

STATE OF MINNESOTA

Journal of the Senate

NINETY-FIRST LEGISLATURE

SECOND SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Monday, July 13, 2020

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

The members of the Senate paused for a moment of silent prayer and reflection.

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

The Secretary called the roll by legislative district in numerical order as follows:

| | |
|-----------------------------|--------------------|
| First District..... | Mark Johnson |
| Second District..... | Paul J. Utke |
| Third District..... | Thomas M. Bakk |
| Fourth District..... | Kent Eken |
| Fifth District..... | Justin D. Eichorn |
| Sixth District..... | David J. Tomassoni |
| Seventh District..... | Erik Simonson |
| Eighth District..... | Bill Ingebrigtsen |
| Ninth District..... | Paul E. Gazelka |
| Tenth District..... | Carrie Ruud |
| Eleventh District..... | Jason Rarick |
| Twelfth District..... | Torrey N. Westrom |
| Thirteenth District..... | Jeff R. Howe |
| Fourteenth District..... | Jerry Relph |
| Fifteenth District..... | Andrew Mathews |
| Sixteenth District..... | Gary H. Dahms |
| Seventeenth District..... | Andrew R. Lang |
| Eighteenth District..... | Scott J. Newman |
| Nineteenth District..... | Nick A. Frentz |
| Twentieth District..... | Rich Draheim |
| Twenty-First District..... | Michael P. Goggin |
| Twenty-Second District..... | Bill Weber |

| | |
|----------------------------------|----------------------|
| Twenty-Third District. | Julie A. Rosen |
| Twenty-Fourth District. | John R. Jasinski |
| Twenty-Fifth District. | David H. Senjem |
| Twenty-Sixth District. | Carla J. Nelson |
| Twenty-Seventh District. | Dan Sparks |
| Twenty-Eighth District. | Jeremy R. Miller |
| Twenty-Ninth District. | Bruce D. Anderson |
| Thirtieth District. | Mary Kiffmeyer |
| Thirty-First District. | Michelle R. Benson |
| Thirty-Second District. | Mark W. Koran |
| Thirty-Third District. | David J. Osmek |
| Thirty-Fourth District. | Warren Limmer |
| Thirty-Fifth District. | Jim Abeler |
| Thirty-Sixth District. | John A. Hoffman |
| Thirty-Seventh District. | Jerry Newton |
| Thirty-Eighth District. | Roger C. Chamberlain |
| Thirty-Ninth District. | Karin Housley |
| Fortieth District. | Chris A. Eaton |
| Forty-First District. | Carolyn Laine |
| Forty-Second District. | Jason Isaacson |
| Forty-Third District. | Charles W. Wiger |
| Forty-Fourth District. | Paul T. Anderson |
| Forty-Fifth District. | Ann H. Rest |
| Forty-Sixth District. | Ron Latz |
| Forty-Seventh District. | Scott M. Jensen |
| Forty-Eighth District. | Steve A. Cwodzinski |
| Forty-Ninth District. | Melisa Franzen |
| Fiftieth District. | Melissa H. Wiklund |
| Fifty-First District. | Jim Carlson |
| Fifty-Second District. | Matt D. Klein |
| Fifty-Third District. | Susan Kent |
| Fifty-Fourth District. | Karla Bigham |
| Fifty-Fifth District. | Eric R. Pratt |
| Fifty-Sixth District. | Dan D. Hall |
| Fifty-Seventh District. | Greg D. Clausen |
| Fifty-Eighth District. | Matt Little |
| Fifty-Ninth District. | Bobby Joe Champion |
| Sixtieth District. | Kari Dziedzic |
| Sixty-First District. | D. Scott Dibble |

- Sixty-Second District..... Jeff Hayden
- Sixty-Third District..... Patricia Torres Ray
- Sixty-Fourth District..... Richard J. Cohen
- Sixty-Fifth District..... Sandra L. Pappas
- Sixty-Sixth District..... John Marty
- Sixty-Seventh District..... FOUNG HAWJ

The President declared a quorum present.

**STATE OF MINNESOTA
PROCLAMATION FOR SPECIAL SESSION 2020**

WHEREAS: The Ninety-First Legislature adjourned its session on May 17, 2020; and

WHEREAS: To ensure that the Legislature could address historic challenges, including the need for police accountability and reform, as well as the need to ensure a stronger and more equitable economy, I called a First Special Session to commence on June 12, 2020; and

WHEREAS: The Legislature adjourned the First Special Session before accomplishing the work needed to provide for police accountability and reform and for a robust bonding and local jobs bill, such as the Governor's Local Jobs and Projects Plan; and

WHEREAS: The COVID-19 pandemic continues to threaten Minnesotans and burden our State's resources; and

WHEREAS: The impacts of the COVID-19 pandemic leave the State in need of the economic stimulus through capital infrastructure investment such as the Local Jobs and Projects Plan; and

WHEREAS: The Minnesota Constitution allows the Governor to call a special session of the Legislature on extraordinary occasions; and

WHEREAS: Minnesota Statutes 2019, section 12.31, subdivision 2(b), provides that, if the Governor determines a need to extend a peacetime emergency beyond 30 days and the Legislature is not sitting in session, the Governor must issue a call immediately convening both houses of the Legislature; and

WHEREAS: An extraordinary occasion, as envisioned by the Minnesota Constitution, has arisen, and it is necessary to extend the COVID-19 Peacetime Emergency originally declared on March 13, 2020.

