

EIGHTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 23, 2020

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

Prayer was offered by Senator Andrew Mathews.

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

The roll was called, and the following Senators were present:

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

The President declared a quorum present.

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, B.; Bigham; Carlson; Clausen; Cwodzinski; Dahms; Dziedzic; Eaton; Eichorn; Hall; Hawj; Hayden; Isaacson; Johnson; Klein; Laine; Lang; Latz; Little; Marty; Newman; Newton; Osmek; Pappas; Relph; Rest; Ruud; Simonson; Sparks; Torres Ray; Weber; and Wiklund.

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

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 4481 and 3694. The motion prevailed.

Senator Rosen from the Committee on Finance, to which was referred

S.F. No. 4486: A bill for an act relating to state finances; establishing an account in the federal fund; depositing money from the federal coronavirus relief fund.

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

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

S.F. No. 4481: A bill for an act relating to economic development; modifying small business loan transfers; appropriating money for emergency small business grants and loans; amending Laws 2020, chapter 71, article 1, section 11.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 2020, chapter 71, article 1, section 11, is amended to read:

Sec. 11. TRANSFERS; SMALL BUSINESS EMERGENCY LOAN PROGRAM.

Notwithstanding Minnesota Statutes, sections 116J.423 and 116J.8731, in fiscal year 2020, the following amounts are transferred to the small business emergency loan account in the special revenue fund under Minnesota Statutes, section 116M.18, subdivision 9:

(1) \$20,000,000 from the special revenue fund account of the Minnesota 21st century fund under Minnesota Statutes, section 116J.423, subdivision 1; and

(2) \$10,000,000 from the Minnesota investment revolving loan account under Minnesota Statutes, section 116J.8731, subdivision 5, in the special revenue fund.

Transferred amounts are appropriated to the commissioner of employment and economic development to make loans as set forth in Governor's Executive Order 20-15, Providing Immediate Relief to Small Businesses During the COVID-19 Peacetime Emergency. Any business may receive a loan through the small business emergency loan program at the discretion of the commissioner of employment and economic development. The business must demonstrate to the lender that it was directly and adversely affected by the COVID-19 peacetime emergency under Executive Order 20-04, 20-08, or 20-09. All loan repayments are credited proportionately to the accounts from which the loan amounts were originally transferred. Any amounts remaining in the small business emergency loan account that are unexpended and unobligated at the close of the fiscal year cancel proportionately to the accounts from which the amounts were originally transferred.

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

Sec. 2. SMALL BUSINESS EMERGENCY LOAN PROGRAM; APPROPRIATION.

\$20,000,000 is appropriated in fiscal year 2020 from the general fund to the commissioner of employment and economic development for small business emergency loans pursuant to Laws 2020, chapter 71, article 1, section 11.

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

Sec. 3. **SMALL BUSINESS RELIEF GRANTS; APPROPRIATION.**

(a) \$10,000,000 in fiscal year 2020 is appropriated from federal funds received by the state of Minnesota under the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, to the commissioner of employment and economic development for grants under paragraph (c). The appropriation in this paragraph is reduced by any amount appropriated in paragraph (b). Funds are available until December 31, 2020.

(b) If the appropriation in paragraph (a) is not made before May 1, 2020, then \$10,000,000 in fiscal year 2020 is appropriated from the general fund to the commissioner of employment and economic development for grants under paragraph (c). Funds are available until December 31, 2020.

(c) Money appropriated under paragraph (a) or (b) shall be used to make grants as follows:

(1) \$5,000,000 to the Minnesota Initiative Foundations to serve businesses in greater Minnesota; and

(2) \$5,000,000 to serve businesses in the seven-county metropolitan area.

(d) Grant recipients under paragraph (c) shall use funds to make grants of up to \$10,000 to individual businesses that:

(1) are located in the state of Minnesota;

(2) employ the equivalent of ten full-time workers or less; and

(3) can demonstrate financial hardship as a result of the COVID-19 outbreak.

(e) Notwithstanding paragraph (d), for each of the grants in paragraph (c), \$1,000,000 shall be used to make grants of up to \$10,000 to individual businesses that:

(1) are located in the state of Minnesota;

(2) employ the equivalent of five full-time workers or less;

(3) have a combination of assets and annual sales for the most recent calendar year less than \$250,000; and

(4) can demonstrate financial hardship as a result of the COVID-19 outbreak.

Grant funds received by individual businesses shall be used for working capital to support payroll expenses, rent, mortgage payments, utility bills, and other similar expenses that occur in the regular course of business.

