld artificial light to retrieve wounded or dead big game animals, provided that the person is:

(i) on foot; and

(ii) not in possession of a firearm or bow.

(b) It is not a violation of subdivision 2 for a person to cast the rays of a spotlight, headlight, or other artificial light to:

(1) carry out any agricultural, safety, emergency response, normal vehicle operation, or occupation-related activities that do not involve taking wild animals; or

(2) carry out outdoor recreation as defined in section 97B.001 that is not related to spotting, locating, or taking a wild animal.

(c) Except as otherwise provided by the game and fish laws, it is not a violation of this section for a person to use an electronic range finder device from one-half hour before sunrise until one-half hour after sunset while lawfully hunting wild animals.



(d) It is not a violation of this section for a licensed bear hunter to cast the rays of a handheld artificial light to track or retrieve a wounded or dead bear while possessing a firearm, provided that the person:

- (1) has their valid bear hunting license in their possession;
- (2) is on foot; and
- (3) is following the blood trail of a bear that was shot during legal shooting hours.

Sec. 18. Minnesota Statutes 2014, section 97B.085, subdivision 2, is amended to read:

Subd. 2. **Taking unprotected wild animals; permit required.** A person may not use radio equipment to take unprotected wild animals ~~without a permit. The commissioner may issue a permit to take unprotected animals with radio equipment. The commissioner shall cancel the permit upon receiving a valid complaint of misconduct regarding the permittee's hunting activities.~~

Sec. 19. Minnesota Statutes 2014, section 97B.301, is amended by adding a subdivision to read:

Subd. 9. **Residents age 80 or over may take deer of either sex.** A resident age 80 or over may take a deer of either sex. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 20. **[97B.427] FEEDING BEARS.**

(a) Except as provided in sections 97B.425 and 97B.426, a person may not place, deposit, or allow the placement of feed to attract bears.

(b) If a bear is feeding on food placed by a person for storage, disposal, feeding wildlife other than as provided in paragraph (d), clause (1), or other purpose not specifically exempt in paragraph (d), all food that is accessible to the bear must be immediately removed when the person becomes aware or is notified that a bear is feeding at the site. Feed accessible by bears and subsequently removed may not be replaced at the same site for a minimum of 30 days after removal.

(c) Feeding bear by hand or other physical contact is prohibited.

(d) It is not a violation of this section when:

(1) feed is placed solely for the purpose of attracting and feeding wild birds and small mammals and placed in bird feeding devices and structures at a sufficient height or of a design to prevent access by bear;

(2) feed is present solely as a result of normal agricultural, forest management, or wildlife food planting practices;

(3) feed is placed for agricultural or livestock practices if livestock are present and actively consuming the feed on a daily basis or if the feed is stored consistent with normal agricultural practices; or

(4) a person is authorized to place food under a scientific, wildlife disease, or wildlife damage permit issued by the commissioner under section 97A.401.

(e) A person violating this section is guilty of a misdemeanor.

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

Sec. 21. Minnesota Statutes 2014, section 97B.668, is amended to read:

**97B.668 CANADA GEESE GAME BIRDS CAUSING DAMAGE.**

Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or agent of that person on lands and nonpublic waters owned or operated by the person may nonlethally scare, haze, chase, or harass Canada geese game birds that are causing property damage ~~from March 11 to August 31~~ at any time or place that a hunting season for the game birds is not open. This section does not apply to public waters as defined under section 103G.005, subdivision 15, ~~or~~. This section does not apply to migratory waterfowl on nests and other federally protected game birds on nests, except geese on nests ~~unless~~ when a permit is obtained under section 97A.401.

Sec. 22. **[97B.722] POSSESSION OF FIREARMS; HUNTING TURKEY.**

(a) While afield hunting turkeys, licensees may not have in possession or control any firearm or bow and arrow except those defined as legal for taking turkeys in rules adopted by the commissioner.

(b) Paragraph (a) does not apply to a person carrying a handgun in compliance with section 624.714.

Sec. 23. Minnesota Statutes 2014, section 97B.903, is amended to read:

**97B.903 USE OF BODY-GRIPPING TRAPS.**

(a) A person may not set, place, or operate, except as a waterset, a body-gripping or conibear-type trap on public lands and waters that has a maximum jaw opening when set greater than 6-1/2 inches and less than 7-1/2 inches measured from the inside edges of the body-gripping portions of the jaws, unless:

(1) the trap is in a baited or unbaited enclosure and the trap trigger is recessed seven inches or more from the top and frontmost portion of the open end of the enclosure;

(2) no bait, lure, or other attractant is placed within 20 feet of the trap; or

(3) the trap is elevated at least three feet above the surface of the ground or snowpack.

(b) A person may not set, place, or operate a body-gripping trap, except as a waterset, within 50 feet on each side of the center line of a public road or public trail. For the purposes of this paragraph:

(1) "public road" has the meaning given in section 160.02, subdivision 26; and

(2) "public trail" means a trail that is managed by a federal agency, state agency, or a political subdivision of the state.

Sec. 24. **[97B.927] TAKING FISHER, MARTEN, AND BOBCAT.**

The commissioner may by rule limit the number of persons that may take fisher, marten, and bobcat in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters and trappers. The commissioner, if necessary, shall establish a method, including a drawing, to impartially select the hunters and trappers for an area. Preference must be given to persons who have previously applied in the general selection but have not been selected.

**Sec. 25. [97B.929] PLACING TRAPS OR SNARES ON PRIVATE LAND; WRITTEN PERMISSION REQUIRED.**

A person may not set or place a trap or snare on private property, other than property owned or occupied by the person, unless the person has the written permission of the owner, occupant, or lessee of the private property. This section includes, but is not limited to, written permission to access private property from waters of the state when the trap or snare is placed or staked in the water.

Sec. 26. Minnesota Statutes 2014, section 97B.931, subdivision 2, is amended to read:

Subd. 2. **Body-gripping traps.** A body-gripping, ~~conibear-type~~ trap ~~need not~~ must be tended ~~more frequently than at least once every~~ each third calendar day.

Sec. 27. Minnesota Statutes 2014, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** (a) The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters.

(b) The commissioner may, by written order published in the State Register, amend daily, possession, or size limits to make ~~midseason~~ adjustments based on available harvest, angling pressure, and population data to manage the fisheries in:

(1) the 1837 Ceded Territory in compliance with the court orders in Mille Lacs Band of Chippewa v. Minnesota, 119 S. Ct. 1187 (1999); or

(2) the state-managed waters of Upper Red Lake.

(c) The ~~midseason~~ adjustments in daily, possession, or size limits under paragraph (b) are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. Before the written order is effective, the commissioner shall attempt to notify persons or groups of persons affected by the written order by public announcement, posting, and other appropriate means as determined by the commissioner.

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

Sec. 28. Minnesota Statutes 2014, section 97C.301, is amended by adding a subdivision to read:

Subd. 4a. **Minnow dealers.** (a) A minnow dealer licensee and helpers listed on the minnow dealer's license must have an angling license in addition to the required minnow dealer's licenses.

(b) Employees of the minnow dealer who take or assist in taking minnows must have an angling license.

(c) This subdivision does not apply to persons specifically authorized in law to take fish by angling without an angling license.

**EFFECTIVE DATE.** This section is effective March 1, 2016.

Sec. 29. Minnesota Statutes 2014, section 97C.345, is amended by adding a subdivision to read:

Subd. 3a. **Cast nets for gizzard shad.** (a) Cast nets may be used only to take gizzard shad for use as bait for angling:

(1) from July 1 to November 30; and

(2) from the Mississippi River downstream of St. Anthony Falls and the St. Croix River downstream of the dam at Taylors Falls, including portions described as Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items A and B, that are listed as infested waters as allowed under section 84D.03, subdivision 3.

(b) Cast nets used under this subdivision must be monofilament and may not exceed seven feet in diameter, and mesh size must be from three-eighths to five-eighths inch bar measure.

(c) This subdivision expires December 1, 2017. The commissioner must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over environment and natural resources by March 1, 2018, on the number of permits issued, conservation impacts from the use of cast nets, and recommendations for any necessary changes in statutes or rules.

Sec. 30. Minnesota Statutes 2014, section 97C.501, subdivision 2, is amended to read:

Subd. 2. **Minnow dealers.** (a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) A person with a minnow dealer's license may sell minnows at one retail outlet. A minnow dealer must obtain a minnow retailer license for each additional retail outlet operated. A minnow dealer operating a retail outlet under a minnow dealer's license must list the following information for the retail outlet: name of the business; city; state; zip code; and legal description or fire number. The retail outlet name and location may be changed by making application to the commissioner.

(e) A minnow dealer may designate employees as helpers who are authorized to take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees designated as helpers must be listed on the minnow dealer's license, and a copy of the license designating the employee as a helper must be in the helper's possession when acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers listed on the dealer's license within a license year by notifying the commissioner in writing of the change to the license. Employees who are acting under the direction and control of the minnow dealer but who are not designated as helpers may not buy or sell minnows on behalf of the minnow dealer. This paragraph does not apply to employees selling minnows at the retail outlet location under paragraph (d).

**EFFECTIVE DATE.** This section is effective March 1, 2016.

**Sec. 31. RULEMAKING; LIFTING SPEARING BANS AND NORTHERN PIKE REGULATIONS.**

(a) The commissioner of natural resources shall amend Minnesota Rules, parts 6262.0575, subpart 9, and 6264.0400, subparts 70 and 72, to delete the language prohibiting spearing.

(b) Notwithstanding Minnesota Statutes, section 97C.007, the commissioner of natural resources shall amend Minnesota Rules, part 6264.0400, subpart 71, to delete the language prohibiting spearing and modify the northern pike protected slot to 26 to 40 inches.

(c) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply.

**EFFECTIVE DATE.** This section is effective July 1, 2015.

**Sec. 32. REFUNDS; YOUTH BEAR LICENSES.**

The commissioner of natural resources may issue refunds for youth bear licenses that were purchased between August 1, 2013, and June 30, 2014, to individuals who were 10, 11, or 12 years old at the time of purchase.

**Sec. 33. PILOT PROGRAM; SERIES 300 DEER PERMIT AREAS.**

(a) In the Series 300 deer permit areas, the commissioner of natural resources shall establish a pilot program to issue, without a fee, five licenses to take antlerless deer to a resident who is an owner or tenant of agricultural land, as defined in Minnesota Statutes, section 97B.001, when the resident has suffered crop damage from deer. The licenses issued under this paragraph are restricted to the land of the owner or tenant and are in addition to licenses issued under Minnesota Statutes, section 97A.441, subdivision 7. The holder of the license may transfer the license to another person. The owner or tenant of the land must record any licenses transferred under this paragraph, including the name and license number of the transferee. Deer taken under this section do not count towards the total bag limit for the permit area. Notwithstanding Minnesota Statutes, sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase additional licenses or permits for taking deer and may take additional deer under those licenses or permits, provided the holder adheres to the bag limits established for that permit area.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under Minnesota Statutes, section 97A.475, subdivision 2, clause (5).

(c) In Series 300 deer permit areas, the commissioner of natural resources shall establish a pilot program to provide a Web site for farmers experiencing damage from deer who are willing to open their farms to licensed deer hunters. The Web site must allow hunters to contact the owner or tenant of the agricultural land online. Only licensed deer hunters with advanced hunter education certification are eligible for the program.

(d) This section expires February 28, 2020.

**Sec. 34. REVISOR'S INSTRUCTION.**

The revisor of statutes shall eliminate the term "conibear" or "conibear-type" wherever the term appears in Minnesota Statutes and Minnesota Rules and make conforming grammatical changes.

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

Sec. 35. **REPEALER.**

(a) Minnesota Statutes 2014, section 97A.475, subdivision 25, is repealed.

(b) Minnesota Rules, part 6264.0400, subparts 27 and 28, are repealed.

**EFFECTIVE DATE.** Paragraph (b) is effective July 1, 2015."

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "requiring certain permission for traps and snares set; modifying penalty for certain firearms possession; establishing a pilot program;"

Amend the title numbers accordingly

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

**Senator Marty from the Committee on Environment and Energy, to which was referred**

**S.F. No. 1430:** A bill for an act relating to natural resources; modifying invasive species provisions; providing for temporary water surface use controls in construction areas; modifying state park permit provisions; regulating wake surfing; modifying life jacket requirements; modifying requirements for fire training; modifying auxiliary forest provisions; modifying forest bough account; modifying recreational vehicle transfer requirements; modifying authority to issue water use permits; providing civil penalties; requiring rulemaking; appropriating money; amending Minnesota Statutes 2014, sections 84.788, subdivision 5, by adding a subdivision; 84.84; 84.922, subdivision 4; 84D.01, subdivisions 13, 15, 17, 18; 84D.03, subdivision 3; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 1; 84D.12, subdivisions 1, 3; 84D.13, subdivisions 4, 5; 84D.15, subdivision 3; 85.054, subdivision 12; 86B.201, by adding a subdivision; 86B.313, subdivisions 1, 4; 86B.315; 88.17, subdivision 3; 88.49, subdivisions 3, 4, 5, 6, 7, 8, 9, 11; 88.491, subdivision 2; 88.50; 88.51, subdivisions 1, 3; 88.52, subdivisions 2, 3, 4, 5, 6; 88.523; 88.53, subdivisions 1, 2; 88.6435, subdivision 4; 103G.271, subdivision 5; 282.011, subdivision 3; repealing Minnesota Statutes 2014, sections 88.47; 88.48; 88.49, subdivisions 1, 2, 10; 88.491, subdivision 1; 88.51, subdivision 2; 282.013.

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

Page 8, after line 5, insert:

"Sec. 18. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision to read:

Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under this section include connections to state parks or recreation areas that generally lie in between or within the vicinity of the waymarks specifically named in the designation.

Sec. 19. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then easterly along the south side of Camp Ripley across to the east side of the Mississippi River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment of the trail shall be established that shall extend in a southerly

direction and in close proximity to the Mississippi River from the southeasterly portion of the first segment of the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison County. Separation of motorized and nonmotorized corridors is acceptable as needed."

Page 26, line 5, before "aquifer" insert "groundwater thermal exchange devices or"

Page 26, after line 8, insert:

"Sec. 49. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

Subd. 6a. **Payment of fees for past unpermitted appropriations.** An entity that appropriates water without a required permit under subdivision 1 must pay the applicable water use permit processing fee specified in subdivision 6 for the period during which the unpermitted appropriation occurred. The fees for unpermitted appropriations are required for the previous seven calendar years after being notified of the need for a permit. This fee is in addition to any other fee or penalty assessed. The commissioner may waive payment of fees for past unpermitted appropriations for a residential system permitted under subdivision 5, paragraph (b)."

Page 26, after line 16, insert:

"Sec. 51. **LAKE VERMILION-SOUDAN UNDERGROUND MINE STATE PARK.**

**[85.012] [Subd. 38a.] Lake Vermilion-Soudan Underground Mine State Park, St. Louis County.**

The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is exempt from Minnesota Statutes, sections 326B.163 to 326B.191. The federal mine code for hoists that lift people under 30 CFR Part 57 Subpart R, applies to the Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall employ a hoist safety expert to conduct an annual inspection of the hoist system at the Lake Vermilion-Soudan Underground Mine State Park."

Renumber the sections in sequence

Amend the title accordingly

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

**Senator Latz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1099:** A bill for an act relating to environment; regulating chemicals of high concern in children's products; amending Minnesota Statutes 2014, sections 13.7411, subdivision 8; 116.9401; 116.9402; 116.9403; 116.9405; 116.9406; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 7, line 23, delete "subdivision 1" and insert "this section"

Page 7, line 26, delete "subdivision 1" and insert "this section"

Page 8, line 4, delete "subdivision 1" and insert "this section"

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

**Senator Latz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1466:** A bill for an act relating to economic development; Department of Employment and Economic Development; making policy changes; modifying data sharing; amending Minnesota Statutes 2014, sections 116J.035, subdivision 1a; 171.12, subdivision 7; 268.19, subdivision 1.

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

Page 1, line 16, delete "2721" and insert "2725"

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

**Senator Marty from the Committee on Environment and Energy, to which was referred**

**S.F. No. 1537:** A bill for an act relating to natural resources; providing for riparian buffers; proposing coding for new law in Minnesota Statutes, chapter 103F.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Agriculture and Rural Development. Report adopted.

**Senator Marty from the Committee on Environment and Energy, to which was referred**

**S.F. No. 1427:** A bill for an act relating to environment; modifying electronic waste management provisions; amending Minnesota Statutes 2014, sections 115A.1310, subdivisions 4, 7, 14, 15, 20, by adding subdivisions; 115A.1312; 115A.1314; 115A.1316; 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1328; 115A.9565; repealing Minnesota Statutes 2014, section 115A.1310, subdivisions 8, 12.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 115A.1310, subdivision 7, is amended to read:

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, peripherals, facsimile machines, DVD players, video cassette recorders, and a computer; small scale server; computer peripheral, including an electronic keyboard, electronic mouse or similar pointing device, document scanner, printer, or external hard drive; facsimile machine; small electronic equipment, including a video cassette recorder, digital video recorder, digital media player, portable digital music player, disc-based video media player, digital converter box, cable or satellite receiver, or electronic or video game console; or video display devices device that are is sold to a household by means of retail, wholesale, or electronic commerce.

Sec. 2. Minnesota Statutes 2014, section 115A.1310, is amended by adding a subdivision to read:

Subd. 12a. **Portable battery.** "Portable battery" means a primary battery that weighs two kilograms or less or a rechargeable battery as defined in section 115A.9157.

Sec. 3. Minnesota Statutes 2014, section 115A.1310, subdivision 14, is amended to read:

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling. A manufacturer who takes products for refurbishment or repair is not a recycler.



Sec. 4. Minnesota Statutes 2014, section 115A.1310, subdivision 15, is amended to read:

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing ~~video display devices or~~ covered electronic devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which ~~video display devices or~~ covered electronic devices are returned to use for households in their original form.

Sec. 5. Minnesota Statutes 2014, section 115A.1310, subdivision 20, is amended to read:

Subd. 20. **Video display device.** "Video display device" means a television ~~or~~ computer monitor, including a laptop computer; ~~tablet; or e-reader~~ that contains a cathode-ray tube or a flat panel screen with a screen size that is ~~four inches or greater than nine inches~~ measured diagonally and that is marketed by manufacturers for use by households. Video display device does not include any of the following:

(1) a ~~video display device~~ that is part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) a ~~video display device~~, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;

(3) a ~~video display device~~ that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

(4) a telephone of any type ~~unless it contains a video display area greater than nine inches measured diagonally.~~

Sec. 6. Minnesota Statutes 2014, section 115A.1312, is amended to read:

#### **115A.1312 REGISTRATION PROGRAM.**

Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a manufacturer of video display devices must not sell or offer for sale or deliver to retailers for subsequent sale a new video display device unless:

(1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and

(2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) On or after February 1, 2008, a retailer who sells or offers for sale a new video display device to a household must, before the initial offer for sale, review the agency Web site specified in subdivision 2, paragraph (g), to determine that all new video display devices that the retailer is offering for sale are labeled with the manufacturer's brands that are registered with the agency.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior

to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. **Manufacturer's registration.** (a) A manufacturer of video display devices sold or offered for sale to households in the state after September 1, 2007, must submit a registration to the agency that includes:

- (1) a list of the manufacturer's brands of video display devices offered for sale in this state;
- (2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and
- (3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.

(b) By ~~September 1, 2008~~ October 1, 2016, and each year thereafter, a manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether:

(1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto; or

(2) the manufacturer has received an exemption from one or more of those maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.

(c) A manufacturer who begins to sell or offer for sale video display devices to households after September 1, 2007, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.

(d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.

(e) A registration is effective upon receipt by the agency and is valid until ~~September~~ October 1 of each year.

(f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.

(g) The agency must maintain on its Web site the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the Web site information promptly upon receipt of a new or updated registration. The Web site must contain prominent language stating, in effect, that sections 115A.1310 to 115A.1330 are directed at household equipment and the manufacturers' brands list is, therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

Subd. 3. **Collector's registration.** After August 1, 2007, no person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 1 of each year.

Subd. 4. **Recycler's registration.** After August 1, 2007, no person may recycle ~~video display~~ covered electronic devices generated by households unless that person has submitted a registration with the agency on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive ~~video display~~ covered electronic devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler may conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 1 of each year.

Sec. 7. Minnesota Statutes 2014, section 115A.1314, is amended to read:

**115A.1314 MANUFACTURER'S REGISTRATION FEE.**

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by ~~September 1, 2007~~ October 1, 2016, and each year thereafter, pay to the commissioner of ~~revenue~~ an annual registration fee. ~~The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.~~

(b) The registration fee for manufacturers that sell over 100 video display devices to households in the state during the previous calendar year is equal to a base fee of \$2,500, plus a variable recycling fee. The registration fee is calculated according to the formula on the registration form prescribed by the commissioner based on:

$((A \times B) - (C + D)) \times E$ , where:

(1) ~~A = the number of pounds of a manufacturer's video display devices sold to households during the previous program year, as reported to the department~~ the manufacturer's recycling obligation as determined by the agency under section 115A.1316, subdivision 1 115A.1320;

(2) ~~B = the proportion of sales of video display devices required to be recycled, set at 0.6 for the first program year and 0.8 for the second program year and every year thereafter;~~

(3) ~~C =~~ (2) the number of pounds of covered electronic devices recycled by a manufacturer from households during the previous program year, as reported to the department agency under section 115A.1316, subdivision 1;

(4) ~~D =~~ (3) the number of recycling credits a manufacturer elects to use to calculate the variable recycling fee, as reported to the department agency under section 115A.1316, subdivision 1; and

(5) ~~E =~~ (4) the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the product (A x B) manufacturer's obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the

product (A x B) manufacturer's obligation; and \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the product (A x B) manufacturer's obligation.

(c) If, as specified in paragraph (b), the term  $C - (A \times B)$  equals a positive number of pounds, the manufacturer's collection and recycling of covered electronic devices exceed the obligation specified in section 115A.1320, that amount is defined as the manufacturer's recycling credits. A manufacturer may retain recycling credits to be added, in whole or in part, to ~~the actual value of C~~, the obligation as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's obligation (A x B) for any program year may be met with recycling credits generated in a prior program year. A manufacturer may sell any portion or all of its recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(d) For the purpose of calculating a manufacturer's variable recycling fee under paragraph (b), ~~the weight of covered electronic devices collected from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (c), is calculated at 1.5 times their actual weight.~~

(e) ~~The registration fee for the initial program year and the base registration fee thereafter for a manufacturer who produces fewer than 100 video display devices for sale annually to households is \$1,250.~~

Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the commissioner for:

(1) ~~implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and for transfer to the commissioner of administration for responsibilities under section 115A.1324; and~~

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312 to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

(b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Sec. 8. Minnesota Statutes 2014, section 115A.1316, is amended to read:

#### **115A.1316 REPORTING REQUIREMENTS.**

Subdivision 1. **Manufacturer's reporting requirements.** (a) By ~~September~~ October 1 of each year, beginning in ~~2008~~ 2016, each manufacturer of video display devices must report to the ~~department~~ agency using the form prescribed by the commissioner:

(1) the total weight of each specific model of its video display devices sold to households during the previous program calendar year;

(2) the total weight of its video display devices sold to households during the previous calendar year; or

(3) an estimate of the total weight of its video display devices sold to households during the previous ~~program~~ calendar year, calculated by multiplying the weight of its video display devices sold nationally times the quotient of Minnesota's population divided by the national population. All manufacturers with sales of 100 or fewer video display devices to households in the state during the previous calendar year must report using the method under this clause for calculating sales.