NOW, THEREFORE, I, TIM WALZ, Governor of Minnesota, by the authority vested in me by Article IV, Section 12 of the Minnesota Constitution and Sections 4.03 and 12.31 of the Minnesota Statutes, summon the members of the Legislature to convene in a Second Special Session on Monday, July 13, 2020 at 12:00 p.m. at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol on Friday, July 10, 2020.

Tim Walz, Governor

Steve Simon, Secretary of State

MOTIONS AND RESOLUTIONS

Senators Gazelka and Kent introduced --

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Temporary Rules of the Senate for the 91st Legislature are the Rules for the Special Session, except that Rules 3.6, 5, and 9 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 91st Legislature.

With respect to Rule 30, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Senator Gazelka moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Hall; Newman; Rosen; Ruud; Senjem; and Westrom.

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

The motion prevailed. So the resolution was adopted.

Senators Gazelka and Kent introduced --

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Gazelka moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Senator Nelson introduced --

Senate Resolution No. 3: A Senate resolution relating to urging the Governor to exclude public schools from any further executive orders issued subject to the emergency powers in Minnesota Statutes, chapter 12.

Senator Gazelka moved that Senate Resolution No. 3 be laid on the table. The motion prevailed.

Senator Abeler introduced --

Senate Resolution No. 4: A Senate resolution congratulating Dave Hoagland of Anoka, Minnesota, on his 100th birthday.

Referred to the Committee on Rules and Administration.

Senator Gazelka introduced --

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to Minnesota's peacetime emergency; terminating the peacetime emergency pursuant to the authority granted under Minnesota Statutes, section 12.31, subdivision 2, paragraph (b).

WHEREAS, Governor Walz signed Executive Order 20-01, a declaration of a peacetime emergency on March 13, 2020; and

WHEREAS, the Executive Council of the State extended that peacetime emergency for up to 30 days, on March 16, 2020; and

WHEREAS, on May 13, 2020, by Executive Order 20-55, Governor Walz extended the peacetime public emergency declared under Executive Order 20-01 and extended in Executive Order 20-35, until June 12, 2020; and

WHEREAS, on June 12, 2020, by Executive Order 20-75, Governor Walz extended the peacetime public emergency declared under Executive Order 20-01 and extended in Executive Orders 20-35 and 20-55 until July 13, 2020; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring: that the legislature exercises its authority under Minnesota Statutes, section 12.31, subdivision 2, paragraph (b), terminating the peacetime emergency declared under Executive Order 20-01, and extended under subsequent executive orders, on the day following the adoption of this resolution by the House of Representatives of the State of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and those of the Speaker of the House of Representatives, the Chair of the Senate Rules and Administration Committee, and the Chief Clerk of the House of Representatives, and transmit it to the Governor of the State of Minnesota.

Senator Gazelka moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|-----------|--------|---------|
| Abeler | Eken | Jensen | Nelson | Senjem |
| Anderson, B. | Gazelka | Johnson | Newman | Utke |
| Anderson, P. | Goggin | Kiffmeyer | Osmek | Weber |
| Benson | Hall | Koran | Pratt | Westrom |
| Chamberlain | Housley | Lang | Rarick | |
| Dahms | Howe | Limmer | Relph | |
| Draheim | Ingebrigtsen | Mathews | Rosen | |
| Eichorn | Jasinski | Miller | Ruud | |

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Hall; Newman; Rosen; Ruud; and Senjem.

Those who voted in the negative were:

| | | | | |
|------------|----------|----------|-----------|------------|
| Bakk | Dibble | Hoffman | Marty | Torres Ray |
| Bigham | Dziedzic | Isaacson | Newton | Wiger |
| Carlson | Eaton | Kent | Pappas | Wiklund |
| Champion | Franzen | Klein | Rest | |
| Clausen | Frentz | Laine | Simonson | |
| Cohen | Hawj | Latz | Sparks | |
| Cwodzinski | Hayden | Little | Tomassoni | |

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Bakk, Carlson, Clausen, Eaton, Klein, Laine, Latz, Little, Newton, Rest, Sparks, and Wiklund.