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

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

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

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

S.F. No. 3694: A bill for an act relating to human services; restoring a requirement for notice to lead agencies when MnCHOICES assessments are required for personal care assistance services; amending Minnesota Statutes 2019 Supplement, section 256B.0911, subdivision 3a.

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 2019 Supplement, section 256B.0911, subdivision 3a, is amended to read:

Subd. 3a. **Assessment and support planning.** (a) Persons requesting assessment, services planning, or other assistance intended to support community-based living, including persons who need assessment in order to determine waiver or alternative care program eligibility, must be visited by a long-term care consultation team within 20 calendar days after the date on which an assessment was requested or recommended. Upon statewide implementation of subdivisions 2b, 2c, and 5, this requirement also applies to an assessment of a person requesting personal care assistance services. The commissioner shall provide at least a 90-day notice to lead agencies prior to the effective date of this requirement. Face-to-face assessments must be conducted according to paragraphs (b) to (i).

(b) Upon implementation of subdivisions 2b, 2c, and 5, lead agencies shall use certified assessors to conduct the assessment. For a person with complex health care needs, a public health or registered nurse from the team must be consulted.

(c) The MnCHOICES assessment provided by the commissioner to lead agencies must be used to complete a comprehensive, conversation-based, person-centered assessment. The assessment must include the health, psychological, functional, environmental, and social needs of the individual necessary to develop a community support plan that meets the individual's needs and preferences.

(d) The assessment must be conducted in a face-to-face conversational interview with the person being assessed. The person's legal representative must provide input during the assessment process and may do so remotely if requested. At the request of the person, other individuals may participate in the assessment to provide information on the needs, strengths, and preferences of the person necessary to develop a community support plan that ensures the person's health and safety. Except for legal representatives or family members invited by the person, persons participating in the assessment may not be a provider of service or have any financial interest in the provision of services. For persons who are to be assessed for elderly waiver customized living or adult day services under chapter 256S, with the permission of the person being assessed or the person's designated or legal representative, the client's current or proposed provider of services may submit a copy of the provider's nursing assessment or written report outlining its recommendations regarding the client's care needs. The person conducting the assessment must notify the provider of the date by which this information is to be submitted. This information shall be provided to the person conducting the assessment prior to the assessment. For a person who is to be assessed for waiver services under section 256B.092 or 256B.49, with the permission of the person being assessed or the person's designated legal representative, the person's current provider of services may submit a written report outlining recommendations regarding the person's care needs the person completed in consultation with

someone who is known to the person and has interaction with the person on a regular basis. The provider must submit the report at least 60 days before the end of the person's current service agreement. The certified assessor must consider the content of the submitted report prior to finalizing the person's assessment or reassessment.

(e) The certified assessor and the individual responsible for developing the coordinated service and support plan must complete the community support plan and the coordinated service and support plan no more than 60 calendar days from the assessment visit. The person or the person's legal representative must be provided with a written community support plan within the timelines established by the commissioner, regardless of whether the person is eligible for Minnesota health care programs.

(f) For a person being assessed for elderly waiver services under chapter 256S, a provider who submitted information under paragraph (d) shall receive the final written community support plan when available and the Residential Services Workbook.

(g) The written community support plan must include:

(1) a summary of assessed needs as defined in paragraphs (c) and (d);

(2) the individual's options and choices to meet identified needs, including all available options for case management services and providers, including service provided in a non-disability-specific setting;

(3) identification of health and safety risks and how those risks will be addressed, including personal risk management strategies;

(4) referral information; and

(5) informal caregiver supports, if applicable.

For a person determined eligible for state plan home care under subdivision 1a, paragraph (b), clause (1), the person or person's representative must also receive a copy of the home care service plan developed by the certified assessor.

(h) A person may request assistance in identifying community supports without participating in a complete assessment. Upon a request for assistance identifying community support, the person must be transferred or referred to long-term care options counseling services available under sections 256.975, subdivision 7, and 256.01, subdivision 24, for telephone assistance and follow up.

(i) The person has the right to make the final decision between institutional placement and community placement after the recommendations have been provided, except as provided in section 256.975, subdivision 7a, paragraph (d).