A manufacturer must submit with the report required under this paragraph a description of how the information or estimate was calculated.

(b) By ~~September~~ October 1 of each year, beginning in ~~2008~~ 2016, each manufacturer must report to the ~~department~~ agency the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year. ~~If a manufacturer wishes to receive the variable recycling rate of 1.5 for covered electronic devices it recycles, the manufacturer must report separately the total weight of covered electronic devices collected from households located in counties specified in section 115A.1314, subdivision 1, paragraph (d), and those collected from households located outside those counties.~~

(c) By ~~September~~ October 1 of each year, beginning in ~~2008~~ 2016, each manufacturer must report to the ~~department~~ agency:

(1) the number of recycling credits the manufacturer has purchased and sold during the preceding program year;

(2) the number of recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(3) the number of recycling credits the manufacturer retains at the beginning of the current program year.

Subd. 2. **Recycler's reporting requirements.** By ~~August~~ October 1 of each year, beginning in ~~2008~~ 2016, a recycler of covered electronic devices must report to the agency ~~and the department~~:

(1) the total weight of covered electronic devices and an estimate of the weight of video display devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2; and

(2) the weight of portable batteries and any mercury-containing lamps that are associated with the covered electronic devices managed.

Subd. 3. **Collector's reporting requirements.** By ~~August~~ October 1 of each year, beginning in ~~2008~~ 2016, a collector must report separately to the agency:

(1) the total pounds of covered electronic devices collected in the counties specified in section 115A.1314, subdivision 1, paragraph (d), and all other Minnesota counties; ~~and;~~

(2) a list of all recyclers to whom collectors delivered covered electronic devices; ~~and~~

(3) whether the collector had a contract with a recycler or manufacturer to provide pounds toward meeting a manufacturer's obligation.

Sec. 9. Minnesota Statutes 2014, section 115A.1318, is amended to read:

**115A.1318 RESPONSIBILITIES.**

Subdivision 1. **Manufacturer's responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with paragraphs (b) to (e).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of covered electronic devices ~~equal to the total weight of its video display devices sold to households during the preceding program year, multiplied by the proportion of sales of video display devices required to be recycled, as established by the agency under~~ as determined by the agency in section 115A.1320, subdivision 1, paragraph (c).

(c) The obligations of a manufacturer apply only to ~~video display~~ covered electronic devices received from households and do not apply to video display covered electronic devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of items specified under subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all video display covered electronic devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

(e) A manufacturer must provide the agency with contact information for a person who can be contacted regarding the manufacturer's activities under sections 115A.1310 to 115A.1320.

(f) Only the covered electronic devices that are recycled by a registered recycler that secures and maintains certification to an environmentally sound management standard through an accredited third-party certification body are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector's responsibilities.** (a) A collector must make available all covered electronic devices to the manufacturer stewardship program unless otherwise stipulated.

(b) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

(c) A collector may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service.

Subd. 2. **Recycler's responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle video display covered electronic devices, including all downstream recycling operations:

(1) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(2) are licensed by all applicable governmental authorities;

(3) use no prison labor to recycle video display covered electronic devices; and

(4) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (3) and (4).

(c) Except to the extent otherwise required by law, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer's responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and Web site address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's Web site.

Sec. 10. Minnesota Statutes 2014, section 115A.1320, is amended to read:

**115A.1320 AGENCY AND DEPARTMENT DUTIES.**

Subdivision 1. **Duties of agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the ~~value of the~~ following variables that are ~~part of the formula~~ used to calculate a manufacturer's annual registration fee ~~under section 115A.1314, subdivision 1:~~

(1) ~~the proportion of sales of video display devices sold to households that manufacturers are required to recycle~~ the obligation-setting mechanism for manufacturers as specified under paragraph (g);

(2) the estimated per-pound price of recycling covered electronic devices sold to households;  
and

(3) the base registration fee; and

(4) ~~the multiplier established for the weight of covered electronic devices collected in section 115A.1314, subdivision 1, paragraph (d).~~

(d) If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330 or if the revenues in the account exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

~~(d)~~ (e) By January 15 each year, beginning in 2008, the agency shall calculate estimated sales of video display devices sold to households by each manufacturer during the preceding program calendar year, based on national sales data, ~~and forward the estimates to the department.~~

(f) By February 1 each year, beginning in 2017, the agency shall publish a statewide recycling goal for all video display device waste that is the sum of the average weight of all video display devices collected for recycling during the previous three program years as reported to the agency according to section 115A.1316.

(g) By February 1 each year, beginning in 2017, the agency shall determine each registered manufacturer's market share of covered electronic devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as determined by the best available information including, but not limited to, state sales data reported by weight. Beginning February 1, 2017, and each year thereafter, the agency shall provide each manufacturer with a determination of its market share of video display devices to be collected and recycled, which is the quotient of the total weight of the manufacturer's video display devices sold to households as established under section 115A.1316 based on the average annual sales during the preceding calendar year, as reported, divided by the total weight of all manufacturers' video display devices sold to households in this state based on the annual retail sales during the previous calendar year.

(e) (h) The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115A.121.

~~(f)~~ (i) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

~~(g)~~ (j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, ~~except for those provisions enforced by the department, as provided in subdivision 2.~~ The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

~~(h)~~ (k) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display covered electronic devices available for recycling.

~~(i)~~ The agency shall develop a form retailers must use to report information to manufacturers under section 115A.1318 and post it on the agency's Web site.

~~(j)~~ (l) The agency shall post on its Web site the contact information provided by each manufacturer under section 115A.1318, paragraph (e).



Subd. 2. **Additional duties of department.** (a) The ~~department agency~~ must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on recycling credits, as required under section 115A.1316. The ~~department agency~~ must use this data to review each manufacturer's annual registration fee ~~submitted to the department~~ to ensure that the fee was calculated accurately ~~according to the formula in section 115A.1314, subdivision 1.~~

(b) The ~~department agency~~ must estimate, for each registered manufacturer, the sales of video display devices to households during the previous ~~program~~ calendar year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The ~~department agency~~ must use the data specified in this subdivision to review each manufacturer's annual registration fee ~~submitted to the department~~ to ensure that the fee was calculated accurately ~~according to the formula in section 115A.1314, subdivision 1.~~

(c) The ~~department agency~~ must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce ~~this subdivision, section 115A.1314, subdivision 1~~, the commissioner may request that the commissioner of revenue ~~may grant extensions to pay, and impose and abate penalties and interest on~~, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) ~~The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.~~

Sec. 11. Minnesota Statutes 2014, section 115A.1323, is amended to read:

#### **115A.1323 ANTICOMPETITIVE CONDUCT.**

(a) A manufacturer that organizes collection or recycling under ~~this section~~ sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or recycling under ~~this section~~ sections 115A.1310 to 115A.1322 are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or

recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

Sec. 12. Minnesota Statutes 2014, section 115A.1328, is amended to read:

**115A.1328 MULTISTATE IMPLEMENTATION.**

The agency ~~and department are~~ is authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

Sec. 13. **REPEALER.**

Minnesota Statutes 2014, section 115A.1310, subdivisions 8 and 12, are repealed.

Sec. 14. **EFFECTIVE DATE.**

This act is effective January 1, 2016."

Delete the title and insert:

"A bill for an act relating to environment; modifying electronic waste management provisions; amending Minnesota Statutes 2014, sections 115A.1310, subdivisions 7, 14, 15, 20, by adding a subdivision; 115A.1312; 115A.1314; 115A.1316; 115A.1318; 115A.1320; 115A.1323; 115A.1328; repealing Minnesota Statutes 2014, section 115A.1310, subdivisions 8, 12."

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

**Senator Marty from the Committee on Environment and Energy, to which was referred**

**S.F. No. 984:** A bill for an act relating to energy; authorizing funding for a lab to market accelerator; amending Minnesota Statutes 2014, section 216B.241, subdivision 1e.

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

Delete everything after the enacting clause and insert:

"Section 1. **APPROPRIATION; ENERGY TECHNOLOGY BUSINESS ACCELERATOR.**

(a) \$400,000 in fiscal year 2016 and \$400,000 in fiscal year 2017 are appropriated from the general fund to the commissioner of commerce for a grant to a Minnesota-based nonprofit with demonstrated expertise and capability in energy efficiency, energy technology research, and conservation improvement program delivery to establish and operate an energy technology business accelerator. The grant recipient must match at least \$100,000 of the grant amount each year with cash or in-kind contributions. Any balance remaining in fiscal year 2016 does not cancel, but is available in fiscal year 2017.

(b) The accelerator established using grant funds in paragraph (a) shall identify, research, test, evaluate, and incubate innovative energy technologies, systems, and platforms that may be the basis for new cost-effective programs or to improve existing programs offered by public, municipal, and cooperative utilities subject to Minnesota Statutes, section 216B.241. The grant recipient shall consult with experts from Minnesota utilities, the Department of Commerce, and national energy

institutions in the selection of technologies to be evaluated. The technologies to be evaluated may include, but are not limited to, customer engagement platforms, building and equipment design, data feedback systems, and advanced metering and billing. The focus of the accelerator must be on energy technologies, systems, and platforms developed by Minnesota and regionally-based companies, to the extent practical, which improve the efficiency of customer energy use or utility infrastructure, or the integration of intermittent renewable resources."

Delete the title and insert:

"A bill for an act relating to energy; appropriating money for an energy technology business accelerator."

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

**Senator Bonoff from the Committee on Higher Education and Workforce Development, to which was referred**

**S.F. No. 1488:** A bill for an act relating to higher education; establishing the MnSCU campus autonomy act; clarifying and prescribing the roles of campus authority and system authority in the MnSCU system; amending Minnesota Statutes 2014, section 136F.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136F.

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

Page 1, after line 18, insert:

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

Page 2, line 1, after the period, insert "Among other considerations the board must consider racial and ethnic diversity of candidate finalists."

Page 2, after line 9, insert:

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

Page 2, line 13, delete "11" and insert "13"

Page 2, line 20, delete "three" and insert "four"

Page 2, line 22, delete "and"

Page 2, line 24, delete the period and insert "; and"

Page 2, after line 24, insert:

"(6) a member of the board of trustees from the congressional district in which the college or university has a main campus."

Page 2, line 30, after "university" insert "and the racial and ethnic diversity among college and university presidents"

Page 3, line 7, after "provide" insert "training," and after "administrative" insert a comma

Page 3, after line 8, insert:

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

Page 3, after line 22, insert:

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

Sec. 5. **REPORT; MNSCU PRESIDENTIAL SELECTION PROCESS.**

The Board of Trustees of the Minnesota State Colleges and Universities shall report by September 1, 2015, to the chairs and ranking minority members of the legislative committees with primary jurisdiction over higher education finance on the board's policies on selecting presidents, including those policies to comply with new Minnesota Statutes, sections 136E.401 and 136E.402.

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

Amend the title as follows:

Page 1, line 2, delete "establishing" and insert "modifying" and delete "campus autonomy act" and insert "presidential selection process"

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

**Senator Bonoff from the Committee on Higher Education and Workforce Development, to which was referred**

**S.F. No. 1613:** A bill for an act relating to education; postsecondary; MnSCU course and credit policies; requiring a report; appropriating money.

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1360:** A bill for an act relating to state government; permitting electronic filing for hearings in contested cases at the Office of Administrative Hearings; amending Minnesota Statutes 2014, section 14.58.

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1359:** A bill for an act relating to state government; regulating agency rulemaking; permitting the use of electronic notices and documents; amending Minnesota Statutes 2014, sections 14.05, by adding a subdivision; 14.07, subdivision 6; 14.08; 14.116; 14.131; 14.14, subdivision 1a; 14.16, subdivision 3; 14.22, subdivision 1; 14.23; 14.25, subdivision 1; 14.26, subdivision 3, by adding a subdivision; 14.386; 14.389, subdivision 2; 14.3895, subdivision 3.

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

**Senator Torres Ray from the Committee on State and Local Government, to which was re-referred**

**S.F. No. 759:** A bill for an act relating to education; postsecondary; providing a teacher shortage loan forgiveness program; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Page 1, line 21, after "establish" insert a comma

Page 1, line 22, delete "and" and after "administer" insert ", and publicize"

Page 2, line 2, delete everything after "the" and insert "teacher shortage areas"

Page 2, line 3, delete everything before the period

Page 2, line 35, after "who" insert "applied for, applied and qualified for, and"

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

**Senator Torres Ray from the Committee on State and Local Government, to which was re-referred**

**S.F. No. 1515:** A bill for an act relating to natural resources; modifying Wetland Conservation Act; requiring rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2014, sections 103B.101, by adding a subdivision; 103B.3355; 103F.612, subdivision 2; 103G.005, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 1, 2, 3, 4, 12, 14; 103G.2251.

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1416:** A bill for an act relating to local government; permitting local governments to donate certain surplus equipment to nonprofit organizations; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2014, section 466.03, is amended by adding a subdivision to read:

Subd. 25. **Surplus equipment donated.** Any tort claim against a municipality resulting from the use of surplus equipment donated by the municipality to a nonprofit organization under section 471.3459, unless the claim is a direct result of fraud or intentional misrepresentation."

Page 1, delete line 9, and insert:

"(b) "Local government" means a county, home rule charter or statutory city, or town; any instrumentality of a county, home rule charter or statutory city, or town; special districts, as defined under section 6.465; or a joint powers board or organization formed by any of these local governmental units."

Page 1, line 12, after "means" insert "public safety equipment as defined in section 466.03, subdivision 24, equipment used by a local government public works department, and"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "creating an exception to tort liability;"

Amend the title numbers accordingly

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

**Senator Torres Ray from the Committee on State and Local Government, to which was re-referred**

**S.F. No. 1504:** A bill for an act relating to health; changing the expiration date for e-Health Advisory Committee, the Trauma Advisory Council, and the Maternal and Child Health Advisory Task Force; suggesting review of data collection on stillbirths and prenatal protocols to prevent stillbirths; amending Minnesota Statutes 2014, sections 62J.495, subdivision 2; 144.608, subdivision 2; 145.8811, subdivision 1.

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1372:** A bill for an act relating to state government; changing Legislative Coordinating Commission provisions; clarifying retirement plan coverage for certain part-time legislative employees; amending Minnesota Statutes 2014, sections 3.225, subdivisions 2, 3, 5; 3.303, subdivisions 3, 10; 352.01, subdivisions 2a, 2b; 352D.02, subdivision 1.

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

Page 12, delete section 9 and insert:

"Sec. 9. **EFFECTIVE DATE.**

(a) Section 4 is effective January 1, 2017.

(b) Sections 6 to 8 are effective retroactively from March 28, 2013."

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

**Senator Torres Ray from the Committee on State and Local Government, to which was re-referred**

**S.F. No. 618:** A bill for an act relating to agriculture; providing for the development and regulation of an industrial hemp industry; authorizing industrial hemp research; requiring

rulemaking; providing a defense for possession of industrial hemp; modifying the definitions of marijuana and wild hemp; appropriating money; amending Minnesota Statutes 2014, sections 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 152.01, subdivision 9; 375.30, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 18K.

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

Page 8, line 11, after "governing" insert "the production, testing, and licensing of industrial hemp"

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

**Senator Torres Ray from the Committee on State and Local Government, to which was re-referred**

**S.F. No. 957:** A bill for an act relating to commerce; establishing a task force on no-fault automobile insurance reform issues; providing legislative appointments; requiring a report.

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

Page 1, lines 16, 17, 20, 21, 22, 23, and 24, delete "a representative of" and insert "a person appointed by"

Page 2, lines 1, 2, 3, 6, and 7, delete "a representative of" and insert "a person appointed by"

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1596:** A bill for an act relating to state government; requiring the legislative auditor to evaluate economic development incentive programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Delete everything after the enacting clause and insert:

"Section 1. [3.9735] EVALUATION OF ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS.

Subdivision 1. Definitions. For purposes of this section, the terms defined in this section have the meaning given them.

(a) "General incentive" means a state program, statutory provision, or tax expenditure, including tax credits, tax exemptions, tax deductions, grants, or loans, that is intended to encourage businesses to locate, expand, invest, or remain in Minnesota or to hire or retain employees in Minnesota. To be a general incentive, a state program, statutory provision, or tax expenditure must be available to multiple entities, projects, or associated projects or include eligibility criteria with the intent that it will be available to multiple entities, projects, or associated projects.

(b) "Exclusive incentive" means a state program, statutory provision, tax expenditure, or section of a general incentive, including tax credits, tax exemptions, tax deductions, grants, or loans, that is intended to encourage a single specific entity, project, or associated projects to locate, expand, invest, or remain in Minnesota or to hire or retain employees in Minnesota.

**Subd. 2. Selection of general incentives for review; schedule for evaluation; report.** Annually, the legislative auditor shall submit to the Legislative Audit Commission a list of three to five general incentives proposed for review. In selecting general incentives to include on this list, the legislative auditor may consider what the incentive will cost state and local governments in actual spending and foregone revenue currently or projected into the future, the legislature's need for information about a general incentive that has an upcoming expiration date, and the legislature's need for regular information on the results of all major general incentives. Annually, the Legislative Audit Commission will select at least one general incentive for the legislative auditor's evaluation. The legislative auditor will evaluate the selected general incentive or incentives, prepared according to the evaluation plan established under subdivision 4, and submit a written report to the Legislative Audit Commission.

**Subd. 3. Exclusive incentive schedule.** The legislative auditor's schedule shall ensure that at least once every four years the legislative auditor will complete an analysis of best practices for exclusive incentives.

**Subd. 4. Evaluation plans.** By February 1, 2016, the Legislative Audit Commission shall establish evaluation plans that identify elements that the legislative auditor must include in evaluations of a general incentive and an exclusive incentive. The Legislative Audit Commission may modify the evaluation plans as needed.

Sec. 2. Minnesota Statutes 2014, section 3.979, subdivision 3, is amended to read:

**Subd. 3. Audit data.** (a) "Audit" as used in this subdivision means a financial audit, review, program evaluation, best practices review, evaluation of an incentive program or exclusive incentive program under section 3.9735, or investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been released by the legislative auditor or the audit is no longer being actively pursued. Upon release of a final audit report by the legislative auditor, data relating to an audit are public except data otherwise classified as not public.

(b) Data related to an audit but not published in the audit report and that the legislative auditor reasonably believes will be used in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued.

(c) Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual's identity would remain private, or the legislative auditor reasonably believes that the subject would not have provided the data.

(d) The definitions of terms provided in section 13.02 apply for purposes of this subdivision.

Sec. 3. Minnesota Statutes 2014, section 16A.11, is amended by adding a subdivision to read:



Subd. 3d. **Consideration of general incentives.** In supplement to, and under the same deadline as, the governor's budget submission under subdivision 3, the commissioner shall submit a report identifying each general incentive for which an evaluation was completed under section 3.9735 in accordance with this section since the governor's previous budget submission. For each evaluated incentive, the commissioner's report shall include a recommendation for whether the incentive should be continued or modified, or whether the state would be better served by using other incentives or strategies to achieve the incentive's goals. The commissioner's report must include the rationale for each recommendation.

Sec. 4. Minnesota Statutes 2014, section 16A.11, is amended by adding a subdivision to read:

Subd. 3e. **Consideration of best practices for exclusive incentives.** If a new analysis of best practices for exclusive incentives under section 3.9735 has been completed since the governor's previous budget submission, the commissioner's report under subdivision 3d shall include recommendations for when and how Minnesota should offer and manage exclusive incentives in the future and how they should be structured. The commissioner's report must include the rationale for each recommendation.

Sec. 5. **APPROPRIATION.**

\$..... in fiscal year 2016 and \$..... in fiscal year 2017 are appropriated from the general fund to the Office of the Legislative Auditor for purposes of section 1."

Amend the title accordingly

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

**Senator Torres Ray from the Committee on State and Local Government, to which was referred**

**S.F. No. 1121:** A bill for an act relating to government contracting; clarifying the responsible contractor law; amending Minnesota Statutes 2014, section 16C.285, subdivisions 1, 2, 3, 4, 6.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 16C.285, subdivision 1, is amended to read:

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

(b) "Construction contract" means a contract or subcontract of any tier for work on a project.

(c) "Contractor" means a prime contractor or subcontractor, and does not include a design professional or a material supplier. A "design professional" is a business or natural person retained to perform services on the project for which licensure is required by section 326.02. A "material supplier" is a business or natural person that supplies materials, equipment, or supplies to a subcontractor or contractor on a project, including performing delivery or unloading services in connection with the supply of materials, equipment, or supplies; provided, however, that a material supplier does not include a natural person or business that delivers mineral aggregate such as sand,

gravel, or stone that is incorporated into the work under the contract by depositing the material substantially in place, directly or through spreaders, from the transporting vehicle.

(d) "Contracting authority" means a state agency, the Minnesota State Colleges and Universities, the University of Minnesota, the Metropolitan Council, the Metropolitan Airports Commission, or a municipality that enters into a construction contract or authorizes or directs entering into a construction contract.

(e) "Municipality" means a county, town, home rule charter or statutory city, school district, housing and redevelopment authority, port authority, economic development authority, sports facilities authority, joint powers board or organization created under section 471.59 or other statute, special district, instrumentality, drainage authority, watershed district, destination medical center corporation, or other municipal corporation or political subdivision of the state authorized by law to enter into contracts.

(f) "Prime contractor" means a vendor that submits a bid or proposal or otherwise responds to a solicitation document of a contracting authority for work on a project or is awarded a construction contract by a contracting authority for work on a project. A prime contractor includes a construction manager for purposes of this section.

(g) "Principal" means an owner holding at least a 25 percent ownership interest in a business.

(h) "Project" means building, erection, construction, alteration, remodeling, demolition, or repair of buildings, real property, highways, roads, bridges, or other construction work performed pursuant to a construction contract.

(i) "Related entity" means:

(1) a firm, partnership, corporation, joint venture, or other legal entity substantially under the control of a contractor or vendor;

(2) a predecessor corporation or other legal entity having one or more of the same principals as the contractor or vendor;

(3) a subsidiary of a contractor or vendor;

(4) one or more principals of a contractor or vendor; and

(5) a person, firm, partnership, corporation, joint venture, or other legal entity that substantially controls a contractor or vendor.