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED**Senator Gazelka introduced --**

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to adjournment of the Senate and House of Representatives until the public interest warrants reconvening.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon its adjournment on July 13, 2020, the Senate may set its next day of meeting for July 20, 2020; may stand adjourned until the day after members of the Senate and the House of Representatives are notified to assemble pursuant to section 3; or may stand adjourned until the day after members of the Senate are notified to assemble pursuant to section 4. The majority leader of the Senate may set the precise time of day members shall reassemble under this section, section 3, or section 4.

2. Upon its adjournment on July 14, 2020, the House of Representatives may set its next day of meeting for July 20, 2020; may stand adjourned until the day after members of the House of Representatives and the Senate are notified to assemble pursuant to section 3; or may stand adjourned until the day after members of the House of Representatives are notified to assemble pursuant to section 4. The speaker of the House of Representatives may set the precise time of day members shall reassemble under this section, section 3, or section 4.

3. The majority leader of the Senate and the speaker of the House of Representatives, acting jointly after providing advance notice to the minority leader of the Senate and the minority leader of the House of Representatives, shall notify the members of the Senate and the House of Representatives, respectively, to reassemble whenever the public interest, in the opinion of the majority leader of the Senate and speaker of the House of Representatives, warrants it.

4. The majority leader of the Senate, acting individually after providing advance notice to the minority leader of the Senate and the speaker of the House of Representatives, or the speaker of the House of Representatives, acting individually after providing advance notice to the minority leader of the House of Representatives and the majority leader of the Senate, shall notify the members of the Senate or members of the House of Representatives, respectively, to reassemble in a separate and solitary session as deemed necessary by either the majority leader of the Senate or the speaker of the House of Representatives.

5. By the adoption of this resolution, each house consents to adjournment of the other house, including the adjournment of the other house at a separate and solitary session under section 4, for more than three days until July 20, 2020.

Senator Gazelka moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Executive and Official Communications and Introduction and First Reading of Senate Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

July 13, 2020

Cal R. Ludeman
Secretary of the Senate

Secretary Ludeman,

Pursuant to Rule 8.1, all appointments requiring the advice and consent of the Senate that were referred to committees during the meeting of the 91st Legislature and not finally acted upon by the Senate are returned to the same committees to which they were previously referred. Any appointments returned to a committee not organized pursuant to Senate Resolution No. 1, are instead re-referred to the Committee on Rules and Administration.

Sincerely,
Jeremy R. Miller
President of the Senate

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Rarick and Miller introduced--

S.F. No. 1: A bill for an act relating to unemployment insurance; temporarily modifying eligibility for secondary students 16 years of age or older; appropriating money.

Senator Gazelka moved that S.F. No. 1 be laid on the table. The motion prevailed.

Senator Benson introduced--

S.F. No. 2: A bill for an act relating to health care; providing a onetime payment to medical assistance dental providers to assist in covering the cost of personal protection equipment used when providing dental services to medical assistance enrollees during the COVID pandemic; appropriating money.

Senator Gazelka moved that S.F. No. 2 be laid on the table. The motion prevailed.

Senator Benson introduced--

S.F. No. 3: A bill for an act relating to education; appropriating money for school reopening grants.

Senator Gazelka moved that S.F. No. 3 be laid on the table. The motion prevailed.

Senator Housley introduced--

S.F. No. 4: A bill for an act relating to motor vehicles; requiring implementation of online driver's license knowledge testing; implementing a fee for not appearing for a driving exam; prohibiting the practice of reserving driving exam slots for driving schools; requiring a report on the road testing backlog; appropriating money; amending Minnesota Statutes 2018, section 171.13, subdivision 7, by adding subdivisions.

Senator Gazelka moved that S.F. No. 4 be laid on the table. The motion prevailed.

Senator Housley introduced--

S.F. No. 5: A bill for an act relating to human services; requiring COVID-19-related screening programs in certain long-term care settings; appropriating money.

Senator Gazelka moved that S.F. No. 5 be laid on the table. The motion prevailed.

Senators Pratt; Hoffman; Anderson, P.; Cwodzinski; and Limmer introduced--

S.F. No. 6: A bill for an act relating to state government; establishing observance of India Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Senator Gazelka moved that S.F. No. 6 be laid on the table. The motion prevailed.

Senator Abeler introduced--

S.F. No. 7: A bill for an act relating to human services; extending portions of a COVID-19 peacetime emergency modification to economic assistance program application requirements; amending Laws 2020, First Special Session chapter 7, section 1, subdivision 2.

Senator Gazelka moved that S.F. No. 7 be laid on the table. The motion prevailed.

Senator Westrom introduced--

S.F. No. 8: A bill for an act relating to telecommunications; establishing a funding program for distance learning equipment; establishing a grant program for telemedicine equipment purchased to deal with COVID-19; requiring reports; appropriating money.

Senator Gazelka moved that S.F. No. 8 be laid on the table. The motion prevailed.