(j) The lead agency must give the person receiving assessment or support planning, or the person's legal representative, materials, and forms supplied by the commissioner containing the following information:

(1) written recommendations for community-based services and consumer-directed options;

(2) documentation that the most cost-effective alternatives available were offered to the individual. For purposes of this clause, "cost-effective" means community services and living arrangements that cost the same as or less than institutional care. For an individual found to meet eligibility criteria for home and community-based service programs under chapter 256S or section 256B.49, "cost-effectiveness" has the meaning found in the federally approved waiver plan for each program;

(3) the need for and purpose of preadmission screening conducted by long-term care options counselors according to section 256.975, subdivisions 7a to 7c, if the person selects nursing facility placement. If the individual selects nursing facility placement, the lead agency shall forward information needed to complete the level of care determinations and screening for developmental disability and mental illness collected during the assessment to the long-term care options counselor using forms provided by the commissioner;

(4) the role of long-term care consultation assessment and support planning in eligibility determination for waiver and alternative care programs, and state plan home care, case management, and other services as defined in subdivision 1a, paragraphs (a), clause (6), and (b);

(5) information about Minnesota health care programs;

(6) the person's freedom to accept or reject the recommendations of the team;

(7) the person's right to confidentiality under the Minnesota Government Data Practices Act, chapter 13;

(8) the certified assessor's decision regarding the person's need for institutional level of care as determined under criteria established in subdivision 4e and the certified assessor's decision regarding eligibility for all services and programs as defined in subdivision 1a, paragraphs (a), clause (6), and (b); and

(9) the person's right to appeal the certified assessor's decision regarding eligibility for all services and programs as defined in subdivision 1a, paragraphs (a), clauses (6), (7), and (8), and (b), and incorporating the decision regarding the need for institutional level of care or the lead agency's final decisions regarding public programs eligibility according to section 256.045, subdivision 3. The certified assessor must verbally communicate this appeal right to the person and must visually point out where in the document the right to appeal is stated.

(k) Face-to-face assessment completed as part of eligibility determination for the alternative care, elderly waiver, developmental disabilities, community access for disability inclusion, community alternative care, and brain injury waiver programs under chapter 256S and sections 256B.0913, 256B.092, and 256B.49 is valid to establish service eligibility for no more than 60 calendar days after the date of assessment.

(l) The effective eligibility start date for programs in paragraph (k) can never be prior to the date of assessment. If an assessment was completed more than 60 days before the effective waiver or alternative care program eligibility start date, assessment and support plan information must be updated and documented in the department's Medicaid Management Information System (MMIS). Notwithstanding retroactive medical assistance coverage of state plan services, the effective date

of eligibility for programs included in paragraph (k) cannot be prior to the date the most recent updated assessment is completed.

(m) If an eligibility update is completed within 90 days of the previous face-to-face assessment and documented in the department's Medicaid Management Information System (MMIS), the effective date of eligibility for programs included in paragraph (k) is the date of the previous face-to-face assessment when all other eligibility requirements are met.

(n) At the time of reassessment, the certified assessor shall assess each person receiving waiver services currently residing in a community residential setting, or licensed adult foster care home that is not the primary residence of the license holder, or in which the license holder is not the primary caregiver, to determine if that person would prefer to be served in a community-living setting as defined in section 256B.49, subdivision 23. The certified assessor shall offer the person, through a person-centered planning process, the option to receive alternative housing and service options.

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

Sec. 2. TEFRA PARENTAL CONTRIBUTION PAYMENTS PROHIBITED DURING COVID-19 PEACETIME EMERGENCY.

The Department of Human Services and local agencies shall not require parental contribution payments under Minnesota Statutes, section 252.27, subdivision 2a, during the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19. Parental contribution payments collected after March 13, 2020, shall be refunded. Parental contribution payments may resume the first full month following expiration of the peacetime emergency. The amount of the parental contribution shall be redetermined according to Minnesota Statutes, section 252.27, subdivision 2a, for households that reported a reduction in income of greater than ten percent during the peacetime emergency.

EFFECTIVE DATE. This section is effective the day following final enactment, and expires 30 days after the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded by proper authority.

Sec. 3. TEMPORARY SUSPENSION OF MONTHLY LIMIT ON HOURS WORKED BY PERSONAL CARE ASSISTANTS.

Notwithstanding Minnesota Statutes, section 256B.0659, subdivision 11, paragraph (a), clause (10), during a peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19, a personal care assistant may provide and be paid for 310 hours per month of personal care assistance services. This section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an outbreak of COVID-19, is terminated or rescinded by proper authority, whichever is earlier.

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

Sec. 4. APPROPRIATION; NONEMERGENCY MEDICAL TRANSPORTATION TEMPORARY RATE INCREASE.

Subdivision 1. **Appropriation.** \$..... is appropriated in fiscal year 2020 from the general fund to the commissioner of human services for temporary nonemergency medical transportation rate increases for all modes of transportation except client reimbursement; volunteer transport; and unassisted transport provided by public transit. This is a onetime appropriation and is available until the expiration of this section.