(j) "Solicitation document" means an invitation to bid, bid specifications, request for proposals, request for qualifications, or other solicitation of contractors for purposes of a construction contract.

(k) "Subcontractor" means a vendor that seeks to enter into a subcontract or enters into a subcontract for work on a project.

(l) "Vendor" means a business, including a construction contractor or a natural person, and includes both if the natural person is engaged in a business.

Sec. 2. Minnesota Statutes 2014, section 16C.285, subdivision 2, is amended to read:

Subd. 2. **Responsible contractor required.** (a) A contractor must meet the minimum criteria in subdivision 3 to be eligible to be awarded a construction contract as the lowest responsible

bidder or the vendor or contractor offering the best value as provided in section 16C.28, 103D.811, 103E.505, 116A.13, 123B.52, 160.17, 160.262, 161.32, 161.3206, 161.3209, 161.38, 162.17, 365.37, 374.13, 375.21, 383C.094, 412.311, 429.041, 458D.21, 469.015, 469.068, 469.101, 471.345, 473.4057, 473.523, 473.652, 473.756, 473J.11, or any of their successor provisions.

(b) This section applies to publicly owned or financed projects where the contracting authority's construction contract with the prime contractor is estimated to exceed \$50,000 and is awarded pursuant to a lowest responsible bidder selection method or a best value selection method as provided in paragraph (a). The amount of any tax increment financing must be excluded in determining whether a construction contract exceeds \$50,000. A subcontractor must meet the minimum criteria in subdivision 3 to be eligible to be awarded a subcontract on a project regardless of the value of the subcontract.

(c) If only one prime contractor responds to a solicitation document, a contracting authority may award a construction contract to the responding prime contractor even if the minimum criteria in subdivision 3 are not met.

Sec. 3. Minnesota Statutes 2014, section 16C.285, subdivision 3, is amended to read:

Subd. 3. **Minimum criteria.** "Responsible contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the following minimum criteria:

(1) the contractor:

(i) is in compliance with workers' compensation and unemployment insurance requirements;

(ii) is currently registered with the Department of Revenue and the Department of Employment and Economic Development if it has employees;

(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and

(iv) has filed a certificate of authority to transact business in Minnesota with the secretary of state if a foreign corporation or cooperative;

(2) the contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:

(i) repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of \$25,000 or more within the three-year period, provided that a failure to pay is "repeated" only if it involves two or more separate and distinct occurrences of underpayment during the three-year period;

(ii) has been issued an order to comply by the commissioner of labor and industry that has become final;

(iii) has been issued at least two determination letters within the three-year period by the Department of Transportation finding an underpayment by the contractor or related entity to its own employees;

(iv) has been found by the commissioner of labor and industry to have repeatedly or willfully violated any of the sections referenced in this clause pursuant to section 177.27;

(v) has been issued a ruling or findings of underpayment by the administrator of the Wage and Hour Division of the United States Department of Labor that have become final or have been upheld by an administrative law judge or the Administrative Review Board; or

(vi) has been found liable for underpayment of wages or penalties or misrepresenting a construction worker as an independent contractor in an action brought in a court having jurisdiction.

Provided that, if the contractor or related entity contests a determination of underpayment by the Department of Transportation in a contested case proceeding, a violation does not occur until the contested case proceeding has concluded with a determination that the contractor or related entity underpaid wages or penalties;

(3) the contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 181.723 or chapter 326B. For purposes of this clause, a violation occurs when a contractor or related entity has been issued a final administrative or licensing order;

(4) the contractor or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended based on the provisions of section 363A.36, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;

(5) the contractor or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals, due to a lack of good faith effort, more than once during the three-year period before submitting the verification;

(6) the contractor or related entity is not currently suspended or debarred by the federal government or the state of Minnesota or any of its departments, commissions, agencies, or political subdivisions that have authority to debar a contractor; and

(7) all subcontractors that the contractor intends to use to perform project work have verified to the contractor through a signed statement under oath by an owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5), occurring prior to July 1, 2014, shall not be considered in determining whether a contractor or related entity meets the minimum criteria.

Sec. 4. Minnesota Statutes 2014, section 16C.285, subdivision 4, is amended to read:

Subd. 4. **Verification of compliance.** A contractor responding to a solicitation document of a contracting authority shall submit to the contracting authority a signed statement under oath by an owner or officer verifying compliance with each of the minimum criteria in subdivision 3, with the exception of clause (7), at the time that it responds to the solicitation document. A contracting authority may accept a sworn statement as sufficient to demonstrate that a contractor is a responsible contractor and shall not be held liable for awarding a contract in reasonable reliance on that statement. ~~Failure~~ A contractor or subcontractor that fails to verify compliance with any

one of the required minimum criteria or makes a false statement under oath in a verification of compliance shall render the prime contractor or subcontractor that makes the false statement be ineligible to be awarded a construction contract on the project for which the verification was submitted. A false statement under oath verifying compliance with any of the minimum criteria may result in termination of a construction contract that has already been awarded to a prime contractor or subcontractor that submits a false statement. A contracting authority shall not be liable for declining to award a contract or terminating a contract based on a reasonable determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria. A verification of compliance need not be notarized. A typed electronic signature on a verification of compliance shall be acceptable to the same extent as a handwritten signature.

Sec. 5. Minnesota Statutes 2014, section 16C.285, subdivision 5, is amended to read:

Subd. 5. **Subcontractor verification.** A prime contractor or subcontractor shall include in its verification of compliance under subdivision 4 a list of all of its first-tier subcontractors that it intends to retain for work on the project. Prior to execution of a construction contract, and as a condition precedent to a construction contract, the apparent successful prime contractor shall submit to the contracting authority a supplemental verification under oath confirming compliance with subdivision 3, clause (7). Each contractor or subcontractor shall obtain from all subcontractors with which it will have a direct contractual relationship a signed statement under oath by an owner or officer verifying that they meet all of the minimum criteria in subdivision 3 prior to execution of a construction contract with each subcontractor. If a prime contractor or any subcontractor retains additional subcontractors on the project after submitting its verification of compliance, the prime contractor or subcontractor shall obtain verifications of compliance from each additional subcontractor with which it has a direct contractual relationship and shall submit a supplemental verification confirming compliance with subdivision 3, clause (7), within 14 days of retaining the additional subcontractors. A prime contractor shall submit to the contracting authority upon request copies of the signed verifications of compliance from all subcontractors of any tier pursuant to subdivision 3, clause (7). A prime contractor and subcontractors shall not be responsible for the false statements of any subcontractor with which they do not have a direct contractual relationship. A prime contractor and subcontractors shall be responsible for false statements by their first-tier subcontractors with which they have a direct contractual relationship only if they accept the verification of compliance with actual knowledge that it contains a false statement.

Sec. 6. Minnesota Statutes 2014, section 16C.285, subdivision 6, is amended to read:

Subd. 6. **Additional criteria.** Nothing in this section shall restrict the discretion of a contracting authority to establish additional criteria for defining a responsible contractor under other law or legal authority.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment for contracts for which requests for bids or proposals are issued after enactment."

Amend the title numbers accordingly

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

**Senator Dibble from the Committee on Transportation and Public Safety, to which was referred**

**S.F. No. 1573:** A bill for an act relating to transportation; motor carriers; prohibiting certain commercial motor vehicles from operating in Minnesota while a federal out-of-service order is effective; amending Minnesota Statutes 2014, sections 221.031, by adding a subdivision; 221.605, by adding a subdivision.

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

Page 1, lines 14 and 21, delete "396" and insert "386"

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

**Senator Dibble from the Committee on Transportation and Public Safety, to which was referred**

**S.F. No. 1574:** A bill for an act relating to public safety; clarifying requirements for overdimensional load escort drivers; amending Minnesota Statutes 2014, section 299D.085, subdivision 2.

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

**Senator Dibble from the Committee on Transportation and Public Safety, to which was referred**

**S.F. No. 1292:** A bill for an act relating to human services; regulating nonemergency medical transportation providers; modifying payment rates for nonemergency medical transportation services; amending Minnesota Statutes 2014, sections 174.29, subdivision 1; 174.30, subdivisions 3, 4, by adding a subdivision; 256B.0625, subdivisions 17, 17a, 18a, 18e; Laws 2014, chapter 312, article 24, section 45, subdivision 2.

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

**Senator Dibble from the Committee on Transportation and Public Safety, to which was re-referred**

**S.F. No. 455:** A bill for an act relating to elections; modifying various provisions related to election administration, including provisions related to school districts, voters, ballots, candidates, political party designation, military and overseas voting, and other election-related provisions; establishing the Elections Emergency Planning Task Force; enacting the Uniform Faithful Presidential Electors Act; amending voter registration procedures; restoring right to vote upon release from incarceration for a felony offense; providing for early voting; requiring use of actual address for redistricting purposes; making conforming changes; making technical changes; appropriating money; amending Minnesota Statutes 2014, sections 13.607, by adding a subdivision; 103C.311, subdivision 2; 123B.09, subdivision 1, by adding a subdivision; 200.02, subdivisions 7, 23, by adding subdivisions; 201.014, by adding a subdivision; 201.022, subdivision 1; 201.054, subdivisions 1, 2; 201.061, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.12, subdivisions 2, 3; 201.13, subdivision 3; 201.14; 201.157; 201.158; 201.161; 203B.001; 203B.01, subdivision 3, by adding a subdivision; 203B.03, subdivision 1; 203B.05, subdivision 1; 203B.07, subdivision 1; 203B.08, subdivisions 1, 3; 203B.081; 203B.085; 203B.121, subdivisions

1, 2, 3, 4, 5, by adding a subdivision; 203B.16, subdivisions 1, 2; 203B.17, subdivisions 1, 2; 204B.06, subdivision 1b; 204B.07, subdivision 2; 204B.145; 204B.19, subdivision 6; 204B.28, subdivision 2; 204B.36, subdivisions 1, 2, 3, 4; 204B.45, subdivisions 1, 2; 204C.04, subdivision 2; 204C.08, subdivision 1d; 204C.10; 204C.13, subdivisions 2, 3, 5; 204C.15, subdivision 1; 204C.22, subdivisions 3, 4, 7, 10; 204C.35, subdivisions 1, 2; 204C.36, subdivisions 1, 2; 204C.40, subdivision 2; 204D.11, subdivision 4; 204D.27, subdivision 11; 205.84, subdivision 1; 206.82, subdivision 1; 206.83; 206.90, subdivision 6; 208.02; 208.03; 208.06; 209.01, subdivision 2; 209.021, subdivisions 2, 3; 209.09, subdivision 2; 365.22, subdivisions 2, 3; 367.31, subdivision 4; 368.85, subdivision 4; 375.025, subdivision 1; 375A.09, subdivision 4; 376.04; 383B.68, subdivision 4; 412.551, subdivision 2; 473.123, subdivision 3a; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 123B; 201; 203B; 208; 241; 243; repealing Minnesota Statutes 2014, sections 123B.09, subdivision 5; 201.155; 201.275; 204B.14, subdivision 6; 204C.13, subdivision 4; 204C.30, subdivision 1; 208.07; 208.08; 383A.555.

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 1219:** A bill for an act relating to health; modifying the schedules of controlled substances; amending Minnesota Statutes 2014, section 152.02, subdivisions 2, 3, 4, 5, 6.

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

**Senator Latz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1434:** A bill for an act relating to human services; modifying human services data provisions; amending Minnesota Statutes 2014, sections 13.46, subdivisions 1, 2, 3; 13.461, subdivision 28; 13.4967, by adding a subdivision; 13.69, subdivision 1; 119B.02, subdivision 6; 245C.05, subdivisions 2c, 5; 245C.08, subdivision 2; 256.01, subdivisions 18d, 18e; 256B.04, by adding a subdivision; 626.557, subdivision 12b.

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

Page 2, delete section 2

Page 7, line 14, after the semicolon, insert "or"

Page 7, delete lines 15 to 19 and insert:

"(5) for purposes of investigation or prosecution under a criminal, civil, or administrative proceeding related to the administration of a program in the welfare system to:

(i) an agent of the welfare system; or

(ii) a law enforcement officer, an investigator, or a prosecutor acting on behalf of a county, the state, or the federal government."

Page 8, line 16, strike everything after "to"

Page 8, lines 17 to 21, delete the new language and strike the old language and insert a colon

Page 8, after line 21, insert:

"(i) the Department of Revenue for purposes of tax administration;

(ii) the Department of Labor and Industry for purposes of workers' compensation administration and enforcement;

(iii) the Department of Human Services for purposes of recovering Minnesota health care program benefits paid for recipients injured in motor vehicle accidents; and

(iv) the Department of Natural Resources for purposes of license application administration; and"

Page 9, delete lines 12 to 14

Page 9, line 15, delete "(3)" and insert "(2)"

Page 9, line 18, delete "(4)" and insert "(3)"

Page 12, after line 13, insert:

"(f) For background studies initiated on or after the implementation of NETStudy 2.0:

(1) the subject must be under continuous, direct supervision of the program that initiated the background study when providing direct contact services, until a notice under section 245C.17 is received;

(2) the entity that initiated the background study must be notified if seven days have elapsed and the background study subject has not provided fingerprints and a photograph under paragraph (d); and

(3) if a background study subject fails to provide fingerprints and a photograph under paragraph (d), the commissioner shall issue the entity that initiated the background study and the background study subject a notice that the background study has not been completed and that the subject must be removed from any position allowing direct contact or access to persons served by the entity.

The commissioner may extend the time period for providing fingerprints and a photograph if the background study subject or the entity that initiated the background study shows good cause for failure to comply in a timely manner, as determined by the commissioner."

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Latz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1356:** A bill for an act relating to human services; providing for human services policy modifications relating to children and family services, chemical and mental health services, direct care and treatment, operations, health care, and continuing care; making changes to child care assistance programs, home and community-based services standards, medical assistance, the alternative care program, Northstar Care for Children, children's therapeutic services and supports, human services licensing provisions, and the community first services and supports program; modifying requirements for background studies; extending a council; modifying the Minnesota Indian Family Preservation Act; making changes to provisions governing child out-of-home placement; modifying reporting requirements for maltreatment of children and vulnerable adults; making technical changes; requiring reports; modifying requirements for administrative sanctions



and hearings; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 2014, sections 119B.011, subdivision 16; 119B.025, subdivision 1; 119B.09, subdivision 9; 119B.125, subdivisions 1, 6, by adding subdivisions; 144.0724, subdivision 12; 148E.065, subdivision 4a; 168.012, subdivision 1; 245.462, subdivision 4; 245A.02, subdivision 13, by adding subdivisions; 245A.035, subdivisions 1, 5; 245A.04, subdivision 15a; 245A.07, subdivisions 2, 2a; 245A.11, subdivision 4; 245A.12; 245A.13; 245A.14, subdivision 14; 245A.148; 245A.16, subdivision 1; 245A.175; 245A.1915; 245A.192, subdivisions 3, 5, 10, 11, by adding subdivisions; 245A.40, subdivisions 3, 4, 5; 245A.50, subdivision 1; 245C.02, subdivision 2; 245C.04, subdivisions 4, 5, 6; 245C.05, subdivision 1; 245C.07; 245C.09, subdivision 1; 245C.10, by adding a subdivision; 245C.20, subdivision 2, by adding a subdivision; 245C.22, subdivision 7; 245D.10, subdivision 3; 245E.01, subdivision 8, by adding a subdivision; 245E.02, subdivisions 1, 4, by adding a subdivision; 245E.06, subdivisions 2, 3; 253B.212, subdivision 2, by adding a subdivision; 254B.05, subdivision 5; 256.01, subdivisions 4, 14b; 256.045, subdivisions 3, 6; 256.046, subdivision 1; 256.975, subdivision 7; 256B.0625, subdivision 31, by adding a subdivision; 256B.0911, subdivisions 1a, 2b, 3, 3a; 256B.0913, subdivisions 4, 5, 5a, 6, 10, 11, 12, by adding a subdivision; 256B.0943, subdivisions 1, 2, 3, 4, 5, 6, 9, 11; 256B.0946, subdivision 1; 256B.0947, subdivision 7a; 256B.85; 256N.02, subdivision 18; 256N.23, subdivision 6; 257.85, subdivision 3; 259A.01, subdivision 25; 259A.10, subdivision 6; 260.755, subdivisions 8, 14, by adding subdivisions; 260.761, subdivisions 1, 2; 260.771, subdivision 3; 260B.007, subdivision 12; 260C.007, subdivision 27, by adding a subdivision; 260C.168; 260C.178, subdivision 1; 260C.201, subdivision 5; 260C.212, subdivisions 1, 2; 260C.511; 402A.12; 402A.16, subdivisions 2, 4; 402A.18; 471.346; 609.821; 626.556, subdivisions 7, 10, 11d; 626.557, subdivisions 9a, 9b, 10; 626.5572, subdivisions 5, 6, 21; Laws 2013, chapter 108, article 7, section 58; proposing coding for new law in Minnesota Statutes, chapters 245; 245A; 256; 256B; 260; 609; repealing Minnesota Statutes 2014, sections 245D.061, subdivision 3; 245E.07, subdivision 3; 256B.0911, subdivision 6a; Minnesota Rules, parts 9505.0175, subpart 32; 9505.0365, subpart 2; 9505.1696, subpart 10; 9505.1709; 9535.2000; 9535.2100; 9535.2200; 9535.2300; 9535.2400; 9535.2500; 9535.2600; 9535.2700; 9535.2800; 9535.2900; 9535.3000; 9555.7400; 9555.7500.

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

Page 12, after line 16, insert:

"Sec. 18. Minnesota Statutes 2014, section 260.755, is amended by adding a subdivision to read:

Subd. 17a. **Qualified expert witness.** "Qualified expert witness" means an individual who meets the criteria in section 260.771, subdivision 6, and provides testimony as required by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912, regarding out-of-home placement or termination of parental rights relating to an Indian child."

Page 16, after line 20, insert:

"Sec. 23. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

Subd. 6. **Qualified expert witness and evidentiary requirements.** (a) In an involuntary foster care placement proceeding, the court must determine by clear and convincing evidence, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(e). In a termination of parental rights proceeding, the court must determine by evidence beyond a reasonable doubt,

including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child as defined in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(f).

(b) The local social services agency or any other party shall make diligent efforts to locate and present to the court a qualified expert witness designated by the Indian child's tribe. The qualifications of a qualified expert witness designated by the child's tribe is not subject to a challenge in Indian child custody proceedings. If a party cannot obtain testimony from a tribally designated qualified expert witness, the party shall submit to the court the efforts made to obtain a tribally designated qualified expert witness.

(c) If clear and convincing evidence establishes that a party's diligent efforts cannot produce testimony from a tribally designated qualified expert witness, the party shall demonstrate to the court that a proposed qualified expert witness is, in descending order of preference:

(1) a member of the child's tribe who is recognized by the Indian child's tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices; or

(2) an Indian person from an Indian community who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and contemporary and traditional child-rearing practices of the Indian child's tribe.

If clear and convincing evidence establishes that diligent efforts have been made to obtain a qualified expert witness who meets the criteria in clause (1) or (2), but those efforts have not been successful, a party may use an expert witness, as defined by the Minnesota Rules of Evidence, rule 702, who has substantial experience in providing services to Indian families and who has substantial knowledge of prevailing social and cultural standards and child-rearing practices within the Indian community. The court or any party may request the assistance of the Indian child's tribe or the Bureau of Indian Affairs agency serving the Indian child's tribe in locating persons qualified to serve as expert witnesses.

(d) The court may allow alternative methods of participation and testimony in state court proceedings by a qualified expert witness, such as participation or testimony by telephone, videoconferencing, or other methods.

Sec. 24. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

Subd. 7. **Good cause to deny transfer.** (a) Establishing good cause to deny transfer of jurisdiction to a tribal court is a fact-specific inquiry to be determined on a case-by-case basis. Socioeconomic conditions and the perceived adequacy of tribal or Bureau of Indian Affairs social services or judicial systems must not be considered in a determination that good cause exists. The party opposed to transfer of jurisdiction to a tribal court has the burden to prove by clear and convincing evidence that good cause to deny transfer exists. Opposition to a motion to transfer jurisdiction to tribal court must be in writing and must be served upon all parties.

(b) The court may find good cause to deny transfer to tribal court if:

(1) the Indian child's tribe does not have a tribal court or any other administrative body of a tribe vested with authority over child custody proceedings, as defined by the Indian Child Welfare Act,

United States Code, title 25, chapter 21, to which the case can be transferred, and no other tribal court has been designated by the Indian child's tribe; or

(2) the evidence necessary to decide the case could not be adequately presented in the tribal court without undue hardship to the parties or the witnesses and the tribal court is unable to mitigate the hardship by any means permitted in the tribal court's rules. Without evidence of undue hardship, travel distance alone is not a basis for denying a transfer.

Sec. 25. Minnesota Statutes 2014, section 260.771, is amended by adding a subdivision to read:

Subd. 8. **Good cause to not follow the order of placement preferences.** (a) The court may place outside the order of placement preferences if the court finds good cause. The court must not find good cause to place outside of the order of placement preferences without first ensuring that all possible placements required by the Indian Child Welfare Act of 1978, United States Code, title 25, chapter 21, have been considered. The court's determination of good cause to place outside the order of placement preferences must be based on:

(1) the reasonable request of the Indian child's parents, if one or both parents attest that they have reviewed the placement options that comply with the order of placement, as defined by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903(9), or of the Indian child if the child is able to understand and comprehend the decision that is being made;

(2) the testimony by a qualified expert witness designated by the child's tribe and, if necessary, testimony from an expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards, and contemporary and traditional child-rearing practices within that Indian child's tribe that supports placement outside the order of placement preferences due to extraordinary physical or emotional needs of the child that require highly specialized treatment services; or

(3) the testimony by the local social services agency that a diligent search has been conducted that did not locate any available suitable families for the child that meet the placement preference criteria.

(b) A good cause finding under this subdivision must consider whether active efforts were provided to extended family members who are considered the primary placement option, as agreed to by the local social service agency and the tribe, to assist them in becoming a placement option, as required by section 260.762.

(c) Good cause to place outside the order of placement preference must be determined at each stage of the proceedings."

Page 25, after line 34, insert:

"Sec. 35. Minnesota Statutes 2014, section 268.155, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(1) "Child support obligations" means obligations that are being enforced by a child support agency in accordance with a plan described in United States Code, title 42, ~~section~~ sections 454 and 455, of the Social Security Act that has been approved by the secretary of health and human services under part D of title IV of the Social Security Act. This does not include any type of spousal maintenance or foster care payments; and

(2) "Child support agency" means the public agency responsible for child support enforcement, including federally approved comprehensive Tribal IV-D programs.