Senators Westrom, Draheim, Weber, Rarick, and Frentz introduced--

S.F. No. 9: A bill for an act relating to telecommunications; establishing a funding program for distance learning equipment; establishing a grant program for telemedicine equipment purchased to deal with COVID-19; requiring reports; appropriating money.

Senator Gazelka moved that S.F. No. 9 be laid on the table. The motion prevailed.

Senator Chamberlain introduced--

S.F. No. 10: A bill for an act relating to taxation; modifying income and corporate franchise, special taxes, and property taxes; modifying the K-12 education expense credit, charitable contribution subtraction, and section 179 expensing provisions; providing ongoing funding for the small business investment tax credit; extending certain deadlines; modifying certain lawful gambling tax and other provisions; providing for certain federal conformity; modifying referendum equalization levy; requiring a moratorium on reclassifying certain property; amending Minnesota Statutes 2018, sections 273.13, subdivision 25; 290.0131, subdivision 10; 290.0133, subdivision 12; 290.0674, subdivision 2; 297E.02, subdivision 6, as amended; 297E.021, subdivision 2; 349.15, subdivision 1; 349.151, subdivision 4; Minnesota Statutes 2019 Supplement, sections 116J.8737, subdivision 5, as amended; 126C.17, subdivision 6; 289A.02, subdivision 7; 290.01, subdivisions 19, 31; 290.0132, subdivision 7; 290.0921, subdivision 2; 290A.03, subdivision 15; 291.005, subdivision 1; repealing Minnesota Statutes 2018, sections 290.0674, subdivision 2a; 290.0692, subdivision 6; Minnesota Statutes 2019 Supplement, section 116J.8737, subdivision 12.

Senator Gazelka moved that S.F. No. 10 be laid on the table. The motion prevailed.

Senator Senjem introduced--

S.F. No. 11: A bill for an act relating to capital investment; appropriating money for the safe routes to school grant program; authorizing the sale and issuance of state bonds.

Senator Gazelka moved that S.F. No. 11 be laid on the table. The motion prevailed.

Senators Abeler, Hoffman, Kiffmeyer, Isaacson, and Koran introduced--

S.F. No. 12: A bill for an act relating to human services; establishing retention grants for certain disability service providers; modifying customized living quality improvement grants; extending portions of a COVID-19 peacetime emergency modification to economic assistance program application requirements; appropriating money; amending Laws 2019, First Special Session chapter 9, article 4, section 28; article 14, section 2, subdivision 27; Laws 2020, First Special Session chapter 7, section 1, subdivision 2.

Senator Gazelka moved that S.F. No. 12 be laid on the table. The motion prevailed.

Senator Kiffmeyer introduced--

S.F. No. 13: A bill for an act relating to state government; abolishing the Public Employment Relations Board; amending Minnesota Statutes 2018, sections 179A.04, subdivision 3; 179A.051; 179A.10, subdivision 1; 179A.13; 179A.135; repealing Minnesota Statutes 2018, sections 179A.03, subdivision 2a; 179A.041; 179A.052.

Referred to the Committee on Rules and Administration.

Senator Koran introduced--

S.F. No. 14: A bill for an act relating to health care; modifying certain reimbursement provisions for direct injectable drugs for certain conditions under medical assistance; amending Minnesota Statutes 2019 Supplement, section 256B.0625, subdivision 13e.

Referred to the Committee on Rules and Administration.

Senator Ingebrigtsen introduced--

S.F. No. 15: A bill for an act relating to environment; imposing moratorium on adopting vehicle emissions standards.

Referred to the Committee on Rules and Administration.

Senator Dahms introduced--

S.F. No. 16: A bill for an act relating to workers' compensation insurance; establishing a mechanism for providing reimbursement for certain COVID-19 workers' compensation costs; requiring a report; appropriating money.

Referred to the Committee on Rules and Administration.

Senator Rarick introduced--

S.F. No. 17: A bill for an act relating to education finance; providing enhanced debt service equalization aid for consolidating school districts facing unique circumstances; clarifying allowed uses of long-term facilities maintenance revenue and capital levies; increasing lease levy authority for school districts that are members of cooperative units; modifying referendum equalization levy; authorizing Independent School District No. 709, Duluth, to transfer levy authority from the long-term facilities maintenance revenue program to the debt redemption fund; requiring a report; amending Minnesota Statutes 2018, sections 123B.535; 123B.595, subdivision 3; 126C.40, subdivision 1; Minnesota Statutes 2019 Supplement, section 126C.17, subdivision 6.

Referred to the Committee on Rules and Administration.

Senator Pratt introduced--

S.F. No. 18: A bill for an act relating to economic development; providing for exceptions to certain economic development grant programs during a peacetime emergency; amending Minnesota Statutes 2018, sections 116J.8748, subdivision 3; 116J.994, subdivision 6.

Referred to the Committee on Rules and Administration.

Senator Nelson introduced--

S.F. No. 19: A bill for an act relating to education; modifying background check requirements for teacher licensure; amending Minnesota Statutes 2019 Supplement, section 122A.18, subdivision 8.