Subd. 2. **Temporary rates.** Notwithstanding Minnesota Statutes, section 256B.0625, subdivision 17, paragraph (m), clauses (3) to (7), the temporary medical assistance reimbursement rates for nonemergency medical transportation services that are payable by or on behalf of the commissioner for nonemergency medical transportation services are:

(1) \$16.50 for the base rate and \$1.95 per mile for unassisted transport when provided by a nonemergency medical transportation provider;

(2) \$19.50 for the base rate and \$1.95 per mile for assisted transport;

(3) \$27 for the base rate and \$2.33 per mile for lift-equipped/ramp transport;

(4) \$112.50 for the base rate and \$3.60 per mile for protected transport; and

(5) \$90 for the base rate and \$3.60 per mile for stretcher transport, and \$13.50 per trip for an additional attendant if deemed medically necessary.

These temporary rates shall remain in effect until the expiration of this section.

Subd. 3. **Capitation rates and directed payments.** (a) To implement the temporary rate increase under this section, managed care plans and county-based purchasing plans shall increase rates as described in subdivision 2.

(b) In combination with contract amendments instructing plans to increase reimbursement rates for nonemergency medical transportation services, the commissioner shall adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain plans' expected medical loss ratios.

(c) Contracts between managed care plans and providers and between county-based purchasing plans and providers must allow recovery of payments from providers if federal approval for the provisions of this subdivision is not received and the commissioner reduces capitation payments as a result. Payment recoveries must not exceed the amount equal to any decrease in rates that results from this paragraph.

Subd. 4. **Expiration.** This section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded by proper authority, whichever is earlier.

EFFECTIVE DATE. This section is effective upon federal approval. The commissioner of human services shall notify the revisor of statutes when approval is obtained.

Sec. 5. **APPROPRIATION; COVID-19-RELATED EMERGENCY RETENTION GRANTS FOR DISABILITY SERVICES.**

Subdivision 1. **Appropriation.** \$25,000,000 is appropriated in fiscal year 2020 from the general fund to the commissioner of human services for emergency retention grants to providers of eligible disability services to help ensure the continuity of the disability services infrastructure and prevent its failure during or following the COVID-19 pandemic. This is a onetime appropriation and is available until the expiration of subdivision 3.

Subd. 2. **Eligible services.** Providers of the following services are eligible for emergency retention grants under this section:

(1) adult day services, day training and habilitation, day support services, prevocational services, and structured day services provided by the home and community-based waiver programs under Minnesota Statutes, sections 256B.092 and 256B.49, and Minnesota Statutes, chapter 256S;

(2) employment exploration services, employment development services, and employment support services provided by the home and community-based waiver programs under Minnesota Statutes, sections 256B.092 and 256B.49;

(3) children's therapeutic supports and services under Minnesota Statutes, section 256B.0943;

(4) early intensive developmental and behavioral intervention under Minnesota Statutes, section 256B.0949; and

(5) nonemergency medical transportation services under Minnesota Statutes, section 256B.0625, subdivision 17, except for nonemergency medical transportation provided by public transit or not-for-hire vehicles.

Subd. 3. **Emergency retention grants.** The commissioner may make emergency retention grants to providers of eligible services. The commissioner shall determine the number of grants issued and the amount.

Subd. 4. **Application.** (a) The commissioner shall develop an application form and application process for emergency retention grants under this section. An applicant must provide the following information in the application:

(1) eligibility for existing COVID-19-related emergency funding, including state and federal small business loans;

(2) the provider's total revenue from medical assistance for eligible services provided during January 2020;

(3) how the applicant anticipates using the grant within the allowable uses;

(4) the requested grant amount;

(5) an explanation of how the grant will allow the applicant to maintain the continuity of the disability services infrastructure and prevent its failure during or following the COVID-19 pandemic; and

(6) other information deemed necessary by the commissioner to evaluate grant applications.

(b) If applications for grants exceed the available appropriations, the commissioner shall give priority to grant applications from providers who are ineligible for existing COVID-19-related funding or whose services cannot be delivered according to the temporary service delivery standards developed by the commissioner under subdivision 10.

Subd. 5. **Allowable uses of funds.** The commissioner may issue grants to a provider of eligible services for fixed costs associated with maintaining the provider's capacity to provide services to its clients following the COVID-19 pandemic.

Subd. 6. **Payments for services provided.** Providers may continue to bill for services provided while this section is effective, including for services provided according to the temporary service delivery standards developed by the commissioner under subdivision 10.