**EFFECTIVE DATE.** This section is effective October 15, 2015.

Page 89, delete section 39

Page 99, delete section 53 and insert:

"Sec. 52. Minnesota Statutes 2014, section 256B.0625, is amended by adding a subdivision to read:

Subd. 17b. **Documentation required.** (a) As a condition for payment, nonemergency medical transportation providers must document each occurrence of a service provided to a recipient according to this subdivision. Providers must maintain odometer and other records sufficient to distinguish individual trips with specific vehicles and drivers. The documentation may be maintained in an electronic or paper form but must be made available and produced upon request. Program funds paid for transportation that is not documented according to this subdivision shall be recovered by the department.

(b) A nonemergency medical transportation provider must compile transportation records that meet the following requirements:

(1) the record must be in English and must be legible according to the standard of a reasonable person;

(2) the recipient's name must be on each page of the record; and

(3) each entry in the record must document:

(i) the date on which the entry is made;

(ii) the date or dates the service is provided;

(iii) the printed last name, first name, and middle initial of the driver;

(iv) the signature of the driver attesting to the following: "I certify that I have accurately reported in this mileage log the miles I actually drove and the dates and times I actually drove them. I understand that misreporting the miles driven and hours worked is fraud for which I could face criminal prosecution or civil proceedings.";

(v) the signature of the recipient attesting to the following: "I certify that I received the reported transportation service.";

(vi) the description and address of both the origin and destination, and the mileage for the most direct route from the origin to the destination;

(vii) the mode of transportation in which the service is provided;

(viii) the license plate number of the vehicle used to transport the recipient;

(ix) whether the service was ambulatory or nonambulatory until the modes under subdivision 17 are implemented;

(x) the time of the pickup and the time of the drop-off with "a.m." and "p.m." designations;

(xi) the number of medical assistance occupants in the vehicle;

(xii) the name of the extra attendant when an extra attendant is used to provide special transportation service; and

(xiii) the electronic source documentation used to calculate driving directions and mileage."

Page 101, line 12, after the period, insert "Only qualified professional" and delete "not"

Page 101, line 14, delete ", for no"

Page 101, delete line 15

Page 101, line 16, delete everything before the period

Page 101, line 28, after "system" insert "or other methods" and delete "verifies" and insert "verify"

Page 107, line 5, delete "felony" and insert "crime" and delete everything after "sentenced" and insert "as provided in section 609.52, subdivision 3, clauses (1) to (5)"

Page 107, line 6, delete everything before the third comma

Page 107, line 13, after the first comma, insert "in order to obtain child assistance program funds,"

Page 107, line 15, delete everything after "effective" and insert "August 1, 2015,"

Page 110, line 31, delete everything after "effective" and insert "August 1, 2015,"

Page 131, line 20, delete ", education," and insert "and education"

Page 131, line 21, delete the new language

Page 131, after line 21, insert:

"(15) coaching and counseling;"

Page 131, line 22, strike "(15)" and insert "(16)"

Page 131, line 24, strike "(16)" and insert "(17)"

Page 131, line 29, strike "(17)" and insert "(18)"

Page 131, line 30, strike "(18)" and insert "(19)"

Page 132, delete lines 32 to 35 and insert:

"(d) Alternative care covers sign language interpreter services and spoken language interpreter services for recipients eligible for alternative care when the services are necessary to help deaf and hard-of-hearing recipients or recipients with limited English proficiency obtain covered services. Coverage for face-to-face oral language interpreter services shall be provided only if the oral language interpreter used by the enrolled health care provider is listed in the registry or roster established under section 144.058."

Page 139, line 31, strike "services" and insert "service"

Page 144, line 25, strike "services" and insert "service"

Page 145, line 29, strike "services" and insert "service" and strike "supports" and insert "support"

Page 159, line 24, strike the old language and delete the new language

Page 159, line 25, strike everything before the period and insert "(b) Agency-provider services shall not be provided by the FMS provider"

Page 164, line 7, after "for" insert "the"

Page 172, line 13, after "agency-provider" insert "or through an FMS provider"

Page 172, line 14, delete "agency provider" and insert "agency-provider or through an FMS provider"

Page 172, line 17, after "agency-provider" insert "or FMS provider"

Page 172, line 18, after "agency-provider's" insert "or FMS provider's"

Page 172, line 19, delete "as required by subdivision 12a" and after "agency-provider" insert "or FMS provider"

Page 172, line 25, after "agency-provider" insert "or FMS provider" and after "agency-provider's" insert "or FMS provider's"

Page 174, line 19, after "services" insert "or FMS providers"

Page 174, line 20, delete "20a" and insert "20c"

Page 174, lines 23, 25, 28, 29, 30, 33, 35, and 36, after "agency-provider" insert "or FMS provider"

Page 175, line 2, after "agency-provider" insert "or FMS provider"

Amend the title numbers accordingly

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 1073:** A bill for an act relating to public safety; lowering the alcohol concentration standard for enhanced criminal penalties in the DWI law to match the existing standard for enhanced civil DWI sanctions; applying license plate impoundment to all DWI offenders and making other changes to the plate impoundment law; providing that DWI offenders are not required to take a specified examination as a condition of driver's license reinstatement; providing that certain participants in the DWI ignition interlock program do not have to obtain a limited driver's license as a condition of participating; allowing DWI offenders to pay their driver's license reinstatement fees and surcharges in installments; specifying which DWI ignition interlock program participants must present a noncancelable insurance certificate as a prerequisite to participating in the program; amending Minnesota Statutes 2014, sections 169A.03, subdivision 3; 169A.07; 169A.275, subdivision 5; 169A.285, subdivision 1; 169A.46, subdivision 1; 169A.60, subdivisions 1, 2, 4, 5, 10, 11, 12, 13; 171.29, subdivisions 1, 2; 171.30, subdivision 1; 171.306, subdivisions 4, 6; 609B.235, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 97B.066, subdivision 8, is amended to read:

Subd. 8. **Judicial review.** (a) Within ~~30~~ 60 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred giving rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against hunting. However, the filing of a petition stays imposition of the civil penalty. The judicial review shall be conducted according to the Rules of Civil Procedure.

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

Sec. 2. Minnesota Statutes 2014, section 97B.066, subdivision 9, is amended to read:

Subd. 9. **Hearing.** (a) A hearing under this section must be before a district court judge in the county where the incident occurred which gave rise to the test demand and refusal. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in the criminal prosecution under section 97B.065. The hearing must be recorded. The commissioner must be represented by the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred which gave rise to the test demand and refusal.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review. The reviewing court may order a temporary stay of the balance of the prohibition or revocation if the hearing has not been conducted within 60 days after filing of the petition, upon the application of the petitioner and upon terms the court deems proper.

(c) The scope of the hearing must be limited to the issues of:

- (1) whether the officer had probable cause to believe that the person violated section 97B.065;
- (2) whether one of the conditions in subdivision 1 existed;
- (3) whether the person was informed as prescribed in subdivision 3; and
- (4) whether the person refused to submit to testing.

(d) It is an affirmative defense for the petitioner to prove ~~that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds~~ any of the defenses described in section 169A.46.

(e) The court shall order that the prohibition or revocation be either sustained or rescinded and shall either sustain or rescind the civil penalty. The court shall forward a copy of the order to the commissioner.

(f) An affirmative defense authorized in paragraph (d) may not be raised unless notice is given to the commissioner at least seven days before the hearing on the matter.

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

Sec. 3. Minnesota Statutes 2014, section 169A.03, subdivision 3, is amended to read:

Subd. 3. **Aggravating factor.** "Aggravating factor" includes:

(1) a qualified prior impaired driving incident within the ten years immediately preceding the current offense;

(2) having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the offense; or

(3) having a child under the age of 16 in the motor vehicle at the time of the offense if the child is more than 36 months younger than the offender.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2014, section 169A.07, is amended to read:

**169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD VEHICLE OR BOAT.**

A person who violates section 169A.20 (driving while impaired) while using an off-road recreational vehicle or motorboat and who does not have a qualified prior impaired driving incident is subject only to the criminal penalty provided in section 169A.25 (second-degree driving while impaired), 169A.26 (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired); and loss of operating privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or mental disability), whichever is applicable. The person is not subject to the provisions of section 169A.275, subdivision 5, (submission to the level of care recommended in chemical use assessment for repeat offenders and offenders with alcohol concentration of ~~0.20~~ 0.16 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment); 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications; administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2014, section 169A.275, subdivision 5, is amended to read:

Subd. 5. **Level of care recommended in chemical use assessment.** Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), in addition to other penalties required under this section, the court shall order a person to submit to the level of care recommended in the chemical use assessment conducted under section 169A.70 (alcohol safety program; chemical use assessments) if the person is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time,



of the offense or if the violation occurs within ten years of one or more qualified prior impaired driving incidents.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 169A.285, subdivision 1, is amended to read:

Subdivision 1. **Authority; amount.** When a court sentences a person who violates section 169A.20 (driving while impaired) while having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the violation, the court may impose a penalty assessment of up to \$1,000. The court may impose this assessment in addition to any other penalties or charges authorized under law.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2014, section 169A.37, subdivision 1, is amended to read:

Subdivision 1. **Crime described.** It is a crime for a person:

(1) to fail to comply with an impoundment order under section 169A.60 (administrative plate impoundment);

(2) to file a false statement under section 169A.60, subdivision 7, 8, or 14;

(3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under section 169A.60, unless specially coded plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13;

(4) to fail to notify the commissioner of the impoundment order when requesting new plates;

(5) who is subject to a plate impoundment order under section 169A.60, to drive, operate, or be in control of any motor vehicle during the impoundment period, unless the vehicle is employer-owned and is not required to be equipped with an ignition interlock device pursuant to section 171.306, subdivision 4, paragraph (b), or Laws 2013, chapter 127, section 70, or has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person is validly licensed to drive; or

(6) who is the transferee of a motor vehicle and who has signed a sworn statement under section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period; or

(7) to intentionally remove all or a portion of or to otherwise obliterate or damage a permanent sticker affixed on and invalidating a registration plate under section 169A.60, subdivision 4.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2014, section 169A.41, is amended by adding a subdivision to read:

**Subd. 5. Disclosure of test results.** (a) Upon the request of the driver or the driver's counsel, the results of a preliminary screening test must be disclosed to the requestor immediately by the peace officer who administered the test.

(b) A test result recorded in a digital or numerical manner must be disclosed in the same digital or numerical manner.

(c) If a peace officer does not comply with this subdivision, the test result may not be used in any proceeding under section 169A.53 or listed in subdivision 2.

(d) This subdivision applies only to persons who have been arrested for a violation of sections 169A.20 to 169A.27, 169A.31, or 169A.33.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to preliminary screening tests administered on or after that date.

Sec. 9. Minnesota Statutes 2014, section 169A.46, is amended to read:

**169A.46 AFFIRMATIVE DEFENSES.**

Subdivision 1. ~~**Impairment occurred**~~ **Consumption after driving ceased.** (a) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 1, clause (5) or (6); 1a, clause (5); 1b, clause (5); or 1c, clause (5) (driving while impaired, alcohol concentration within two hours of driving), or 169A.20 by a person having an alcohol concentration of ~~0.20~~ 0.16 or more as measured at the time, or within two hours of the time, of the offense, that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause. ~~Evidence that the defendant consumed alcohol after the time of the violation may not be admitted in defense to any alleged violation of section 169A.20, unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.~~

(b) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 1, clauses (1) to (4); 1a, clauses (1) to (4); 1b, clauses (1) to (4); or 1c, clauses (1) to (4), that the defendant consumed a sufficient quantity of alcohol, controlled substance, or hazardous substance, or a combination of those elements, after the time of the violation to cause the defendant to be under the influence.

Subd. 2. ~~**Impairment from Prescription drug.**~~ If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20 subdivision 1, clause (7) (presence of Schedule I or II controlled substance); 1a, clause (6); 1b, clause (6); or 1c, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 3. **Reasonable grounds to refuse test.** If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 2 (driving while impaired, test refusal offense), that the defendant's refusal to permit the test was based upon reasonable grounds.

Subd. 4. **Necessity.** If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20 (driving while impaired) that the defendant's conduct was a result of necessity.

Subd. 5. **Notice required.** An affirmative defense described in this section may not be raised unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except that the alcohol concentration threshold change in subdivision 1, paragraph (a), is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2014, section 169A.53, subdivision 2, is amended to read:

Subd. 2. **Petition for judicial review.** (a) Within ~~30~~ 60 days following receipt of a notice and order of revocation or disqualification pursuant to section 169A.52 (revocation of license for test failure or refusal), a person may petition the court for review. The petition must be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner, and accompanied by the standard filing fee for civil actions. Responsive pleading is not required of the commissioner, and court fees must not be charged for the appearance of the commissioner in the matter.

(b) The petition must:

(1) be captioned in the full name of the person making the petition as petitioner and the commissioner as respondent;

(2) include the petitioner's date of birth, driver's license number, and date of the offense; and

(3) state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial.

(c) The filing of the petition does not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper.

(d) Judicial reviews must be conducted according to the Rules of Civil Procedure, except that prehearing discovery is mandatory and is limited to:

(1) the notice of revocation;

(2) the test record or, in the case of blood or urine tests, the certificate of analysis;

(3) the peace officer's certificate and any accompanying documentation submitted by the arresting officer to the commissioner; and

(4) disclosure of potential witnesses, including experts, and the basis of their testimony.

Other types of discovery are available only upon order of the court.

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

Sec. 11. Minnesota Statutes 2014, section 169A.53, subdivision 3, is amended to read:

Subd. 3. **Judicial hearing; issues, order, appeal.** (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall

establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) In addition to any constitutional challenges, the scope of the hearing is limited to the issues in clauses (1) to ~~(10)~~ (11):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person driving, operating, or in physical control of a motor vehicle?

~~(2)~~ (3) Was the person lawfully placed under arrest for violation of section 169A.20?

~~(3)~~ (4) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

~~(4)~~ (5) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

~~(5)~~ (6) If the screening test was administered, did the test indicate an alcohol concentration of 0.08 or more?

~~(6)~~ (7) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

~~(7)~~ (8) Did the person refuse to permit the test?

~~(8)~~ (9) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.08 or more; or

(ii) the presence of a controlled substance listed in Schedule I or II or its metabolite, other than marijuana or tetrahydrocannabinols?

~~(9)~~ (10) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

~~(10)~~ (11) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove ~~that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds~~ any of the defenses described in section 169A.46.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's

driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Appellate Procedure.

(g) The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution.

(h) An affirmative defense authorized in paragraph (c) may not be raised unless notice is given to the commissioner at least seven days before the hearing on the matter.

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

Sec. 12. Minnesota Statutes 2014, section 169A.55, subdivision 2, is amended to read:

Subd. 2. **Reinstatement of driving privileges; notice.** Upon expiration of a period of revocation under section 169A.52 (license revocation for test failure or refusal) or 169A.54 (impaired driving convictions and adjudications; administrative penalties), the commissioner shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) ~~successful completion of an examination and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and~~ (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 169A.60 (administrative impoundment of plates) as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

Sec. 13. Minnesota Statutes 2014, section 169A.55, subdivision 5, is amended to read:

Subd. 5. **Reinstatement of driving privileges; certain criminal vehicular operation offenses.** A person whose driver's license has been revoked under section 171.17, subdivision 1, paragraph (a), clause (1) (revocation, criminal vehicular operation), or suspended under section 171.187 (suspension, criminal vehicular operation), for a violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or section 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii) (criminal vehicular operation, alcohol-related provisions), ~~resulting in bodily harm, substantial bodily harm, or great bodily harm,~~ shall not be eligible for reinstatement of driving privileges until the person has submitted to the commissioner verification of the use of ignition interlock for the applicable time period specified in those sections. To be eligible for reinstatement under this subdivision, a person shall utilize an ignition interlock device that meets the performance standards and certification requirements under subdivision 4, paragraph (c).

Sec. 14. Minnesota Statutes 2014, section 169A.60, subdivision 4, is amended to read:

Subd. 4. **Peace officer as agent for notice of impoundment.** On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation for a plate impoundment violation shall also serve a notice of intent to impound and an order of impoundment. On behalf

of the commissioner, a peace officer who is arresting a person for or charging a person with a plate impoundment violation described in subdivision 1, paragraph (d), clause (5), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the plate impoundment violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. Alternatively, the officer may invalidate the plates by affixing a permanent sticker on them. The officer shall send to the commissioner copies of the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed or have been affixed with the permanent sticker.

Sec. 15. Minnesota Statutes 2014, section 169A.60, subdivision 5, is amended to read:

Subd. 5. **Temporary permit.** If the motor vehicle is registered to the violator and the plate impoundment violation is predicated on the results of a chemical test of the violator's breath or on a refusal to submit to a chemical test, the officer shall issue a temporary vehicle permit that is valid for ~~seven~~ 14 days when the officer issues the notices under subdivision 4. The temporary permit is valid for 45 days if the violator submits to a chemical test of the violator's blood or urine. If the motor vehicle is registered in the name of another, the officer shall issue a temporary vehicle permit that is valid for 45 days when the notices are issued under subdivision 3. The permit must be in a form determined by the registrar and whenever practicable must be posted on the left side of the inside rear window of the vehicle. A permit is valid only for the vehicle for which it is issued.

Sec. 16. Minnesota Statutes 2014, section 169A.60, subdivision 10, is amended to read:

Subd. 10. **Petition for judicial review.** (a) Within ~~30~~ 60 days following receipt of a notice and order of impoundment under this section, a person may petition the court for review. The petition must include proof of service of a copy of the petition on the commissioner. The petition must include the petitioner's date of birth, driver's license number, and date of the plate impoundment violation, as well as the name of the violator and the law enforcement agency that issued the plate impoundment order. The petition must state with specificity the grounds upon which the petitioner seeks rescission of the order for impoundment. The petition may be combined with any petition filed under section 169A.53 (administrative and judicial review of license revocation).

(b) Except as otherwise provided in this section, the judicial review and hearing are governed by section 169A.53 and must take place at the same time as any judicial review of the person's license revocation under section 169A.53. The filing of the petition does not stay the impoundment order. The reviewing court may order a stay of the balance of the impoundment period if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. The court shall order either that the impoundment be rescinded or sustained, and forward the order to the commissioner. The court shall file its order within 14 days following the hearing.

(c) In addition to the issues described in section 169A.53, subdivision 3 (judicial review of license revocation), the scope of a hearing under this subdivision is limited to:

(1) if the impoundment is based on a plate impoundment violation described in subdivision 1, paragraph (d), clause (3) or (4), whether the peace officer had probable cause to believe the violator committed the plate impoundment violation and whether the evidence demonstrates that the plate impoundment violation occurred; and

(2) for all other cases, whether the peace officer had probable cause to believe the violator committed the plate impoundment violation.

(d) In a hearing under this subdivision, the following records are admissible in evidence:

(1) certified copies of the violator's driving record; and

(2) certified copies of vehicle registration records bearing the violator's name.

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

Sec. 17. Minnesota Statutes 2014, section 169A.60, subdivision 13, is amended to read:

Subd. 13. **Special registration plates.** (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

(1) the violator has a qualified licensed driver whom the violator must identify;

(2) the violator or registered owner has a limited license issued under section 171.30;

(3) the registered owner is not the violator and the registered owner has a valid or limited driver's license;

(4) a member of the registered owner's household has a valid driver's license; or

(5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested.

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a vehicle for which the registration plates have been impounded if:

(1) the impoundment order is rescinded;

(2) the vehicle is transferred in compliance with subdivision 14; ~~or~~

(3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency; or

(4) the violator becomes a program participant in the ignition interlock program under section 171.306.

Sec. 18. Minnesota Statutes 2014, section 169A.63, is amended by adding a subdivision to read:

Subd. 13. **Exception.** (a) This section does not apply if the driver who committed the designated offense or whose conduct resulted in the designated license revocation becomes a program participant in the ignition interlock program under section 171.306 within 60 days following service of the Notice of Seizure and Intent to Forfeit under this section.

(b) Notwithstanding paragraph (a), if the program participant described in paragraph (a) subsequently operates the motor vehicle to commit a designated offense or in a manner that results in a designated license revocation, the vehicle must be seized and summarily forfeited.

(c) Paragraph (b) applies only if the described subsequent vehicle operation occurs before the participant has been restored to full driving privileges or within three years of the original designated offense or designated license revocation, whichever occurs latest.

Sec. 19. Minnesota Statutes 2014, section 171.09, subdivision 1, is amended to read:

Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) The commissioner shall restrict the operating privileges of a holder of a class A, class B, or class C commercial driver's license in accordance with Code of Federal Regulations, title 49, sections 383.73 and 383.95.

(d) The commissioner may restrict the operating privileges of a holder of a class A, class B, or class C commercial driver's license to the extent that the restrictions are authorized by section 221.0314, subdivision 3 or 3a, or rules adopted under those subdivisions or section 221.031.

(e) Upon receiving satisfactory evidence of any violation of the restrictions on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(f) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

(g) It is a misdemeanor for a person who holds a restricted license issued under section 171.306 to drive, operate, or be in physical control of any motor vehicle that is not equipped with a functioning ignition interlock device certified by the commissioner. Notwithstanding section



609.101, subdivision 4, the Judicial Council may not add a violation of this paragraph to the Statewide Payables List.

Sec. 20. Minnesota Statutes 2014, section 171.29, subdivision 1, is amended to read:

Subdivision 1. **Examination required.** (a) No person whose driver's license has been revoked by reason of conviction, plea of guilty, or forfeiture of bail not vacated, under section 169.791, 169.797, 171.17, or 171.172, or revoked under section 169.792 ~~or 169A.52~~ shall be issued another license unless and until that person shall have successfully passed an examination as required by the commissioner of public safety. This subdivision does not apply to an applicant for early reinstatement under section 169.792, subdivision 7a.

(b) The requirement to successfully pass the examination described in paragraph (a) does not apply to a person whose driver's license has been revoked because of an impaired driving offense.

Sec. 21. Minnesota Statutes 2014, section 171.29, subdivision 2, is amended to read:

Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a) An individual whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, must pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52, 169A.54, 609.2112, 609.2113, or 609.2114, or Minnesota Statutes 2012, section 609.21, must pay a \$250 fee plus a \$430 surcharge before the driver's license is reinstated, except as provided in paragraph (f). The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the driver services operating account in the special revenue fund as specified in section 299A.705.

(2) Sixty-seven percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the Bureau of Criminal Apprehension account. Money in this account is annually appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Five percent must be credited to a separate account to be known as the vehicle forfeiture account, which is created in the special revenue fund. The money in the account is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

(c) The revenue from \$50 of the surcharge must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The revenue from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the first installment payment to the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 83 percent for contracts with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 17 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this paragraph, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The

organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(1) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(2) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(3) the development and support of programs and services to prevent traumatic brain injury;

(4) the establishment of education programs for persons with traumatic brain injury; and

(5) the empowerment of persons with traumatic brain injury through participation in its governance.