Referred to the Committee on Rules and Administration.

Senator Nelson introduced--

S.F. No. 20: A bill for an act relating to education; amending eligibility for the collaborative urban and greater Minnesota educators of color grant program; providing for hiring bonuses; appropriating money; amending Minnesota Statutes 2018, section 123B.02, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 1; Laws 2019, First Special Session chapter 11, article 3, sections 22, subdivision 2; 23, subdivisions 2, 6, as amended.

Referred to the Committee on Rules and Administration.

Senator Nelson introduced--

S.F. No. 21: A bill for an act relating to education finance; appropriating money for Language Essentials for Teachers of Reading and Spelling grants.

Referred to the Committee on Rules and Administration.

Senator Utke introduced--

S.F. No. 22: A bill for an act relating to workers' compensation; reimbursing reinsurance members for certain losses related to COVID-19 claims; extending the date of a CAMPUS plan submission; amending Minnesota Statutes 2019 Supplement, section 176.2612, subdivision 2.

Referred to the Committee on Rules and Administration.

Senator Rest introduced--

S.F. No. 23: A bill for an act relating to health; establishing an exception to the nursing home licensing and certification moratorium; amending Minnesota Statutes 2019 Supplement, section 144A.071, subdivision 4c.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2020 Second Special Session pursuant to law.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted July 13, 2020

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Benson moved that the names of Senators Housley and Pratt be added as co-authors to S.F. No. 3. The motion prevailed.

Senator Housley moved that the name of Senator Hoffman be added as a co-author to S.F. No. 5. The motion prevailed.

Senator Abeler moved that the name of Senator Bigham be added as a co-author to S.F. No. 7. The motion prevailed.

Senator Rarick moved that the name of Senator Simonson be added as a co-author to S.F. No. 17. 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 Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Jensen, Abeler, Draheim, Benson, and Pratt introduced--

S.F. No. 24: A bill for an act relating to health care; modifying the Alec Smith Insulin Affordability Act; appropriating money; amending Laws 2020, chapter 73, section 7.

Senator Gazelka moved that S.F. No. 24 be laid on the table. The motion prevailed.

Senator Torres Ray introduced--

S.F. No. 25: A bill for an act relating to public safety; extending reporting and use of appropriation for Missing and Murdered Indigenous Women Task Force; amending Laws 2019, First Special Session chapter 5, article 1, section 12, subdivision 7; article 2, section 28, subdivisions 4, 5.

Senator Gazelka moved that S.F. No. 25 be laid on the table. The motion prevailed.

Senator Chamberlain introduced--

S.F. No. 26: A bill for an act relating to taxation; modifying provisions for property taxes, local government aids, individual and corporate franchise taxes, sales and use taxes, lawful gambling taxes, and other miscellaneous taxes and tax provisions; modifying the referendum equalization levy; providing for certain property tax classification; providing local government aid penalty forgiveness; modifying and providing for certain additions and subtractions for the individual income and corporate franchise taxes; making the student loan credit refundable; modifying sales and use tax exemptions; providing provisions related to partnership audits; modifying lawful gambling taxes; modifying the workforce and affordable homeownership development program; making other minor policy, technical, and conforming changes; appropriating money; amending Minnesota Statutes 2018, sections 270C.445, subdivision 6; 272.02, by adding a subdivision; 273.13, subdivision 25; 289A.31, subdivision 1; 289A.37, subdivision 2; 289A.38, subdivisions 8, 9, 10; 289A.42; 289A.60, subdivision 24; 290.0131, subdivision 10; 290.0132, by adding a subdivision; 290.0133, subdivision 12; 290.0682, subdivision 2; 297A.70, subdivision 13; 297E.02, subdivision 6, as amended; 297E.021, subdivision 2; 297F.17, subdivision 6; 297G.16, subdivision 7; 349.15, subdivision 1; 349.151, subdivision 4; 462A.38, as amended; 469.319, subdivision 4; Minnesota Statutes 2019 Supplement, sections 126C.17, subdivision 6; 273.13, subdivision 34; 289A.38, subdivision 7; 290.31, subdivision 1; 290.993; 297A.71, subdivision 52; proposing coding for new law in Minnesota Statutes, chapter 289A.

Senator Gazelka moved that S.F. No. 26 be laid on the table. The motion prevailed.

Senator Pratt introduced--

S.F. No. 27: A bill for an act relating to labor; extending the effective date of Public Employment Relations Board; amending Laws 2014, chapter 211, section 13, as amended.

Referred to the Committee on Rules and Administration.

Senator Mathews introduced--

S.F. No. 28: A bill for an act relating to economic development; forgiving loans under the Lake Mille Lacs area economic relief program; amending Laws 2016, chapter 189, article 7, section 46, subdivision 2.

Referred to the Committee on Rules and Administration.