Subd. 7. **Condition of accepting emergency retention grants.** As a condition of accepting emergency retention grants under this section, a provider of eligible services must agree in writing to:

(1) cooperate with the commissioner of human services to deliver services according to the temporary service delivery standards developed by the commissioner under subdivision 10;

(2) notify the commissioner of human services of any additional federal, state, or philanthropic COVID-19-related funding, including other COVID-19-related state or federal grants or small business loans;

(3) repay emergency retention grants as required by subdivision 8 from any COVID-19-related federal, state, or philanthropic funding, excluding the unforgiven portion of any COVID-19-related loans;

(4) acknowledge that emergency retention grants may be subject to recoupment if a state audit determines that the provider received additional emergency funding; and

(5) acknowledge that emergency retention grants may be subject to recoupment if a state audit determines that inappropriate billing or duplicate payments for services occurred or that the provider used awarded funds for purposes not authorized under this section.

Subd. 8. **Assistance from other source.** If a provider receives any additional COVID-19-related federal, state, or philanthropic funding, the provider must notify the commissioner of human services of the amount received. From the additional COVID-19-related federal, state, or philanthropic funds received, excluding the unforgiven portion of any COVID-19-related loans, the provider must reimburse the commissioner for the grants the provider received under this section in an amount equal to either the amount of the grant received or the aggregate amount of the additional emergency federal, state, or philanthropic COVID-19-related funding received, minus the unforgiven portion of any COVID-19-related loans, whichever is less. The state share of all money paid to the commissioner under this subdivision must be deposited in the general fund.

Subd. 9. **Recoupment.** If the commissioner determines that the provider received additional COVID-19-related federal, state, or philanthropic funding and failed to reimburse the commissioner as required under subdivision 8, or that the provider used awarded funds for purposes not authorized under this section, the commissioner shall treat any amount not reimbursed as required under

subdivision 6 and any amount used for a purpose not authorized under subdivision 5 as an overpayment and recover the overpayment under Minnesota Statutes, section 256B.0641.

Subd. 10. **Temporary alternative service standards.** The commissioner of human services shall modify existing service delivery standards related to the scope and service delivery location for services identified in subdivision 2 to promote service provision during the time that subdivision 3 is effective.

Subd. 11. **Federal waivers.** The commissioner of human services shall seek approval of all appropriate federal waivers, waiver plan amendments, and state plan amendments to maximize federal financial participation in both emergency retention grants made under this section and reimbursement rates for services provided according to the alternative service delivery standards developed by the commissioner under subdivision 10.

Subd. 12. **Expiration.** Subdivision 3 expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded by proper authority, whichever occurs earlier.

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

Sec. 6. **APPROPRIATION; PERSONAL CARE ASSISTANCE TEMPORARY RATE INCREASE.**

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

(a) "Commissioner" means the commissioner of human services.

(b) "Covered program" has the meaning given in Minnesota Statutes, section 256B.0711, paragraph (b).

(c) "Direct support professional" means an individual employed to personally provide personal care assistance services covered by medical assistance under Minnesota Statutes, section 256B.0625, subdivisions 19a and 19c; or to personally provide medical assistance services covered under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, or Minnesota Statutes, chapter 256S. Direct support professional does not include managerial or administrative staff who do not personally provide the services described in this paragraph.

(d) "Direct support services" has the meaning given in Minnesota Statutes, section 256B.0711, paragraph (c).

Subd. 2. **Temporary rates for direct support services.** (a) To respond to the infectious disease known as COVID-19, the commissioner must temporarily increase rates and enhanced rates by 15 percent for direct support services provided under a covered program or under Minnesota Statutes, section 256B.0659, while this section is effective.

(b) Providers that receive a rate increase under this section must use at least 80 percent of the additional revenue to increase wages and salaries for personal care assistants, and any corresponding increase in the employer's share of FICA taxes, Medicare taxes, state and federal unemployment

taxes, and workers' compensation premiums; and any remainder of the additional revenue for activities and items necessary to support compliance with Centers for Disease Control and Prevention guidance on sanitation and personal protective equipment.

Subd. 3. **Capitation rates and directed payments.** (a) To implement the temporary rate increase under this section, managed care plans and county-based purchasing plans shall increase rates and enhanced rates by 15 percent for the direct support services.

(b) In combination with contract amendments instructing plans to increase reimbursement rates for direct support services, the commissioner shall adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain managed care plans' expected medical loss ratios.

(c) Contracts between managed care plans and providers and between county-based purchasing plans and providers must allow recovery of payments from providers if federal approval for the provisions of this subdivision is not received and the commissioner reduces capitation payments as a result. Payment recoveries must not exceed the amount equal to any decrease in rates that results from this paragraph.

Subd. 4. **Consumer-directed community support budgets.** Lead agencies shall temporarily increase the budget for each recipient of consumer-directed community supports to reflect a 15 percent rate increase for direct support services.