A patient's name, identifying information, or identifiable medical data must not be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

(d) The remainder of the surcharge must be credited to a separate account to be known as the remote electronic alcohol-monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of management and budget on a monthly basis for deposit in the general fund.

(e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved depository as directed under section 171.061, subdivision 4.

(f) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 ~~and who the court certifies as being financially eligible for a public defender under section 611.17,~~ may choose to pay 50 percent and an additional \$25 of the total amount of the surcharge and 50 percent of the fee required under paragraph (b) to reinstate the person's driver's license, provided the person meets all other requirements of reinstatement. If a person chooses to pay 50 percent of the total and an additional \$25, the driver's license must expire after ~~two years~~ one year. Upon expiration, the person must pay an additional 50 percent less \$25 of the total to extend the license for an additional ~~two~~ three years, provided the person is otherwise still eligible for the license. After this final payment of the surcharge and fee, the license may be renewed on a standard schedule, as provided under section 171.27. A handling charge may be imposed for each installment payment. Revenue from the handling charge is credited to the driver services operating account in the special revenue fund and is appropriated to the commissioner.

(g) Any person making installment payments under paragraph (f), whose driver's license subsequently expires, or is canceled, revoked, or suspended before payment of 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial reinstatement before the driver's license is subsequently reinstated. Upon payment of the outstanding balance due for the initial reinstatement, the person may pay any new surcharge and fee imposed under paragraph (b) in installment payments as provided under paragraph (f).

**EFFECTIVE DATE.** This section is effective July 1, 2015.

Sec. 22. Minnesota Statutes 2014, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license to the driver under the conditions in paragraph (b) in any case where a person's license has been:

(1) suspended under section 171.18, 171.173, 171.186, or 171.187;

(2) revoked, canceled, or denied under section:

(i) 169.792;

(ii) 169.797;

(iii) 169A.52:

(A) subdivision 3, paragraph (a), clause (1) or (2); or

~~(B) subdivision 3, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

~~(C) (B) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit;~~

~~(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;~~

(iv) 171.17; or

(v) 171.172; or

(3) revoked, canceled, or denied under section 169A.54:

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2); or

~~(iii) subdivision 1, clause (5), (6), or (7), if in compliance with section 171.306; or~~

~~(iv) (iii) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, and the test results indicate an alcohol concentration of less than twice the legal limit.~~

(b) The following conditions for a limited license under paragraph (a) include:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

(c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively

demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

(d) For purposes of this subdivision:

(1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and

(2) "twice the legal limit" means an alcohol concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

(e) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

(f) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

(g) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

(i) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

(j) The commissioner shall not issue a class A, class B, or class C limited license.

Sec. 23. Minnesota Statutes 2014, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections; or

(2) one year, to a person whose license or privilege has been revoked or suspended for committing manslaughter resulting from the operation of a motor vehicle, committing criminal vehicular homicide or injury under section ~~609.21, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), committing criminal vehicular homicide under section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4);~~ 609.2112, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8); 609.2113, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), subdivision 2, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 3, clause (1), (2), item (ii), (5), (6), (7), or (8); or 609.2114, subdivision 1, clause (1), (2), item (ii), (5), (6), (7), or (8), or subdivision 2, clause (1),

(2), item (ii), (5), (6), (7), or (8), or violating a statute or ordinance from another state in conformity with either of those offenses.

Sec. 24. Minnesota Statutes 2014, section 171.30, subdivision 5, is amended to read:

Subd. 5. **Exception; criminal vehicular operation.** Notwithstanding subdivision 1, the commissioner may not issue a limited license to a person whose driver's license has been suspended or revoked due to a violation of ~~section 609.21, subdivision 1, clause (2), item (i) or (iii), (3), or (4), resulting in bodily harm, substantial bodily harm, or great bodily harm~~ section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4), subdivision 2, clause (2), item (i) or (iii), (3), or (4), or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4).

Sec. 25. Minnesota Statutes 2014, section 171.306, subdivision 1, is amended to read:

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

(b) "Ignition interlock device" or "device" means equipment that is designed to measure breath alcohol concentration and to prevent a motor vehicle's ignition from being started by a person whose breath alcohol concentration measures 0.02 or higher on the equipment.

(c) "Program participant" means a person who has qualified to take part in the ignition interlock program under this section, and whose driver's license has been:

(1) revoked, canceled, or denied under section 169A.52, 169A.54, or 171.04, subdivision 1, clause (10); or

(2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of ~~section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4);~~ resulting in bodily harm, substantial bodily harm, or great bodily harm.

(d) "Qualified prior impaired driving incident" has the meaning given in section 169A.03, subdivision 22.

Sec. 26. Minnesota Statutes 2014, section 171.306, subdivision 2, is amended to read:

Subd. 2. **Performance standards; certification; manufacturer requirements.** (a) The commissioner shall establish performance standards and a process for certifying devices used in the ignition interlock program. The manufacturer of a device must apply annually for certification of the device by submitting the form prescribed by the commissioner. The commissioner shall require manufacturers of certified devices to:

(1) provide device installation, servicing, and monitoring to indigent program participants at a discounted rate, according to the standards established by the commissioner; and

(2) include in an ignition interlock device contract a provision that a program participant who voluntarily terminates participation in the program is only liable for servicing and monitoring costs

incurred during the time the device is installed on the motor vehicle, regardless of whether the term of the contract has expired.

(b) The commissioner shall require a program participant seeking a reduced rate based on indigency to submit a sworn statement affirming that the proof of the participant's indigency is accurate. The commissioner shall notify the participant of the criminal penalty in subdivision 6, paragraph (c), for submitting false information for this purpose. If the commissioner determines that the statement contains false material information, the commissioner shall deny the participant the discounted rate.

Sec. 27. Minnesota Statutes 2014, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device.

If the participant has previously been convicted of violating section 169.791, 169.793, or 169.797, or the participant's license has previously been suspended or canceled under section 169.792 or 169.797, the commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be that is certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been: (1) revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), (3), or (4); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), ~~resulting in bodily harm, substantial bodily harm, or great bodily harm~~; where the participant has fewer than two qualified prior impaired driving incidents within the past ten years or fewer than three qualified prior impaired driving incidents ever; may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been: (1) revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), or section 169A.54, subdivision 1, clause (5), (6), or (7); or (2) revoked under section 171.17, subdivision 1, paragraph (a), clause (1), or suspended under section 171.187, for a violation of section 609.2112, subdivision 1, clause (2), item (i) or (iii), (3), or (4); 609.2113, subdivision 1, clause (2), item (i) or (iii), (3), or (4); subdivision 2, clause (2), item (i) or (iii), (3), or (4); or subdivision 3, clause (2), item (i) or (iii), (3), or (4); or 609.2114, subdivision 1, clause (2), item (i) or (iii), (3), or (4), or subdivision 2, clause (2), item (i) or (iii), (3), or (4), ~~resulting in bodily harm, substantial bodily harm, or great bodily harm,~~ where the participant has two or more qualified prior impaired driving incidents within the past ten years or three or more qualified prior impaired driving incidents ever; may apply for a ~~limited conditional reinstatement of the driver's license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing~~ As a prerequisite to eligibility for eventual reinstatement of full driving privileges, a participant whose chemical use assessment recommended treatment or rehabilitation shall complete a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph extend the time period that the participant must participate in the program until the participant has reached the required abstinence period described in section 169A.55, subdivision 4.

(e) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

Sec. 28. Minnesota Statutes 2014, section 171.306, subdivision 5, is amended to read:

**Subd. 5. Penalties; program violations.** (a) If a program participant tampers with, circumvents, or bypasses a device; drives, operates, or exercises physical control over a motor vehicle not equipped with a device certified by the commissioner; ~~violates a condition of a limited license issued under subdivision 4 and section 171.30;~~ or violates the program guidelines of subdivision 3, the commissioner shall extend the person's revocation period under section 169A.52 or 169A.54 by:

- (1) 180 days for a first violation;
- (2) one year for a second violation; or
- (3) 545 days for a third and each subsequent violation.

(b) Notwithstanding paragraph (a), the commissioner may terminate participation in the program by any person when, in the commissioner's judgment, termination is necessary to the

interests of public safety and welfare. In the event of termination, the commissioner shall not reduce the applicable revocation period under section 169A.52 or 169A.54 by the amount of time during which the person possessed a ~~limited~~ or restricted driver's license issued under the authority of subdivision 4.

Sec. 29. Minnesota Statutes 2014, section 171.306, subdivision 6, is amended to read:

Subd. 6. **Penalties; tampering.** (a) A person who lends, rents, or leases a motor vehicle that is not equipped with a functioning ignition interlock device certified by the commissioner to a person with a license issued under this section knowing that the person is subject to the ignition interlock restriction is guilty of a misdemeanor.

(b) A person who tampers with, circumvents, or bypasses the ignition interlock device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a misdemeanor except when the action was taken for emergency purposes or for mechanical repair, and the person limited to the use of an ignition interlock device does not operate the motor vehicle while the device is disengaged.

(c) A program participant who knowingly submits false material information to an ignition interlock device manufacturer or the commissioner of public safety relating to the participant's eligibility for a discounted rate based on indigency is guilty of a misdemeanor.

(d) Notwithstanding section 609.101, subdivision 4, the Judicial Council may not add a violation of this subdivision to the Statewide Payables List.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 30. Minnesota Statutes 2014, section 609.2111, is amended to read:

**609.2111 DEFINITIONS; AFFIRMATIVE DEFENSES.**

Subdivision 1. **Definitions.** (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision have the meanings given them.

(b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers.

(c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(d) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

Subd. 2. **Affirmative defenses.** (a) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 609.2112, subdivision 1, clause (3) or (4); section 609.2113, subdivision 1, clause (3) or (4); subdivision 2, clause (3) or (4); or subdivision 3, clause (3) or (4); or section 609.2114, subdivision 1, clause (3) or (4); or subdivision 2, clause (3) or (4), that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause.

(b) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 609.2112, subdivision 1, clause (2) or (5); section 609.2113, subdivision 1, clause (2) or (5); subdivision 2, clause (2) or (5); or subdivision 3, clause (2) or (5); or section 609.2114, subdivision 1,



clause (2) or (5); or subdivision 2, clause (2) or (5), that the defendant consumed a sufficient quantity of alcohol, controlled substance, or hazardous substance, or a combination of those elements, after the time of the violation to cause the defendant to be under the influence.

(c) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 609.2112, subdivision 1, clause (6); section 609.2113, subdivision 1, clause (6); subdivision 2, clause (6); or subdivision 3, clause (6); or section 609.2114, subdivision 1, clause (6); or subdivision 2, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

(d) If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 609.2112, 609.2113, or 609.2114 that the defendant's conduct was a result of necessity.

(e) An affirmative defense described in this subdivision may not be raised unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

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

Sec. 31. **LIMITATION; CONSTRUCTION.**

The affirmative defense changes in this bill are limited to driving while impaired and criminal vehicular operation-related proceedings. A court may not construe these amendments as addressing or limiting the applicability of affirmative defenses in other criminal or civil proceedings.

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

Sec. 32. **REPEALER.**

Minnesota Statutes 2014, sections 609.2112, subdivision 2; 609.2113, subdivision 4; and 609.2114, subdivision 4, are repealed.

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

Delete the title and insert:

"A bill for an act relating to driving while impaired; addressing the applicability of certain affirmative defenses in DWI and CVO-related proceedings; clarifying the scope of the implied consent hearing; extending certain time periods to request reviews in DWI-related proceedings; requiring the disclosure of preliminary screening test results under certain circumstances in DWI proceedings; lowering the alcohol concentration standard for enhanced criminal penalties in the DWI law to match the existing standard for enhanced civil DWI sanctions; modifying the DWI plate impoundment law relating to how plates are impounded and reissued; providing that DWI offenders are not required to take a specified examination as a condition of driver's license reinstatement; prohibiting the application of the DWI Forfeiture Law to motor vehicles operated by persons who enter the ignition interlock program; providing that certain participants in the ignition interlock program do not have to obtain a limited driver's license as a condition of participating; requiring indigent ignition interlock program participants to submit a sworn statement regarding indigency and making submitting a false statement a crime; making ignition interlock crimes nonpayable offenses; requiring criminal vehicular homicide offenders to participate in the ignition interlock program; specifying which ignition interlock program participants must present a noncancelable insurance certificate as a prerequisite to participating in the program; allowing DWI offenders to pay their driver's license reinstatement fees and surcharges in installments; providing

criminal penalties; amending Minnesota Statutes 2014, sections 97B.066, subdivisions 8, 9; 169A.03, subdivision 3; 169A.07; 169A.275, subdivision 5; 169A.285, subdivision 1; 169A.37, subdivision 1; 169A.41, by adding a subdivision; 169A.46; 169A.53, subdivisions 2, 3; 169A.55, subdivisions 2, 5; 169A.60, subdivisions 4, 5, 10, 13; 169A.63, by adding a subdivision; 171.09, subdivision 1; 171.29, subdivisions 1, 2; 171.30, subdivisions 1, 2a, 5; 171.306, subdivisions 1, 2, 4, 5, 6; 609.2111; repealing Minnesota Statutes 2014, sections 609.2112, subdivision 2; 609.2113, subdivision 4; 609.2114, subdivision 4."

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

**Senator Latz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 152:** A bill for an act relating to civil liability; providing immunity from liability for certain agritourism activities; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Delete everything after the enacting clause and insert:

"Section 1. **[604A.40] AGRITOURISM; IMMUNITY FROM LIABILITY.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in paragraphs (b) to (g) have the meanings given them.

(b) "Agricultural products" means livestock, aquaculture, poultry, horticultural, floricultural, viticultural, silvicultural, or other products of a farm or ranch.

(c) "Agritourism activity" means activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

(d) "Agritourism professional" means a person who is engaged in providing one or more agritourism activities, whether or not for compensation.

(e) "Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting, or processing of agricultural products.

(f) "Inherent risks of agritourism activity" mean dangers or conditions that are an integral part of an agritourism activity including but not limited to:

(1) natural hazards and conditions of land, vegetation, and waters including surface and subsurface conditions;

(2) the behavior of wild or domestic animals; and

(3) ordinary dangers of structures or equipment ordinarily used in farming or ranching operations.

(g) "Participant" means a person, other than an agritourism professional, who engages in an agritourism activity and who has the capacity to understand the inherent risks of agricultural tourism.

Subd. 2. **Liability limited.** (a) Except as provided in paragraphs (b) and (c), an agritourism professional is not liable for injury, damage, or death of a participant resulting from the inherent risks of agritourism activities.

(b) Nothing in paragraph (a) prevents or limits the liability of an agritourism professional if the agritourism professional:

(1) commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death of the participant;

(2) has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity, or the dangerous propensity of a particular animal used in such activity;

(3) intentionally injures the participant; or

(4) fails to comply with the notice requirement of subdivision 3.

(c) Nothing in paragraph (a) affects a claim under chapter 340A, or a claim arising out of the sale or use of alcohol at an agritourism facility.

Subd. 3. **Posting notice.** An agritourism professional shall post plainly visible signs at one or more prominent locations in the premises where the agritourism activity takes place that include a warning of the inherent risks of agritourism activity.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to actions arising from incidents occurring on or after that date."

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 619:** A bill for an act relating to data practices; clarifying the protection of addresses in legal proceedings for certain victims of violence; amending Minnesota Statutes 2014, sections 5B.11; 13.03, subdivision 6.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2014, section 5B.11, is amended to read:

**5B.11 LEGAL PROCEEDINGS; PROTECTIVE ORDER.**

If a program participant is involved in a legal proceeding as a party or witness, (a) If a program participant's address is protected under section 5B.05, no person may be compelled to disclose the participant's actual address during discovery or during a proceeding before a court or other tribunal unless the court or tribunal finds that:

(1) there is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and

(2) there is no other practicable way of obtaining the information or evidence.

(b) The court must provide the program participant with notice that address disclosure is sought and an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure. In a criminal proceeding, the court must order disclosure of a program participant's address if protecting the address would violate a defendant's constitutional right to confront a witness.

(c) Disclosure of a participant's actual address under this section must be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

(d) This section does not prevent the court or other tribunal ~~may issue~~ from issuing a protective order to prevent disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location."

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 994:** A bill for an act relating to juvenile justice; addressing numerous issues relating to juveniles including diversion, use of restraints, and alternatives to detention; appropriating money; amending Minnesota Statutes 2014, sections 244.05, subdivisions 4, 5; 260B.001, subdivision 2; 260B.125, by adding a subdivision; 260B.130, subdivision 4; 609.106, subdivision 2, by adding a subdivision; 609.3455, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 260B.

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

Page 2, line 9, after "behavior" insert "or behavior while in custody for any current or prior offense"

Page 2, line 12, after "shall" insert "be provided the child's behavior history and shall" and after "heard" insert "in person or through counsel"

Page 2, after line 29, insert:

"Sec. 5. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

By July 1, 2016, each judicial district shall develop a protocol to address how to implement and comply with section 2. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, and public defenders within the district, as well as any other entity deemed necessary by the district's chief judge."

Page 3, line 14, after "(b)" insert "Except as provided in paragraph (f),"

Page 3, after line 25, insert:

"(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) who was under 18 years of age at the time of the commission of the offense requiring the life sentence, and who was certified under section 260B.125 or designated an extended jurisdiction juvenile under section 260B.130, must not be given supervised release under this section without having served a minimum term of imprisonment of 20 years."

Page 6, delete article 3

Amend the title as follows:

Page 1, line 3, delete everything after "and" and insert "sentencing"

Page 1, line 4, delete "money"

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

**Senator Lutz from the Committee on Judiciary, to which was referred**

**S.F. No. 440:** A bill for an act relating to courts; providing for conciliation court jurisdiction to determine claims by a county against a nonresident; amending Minnesota Statutes 2014, section 491A.01, by adding a subdivision.

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

**Senator Lutz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 746:** A bill for an act relating to health records; adding adult children of a deceased patient to the definition of patient; amending Minnesota Statutes 2014, section 144.291, subdivision 2.

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

**Senator Lutz from the Committee on Judiciary, to which was re-referred**

**S.F. No. 702:** A bill for an act relating to human services; modifying provisions related to individuals who are committed as mentally ill and dangerous to the public; imposing duties on special review board and the head of the treatment facility; amending Minnesota Statutes 2014, section 253B.18, subdivisions 4c, 5.

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

**Senator Lutz from the Committee on Judiciary, to which was referred**

**S.F. No. 405:** A bill for an act relating to public safety; lowering the penalty for the performance of acts prohibited by statutes for which no penalty is specified; amending Minnesota Statutes 2014, section 645.241.

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

Page 1, after line 5, insert:

"Section 1. **[5B.13] CRIMINAL PENALTY.**

When the performance of any act is prohibited under this chapter as of February 1, 2015, but no criminal or civil penalty is provided, the commission of the act is a misdemeanor.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date."

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 1563:** A bill for an act relating to public safety; requiring the Bureau of Criminal Apprehension to do background checks at the request of Indian tribes; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Delete everything after the enacting clause and insert:

"Section 1. [299C.75] BACKGROUND CHECKS; INDIAN TRIBES.

(a) When requested by a law enforcement agency of an Indian tribe with a reservation in this state, the superintendent shall perform a criminal history background check to determine an individual's eligibility for a license, employment, housing, or candidacy for elective office. When requested by the law enforcement agency of the Indian tribe, the superintendent shall exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history background check. The superintendent shall recover the cost of a background check under this section through a fee charged to the Indian tribe.

(b) For purposes of this section, "Indian tribe" means a tribe, band, nation, or other federally recognized group or community of Indians.

(c) This section does not apply to criminal history background checks conducted under section 3.9221 or 299L.02."

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

**Senator Latz from the Committee on Judiciary, to which was referred**

**S.F. No. 987:** A bill for an act relating to human rights; requiring captioning on all televisions and audiovisual display equipment used to communicate with the public; proposing coding for new law in Minnesota Statutes, chapter 363A.

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

Delete everything after the enacting clause and insert:

"Section 1. [363A.111] TV CAPTIONING REQUIRED.

Each place of public accommodation located within the state must enable open captioning on any television capable of captioning at all times that it uses television to provide information or entertainment to the public. This section does not apply to a television that is offered for sale to the public."

Amend the title accordingly

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

**Senator Dibble from the Committee on Transportation and Public Safety, to which was referred**

**S.F. No. 735:** A bill for an act relating to transportation finance; providing for implementation planning related to mileage-based user fee; requiring a legislative report; 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. **ESTABLISHMENT OF ROAD-USER CHARGE WORKING GROUP.**

The road-user charge working group is established to study and report to the legislature concerning issues related to designing and implementing a road-user charge in this state. The road-user charge working group consists of 15 members, as follows:

(1) the chairs and ranking minority members of the house of representatives and senate committees or divisions with jurisdiction over transportation policy and finance;

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

(3) public members who have relevant expertise and interest, including members or representatives of transportation user groups; the telecommunications industry; the data security and privacy industry; privacy rights advocacy groups; and research and policy making bodies. Of these members, five must be appointed by the speaker of the house, and five must be appointed by the majority leader of the senate.

Sec. 2. **DUTIES OF ROAD-USER CHARGE WORKING GROUP.**

The working group shall identify and consider policy and technical issues related to funding state transportation infrastructure through implementation of a road-user charge as an alternative to the motor fuels tax. The working group shall study and make recommendations concerning cost, privacy, jurisdictional issues, feasibility, complexity, public acceptance, use of revenues, possible constitutional dedication, security, compliance, data collection technology that includes privacy and user options, implementation, and related issues. In considering relevant issues, the working group shall consult and utilize recommendations and findings contained in, among other sources, the December 2011 Report of Minnesota's Mileage-Based User Fee Policy Task Force, prepared by the Humphrey School of Public Affairs at the University of Minnesota. In addition, the working group shall seek and facilitate collaboration with other states; review pilot project and implementation results from other states and countries; and explore federal funding opportunities.

Sec. 3. **REPORT OF WORKING GROUP.**

By January 15, 2017, the working group shall submit a report to the legislature, in compliance with Minnesota Statutes, sections 3.195 and 3.197. The report must state findings and recommendations concerning a road-user charge. The report may recommend the development by the commissioner of transportation of an implementation plan that may:

(1) identify a project implementation timeline, which may include pilot programs, limited initial deployment, multiple fee structure options for road users, and phased implementation;

(2) identify a fee structure, which must include distance traveled and may include additional factors such as vehicle weight, vehicle impact on roadways, fuel type, and vehicle type;

(3) include a fiscal analysis that identifies costs, revenue projections, and any associated tax rate changes;

(4) establish a technological and operational architecture for the system; and

(5) address program and system administration, including but not limited to data privacy, data integrity, and accuracy of information;

(6) be based in surface transportation finance principles, including:

(i) efficiency, including impacts on road system use and land use;

(ii) equity across road system users and vehicles, including (A) user payment relative to user costs imposed, and (B) ability to pay;

(iii) revenue adequacy and long-term suitability of funding after complete implementation;

(iv) environmental impacts and sustainability;

(v) administrative and technical feasibility, including data privacy and protection;

(vi) transparency; and

(vii) accountability.