Senators Eichorn and Tomassoni introduced--

S.F. No. 29: A bill for an act relating to workforce development; appropriating money for a grant to Minnesota Diversified Industries, Inc.

Referred to the Committee on Rules and Administration.

Senator Torres Ray introduced--

S.F. No. 30: A bill for an act relating to state government; establishing the PROMISE Act; creating a community repair panel to consider claims and determine awards; classifying certain

data; creating redevelopment and relief programs; establishing a Metropolitan Area Redevelopment Corporation; imposing a sales and use tax; requiring insurance claims assistance; regulating certain leases; authorizing limited use of eminent domain; exempting certain items from sales and use tax; requiring property tax abatement for certain properties; establishing the Civil Unrest Investigatory Commission; appropriating money; amending Minnesota Statutes 2018, section 297A.71, by adding a subdivision; Minnesota Statutes 2019 Supplement, section 297A.75, subdivisions 1, as amended, 2; proposing coding for new law as Minnesota Statutes, chapter 473K.

Referred to the Committee on Rules and Administration.

Senator Torres Ray introduced--

S.F. No. 31: A bill for an act relating to education; providing for general education; education excellence; teachers; Department of Education housekeeping; nutrition; and early childhood education; amending Minnesota Statutes 2018, sections 13.32, subdivision 3, as amended; 120A.22, subdivision 7; 120B.021, subdivision 2; 120B.11, subdivisions 2, 3; 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.09, subdivision 2; 123B.147, subdivision 3; 124D.111; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.81, subdivision 1; 124D.861, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 124D.

Referred to the Committee on Rules and Administration.

Senators Pappas, Pratt, Marty, and Hawj introduced--

S.F. No. 32: A bill for an act relating to capital investment; modifying an appropriation for the Southeast Asian Language Job Training Facility in St. Paul; amending Laws 2018, chapter 214, article 1, section 21, subdivision 28, as amended.

Referred to the Committee on Rules and Administration.

Senators Cwodzinski, Kent, Frenz, Bigham, and Isaacson introduced--

S.F. No. 33: A bill for an act relating to crime; providing guidance to courts on sentencing veterans for criminal offenses related to a service-related disorder; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Rules and Administration.

Senators Housley, Lang, Draheim, and Koran introduced--

S.F. No. 34: A bill for an act relating to health; establishing requirements for hospitals to discharge patients to long-term care facilities; requiring hospitals to be reimbursed for certain COVID-19-related extended stays; appropriating money.

Referred to the Committee on Rules and Administration.

Senators Pappas, Dziedzic, Kent, Torres Ray, and Franzen introduced--

S.F. No. 35: A bill for an act relating to health insurance; establishing supply requirements for prescription contraceptives; requiring health plans to cover contraceptive methods, sterilization, and related medical services, patient education, and counseling; establishing accommodations for eligible organizations; amending Minnesota Statutes 2018, section 256B.0625, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Rules and Administration.

Senators Dibble, Marty, Eken, and Kent introduced--

S.F. No. 36: A bill for an act relating to health; modifying electronic monitoring requirements; modifying Board of Executives for Long-Term Service and Supports fees; establishing private enforcement of certain rights; establishing a private cause of action for retaliation in certain long-term care settings; modifying infection control requirements in certain long-term care settings; modifying hospice and assisted living bills of rights; establishing consumer protections for clients receiving assisted living services; prohibiting termination of assisted living services during a peacetime emergency; establishing procedures for transfer of clients receiving certain long-term care services during a peacetime emergency; requiring the commissioner of health to establish a state plan to control SARS-CoV-2 infections in certain long-term care settings; establishing the Long-Term Care COVID-19 Task Force; changing provisions for nursing homes, home care, and assisted living; requiring a report; appropriating money; amending Minnesota Statutes 2018, sections 144.56, by adding subdivisions; 144.652, by adding a subdivision; 144A.04, by adding subdivisions; 144A.751, subdivision 1; 144G.03, by adding subdivisions; Minnesota Statutes 2019 Supplement, sections 144.6502, subdivision 3, by adding a subdivision; 144.6512, by adding subdivisions; 144A.291, subdivision 2; 144A.4798, subdivision 3, by adding subdivisions; 144G.07, by adding subdivisions; 144G.08, subdivisions 7, 9, 23, by adding a subdivision; 144G.09, subdivision 3; 144G.10, subdivision 1, by adding a subdivision; 144G.42, subdivision 9, by adding subdivisions; 144G.45, subdivisions 2, 5; 144G.91, by adding a subdivision; 144G.92, subdivision 5, by adding a subdivision; Laws 2019, chapter 60, article 1, section 46; article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 144A; 144G.

Referred to the Committee on Rules and Administration.