Subd. 5. **Consumer support grants; increased maximum allowable grant.** The commissioner shall temporarily increase the maximum allowable monthly grant level for each recipient of consumer support grants to reflect a 15 percent rate increase for direct support services.

Subd. 6. **Distribution plans.** (a) A provider agency or individual provider that receives a rate increase under subdivision 2 shall prepare, and upon request submit to the commissioner, a distribution plan that specifies the anticipated amount and proposed uses of the additional revenue the provider will receive under subdivision 2.

(b) By 2020, the provider must post the distribution plan for a period of at least six weeks in an area of the provider's operation to which all direct support professionals have access. The provider must post with the distribution plan instructions on how to file an appeal with the commissioner if direct support professionals do not believe they have received the wage increase specified in the distribution plan. The instructions must include a mailing address, electronic address, and telephone number that the direct support professional may use to contact the commissioner or the commissioner's representative.

Subd. 7. **Expiration.** This section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded by proper authority, whichever is earlier.

Subd. 8. **Appropriation.** \$..... is appropriated in fiscal year 2020 to the commissioner of human services to implement the rate increase in this section. This is a onetime appropriation and is available while this section is effective.

EFFECTIVE DATE. This section is effective the day following final enactment or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained.

**Sec. 7. APPROPRIATION; HOME AND COMMUNITY-BASED SERVICES
TEMPORARY RATE INCREASE.**

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

(a) "Commissioner" means the commissioner of human services.

(b) "Direct support professional" means an individual employed to personally provide medical assistance services covered under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, or Minnesota Statutes, chapter 256S. Direct support professional does not include managerial or administrative staff who do not personally provide the services described in this paragraph.

Subd. 2. **Temporary rate increases.** (a) To respond to the infectious disease known as COVID-19, while this section is effective, the commissioner must temporarily increase by ten percent the rates for the following services provided by the home and community-based waiver programs under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, and Minnesota Statutes, chapter 256S:

- (1) 24-hour customized living;
- (2) community residential services;
- (3) customized living;
- (4) family residential services;
- (5) foster care services;
- (6) integrated community supports;
- (7) supportive living services;
- (8) adult day services;
- (9) day training and habilitation;
- (10) day support services;
- (11) prevocational services;
- (12) structured day services;
- (13) employment exploration services;
- (14) employment development services; and

(15) employment support services.

(b) Providers that receive a rate increase under this section must use at least 80 percent of the additional revenue to increase wages and salaries of direct support professionals, and any corresponding increase in the employer's share of FICA taxes, Medicare taxes, state and federal unemployment taxes, and workers' compensation premiums; and any remainder of the additional revenue for activities and items necessary to support compliance with Centers for Disease Control and Prevention guidance on sanitation and personal protective equipment.

Subd. 3. Capitation rates and directed payments. (a) To implement the temporary rate increase under this section, managed care plans and county-based purchasing plans shall increase rates by ten percent for the services described in subdivision 2.

(b) In combination with contract amendments instructing plans to increase reimbursement rates for the services described in subdivision 2, the commissioner shall adjust capitation rates paid to managed care plans and county-based purchasing plans as needed to maintain managed care plans' expected medical loss ratios.

(c) Contracts between managed care plans and providers and between county-based purchasing plans and providers must allow recovery of payments from providers if federal approval for the provisions of this subdivision is not received and the commissioner reduces capitation payments as a result. Payment recoveries must not exceed the amount equal to any decrease in rates that results from this paragraph.

Subd. 4. Consumer support grants; increased maximum allowable grant. The commissioner shall temporarily increase the maximum allowable monthly grant levels for each recipient of a consumer support grant to reflect the ten percent temporary rate increase for those services described in subdivision 2 that are purchased with the grant.

Subd. 5. Distribution plans. (a) A provider that receives a rate increase under subdivision 2 shall prepare, and upon request submit to the commissioner, a distribution plan that specifies the anticipated amount and proposed uses of the additional revenue the provider will receive under subdivision 2.

(b) By 2020, the provider must post the distribution plan for a period of at least six weeks in an area of the provider's operation to which all direct support professionals have access. The provider must post with the distribution plan instructions on how to file an appeal with the commissioner if direct support professionals do not believe they have received the wage increase specified in the distribution plan. The instructions must include a mailing address, electronic address, and telephone number that the direct support professional may use to contact the commissioner or the commissioner's representative.

Subd. 6. Expiration. This section expires January 31, 2021, or 60 days after the peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded by proper authority, whichever is earlier.

Subd. 7. Appropriation. \$...... is appropriated in fiscal year 2020 to the commissioner of human services to implement the rate increase in this section. This is a onetime appropriation and is available while this section is effective.