#### Sec. 4. **ADMINISTRATIVE PROVISIONS.**

(a) The commissioner of transportation or the commissioner's designee shall convene the initial meeting of the working group no later than September 1, 2015. Upon request of the working group, the commissioner shall provide meeting space and administrative services for the group. The members of the working group shall elect a chair or cochairs from the members of the working group at the initial meeting.

(b) Public members of the working group serve without compensation or payment of expenses.

(c) The working group expires May 1, 2017, or upon submission of the report required under section 3, whichever is earlier.

(d) The working group may accept gifts and grants, which are accepted on behalf of the state and constitute donations to the state. Funds received under this paragraph are appropriated to the commissioner of transportation for purposes of the working group.

#### Sec. 5. **DEADLINE FOR APPOINTMENTS AND DESIGNATIONS.**

The appointments and designations for the road-user charge working group must be completed by August 1, 2015.

#### Sec. 6. **APPROPRIATION.**

\$..... is appropriated to the Legislative Coordinating Commission from the general fund for the purposes of the working group established in section 1.

#### Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective July 1, 2015."

Delete the title and insert:



"A bill for an act relating to transportation; creating a road-user charge working group to study and report on issues concerning implementation of a road-user charge as an alternative to motor fuels tax; providing for implementation planning; appropriating money."

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was re-referred**

**S.F. No. 310:** A bill for an act relating to state government; creating a working group on violence against Asian women and children; requiring a report with findings and recommendations to the legislature; appropriating money for the working group on violence against Asian women and children.

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 462:** A bill for an act relating to health; requiring certain health care practitioners to deliver information relating to trisomy 13, 18, and 21; imposing duties on the commissioner of health; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Page 2, line 16, after "shall" insert "follow existing department practice to" and delete "be" and insert "is"

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 813:** A bill for an act relating to health; preparing for a Minnesota innovation waiver under section 1332 of the Affordable Care Act; developing a health care system that best serves Minnesotans; requiring a cost analysis; 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. **SECTION 1332 WAIVER COST AND BENEFIT ANALYSIS.**

Subdivision 1. **Contract for analysis of proposals.** In preparation for a section 1332 waiver request, the commissioner of management and budget shall contract with the University of Minnesota School of Public Health and the Carlson School of Management, to conduct an analysis of the costs and benefits of up to three specific proposals that seek to create a better health care system which would increase access, affordability, and quality of care in comparison to the current system.

Subd. 2. **Plans.** After consulting with interested legislators, the commissioner of health shall submit to the University of Minnesota the following proposals:

- (1) a free-market insurance-based competition approach;
- (2) a universal health care plan designed to meet the following principles:
  - (i) ensure all Minnesotans receive quality health care;
  - (ii) cover all necessary care, including all coverage currently required by law, complete mental health services, chemical dependency treatment, prescription drugs, medical equipment and supplies, dental care, long-term care, and home care services;
  - (iii) allow patients to choose their own providers; and
  - (iv) use premiums based on ability to pay; and
- (3) a third alternative may be submitted by the commissioner that offers a different approach.

**Subd. 3. Proposal analysis.** (a) The analysis of each proposal must measure the impact on total public and private health care spending in Minnesota that would result from each proposal. "Total public and private health care spending" means spending on all medical care, including dental care, prescription drugs, medical equipment and supplies, complete mental health services, chemical dependency treatment, long-term care, and home care services as well as all of the costs for administering, delivering, and paying for the care. The analysis of total health care spending shall include whether there are savings or additional costs compared to the existing system due to:

- (1) increased or reduced insurance, billing, underwriting, marketing, and other administrative functions;
- (2) timely and appropriate use of medical care;
- (3) market-driven or negotiated prices on medical services and products, including pharmaceuticals;
- (4) shortages or excess capacity of medical facilities and equipment;
- (5) increased or decreased utilization, better health outcomes, increased wellness due to prevention, early intervention, and health-promoting activities;
- (6) payment reforms;
- (7) coordination of care; and
- (8) non-health care impacts on state and local expenditures such as reduced out-of-home placement or crime costs due to mental health or chemical dependency coverage.

(b) The analysis must also estimate for each proposal job losses or gains in health care and elsewhere in the economy due to implementation of the reforms.

(c) The analysts shall work with the authors of each proposal to gain understanding or clarification of the specifics of each proposal. The analysis shall assume that the provisions in each proposal are not preempted by federal law or that the federal government gives a waiver to the preemption.

(d) The proposals must be submitted to the University of Minnesota analysts within 30 days after final enactment of this legislation. The analysis shall be completed by August 1, 2016.

Sec. 2. **APPROPRIATION.**

\$...... is appropriated in fiscal year 2015 from the general fund to the commissioner of management and budget to contract with the University of Minnesota to conduct an economic analysis of costs and benefits of section 1332 waiver health care system proposals specified in section 1.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 1521:** A bill for an act relating to health; modifying requirements for the license of health professionals; amending Minnesota Statutes 2014, sections 214.077; 214.10, subdivisions 2, 2a; 214.32, subdivision 6.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2014, section 148.271, is amended to read:

**148.271 EXEMPTIONS.**

The provisions of sections 148.171 to 148.285 shall not prohibit:

- (1) The furnishing of nursing assistance in an emergency.
- (2) The practice of advanced practice, professional, or practical nursing by any legally qualified advanced practice, registered, or licensed practical nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of official duties.
- (3) The practice of any profession or occupation licensed by the state, other than advanced practice, professional, or practical nursing, by any person duly licensed to practice the profession or occupation, or the performance by a person of any acts properly coming within the scope of the profession, occupation, or license.
- (4) The provision of a nursing or nursing-related service by an unlicensed assistive person who has been delegated or assigned the specific function and is supervised by a registered nurse or monitored by a licensed practical nurse.
- (5) The care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.
- (6) Professional nursing practice or advanced practice registered nursing practice by a registered nurse or practical nursing practice by a licensed practical nurse licensed in another state or territory who is in Minnesota as a student enrolled in a formal, structured course of study, such as a course leading to a higher degree, certification in a nursing specialty, or to enhance skills in a clinical field, while the student is practicing in the course.

(7) Professional or practical nursing practice by a student practicing under the supervision of an instructor while the student is enrolled in a nursing program approved by the board under section 148.251.

(8) Advanced practice registered nursing as defined in section 148.171, subdivisions 5, 10, 11, 13, and 21, by a registered nurse who is licensed and currently registered in Minnesota or another United States jurisdiction and who is enrolled as a student in a formal graduate education program leading to eligibility for certification and licensure as an advanced practice registered nurse.

(9) Professional nursing practice or advanced practice registered nursing practice by a registered nurse or advanced practice registered nurse licensed in another state, territory, or jurisdiction who is in Minnesota temporarily:

(i) providing continuing or in-service education;

(ii) serving as a guest lecturer;

(iii) presenting at a conference; or

(iv) teaching didactic content via distance education to a student located in Minnesota who is enrolled in a formal, structured course of study, such as a course leading to a higher degree or certification in a nursing specialty."

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 814:** A bill for an act relating to human services; excluding certain school-age child care programs from human services licensure; amending Minnesota Statutes 2014, section 245A.03, subdivision 2, by adding a subdivision; repealing Minnesota Statutes 2014, section 245A.03, subdivision 2c.

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

Page 4, delete line 20 and insert:

"Sec. 4. **EFFECTIVE DATE.**

This act is effective July 1, 2015."

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was re-referred**

**S.F. No. 273:** A bill for an act relating to human services; modifying the nursing facility reimbursement system; amending Minnesota Statutes 2014, sections 256B.0915, subdivision 3a; 256B.441, subdivisions 1, 5, 13, 14, 17, 30, 31, 35, 48, 50, 51, 51a, 53, 54, 56, by adding a

subdivision; repealing Minnesota Statutes 2014, section 256B.441, subdivisions 14a, 19, 50a, 52, 55, 58, 62.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2014, section 256B.0915, subdivision 3a, is amended to read:

Subd. 3a. **Elderly waiver cost limits.** (a) The monthly limit for the cost of waived services to an individual elderly waiver client except for individuals described in paragraphs (b) and (d) shall be the weighted average monthly nursing facility rate of the case mix resident class to which the elderly waiver client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, less the recipient's maintenance needs allowance as described in subdivision 1d, paragraph (a), until the first day of the state fiscal year in which the resident assessment system as described in section 256B.438 for nursing home rate determination is implemented. Effective on the first day of the state fiscal year in which the resident assessment system as described in section 256B.438 for nursing home rate determination is implemented and the first day of each subsequent state fiscal year, the monthly limit for the cost of waived services to an individual elderly waiver client shall be the rate of the case mix resident class to which the waiver client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, in effect on the last day of the previous state fiscal year, adjusted by the greater of any legislatively adopted home and community-based services percentage rate adjustment or the average statewide percentage increase in nursing facility operating payment rates under section 256B.441.

(b) The monthly limit for the cost of waived services under paragraph (a) to an individual elderly waiver client assigned to a case mix classification A ~~under paragraph (a)~~ with:

(1) no dependencies in activities of daily living; or

(2) up to two dependencies in bathing, dressing, grooming, walking, and eating when the dependency score in eating is three or greater as determined by an assessment performed under section 256B.0911 shall be \$1,750 per month effective on July 1, 2011, for all new participants enrolled in the program on or after July 1, 2011. This monthly limit shall be applied to all other participants who meet this criteria at reassessment. This monthly limit shall be increased annually as described in paragraph (a).

(c) If extended medical supplies and equipment or environmental modifications are or will be purchased for an elderly waiver client, the costs may be prorated for up to 12 consecutive months beginning with the month of purchase. If the monthly cost of a recipient's waived services exceeds the monthly limit established in paragraph (a) or (b), the annual cost of all waived services shall be determined. In this event, the annual cost of all waived services shall not exceed 12 times the monthly limit of waived services as described in paragraph (a) or (b).

(d) Effective July 1, 2013, the monthly cost limit of waiver services, including any necessary home care services described in section 256B.0651, subdivision 2, for individuals who meet the criteria as ventilator-dependent given in section 256B.0651, subdivision 1, paragraph (g), shall be the average of the monthly medical assistance amount established for home care services as described in section 256B.0652, subdivision 7, and the annual average contracted amount established by the commissioner for nursing facility services for ventilator-dependent individuals. This monthly limit shall be increased annually as described in paragraph (a).

Sec. 2. Minnesota Statutes 2014, section 256B.431, subdivision 2b, is amended to read:

Subd. 2b. **Operating costs after July 1, 1985.** (a) For rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.

(b) The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate.

(c) The commissioner shall analyze and evaluate each nursing facility's cost report of allowable operating costs incurred by the nursing facility during the reporting year immediately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, and size of the nursing facility. In developing the geographic groups for purposes of reimbursement under this section, the commissioner shall ensure that nursing facilities in any county contiguous to the Minneapolis-St. Paul seven-county metropolitan area are included in the same geographic group. The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing facilities established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. For rate years beginning on or after July 1, 1989, facilities located in geographic group I as described in Minnesota Rules, part 9549.0052, on January 1, 1989, may choose to have the commissioner apply either the care related limits or the other operating cost limits calculated for facilities located in geographic group II, or both, if either of the limits calculated for the group II facilities is higher. The efficiency incentive for geographic group I nursing facilities must be calculated based on geographic group I limits. The phase-in must be established utilizing the chosen limits. For purposes of these exceptions to the geographic grouping requirements, the definitions in Minnesota Rules, parts 9549.0050 to 9549.0059 (Emergency), and 9549.0010 to 9549.0080, apply. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per diems for purposes of setting limits and nursing facility payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing facility is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent. The commissioner shall establish efficiency incentives as appropriate. The commissioner may establish efficiency incentives for different operating cost categories. The commissioner shall consider establishing efficiency incentives in care related cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories. For the rate year beginning on July 1, 1985, the commissioner shall:

(1) allow nursing facilities that have an average length of stay of 180 days or less in their skilled nursing level of care, 125 percent of the care related limit and 105 percent of the other operating cost limit established by rule; and

(2) exempt nursing facilities licensed on July 1, 1983, by the commissioner to provide residential services for the physically disabled under Minnesota Rules, parts 9570.2000 to 9570.3600, from the care related limits and allow 105 percent of the other operating cost limit established by rule.

For the purpose of calculating the other operating cost efficiency incentive for nursing facilities referred to in clause (1) or (2), the commissioner shall use the other operating cost limit established by rule before application of the 105 percent.

(e) The commissioner shall establish a composite index or indices by determining the appropriate economic change indicators to be applied to specific operating cost categories or combination of operating cost categories.

(f) Each nursing facility shall receive an operating cost payment rate equal to the sum of the nursing facility's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing facility's historical operating cost in the category increased by the appropriate index established in paragraph (e) for the operating cost category plus an efficiency incentive established pursuant to paragraph (d) or the limit for the operating cost category increased by the same index. If a nursing facility's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(g) The commissioner shall include the reported actual real estate tax liability or payments in lieu of real estate tax of each nursing facility as an operating cost of that nursing facility. Allowable costs under this subdivision for payments made by a nonprofit nursing facility that are in lieu of real estate taxes shall not exceed the amount which the nursing facility would have paid to a city or township and county for fire, police, sanitation services, and road maintenance costs had real estate taxes been levied on that property for those purposes. For rate years beginning on or after July 1, 1987, the reported actual real estate tax liability or payments in lieu of real estate tax of nursing facilities shall be adjusted to include an amount equal to one-half of the dollar change in real estate taxes from the prior year. The commissioner shall include a reported actual special assessment, and reported actual license fees required by the Minnesota Department of Health, for each nursing facility as an operating cost of that nursing facility. For rate years beginning on or after July 1, 1989, the commissioner shall include a nursing facility's reported Public Employee Retirement Act contribution for the reporting year as apportioned to the care-related operating cost categories and other operating cost categories multiplied by the appropriate composite index or indices established pursuant to paragraph (e) as costs under this paragraph. Total adjusted real estate tax liability, payments in lieu of real estate tax, actual special assessments paid, the indexed Public Employee Retirement Act contribution, and license fees paid as required by the Minnesota Department of Health, for each nursing facility (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the care-related operating cost limits or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e), unless otherwise indicated in this paragraph.

(h) For rate years beginning on or after July 1, 1987, the commissioner shall adjust the rates of a nursing facility reimbursed under section 256B.434 or 256B.441 that meets the criteria for the special dietary needs of its residents and the requirements in section 31.651. The adjustment for raw

food cost shall be the difference between the nursing facility's most recently reported, allowable ~~historical~~ raw food cost per diem and 115 percent of the median ~~historical~~ allowable raw food cost per diem of the corresponding ~~geographic~~ peer group. For rate years beginning on or after October 1, 2015, this amount shall be removed from allowable raw food per diem costs under operating costs and included in the external fixed per diem rate under section 256B.441, subdivisions 13 and 53.

The rate adjustment shall be reduced by the applicable phase-in percentage as provided under subdivision 2h.

Sec. 3. Minnesota Statutes 2014, section 256B.441, subdivision 1, is amended to read:

Subdivision 1. **Rebasing Calculation of nursing facility operating payment rates.** (a) The commissioner shall ~~rebase nursing facility operating payment rates to align payments to facilities with the cost of providing care. The rebased~~ calculate operating payment rates shall be calculated using the statistical and cost report filed by each nursing facility for the report period ending one year prior to the rate year.

(b) The new operating payment rates based on this section shall take effect beginning with the rate year beginning October 1, 2008, and shall be phased in over eight rate years through October 1, 2015. For each year of the phase-in, the operating payment rates shall be calculated using the statistical and cost report filed by each nursing facility for the report period ending one year prior to the rate year 2015.

(c) ~~Operating payment rates shall be rebased on October 1, 2016, and every two years after that date.~~

(~~d~~) Each cost reporting year shall begin on October 1 and end on the following September 30. ~~Beginning in 2014,~~ A statistical and cost report shall be filed by each nursing facility by February 1. Notice of rates shall be distributed by August 15 and the rates shall go into effect on October 1 for one year.

(~~e~~) (~~d~~) Effective October 1, 2014 2016, property rates shall be rebased in accordance with section 256B.431 and Minnesota Rules, chapter 9549. The commissioner shall determine what the property payment rate for a nursing facility would be had the facility not had its property rate determined under section 256B.434. The commissioner shall allow nursing facilities to provide information affecting this rate determination that would have been filed annually under Minnesota Rules, chapter 9549, and nursing facilities shall report information necessary to determine allowable debt. The commissioner shall use this information to determine the property payment rate recalculated based on a new property rate system to be developed by the commissioner in consultation with nursing facility providers and other stakeholders. The new property rate system shall be designed to provide payment rates that allow providers to efficiently meet consumer needs and preferences throughout the state.

Sec. 4. Minnesota Statutes 2014, section 256B.441, subdivision 5, is amended to read:

Subd. 5. **Administrative costs.** "Administrative costs" means the direct costs for administering the overall activities of the nursing home. These costs include salaries and wages of the administrator, assistant administrator, business office employees, security guards, and associated fringe benefits and payroll taxes, fees, contracts, or purchases related to business office functions, licenses, and permits except as provided in the external fixed costs category, employee recognition, travel including meals and lodging, all training except as specified in subdivision 11, voice and



data communication or transmission, office supplies, property and liability insurance and other forms of insurance not designated to other areas, personnel recruitment, legal services, accounting services, management or business consultants, data processing, information technology, Web site, central or home office costs, business meetings and seminars, postage, fees for professional organizations, subscriptions, security services, advertising, board of director's fees, working capital interest expense, and bad debts and bad debt collection fees.

Sec. 5. Minnesota Statutes 2014, section 256B.441, is amended by adding a subdivision to read:

Subd. 11a. **Employer health insurance costs.** "Employer health insurance costs" means premium expenses for group coverage and reinsurance, actual expenses incurred for self-insured plans, and employer contributions to employee health reimbursement and savings accounts. Premium expenses, costs, and contributions shall only be allowable if they are for employees who meet the definition of full-time employees under the federal Affordable Care Act, Public Law 111-148, or their family members.

Sec. 6. Minnesota Statutes 2014, section 256B.441, subdivision 13, is amended to read:

Subd. 13. **External fixed costs.** "External fixed costs" means costs related to the nursing home surcharge under section 256.9657, subdivision 1; licensure fees under section 144.122; ~~until September 30, 2013, long-term care consultation fees under section 256B.0911, subdivision 6;~~ family advisory council fee under section 144A.33; scholarships under section 256B.431, subdivision 36; planned closure rate adjustments under section 256B.437; ~~or~~ single bed room incentives under section 256B.431, subdivision 42; property taxes ~~and property insurance,~~ assessments, and payments in lieu of taxes; employer health insurance costs; shared responsibility payments under the Affordable Care Act; special dietary needs under section 256B.431, subdivision 2b, paragraph (h); and PERA.

Sec. 7. Minnesota Statutes 2014, section 256B.441, subdivision 14, is amended to read:

Subd. 14. **Facility average case mix index.** "Facility average case mix index" or "CMI" means a numerical value score that describes the relative resource use for all residents within the groups under the resource utilization group (~~RUG-HH RUG~~) classification system prescribed by the commissioner based on an assessment of each resident. The facility average CMI shall be computed as the standardized days divided by total days for all residents in the facility. The RUG's weights used in this section shall be as follows for each RUG's class: SE3 1.605; SE2 1.247; SE1 1.081; RAD 1.509; RAC 1.259; RAB 1.109; RAA 0.957; SSC 1.453; SSB 1.224; SSA 1.047; CC2 1.292; CC1 1.200; CB2 1.086; CB1 1.017; CA2 0.908; CA1 0.834; IB2 0.877; IB1 0.817; IA2 0.720; IA1 0.676; BB2 0.956; BB1 0.885; BA2 0.716; BA1 0.673; PE2 1.199; PE1 1.104; PD2 1.023; PD1 0.948; PC2 0.926; PC1 0.860; PB2 0.786; PB1 0.734; PA2 0.691; PA1 0.651; BC1 0.651; ~~and DDF 1.000~~ shall be based on the system prescribed in section 256B.438.

Sec. 8. Minnesota Statutes 2014, section 256B.441, subdivision 17, is amended to read:

Subd. 17. **Fringe benefit costs.** "Fringe benefit costs" means the costs for:

(1) group life, ~~health,~~ dental, workers' compensation, and other employee insurances ~~and~~ except health insurance;

pension; (2) pensions, except for the Public Employee Retirement Association;

(3) profit sharing; ~~and~~

(4) retirement plans for which the employer pays all or a portion of the costs.

Sec. 9. Minnesota Statutes 2014, section 256B.441, subdivision 30, is amended to read:

Subd. 30. **Peer groups.** (a) Facilities shall be classified into ~~three~~ two groups by county. The groups shall consist of:

(1) group one: facilities in Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Clay, Cook, Crow Wing, Dakota, Dodge, Goodhue, Hennepin, Isanti, Kanabec, Lake, Le Sueur, McLeod, Meeker, Mille Lacs, Morrison, Nicollet, Olmsted, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, St. Louis, Stearns, Steele, Wabasha, Waseca, Washington, Winona, or Wright County; and

(2) group two: facilities in Aitkin, Beltrami, Blue Earth, Brown, Cass, Clay, Cook, Crow Wing, Faribault, Fillmore, Freeborn, Houston, Hubbard, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Le Sueur, Martin, McLeod, Meeker, Mower, Nicollet, Norman, Pine, Roseau, Sibley, Todd, Wadena, Waseca, Watonwan, or Wilkin County; and

(3) group ~~three~~ two: facilities in all other counties.

(b) The commissioner shall regularly review the appropriations of the peer groups established in paragraph (a). The review shall use the most recent cost report data and look at relative wages for nursing department positions across counties. The commissioner shall provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over nursing facility payment rates on the review of the wage data every two years beginning on January 15, 2017. The report may include recommendations to change the assignment of counties between the two groups based on the review of the data.

Sec. 10. Minnesota Statutes 2014, section 256B.441, subdivision 31, is amended to read:

Subd. 31. **Prior system operating cost payment rate.** "Prior system operating cost payment rate" means the operating cost payment rate in effect on September 30, ~~2008~~ 2015, under Minnesota Rules and Minnesota Statutes, not including planned closure rate adjustments under section 256B.437 or single bed room incentives under section 256B.431, subdivision 42.