Senators Hayden, Champion, Hawj, Torres Ray, and Franzen introduced--

S.F. No. 37: A bill for an act relating to public safety; requiring local units of government to establish law enforcement citizen oversight councils; specifying powers and duties of the councils and the responsibilities of local authorities toward them; amending arbitrator selection for peace officer grievance arbitrations; creating a process to collect and analyze data on complaints filed against peace officers; providing for a peace officer discipline report; expanding the membership of the Board of Peace Officer Standards and Training; establishing a Police-Community Relations Council to report to and advise the Peace Officer Standards and Training Board; extending the civil statute of limitations for certain actions by peace officers; tolling the civil statute of limitations during investigations of peace officers; providing for revocation of peace officer license for violating use of force policy; prohibiting warrior-style training for peace officers; prohibiting the use of certain restraints; requiring law enforcement agencies to update policies regarding the use of force; establishing a duty for peace officers to intercede when another peace officer is using unreasonable force; establishing a duty for peace officers to report excessive force incidents; requiring law

enforcement agencies to adopt policies that require peace officers to intercede when another officer is using unreasonable force; providing for mandatory reporting of peace officer terminations and resignation; authorizing residency requirements for peace officers; extending reporting and use of appropriation for missing and murdered indigenous women task force; authorizing rulemaking; modifying a peace officer's authority to use deadly force; assigning prosecutorial authority for peace-officer-involved deaths to the attorney general; providing for juvenile risk assessments; establishing an independent Use of Force Investigations Unit within the Bureau of Criminal Apprehension; limiting the use of money bail for certain offenses; providing critical incident stress management services; providing for public safety peer counseling; reporting law enforcement use of force; establishing an Officer-Involved Death Review Board; establishing a Community-Led Public Safety Coordinator; establishing grants to promote community-based crisis intervention; establishing grants to promote community healing; establishing standards for crisis intervention and mental illness crisis training for peace officers; requiring the development and implementation of autism training for peace officers; restoring the civil right to vote of an individual upon release from incarceration or upon sentencing if no incarceration is imposed; requiring notice; requiring reports; classifying data; appropriating money; amending Minnesota Statutes 2018, sections 8.01; 13.43, subdivision 9, by adding a subdivision; 201.014, by adding a subdivision; 201.071, subdivision 1; 260B.176, by adding a subdivision; 388.051, subdivision 1; 415.16, subdivision 1, by adding a subdivision; 541.073, subdivision 2; 573.02, subdivision 1; 609.06, subdivision 1, by adding a subdivision; 609.066, subdivision 2, by adding a subdivision; 609.165, subdivision 1; 626.841; 626.8432, subdivision 2; 626.8452, subdivisions 1, 2, by adding a subdivision; 626.8457, subdivision 1; 626.8469; 626.89, subdivisions 2, 17; 629.53; Minnesota Statutes 2019 Supplement, section 204C.10; Laws 2019, First Special Session chapter 5, article 1, section 12, subdivision 7; article 2, section 28, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapters 8; 181; 201; 243; 299A; 299C; 541; 626; repealing Minnesota Statutes 2018, section 181.973.

Referred to the Committee on Rules and Administration.

Senators Champion and Dzedzic introduced--

S.F. No. 38: A bill for an act relating to employment; expanding the ban the box law to include boards, commissions, and other similar entities; amending Minnesota Statutes 2018, section 364.021.

Referred to the Committee on Rules and Administration.

Senators Kiffmeyer and Draheim introduced--

S.F. No. 39: A bill for an act relating to notaries; authorizing use of video appearance for real estate document notarization during public health emergency.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that S.F. No. 4 be taken from the table. The motion prevailed.

S.F. No. 4: A bill for an act relating to motor vehicles; requiring implementation of online driver's license knowledge testing; implementing a fee for not appearing for a driving exam; prohibiting the practice of reserving driving exam slots for driving schools; requiring a report on the road testing backlog; appropriating money; amending Minnesota Statutes 2018, section 171.13, subdivision 7, by adding subdivisions.

SUSPENSION OF RULES

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 4 and that the rules of the Senate be so far suspended as to give S.F. No. 4 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 4 was read the second time.

Senator Housley moved to amend S.F. No. 4 as follows:

Page 1, delete section 1

Page 2, delete section 3, and insert:

"Sec. 2. Minnesota Statutes 2018, section 171.13, is amended by adding a subdivision to read:

Subd. 9. Online driver's license knowledge testing authorization. (a) The commissioner must implement online knowledge testing as provided in this subdivision. The commissioner must not charge a fee to a driver education program or an authorized entity for access to the online knowledge testing system or for administering the online knowledge test. The commissioner must administer the fourth or subsequent knowledge test for a person.

(b) Upon written request from a driver education program licensed by the department, the commissioner must grant access to the department's web-based knowledge testing system to the driver education program. Once granted access to the online knowledge testing system, a driver education program may administer the online knowledge test to a student of the program.