EFFECTIVE DATE. This section is effective the day following final enactment or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Delete the title and insert:

"A bill for an act relating to human services; restoring a requirement for notice to lead agencies when MnCHOICES assessments are required for personal care assistance services; establishing emergency retention grants for certain disability services providers; temporarily prohibiting TEFRA parental fees; temporarily increasing the personal care assistance service limit; temporarily increasing rates for direct support services; temporarily increasing rates for certain services provided under the home and community-based services waivers; temporarily increasing rates for certain nonemergency medical transportation services; appropriating money; amending Minnesota Statutes 2019 Supplement, section 256B.0911, subdivision 3a."

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

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

SECOND READING OF SENATE BILLS

S.F. No. 4486 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Abeler and Hoffman introduced--

S.F. No. 4503: A bill for an act relating to taxation; sales and use; providing a refundable construction exemption for a public works facility in the city of Ramsey; amending Minnesota Statutes 2019 Supplement, section 297A.71, subdivision 52.

Referred to the Committee on Taxes.

Senators Pratt, Tomassoni, Benson, and Bakk introduced--

S.F. No. 4504: A bill for an act relating to horse racing; modifying provisions relating to wagering and simulcasting; providing for certain waivers and expenditures; amending Minnesota Statutes 2018, sections 240.01, subdivisions 1b, 20; 240.25, subdivision 2; Minnesota Statutes 2019 Supplement, sections 240.10; 240.13, subdivision 5; repealing Minnesota Rules, part 7880.0010.

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

Senator Utke introduced--

S.F. No. 4505: A bill for an act relating to economic development; establishing a variance process for business license requirements during COVID-19 pandemic.

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

Senator Utke introduced--

S.F. No. 4506: A bill for an act relating to environment; requiring third-party contracting for certain analytical testing; amending Minnesota Statutes 2018, sections 84.027, by adding a subdivision; 116.07, by adding a subdivision.

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

Senators Franzen, Bakk, Hoffman, Tomassoni, and Eken introduced--

S.F. No. 4507: A bill for an act relating to economic development; providing a process for allowing certain low-risk businesses to safely reopen during a peacetime emergency.

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

Senator Utke introduced--

S.F. No. 4508: A bill for an act relating to environment; modifying environmental review provisions; amending Minnesota Statutes 2018, section 116.07, subdivision 4a; Minnesota Statutes 2019 Supplement, section 116D.04, subdivision 2a.

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

Senator Utke introduced--

S.F. No. 4509: A bill for an act relating to insurance; establishing a peer-to-peer car sharing program; proposing coding for new law in Minnesota Statutes, chapter 65B.

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

Senator Utke introduced--

S.F. No. 4510: A bill for an act proposing amendments to the Minnesota Constitution, article XI; replacing legacy amendment with funding for deficient roads and bridges and for clean water; making conforming changes; amending Minnesota Statutes 2018, sections 10A.01, subdivision 35; 16A.0561; 84.69, subdivision 1; 84.992, subdivision 4; 114D.20, subdivision 6; 114D.30, subdivisions 5, 7; 160.266, subdivision 5; 290C.02, subdivision 6; repealing Minnesota Statutes 2018, sections 3.303, subdivision 10; 3.9741, subdivision 3; 13D.08, subdivision 8; 85.53; 85.535; 85.536; 97A.056; 114D.30, subdivision 6; 114D.50, subdivisions 1, 2, 3, 3a, 4, 5, 6; 129D.17; 129D.18; 129D.19.

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

Senators Newman, Jensen, Tomassoni, Utke, and Ingebrigtsen introduced--

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

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

Senator Utke introduced--

S.F. No. 4512: A bill for an act relating to health; establishing a grant program for dental clinics to operate and provide emergency dental care.

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

Senator Dibble introduced--

S.F. No. 4513: A bill for an act relating to transportation; modifying classification and regulation of electric-assisted bicycles; amending Minnesota Statutes 2018, sections 84.787, subdivision 7; 84.797, subdivision 7; 84.92, subdivision 8; 168.002, subdivision 18; 169.011, subdivisions 27, 42, by adding subdivisions; 169.222, subdivisions 4, 6a, by adding a subdivision.

Referred to the Committee on Transportation Finance and Policy.

Senator Utke introduced--

S.F. No. 4514: A bill for an act relating to civil actions; requiring state agencies to pay disbursements to prevailing defendants; amending Minnesota Statutes 2018, section 549.04.

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

Senator Utke introduced--

S.F. No. 4515: A bill for an act relating to local government; transportation; requiring temporary halt to public transit in metropolitan area during a public health emergency.

Referred to the Committee on Transportation Finance and Policy.