Sec. 11. Minnesota Statutes 2014, section 256B.441, subdivision 35, is amended to read:

Subd. 35. **Reporting period.** "Reporting period" means the one-year period beginning on October 1 and ending on the following September 30 during which incurred costs are accumulated and then reported on the statistical and cost report. If a facility is reporting for an interim or settle-up period, the reporting period beginning date may be a date other than October 1. An interim or settle-up report must cover at least five months, but no more than 17 months, and must always end on September 30.

Sec. 12. Minnesota Statutes 2014, section 256B.441, subdivision 48, is amended to read:

Subd. 48. **Calculation of operating care-related per diems.** The direct care per diem for each facility shall be the facility's direct care costs divided by its standardized days. The other care-related per diem shall be the sum of the facility's activities costs, other direct care costs, raw food costs, therapy costs, and social services costs, divided by the facility's resident days. ~~The other operating per diem shall be the sum of the facility's administrative costs, dietary costs, housekeeping costs, laundry costs, and maintenance and plant operations costs divided by the facility's resident days.~~

Sec. 13. Minnesota Statutes 2014, section 256B.441, subdivision 50, is amended to read:

Subd. 50. **Determination of total care-related limit.** (a) ~~The limit on the median total care-related per diem shall be determined for each peer group and facility type group combination. A facility's total care-related per diems shall be limited to 120 percent of the median for the facility's peer and facility type group. The facility-specific direct care costs used in making this comparison and in the calculation of the median shall be based on a RUG's weight of 1.00. A facility that is above that limit shall have its total care-related per diem reduced to the limit. If a reduction of the total care-related per diem is necessary because of this limit, the reduction shall be made proportionally to both the direct care per diem and the other care-related per diem.~~

(b) ~~Beginning with rates determined for October 1, 2016, The A facility's total care-related limit shall be a variable amount based on each facility's quality score, as determined under subdivision 44, in accordance with clauses (1) to (4) (3):~~

~~(1) for each facility, the commissioner shall determine the quality score, subtract 40, divide by 40, and convert to a percentage;~~

~~(2) if the value determined in clause (1) is less than zero (1) for each facility with a quality score of ten or less, the total care-related limit shall be 105 95 percent of the median for the facility's peer and facility type group;~~

~~(3) if the value determined in clause (1) is greater than 100 percent (2) for each facility with a quality score of 90 or more, the total care-related limit shall be 125 140 percent of the median for the facility's peer and facility type group; and~~

~~(4) if the value determined in clause (1) is greater than zero and less than 100 percent, the total care-related limit shall be 105 percent of the median for the facility's peer and facility type group plus one-fifth of the percentage determined in clause (1) (3) for each facility with a quality score of more than ten and less than 90, the total care-related limit shall be computed by:~~

~~(i) computing the difference between the facility's quality score and ten;~~

~~(ii) dividing the amount in item (i) by 80;~~

~~(iii) multiplying the amount in item (ii) by 0.45;~~

~~(iv) adding the amount in item (iii) to 0.95; and~~

~~(v) multiplying the amount in item (iv) by the median for the facility's peer group.~~

~~(c) A RUG's weight of 1.00 shall be used in the calculation of each peer group's median total care-related per diem, and in comparisons of facility-specific direct care costs to the peer group median.~~

~~(d) A facility that is above its total care-related limit as determined according to paragraph (b) shall have its total care-related per diem reduced to its limit. If a reduction of the total care-related per diem is necessary due to this limit, the reduction shall be made proportionally to both the direct care per diem and the other care-related per diem.~~

Sec. 14. Minnesota Statutes 2014, section 256B.441, subdivision 51, is amended to read:

Subd. 51. **Determination of other operating limit price.** ~~The limit on the A price for other operating per diem costs shall be determined for each peer group. A facility's other operating per diem shall be limited to~~ The price shall be calculated as 105 percent of the median other operating

~~per diem for its a facility's peer group. A facility that is above that limit shall have its other operating per diem reduced to the limit~~ The other operating per diem shall be the sum of each facility's administrative costs, dietary costs, housekeeping costs, laundry costs, and maintenance and plant operations costs divided by each facility's resident days.

Sec. 15. Minnesota Statutes 2014, section 256B.441, subdivision 51a, is amended to read:

Subd. 51a. **Exception allowing contracting for specialized care facilities.** (a) For rate years beginning on or after October 1, 2016, ~~the commissioner may negotiate increases to the care-related limit for nursing facilities that provide specialized care, at a cost to the general fund not to exceed \$600,000 per year. The commissioner shall publish a request for proposals annually, and may negotiate increases to the limits that shall apply for either one or two years before the increase shall be subject to a new proposal and negotiation. The 2015, the care-related limit may calculated under subdivision 50 for specialized care facilities shall be increased by up to 50 percent.~~

(b) ~~In selecting facilities with which to negotiate, the commissioner shall consider:~~ Specialized care facilities are defined as having a program license issued under chapter 245A and Minnesota Rules, chapter 9570, or a facility with 96 beds on January 1, 2015, in Robbinsdale that specializes in the treatment of Huntington's Disease.

(1) ~~the diagnoses or other circumstances of residents in the specialized program that require care that costs substantially more than the RUG's rates associated with those residents;~~

(2) ~~the nature of the specialized program or programs offered to meet the needs of these individuals; and~~

(3) ~~outcomes achieved by the specialized program.~~

Sec. 16. Minnesota Statutes 2014, section 256B.441, subdivision 53, is amended to read:

Subd. 53. **Calculation of payment rate for external fixed costs.** The commissioner shall calculate a payment rate for external fixed costs.

(a) For a facility licensed as a nursing home, the portion related to section 256.9657 shall be equal to \$8.86. For a facility licensed as both a nursing home and a boarding care home, the portion related to section 256.9657 shall be equal to \$8.86 multiplied by the result of its number of nursing home beds divided by its total number of licensed beds.

(b) The portion related to the licensure fee under section 144.122, paragraph (d), shall be the amount of the fee divided by actual resident days.

(c) The portion related to development and education of resident and family advisory councils under section 144A.33 shall be \$5 divided by 365.

(d) The portion related to scholarships shall be determined under section 256B.431, subdivision 36.

(d) ~~Until September 30, 2013, the portion related to long-term care consultation shall be determined according to section 256B.0911, subdivision 6.~~

(e) ~~The portion related to development and education of resident and family advisory councils under section 144A.33 shall be \$5 divided by 365.~~

~~(f) (e)~~ The portion related to planned closure rate adjustments shall be as determined under section ~~256B.437~~, subdivision 6, and Minnesota Statutes 2010, section 256B.436. ~~Planned closure rate adjustments that take effect before October 1, 2014, shall no longer be included in the payment rate for external fixed costs beginning October 1, 2016. Planned closure rate adjustments that take effect on or after October 1, 2014, shall no longer be included in the payment rate for external fixed costs beginning on October 1 of the first year not less than two years after their effective date.~~

(f) The single bed room incentives shall be as determined under section 256B.431, subdivision 42.

(g) The portions related to ~~property insurance~~; real estate taxes, special assessments, and payments made in lieu of real estate taxes directly identified or allocated to the nursing facility shall be the actual amounts divided by actual resident days.

(h) The portion related to employer health insurance costs shall be the allowable costs divided by resident days.

(i) The portion related to the Public Employees Retirement Association shall be actual costs divided by resident days.

~~(i) The single bed room incentives shall be as determined under section 256B.431, subdivision 42. Single bed room incentives that take effect before October 1, 2014, shall no longer be included in the payment rate for external fixed costs beginning October 1, 2016. Single bed room incentives that take effect on or after October 1, 2014, shall no longer be included in the payment rate for external fixed costs beginning on October 1 of the first year not less than two years after their effective date.~~

(j) The portion related to special dietary needs shall be the per diem amount determined under section 256B.431, subdivision 2b, paragraph (h).

~~(j) (k)~~ The payment rate for external fixed costs shall be the sum of the amounts in paragraphs (a) to ~~(i)~~ (j).

Sec. 17. Minnesota Statutes 2014, section 256B.441, subdivision 54, is amended to read:

Subd. 54. **Determination of total payment rates.** ~~In rate years when rates are rebased; The total care-related per diem, other operating price, and external fixed per diem for each facility shall be converted to payment rates by multiplying each by the forecast increase in the CPI-U index from the midpoint of the reporting year to the midpoint of the rate year. The total payment rate for a RUG's weight of 1.00 shall be the sum of the total care-related payment rate, other operating payment rate, efficiency incentive, external fixed cost rate, and the property rate determined under section 256B.434. To determine a total payment rate for each RUG's level, the total care-related payment rate shall be divided into the direct care payment rate and the other care-related payment rate, and the direct care payment rate multiplied by the RUG's weight for each RUG's level using the weights in subdivision 14.~~

Sec. 18. Minnesota Statutes 2014, section 256B.441, subdivision 56, is amended to read:

Subd. 56. **Hold harmless.** ~~For the rate years year beginning on or after October 1, 2008, to October 1, 2016~~ 2015, no nursing facility shall receive an operating cost payment rate less than its prior system operating cost payment rate under section 256B.434. ~~For rate years beginning between October 1, 2009, and October 1, 2015, no nursing facility shall receive an operating payment rate less than its operating payment rate in effect on September 30, 2009 as defined in subdivision 31.~~

The comparison of operating payment rates under this section shall be made for a RUG's rate with a weight of 1.00.

Sec. 19. Minnesota Statutes 2014, section 256I.05, subdivision 2, is amended to read:

Subd. 2. **Monthly rates; exemptions.** This subdivision applies to a residence that on August 1, 1984, was licensed by the commissioner of health only as a boarding care home, certified by the commissioner of health as an intermediate care facility, and licensed by the commissioner of human services under Minnesota Rules, parts 9520.0500 to 9520.0690. Notwithstanding the provisions of subdivision 1c, the rate paid to a facility reimbursed under this subdivision shall be determined under section 256B.431, 256B.441, or under section 256B.434 if the facility is accepted by the commissioner for participation in the alternative payment demonstration project. The rate paid to this facility shall also include adjustments to the group residential housing rate according to subdivision 1, and any adjustments applicable to supplemental service rates statewide.

Sec. 20. **REPEALER.**

Minnesota Statutes 2014, section 256B.441, subdivisions 14a, 19, 50a, 52, 55, 58, and 62, are repealed."

Amend the title numbers accordingly

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

**Senator Sheran from the Committee on Health, Human Services and Housing, to which was referred**

**S.F. No. 1471:** A bill for an act relating to health; making changes to provisions governing receivership of nursing homes or certified boarding care homes; establishing a unified home care bill of rights; amending Minnesota Statutes 2014, sections 144A.15; 256B.0641, subdivision 3; 256B.495, subdivisions 1, 5; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2014, sections 144A.14; 256B.495, subdivisions 1a, 2, 4.

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

Page 5, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, delete "establishing a unified home care"

Page 1, line 4, delete "bill of rights;"

Amend the title numbers accordingly

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1360, 1359, 1504, 1372, 1121, 1573, 1574, 1219, 1434, 1356, 152, 619, 994, 440, 746, 405, 1563, 987, 462 and 814 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Dziezic and Dibble introduced—**

**S.F. No. 1725:** A bill for an act relating to building codes; requiring separate metering for natural gas and water services in certain newly constructed residential buildings; amending Minnesota Statutes 2014, section 326B.106, subdivision 12.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senator Chamberlain introduced—**

**S.F. No. 1726:** A bill for an act relating to water; modifying the Metropolitan Area Water Supply Advisory Committee and specifying its duties; requiring a report; delaying implementation of a groundwater management area plan; amending Minnesota Statutes 2014, section 473.1565.

Referred to the Committee on Environment and Energy.

**Senator Nienow introduced—**

**S.F. No. 1727:** A bill for an act relating to economic development; authorizing the city of Taylors Falls to establish and exercise development zone powers; appropriating money.

Referred to the Committee on State and Local Government.

**Senator Nienow introduced—**

**S.F. No. 1728:** A bill for an act relating to education; authorizing commissioner of education to help coordinate school crisis response teams; proposing coding for new law in Minnesota Statutes, chapter 119A.

Referred to the Committee on Education.

**Senator Nienow introduced—**

**S.F. No. 1729:** A bill for an act relating to economic development; creating new business park job development zones; authorizing tax credits; appropriating money.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senator Ingebrigtsen introduced—**

**S.F. No. 1730:** A bill for an act relating to highways; removing Legislative Route No. 228 in Ottertail County from the trunk highway system.

Referred to the Committee on Transportation and Public Safety.

**Senator Lourey introduced—**

**S.F. No. 1731:** A bill for an act relating to health professionals; eliminating one of the grounds for disciplinary action; amending Minnesota Statutes 2014, section 147.091, subdivision 1; repealing Minnesota Statutes 2014, section 214.105.

Referred to the Committee on Health, Human Services and Housing.

**Senators Goodwin, Scalze and Marty introduced—**

**S.F. No. 1732:** A bill for an act relating to solid waste; establishing textile waste diversion goal; amending Minnesota Statutes 2014, section 115A.551, by adding a subdivision.

Referred to the Committee on Environment and Energy.

**Senator Hoffman introduced—**

**S.F. No. 1733:** A bill for an act relating to health; requiring reports on medications used for the treatment of opioid addiction; amending Minnesota Statutes 2014, sections 152.126, subdivisions 1, 4; 245A.192, subdivision 9.

Referred to the Committee on Health, Human Services and Housing.

**Senator Hoffman introduced—**

**S.F. No. 1734:** A bill for an act relating to human services; increasing the medical assistance income eligibility limit, the asset limits, and the excess income standard for the blind, disabled, and elderly; amending Minnesota Statutes 2014, section 256B.056, subdivisions 3, 4, 5c.

Referred to the Committee on Health, Human Services and Housing.

**Senators Marty, Dibble, Weber, Benson and Hoffman introduced—**

**S.F. No. 1735:** A bill for an act relating to energy; allowing performance-based, multiyear rate plans; amending Minnesota Statutes 2014, section 216B.16, subdivision 19, by adding a subdivision.

Referred to the Committee on Environment and Energy.

**Senator Hoffman introduced—**

**S.F. No. 1736:** A bill for an act relating to state government; requiring interagency feasibility study.

Referred to the Committee on State and Local Government.

**Senator Hoffman introduced—**

**S.F. No. 1737:** A bill for an act relating to human services; establishing an enhanced asthma care services benefit for medical assistance; providing for medical assistance coverage of certain products



to reduce asthma triggers; amending Minnesota Statutes 2014, section 256B.0625, subdivision 31, by adding a subdivision.

Referred to the Committee on Health, Human Services and Housing.

**Senator Metzen introduced—**

**S.F. No. 1738:** A bill for an act relating to lawful gambling; establishing electronic paddlewheels; amending Minnesota Statutes 2014, sections 349.12, subdivisions 18, 28a, 28b, 29; 349.151, subdivision 4a; 349.211, subdivision 2b; 609.76, subdivision 8.

Referred to the Committee on State and Local Government.

**Senator Westrom introduced—**

**S.F. No. 1739:** A bill for an act relating to capital investment; appropriating money for flood hazard mitigation grants; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Hall, Benson, Chamberlain, Hann and Kiffmeyer introduced—**

**S.F. No. 1740:** A bill for an act relating to campaign finance; repealing the political contribution refund; repealing the public subsidy program and related expenditure limits; amending Minnesota Statutes 2014, sections 10A.01, subdivision 26; 10A.105, subdivision 1; 10A.257, subdivision 1; 270A.03, subdivision 7; 289A.50, subdivision 1; 290.01, subdivision 6; repealing Minnesota Statutes 2014, sections 10A.25, subdivisions 1, 2, 2a, 3, 3a, 5, 10; 10A.255, subdivisions 1, 3; 10A.30; 10A.31, subdivisions 1, 3, 3a, 4, 5, 5a, 6, 6a, 7, 7a, 10, 10a, 10b, 11; 10A.315; 10A.321; 10A.322, subdivisions 1, 2, 4; 10A.323; 10A.324, subdivisions 1, 3; 13.4967, subdivision 2; 290.06, subdivision 23; Minnesota Rules, parts 4503.1400, subparts 2, 3, 4, 5, 6, 7, 8, 9; 4503.1450.

Referred to the Committee on Rules and Administration.

**Senators Dahle and Latz introduced—**

**S.F. No. 1741:** A bill for an act relating to health; allowing a patient to enjoin collection actions taken by a nonprofit hospital if the hospital has failed to provide a financial assistance policy; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

**Senator Chamberlain introduced—**

**S.F. No. 1742:** A bill for an act relating to human services; making changes to provisions governing family child care and group family child care providers; modifying the classifications of certain data; modifying hearing requirements; requiring training of certain county agency staff; amending Minnesota Statutes 2014, sections 13.46, subdivision 4; 245A.08, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health, Human Services and Housing.

**Senators Koenen, Dahms and Westrom introduced—**

**S.F. No. 1743:** A bill for an act relating to capital investment; appropriating money to the town of Appleton to upgrade a roadway to facilitate commerce and improve safety; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Dahms, Weber, Benson, Tomassoni and Brown introduced—**

**S.F. No. 1744:** A bill for an act relating to siting solar generating systems; setting setback standards; requiring local project approval for site permit; amending Minnesota Statutes 2014, sections 216E.03, subdivisions 5, 7; 216E.04, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 216E.

Referred to the Committee on Environment and Energy.

**Senators Dahms and Koenen introduced—**

**S.F. No. 1745:** A bill for an act relating to economic development; appropriating money for the Minnesota Inventors Congress.

Referred to the Committee on Finance.

**Senators Pappas, Marty and Tomassoni introduced—**

**S.F. No. 1746:** A bill for an act relating to employment; appropriating money for a grant to YWCA St. Paul.

Referred to the Committee on Finance.

**Senator Carlson introduced—**

**S.F. No. 1747:** A bill for an act relating to taxation; sales and use; allowing Dakota County to impose a sales and use tax to fund transportation spending.

Referred to the Committee on Taxes.

**Senator Chamberlain introduced—**

**S.F. No. 1748:** A bill for an act relating to capital investment; appropriating money for capital improvements at the Joseph E. Wargo Nature Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Koenen introduced—**

**S.F. No. 1749:** A bill for an act relating to agriculture; appropriating money for grants and to identify best practices for food hubs and alternative community-based food distribution systems; requiring a report.

Referred to the Committee on Finance.

**Senators Hayden, Torres Ray and Marty introduced—**

**S.F. No. 1750:** A bill for an act relating to education; appropriating money for a planning grant for the W. Matthew Little Cultural and Educational Excellence Center.

Referred to the Committee on Finance.

**Senators Marty, Wiklund and Eaton introduced—**

**S.F. No. 1751:** A bill for an act relating to health; preserving effectiveness of antimicrobials used in the treatment of disease or infection; prohibiting disposal of prescription drugs containing antimicrobials; prohibiting use of medically important antimicrobials for nontherapeutic use in animals; requiring reports; amending Minnesota Statutes 2014, sections 151.212, by adding a subdivision; 156.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 115; 144; 156.

Referred to the Committee on Health, Human Services and Housing.

**Senator Lourey introduced—**

**S.F. No. 1752:** A bill for an act relating to state land; requiring the commissioner of transportation to transfer land to the town of Wilma for use by the Duxbury Volunteer Fire Department.

Referred to the Committee on Transportation and Public Safety.

**Senator Dzedzic introduced—**

**S.F. No. 1753:** A bill for an act relating to marriage; eliminating waiting period for issuance of a marriage license; amending Minnesota Statutes 2014, section 517.08, subdivision 1b.

Referred to the Committee on Judiciary.

**Senators Scalze and Osmek introduced—**

**S.F. No. 1754:** A bill for an act relating to clean water; appropriating money from the clean water fund; modifying membership of the Clean Water Council; amending Minnesota Statutes 2014, section 114D.30, subdivision 2; Laws 2013, chapter 137, article 2, section 6.

Referred to the Committee on Environment and Energy.

**Senators Nelson, Dzedzic, Koenen, Saxhaug and Gazelka introduced—**

**S.F. No. 1755:** A bill for an act relating to taxation; sales and use and excise; repealing June accelerated payments; amending Minnesota Statutes 2014, sections 289A.18, subdivision 4; 289A.20, subdivision 4; 289A.60, subdivision 21; 297F.09, subdivisions 1, 2; 297F.25, subdivision 2; repealing Minnesota Statutes 2014, sections 289A.60, subdivision 15; 297F.09, subdivision 10; 297G.09, subdivision 9.

Referred to the Committee on Taxes.

**Senators Nelson, Senjem, Franzen and Benson introduced—**

**S.F. No. 1756:** A bill for an act relating to human services; requiring the commissioner of human services to contract with a vendor for eligibility verification audit services for public health care programs.

Referred to the Committee on Health, Human Services and Housing.

**Senators Nelson, Dziedzic, Senjem and Franzen introduced—**

**S.F. No. 1757:** A bill for an act relating to health; modifying the definition of lodging establishment; amending Minnesota Statutes 2014, section 157.15, subdivision 8.

Referred to the Committee on Health, Human Services and Housing.

**Senators Benson, Brown and Osmek introduced—**

**S.F. No. 1758:** A bill for an act relating to energy; delaying achievement of the renewable energy standard for a utility experiencing substantial rate increases due to the standard; amending Minnesota Statutes 2014, section 216B.1691, subdivision 2b.

Referred to the Committee on Environment and Energy.

**Senators Benson, Brown and Osmek introduced—**

**S.F. No. 1759:** A bill for an act relating to energy; repealing a provision requiring planning a transition to an all-renewable energy future for Minnesota; repealing Minnesota Statutes 2014, section 3.8852.

Referred to the Committee on Environment and Energy.

**Senators Tomassoni, Ingebrigtsen and Saxhaug introduced—**

**S.F. No. 1760:** A bill for an act relating to natural resources; providing for review of off-road vehicle grant-in-aid applications; providing for certain reallocation of base funding; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Energy.

**Senator Dahle introduced—**

**S.F. No. 1761:** A bill for an act relating to state government; modernizing payment language in statutory provisions; amending Minnesota Statutes 2014, sections 15.0596; 15.191, subdivisions 1, 3; 16A.11, subdivision 3; 16A.125, subdivision 5; 16A.13, subdivision 2a; 16A.134; 16A.15, subdivision 3; 16A.17, subdivision 5; 16A.272, subdivision 3; 16A.40; 16A.42, subdivisions 2, 4; 16A.56; 16A.671, subdivision 1; 16B.37, subdivision 4; 16D.03, subdivision 2; 16D.09, subdivision 1; 21.116; 43A.30, subdivision 2; 43A.49; 49.24, subdivisions 13, 16; 69.031, subdivision 1; 80A.65, subdivision 9; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 84A.52; 88.12, subdivision 1; 94.522; 94.53; 116J.64, subdivision 7; 126C.55, subdivisions 2, 9; 126C.68, subdivision 3; 126C.69, subdivision 14; 127A.34, subdivision 1; 127A.40; 136F.46,

subdivision 1; 136F.70, subdivision 3; 162.08, subdivisions 10, 11; 162.14, subdivisions 4, 5; 162.18, subdivision 4; 162.181, subdivision 4; 163.051, subdivision 3; 176.181, subdivision 2; 176.581; 176.591, subdivision 3; 192.55; 196.052; 198.16; 237.30; 241.13, subdivision 1; 244.19, subdivision 7; 256B.20; 260B.331, subdivision 2; 260C.331, subdivision 2; 273.121, subdivision 1; 287.08; 297I.10, subdivision 1; 299C.21; 348.05; 352.04, subdivision 9; 352.05; 352.115, subdivision 12; 352.12, subdivision 13; 353.05; 353.27, subdivision 7; 353.83; 354.42, subdivision 7; 354.52, subdivisions 4, 4b; 401.15, subdivision 1; 446A.086, subdivision 4; 446A.16, subdivision 1; 462A.18, subdivision 1; 475A.04, subdivision 1; 525.841; repealing Minnesota Statutes 2014, section 16A.27, subdivision 2.

Referred to the Committee on State and Local Government.

**Senator Franzen introduced—**

**S.F. No. 1762:** A bill for an act relating to health; regulating e-cigarettes; amending Minnesota Statutes 2014, section 144.413, subdivision 4; repealing Minnesota Statutes 2014, section 144.414, subdivision 5.

Referred to the Committee on Health, Human Services and Housing.

**Senators Franzen, Bonoff and Cohen introduced—**

**S.F. No. 1763:** A bill for an act relating to human services; increasing funding for early education programs; creating transferability for early learning scholarships; enhancing participation in the Parent Aware program; modifying child care assistance program maximum reimbursement rates; appropriating money; amending Minnesota Statutes 2014, sections 119B.13, subdivision 1; 124D.16, subdivision 2; 124D.165, subdivision 3, by adding a subdivision.

Referred to the Committee on Health, Human Services and Housing.

**Senators Tomassoni, Saxhaug, Lourey and Bakk introduced—**

**S.F. No. 1764:** A bill for an act relating to agriculture; establishing a butcher training pilot program.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senators Rosen and Lourey introduced—**

**S.F. No. 1765:** A bill for an act relating to health; modifying definitions; increasing the permitted ratio of pharmacy technicians to pharmacists; amending Minnesota Statutes 2014, sections 151.01, subdivisions 15a, 27; 151.02; 151.102; 151.58, subdivision 2.

Referred to the Committee on Health, Human Services and Housing.

**Senators Torres Ray and Bonoff introduced—**

**S.F. No. 1766:** A bill for an act relating to higher education; providing funding for an internship program at Metropolitan State University; appropriating money.

Referred to the Committee on Finance.

**Senators Jensen, Rosen, Skoe and Sparks introduced—**

**S.F. No. 1767:** A bill for an act relating to labor and industry; occupational safety and health administration; repealing a requirement relating to platform manlifts; repealing Minnesota Rules, part 5205.0580, subpart 21.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senators Jensen, Goodwin, Limmer, Johnson and Pederson, J. introduced—**

**S.F. No. 1768:** A bill for an act relating to public safety; requiring active firefighter deaths to be reported to the state fire marshal; providing continued health insurance coverage to families of noncareer firefighters who die in the line of duty; amending Minnesota Statutes 2014, section 299A.465, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Judiciary.

**Senators Kent and Sieben introduced—**

**S.F. No. 1769:** A bill for an act relating to education; expanding the list of offenses that authorizes the Board of Teaching or Board of School Administrators to deny or revoke a teaching license; conforming the list of offenses with grounds for immediate discharge; amending Minnesota Statutes 2014, sections 122A.20, subdivision 1; 122A.40, subdivision 13; 122A.41, subdivision 6.

Referred to the Committee on Education.

**Senators Hall, Kiffmeyer, Carlson, Osmek and Brown introduced—**

**S.F. No. 1770:** A bill for an act relating to human services; modifying the zoning requirements for residential programs licensed by the commissioner of human services; amending Minnesota Statutes 2014, section 245A.11, subdivision 4.

Referred to the Committee on Health, Human Services and Housing.

**Senators Dibble, Lourey, Hoffman and Brown introduced—**

**S.F. No. 1771:** A bill for an act relating to health; changing provisions in the medical cannabis program; amending Minnesota Statutes 2014, sections 144.99, subdivision 1; 152.22, subdivision 4; 152.25, subdivision 1; 152.26; 152.27, subdivisions 2, 6; 152.29, subdivisions 1, 2, 3; 152.32, subdivision 2; Laws 2014, chapter 311, section 20; proposing coding for new law in Minnesota Statutes, chapter 152.

Referred to the Committee on Health, Human Services and Housing.

**Senators Wiklund, Saxhaug, Dziedzic, Cohen and Ingebrigtsen introduced—**

**S.F. No. 1772:** A bill for an act relating to arts and cultural heritage; appropriating money for Wilderness Inquiry.

Referred to the Committee on Finance.

**Senators Hawj, Wiger, Torres Ray and Johnson introduced—**

**S.F. No. 1773:** A bill for an act relating to education; appropriating money for a general education development (GED) services initiative.

Referred to the Committee on Finance.

**Senator Hayden introduced—**

**S.F. No. 1774:** A bill for an act relating to pensions; adjusting benefits for certain former members of a local salaried police and fire relief association; amending Minnesota Statutes 2014, section 353.65, by adding a subdivision.

Referred to the Committee on State and Local Government.

**Senators Eaton and Tomassoni introduced—**

**S.F. No. 1775:** A bill for an act relating to horse racing; providing for occupation licenses; modifying purses; providing for appointment of stewards; amending Minnesota Statutes 2014, sections 240.08, subdivision 5; 240.13, subdivision 5; 240.16, subdivision 1.

Referred to the Committee on State and Local Government.

**Senator Dziedzic introduced—**

**S.F. No. 1776:** A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited lands that border public water.

Referred to the Committee on Environment and Energy.

**Senators Wiger and Limmer introduced—**

**S.F. No. 1777:** A bill for an act relating to public safety; increasing penalties for crimes committed in a patient care zone; amending sentencing provisions for assaults by inmates in public institutions; amending Minnesota Statutes 2014, sections 152.01, by adding a subdivision; 152.021, subdivision 1; 152.022, subdivision 1; 152.023, subdivision 2; 152.024, subdivision 1; 609.2232; 609.66, subdivisions 1, 1a, 1d; 609.713, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

**Senator Saxhaug introduced—**

**S.F. No. 1778:** A bill for an act relating to capital investment; appropriating money for a new veterans nursing home in Bemidji.

Referred to the Committee on Capital Investment.

**Senator Hoffman introduced—**

**S.F. No. 1779:** A bill for an act relating to human services; modifying definitions and duties of the Office of Ombudsman for Mental Health and Developmental Disabilities; modifying the Ombudsman Committee; amending Minnesota Statutes 2014, sections 245.91, subdivisions 4, 6; 245.94, subdivision 1; 245.97, subdivision 6.

Referred to the Committee on Health, Human Services and Housing.

**Senator Hoffman introduced—**

**S.F. No. 1780:** A bill for an act relating to education; required announcements for school events; amending Minnesota Statutes 2014, section 120B.236.

Referred to the Committee on Education.

**Senators Pappas, Hoffman and Hawj introduced—**

**S.F. No. 1781:** A bill for an act relating to education; providing for a program to engage Hmong and Southeast Asian children and families in accessing early childhood care and education, early childhood health and developmental screening, and reading assessments; appropriating money.

Referred to the Committee on Finance.

**Senators Clausen and Pratt introduced—**

**S.F. No. 1782:** A bill for an act relating to education; establishing a work group on career and technical educator licensing.

Referred to the Committee on Education.

**Senator Carlson introduced—**

**S.F. No. 1783:** A bill for an act relating to commerce; regulating the real estate education, research and recovery fund; amending Minnesota Statutes 2014, section 82.86, subdivisions 6, 7, by adding subdivisions; repealing Minnesota Statutes 2014, section 82.86, subdivisions 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19.

Referred to the Committee on Commerce.



**Senator Rest introduced—**

**S.F. No. 1784:** A bill for an act relating to capital investment; requiring that certain equipment to accommodate hearing-impaired people be included in a capital improvement project using state funds; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government.

**Senator Hayden introduced—**

**S.F. No. 1785:** A bill for an act relating to health; creating licensing exemptions for housing with services establishments; requiring a report; amending Minnesota Statutes 2014, section 144D.06.

Referred to the Committee on Health, Human Services and Housing.

**Senators Eaton, Eken and Petersen, B. introduced—**

**S.F. No. 1786:** A bill for an act relating to lawful gambling; modifying provisions relating to gambling managers; providing for certain raffles; increasing prize limits; prescribing local regulation; amending Minnesota Statutes 2014, sections 349.12, subdivision 19; 349.167, subdivisions 1, 2; 349.173; 349.181, subdivision 2; 349.211, subdivision 1; 349.213, subdivision 1.

Referred to the Committee on State and Local Government.

**Senator Ortman introduced—**

**S.F. No. 1787:** A bill for an act relating to taxation; requiring federal tax burdens to be included in tax incidence study; amending Minnesota Statutes 2014, section 270C.13, subdivision 1.

Referred to the Committee on Taxes.

**Senators Ortman, Pappas and Reinert introduced—**

**S.F. No. 1788:** A bill for an act relating to liquor; allowing microdistilleries to sell bottles at off-sale; amending Minnesota Statutes 2014, section 340A.22, by adding a subdivision.

Referred to the Committee on Commerce.

**Senators Ortman and Petersen, B. introduced—**

**S.F. No. 1789:** A bill for an act relating to liquor; authorizing microdistilleries to make off-sales and self-distribute; authorizing microdistilleries to obtain temporary licenses for social events; amending Minnesota Statutes 2014, sections 340A.22, subdivision 1; 340A.404, subdivision 10.

Referred to the Committee on Commerce.

**Senators Kent and Tomassoni introduced—**

**S.F. No. 1790:** A bill for an act relating to workforce development; economic development; providing for customized training for skilled manufacturing industries; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116L.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senator Rosen introduced—**

**S.F. No. 1791:** A bill for an act relating to retirement; including membership of certain Minnesota River Area Agency on Aging employees in the Public Employees Retirement Association; amending Minnesota Statutes 2014, section 353.01, subdivisions 2a, 6.

Referred to the Committee on State and Local Government.

**Senator Nienow introduced—**

**S.F. No. 1792:** A bill for an act relating to public safety; prohibiting law enforcement agencies from using unmanned aerial cameras to gather evidence in certain circumstances; authorizing civil actions; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

**Senator Hayden introduced—**

**S.F. No. 1793:** A bill for an act relating to a grant to the Minnesota Humanities Commission; appropriating money for a reading program.

Referred to the Committee on Finance.

**Senator Pappas introduced—**

**S.F. No. 1794:** A bill for an act relating to state government; classifying certain data of the Public Employment Relations Board; exempting the Public Employment Relations Board from the open meetings law, in certain cases; amending Minnesota Statutes 2014, sections 13.43, subdivision 6; 13D.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

**Senator Torres Ray introduced—**

**S.F. No. 1795:** A bill for an act relating to education; recruiting, educating, and licensing underrepresented student populations to teach in elementary and secondary schools and to work with young children; providing a tax credit for expenses related to completing a teacher preparation program; providing grants; appropriating money; amending Minnesota Statutes 2014, section 122A.09, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 122A; 290.

Referred to the Committee on Education.

**Senator Hawj introduced—**

**S.F. No. 1796:** A bill for an act relating to economic development; providing for a grant to Lifetrack Resources; appropriating money.

Referred to the Committee on Finance.

**Senators Ortman, Thompson and Newman introduced—**

**S.F. No. 1797:** A bill for an act relating to civil actions; providing for interlocutory appeal on the question of class certification; proposing coding for new law in Minnesota Statutes, chapter 540.

Referred to the Committee on Judiciary.

**Senator Ortman introduced—**

**S.F. No. 1798:** A bill for an act relating to public safety; requiring reimbursement from a local government to a person for the cost of electronic alcohol monitoring when there is no conviction for an alcohol impaired-related offense; amending Minnesota Statutes 2014, sections 169A.44; 169A.73, subdivision 3.

Referred to the Committee on Judiciary.

**Senator Bonoff introduced—**

**S.F. No. 1799:** A bill for an act relating to higher education; removing obsolete language; exempting certain Office of Higher Education student loan contracts from E-Verify program; amending Minnesota Statutes 2014, sections 13.32, subdivision 6; 16C.075.

Referred to the Committee on Higher Education and Workforce Development.

**Senator Schmit introduced—**

**S.F. No. 1800:** A bill for an act relating to telecommunications; removing authority for municipal telecommunications service; repealing Minnesota Statutes 2014, section 237.19.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senators Hawj and Marty introduced—**

**S.F. No. 1801:** A bill for an act relating to housing; providing a grant for the community stabilization project; appropriating money.

Referred to the Committee on Finance.

**Senator Sheran introduced—**

**S.F. No. 1802:** A bill for an act relating to transportation; governing drive-away in-transit license plates; classifying certain data; appropriating money; amending Minnesota Statutes 2014, sections 13.6905, by adding a subdivision; 168.053, subdivision 1, by adding a subdivision; 168.346, by adding a subdivision.

Referred to the Committee on Transportation and Public Safety.

**Senators Limmer and Hall introduced—**

**S.F. No. 1803:** A bill for an act relating to health; creating a Minnesota Stillbirth Task Force.

Referred to the Committee on Health, Human Services and Housing.

**Senators Kent and Rest introduced—**

**S.F. No. 1804:** A bill for an act relating to education; clarifying advanced placement and international baccalaureate program requirements; appropriating money; amending Minnesota Statutes 2014, section 120B.13, subdivisions 1, 4.

Referred to the Committee on Education.

**Senator Johnson introduced—**

**S.F. No. 1805:** A bill for an act relating to taxation; individual income; modifying the child and dependent care credit; amending Minnesota Statutes 2014, sections 290.067, subdivisions 1, 2, 2b, 3; 290.0674, subdivision 2, by adding a subdivision; repealing Minnesota Statutes 2014, section 290.067, subdivision 2a.

Referred to the Committee on Taxes.

**Senator Rest introduced—**

**S.F. No. 1806:** A bill for an act relating to human services; allowing medical assistance coverage for drugs and pharmaceutical ingredients used for weight loss; amending Minnesota Statutes 2014, section 256B.0625, subdivision 13d.

Referred to the Committee on Health, Human Services and Housing.

**Senators Jensen and Rest introduced—**

**S.F. No. 1807:** A bill for an act relating to higher education; requiring the Minnesota State Colleges and Universities to establish a transfer curriculum; proposing coding for new law in Minnesota Statutes, chapter 136F.

Referred to the Committee on Higher Education and Workforce Development.

**Senators Johnson, Wiger and Rest introduced—**

**S.F. No. 1808:** A bill for an act relating to education; lowering the age of compulsory attendance from seven to six; amending Minnesota Statutes 2014, sections 120A.22, subdivisions 5, 11; 120A.24, subdivision 1; 121A.15, subdivisions 2, 3, 4; 121A.17, subdivision 5; 125A.02, subdivision 1a; 125A.28.

Referred to the Committee on Education.

**Senators Franzen, Cohen and Bonoff introduced—**

**S.F. No. 1809:** A bill for an act relating to human services; increasing funding for early education programs; creating transferability for early learning scholarships; enhancing participation in the Parent Aware program; modifying child care assistance program maximum reimbursement rates;

appropriating money; amending Minnesota Statutes 2014, sections 119B.13, subdivisions 1, 3b; 124D.16, subdivision 2; 124D.165, subdivision 3, by adding a subdivision.

Referred to the Committee on Finance.

**Senator Eaton introduced—**

**S.F. No. 1810:** A bill for an act relating to state lands; authorizing conveyance of certain state land to Hennepin County.

Referred to the Committee on State and Local Government.

**Senator Petersen, B. introduced—**

**S.F. No. 1811:** A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for sex equality under the law.

Referred to the Committee on Judiciary.

**Senator Franzen introduced—**

**S.F. No. 1812:** A bill for an act relating to state government; creating a three-year price transparency pilot project in certain areas of the state within the state employee group insurance program; appropriating money.

Referred to the Committee on State and Local Government.

**Senators Chamberlain, Senjem and Osmek introduced—**

**S.F. No. 1813:** A bill for an act relating to transportation; reducing transportation and infrastructure costs through community virtualization electronic access; appropriating money.

Referred to the Committee on Transportation and Public Safety.

**Senators Sparks, Dahle and Lourey introduced—**

**S.F. No. 1814:** A bill for an act relating to agriculture; providing tax incentives for value-added on-farm agricultural processing; providing for a loan program for value-added on-farm agricultural processing facilities; authorizing rulemaking; amending Minnesota Statutes 2014, sections 272.02, by adding a subdivision; 297A.69, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 17; 41B.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senator Hayden introduced—**

**S.F. No. 1815:** A bill for an act relating to financial institutions; regulating payday lending; amending Minnesota Statutes 2014, section 47.60.

Referred to the Committee on Commerce.

**Senators Cohen and Franzen introduced—**

**S.F. No. 1816:** A bill for an act relating to property; regulating property transfers; enacting amendments to the Uniform Fraudulent Transfer Act recommended by the National Conference of Commissioners on Uniform State Laws for enactment by the states; amending Minnesota Statutes 2014, sections 513.41; 513.42; 513.43; 513.44; 513.45; 513.46; 513.47; 513.48; 513.51; proposing coding for new law in Minnesota Statutes, chapter 513.

Referred to the Committee on Judiciary.

**Senator Dahle introduced—**

**S.F. No. 1817:** A bill for an act relating to higher education; establishing a young farmer summer seminar and practicum program; exempting program participants from certain labor laws; appropriating money; amending Minnesota Statutes 2014, section 177.23, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Finance.

**Senators Wiklund and Lourey introduced—**

**S.F. No. 1818:** A bill for an act relating to health; permitting the commissioner of health to use the all-payer claims data to compile public use files of summary data; amending Minnesota Statutes 2014, section 62U.04, subdivision 11.

Referred to the Committee on Health, Human Services and Housing.

**Senators Eaton and Rest introduced—**

**S.F. No. 1819:** A bill for an act relating to workforce development; expanding the membership of the Urban Initiative Board; authorizing African heritage urban challenge grants; amending Minnesota Statutes 2014, sections 116M.15, subdivision 1; 116M.18, by adding a subdivision.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senators Eaton and Goodwin introduced—**

**S.F. No. 1820:** A bill for an act relating to public safety; prohibiting the creation of a video record in restrooms, locker rooms, and changing rooms; requiring predatory offender registration; amending Minnesota Statutes 2014, sections 243.166, subdivision 1b; 609.746, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Eaton and Goodwin introduced—**

**S.F. No. 1821:** A bill for an act relating to state government; changing the engraving on a statue of an historic figure.

Referred to the Committee on State and Local Government.

**Senator Sparks introduced—**

**S.F. No. 1822:** A bill for an act relating to workers' compensation; modifying electronic transactions; authorizing penalties; amending Minnesota Statutes 2014, sections 176.135, by adding a subdivision; 176.221, subdivision 8.

Referred to the Committee on Jobs, Agriculture and Rural Development.

**Senators Torres Ray and Hall introduced—**

**S.F. No. 1823:** A bill for an act relating to state government; restructuring councils representing certain ethnic communities; creating a Department of Ethnic Affairs to strengthen three of the ethnic councils; transferring the ombudsperson program for families and children into the Department of Ethnic Affairs; appropriating money; amending Minnesota Statutes 2014, section 15.01; proposing coding for new law in Minnesota Statutes, chapter 3; proposing coding for new law as Minnesota Statutes, chapter 16F; repealing Minnesota Statutes 2014, sections 3.9223; 3.9225; 3.9226, subdivisions 1, 2, 3, 4, 5, 6, 7; 257.0755; 257.076; 257.0761; 257.0762; 257.0763; 257.0764; 257.0765; 257.0766; 257.0767; 257.0768; 257.0769.

Referred to the Committee on State and Local Government.

**MOTIONS AND RESOLUTIONS**

Senator Miller moved that the name of Senator Weber be added as a co-author to S.F. No. 409. The motion prevailed.

Senator Jensen moved that the name of Senator Dziejcz be added as a co-author to S.F. No. 441. The motion prevailed.

Senator Hoffman moved that the name of Senator Nelson be added as a co-author to S.F. No. 462. The motion prevailed.

Senator Ortman moved that her name be stricken as a co-author to S.F. No. 924. The motion prevailed.

Senator Kiffmeyer moved that the name of Senator Housley be added as a co-author to S.F. No. 979. The motion prevailed.

Senator Hoffman moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 1325. The motion prevailed.

Senator Hayden moved that the name of Senator Hawj be added as a co-author to S.F. No. 1344. The motion prevailed.

Senator Eaton moved that the names of Senators Cohen and Marty be added as co-authors to S.F. No. 1410. The motion prevailed.

Senator Wiger moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 1498. The motion prevailed.

Senator Carlson moved that the name of Senator Fischbach be added as a co-author to S.F. No. 1524. The motion prevailed.

Senator Hoffman moved that the name of Senator Rosen be added as a co-author to S.F. No. 1530. The motion prevailed.

Senator Marty moved that the name of Senator Scalze be added as a co-author to S.F. No. 1537. The motion prevailed.

Senator Bonoff moved that the name of Senator Osmek be added as a co-author to S.F. No. 1541. The motion prevailed.

Senator Kent moved that the name of Senator Housley be added as a co-author to S.F. No. 1554. The motion prevailed.

Senator Nelson moved that the name of Senator Reinert be added as a co-author to S.F. No. 1630. The motion prevailed.

Senator Stumpf moved that the name of Senator Weber be added as a co-author to S.F. No. 1675. The motion prevailed.

Senator Lourey moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 1694. The motion prevailed.

Senator Pappas moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Eaton be added as chief author to S.F. No. 1703. The motion prevailed.

Senator Eaton moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 1703. The motion prevailed.

Senator Kent moved that S.F. No. 211 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

Senator Kent moved that S.F. No. 212 be withdrawn from the Committee on Capital Investment and returned to its author. The motion prevailed.

Senator Clausen moved that S.F. No. 995 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government. The motion prevailed.

Senator Bakk moved that S.F. No. 1304 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on State and Local Government. The motion prevailed.

**Senator Stumpf introduced –**

**Senate Resolution No. 96:** A Senate resolution congratulating the Thief River Falls Prowlers Girls Hockey team on winning the 2015 Minnesota State High School Class A Girls Hockey championship.

Referred to the Committee on Rules and Administration.



**Senator Dibble introduced –**

**Senate Resolution No. 97:** A Senate resolution congratulating Nathan Allen Anderson for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**MEMBERS EXCUSED**

Senators Eken, Koenen, Latz, Nienow, Ortman and Pratt were excused from the Session of today.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, March 18, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