Senator Utke introduced--

S.F. No. 4516: A bill for an act relating to local government; transportation; requiring temporary halt to all nonessential travel in the metropolitan transit area during a public health emergency.

Referred to the Committee on Transportation Finance and Policy.

Senator Utke introduced--

S.F. No. 4517: A bill for an act relating to civil actions; creating immunity defense for manufacturers producing COVID-19 products; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Senator Osmek introduced--

S.F. No. 4518: A bill for an act relating to taxation; property; extending due date of first-half property taxes for certain businesses.

Referred to the Committee on Taxes.

Senator Osmek introduced--

S.F. No. 4519: A bill for an act relating to public safety; requiring legislative approval to extend the duration of a peacetime emergency declared by the governor; limiting duration of peacetime emergency extensions; amending Minnesota Statutes 2018, section 12.31, subdivision 2.

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

Senator Hayden introduced--

S.F. No. 4520: A bill for an act relating to environment; modifying cumulative impact analysis requirements; amending Minnesota Statutes 2018, section 116.07, subdivision 4a, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources Finance.

Senator Rest introduced--

S.F. No. 4521: A bill for an act relating to taxation; property; modifying the definition of income for purposes of the property tax refund; amending Minnesota Statutes 2018, section 290A.03, by adding subdivisions; Minnesota Statutes 2019 Supplement, section 290A.03, subdivision 3.

Referred to the Committee on Taxes.

Senator Rest introduced--

S.F. No. 4522: A bill for an act relating to taxation; income; modifying criteria for determination of residency for resident trusts; amending Minnesota Statutes 2018, section 290.01, subdivisions 7a, 7b.

Referred to the Committee on Taxes.

Senator Howe introduced--

S.F. No. 4523: A bill for an act relating to elections; modifying statewide voter registration system maintenance procedures; establishing a procedure for provisional balloting; amending Minnesota Statutes 2018, sections 201.12, subdivision 4; 201.121, subdivision 1; 204C.12, subdivision 3; 204C.14, subdivision 1; Minnesota Statutes 2019 Supplement, section 204C.10; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

Senator Rest introduced--

S.F. No. 4524: A bill for an act relating to taxation; sales and use; providing a construction exemption for certain municipal facilities in the city of Robbinsdale; amending Minnesota Statutes 2019 Supplement, section 297A.71, subdivision 52.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Hall moved that the name of Senator Johnson be added as a co-author to S.F. No. 1805. The motion prevailed.

Senator Klein moved that the name of Senator Wiklund be added as a co-author to S.F. No. 4371. The motion prevailed.

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

Senator Nelson moved that the name of Senator Sparks be added as a co-author to S.F. No. 4476. The motion prevailed.

Senator Westrom moved that the name of Senator Koran be added as a co-author to S.F. No. 4484. The motion prevailed.

Senator Rosen moved that the name of Senator Gazelka be added as a co-author to S.F. No. 4486. The motion prevailed.

Senator Westrom moved that the name of Senator Frentz be added as a co-author to S.F. No. 4494. The motion prevailed.

Senator Jasinski moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Newman be added as chief author to S.F. No. 3255. The motion prevailed.

Senator Anderson, P. moved that the names of Senators Pratt, Housley, and Isaacson be added as co-authors to S.F. No. 4481. The motion prevailed.

Senator Ingebrigtsen moved that S.F. No. 4499 be withdrawn from the Committee on Environment and Natural Resources Policy and Legacy Finance and re-referred to the Committee on Environment and Natural Resources Finance. The motion prevailed.

Senator Westrom moved that S.F. No. 4495 be withdrawn from the Committee on Agriculture, Rural Development and Housing Policy and re-referred to the Committee on Agriculture, Rural Development and Housing Finance. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

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

S.F. No. 4481: A bill for an act relating to economic development; modifying small business loan transfers; appropriating money for emergency small business grants and loans; amending Laws 2020, chapter 71, article 1, section 11.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 4481 and that the report from the Committee on Jobs and Economic Growth Finance and Policy, shown in the Journal for April 23, 2020, be adopted; that committee recommendation being:

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

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

S.F. No. 3322: A bill for an act relating to human services; child protection; requiring responsible social services agencies to initiate and facilitate phone calls between parents and foster care providers for children in out-of-home placement; amending Minnesota Statutes 2018, section 260C.219.

Reports the same back with the recommendation that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 3322 and that the report from the Committee on Human Services Reform Finance and Policy, shown in the Journal for April 20, 2020, be adopted; that committee recommendation being:

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

SECOND READING OF SENATE BILLS

S.F. No. 3322 was read the second time.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Monday, April 27, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