(c) An entity other than a driver education program may apply to the commissioner for authority to administer online knowledge tests. The commissioner may approve or disapprove an application for administering the online knowledge tests under this paragraph. Upon approving an application of an entity, the commissioner must grant access to the department's web-based knowledge testing system to that authorized entity. Once granted access to the online knowledge testing system, the authorized entity may administer the online knowledge test.

(d) A driver education program or authorized entity:

(1) must provide all computers and equipment for persons that take the online knowledge test;

(2) must provide appropriate proctors to monitor persons taking the online knowledge test; and

(3) may charge a fee of no more than \$10 for administering the online knowledge test.

EFFECTIVE DATE. This section is effective on November 1, 2020, or on the date the changes required by this section are implemented, whichever is earlier. If the changes required by this section are implemented before November 1, 2020, the commissioner of public safety must notify the revisor of statutes of the date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 4 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Goggin; Hall; Ingebrigtsen; Lang; Newman; Osmek; Pratt; Rosen; Ruud; Senjem; and Westrom.

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Gazelka moved that S.F. No. 2 be taken from the table. The motion prevailed.

S.F. No. 2: A bill for an act relating to health care; providing a onetime payment to medical assistance dental providers to assist in covering the cost of personal protection equipment used when providing dental services to medical assistance enrollees during the COVID pandemic; appropriating money.

SUSPENSION OF RULES

Senator Gazelka moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2 and that the rules of the Senate be so far suspended as to give S.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 2 was read the second time.

S.F. No. 2 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Goggin; Hall; Ingebrigtsen; Lang; Newman; Osmek; Rosen; Ruud; Senjem; and Westrom.

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Limmer moved that S.F. No. 12 be taken from the table. The motion prevailed.

S.F. No. 12: A bill for an act relating to human services; establishing retention grants for certain disability service providers; modifying customized living quality improvement grants; extending portions of a COVID-19 peacetime emergency modification to economic assistance program application requirements; appropriating money; amending Laws 2019, First Special Session chapter 9, article 4, section 28; article 14, section 2, subdivision 27; Laws 2020, First Special Session chapter 7, section 1, subdivision 2.

SUSPENSION OF RULES

Senator Limmer moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 12 and that the rules of the Senate be so far suspended as to give S.F. No. 12 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 12 was read the second time.

Senator Abeler moved to amend S.F. No. 12 as follows:

Page 5, delete section 4 and insert:

"Sec. 4. APPROPRIATION; COVID-19-RELATED RETENTION GRANTS FOR HOME AND COMMUNITY-BASED SERVICE PROVIDERS.

Subdivision 1. **Appropriation.** (a) \$20,305,000 in fiscal year 2021 is appropriated from the coronavirus relief fund to the commissioner of human services for retention grants to eligible providers as defined in subdivision 2 to assist providers: (1) with the costs of business interruptions caused by required closures due to the COVID-19 pandemic; and (2) to help ensure access to eligible services during or following the COVID-19 pandemic.

(b) The commissioner may use up to \$125,000 of this appropriation to administer this grant.

(c) Beginning September 30, 2020, any unencumbered appropriations may be used for disability services provider COVID-19-related public health reinvention grants.

(d) This is a onetime appropriation and is available until December 5, 2020.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meaning given.

(b) "Eligible provider" means either an enrolled provider who provides either eligible services, as defined in paragraph (c), clauses (1) or (2), and meets the attestation and agreement requirements in subdivisions 5 and 6; or an agency, as defined in Minnesota Statutes, section 256B.0949, subdivision 2, paragraph (b), who provides eligible services as defined in paragraph (c), clause (3), and meets the attestation and agreement requirements in subdivisions 5 and 6.

(c) "Eligible services" means the following services:

(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.0913, 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; and

(3) early intensive developmental and behavioral interventions under Minnesota Statutes, section 256B.0949.

(d) "Fixed costs" means costs determined by the commissioner that do not fluctuate with changes in service provision. Eligible fixed costs under this section are costs similar to costs considered in the rate methodology component values under Minnesota Statutes, section 256B.4914, subdivision 5, paragraph (d), clauses (7) and (8), paragraph (e), clauses (7) and (8), paragraph (f), clauses (7) and (8), and subdivision 7, clause (11).

(e) "Total revenue from medical assistance" includes both fee-for-service revenue and revenue from managed care organizations. The commissioner shall determine each provider's total revenue from medical assistance for eligible services provided during January 2020, based on data for service claims paid as of July 1, 2020.

Subd. 3. **Allowable uses of funds.** Grantees must use funds awarded under this section for fixed costs incurred during the COVID-19 peacetime emergency associated with maintaining the provider's capacity to provide services to its clients during the COVID-19 pandemic.

Subd. 4. **Grant request.** Eligible providers must request a grant under this section no later than August 15, 2020. The commissioner shall develop an expedited request process that includes a form allowing providers to meet the requirements of subdivisions 5 and 6 in as timely a manner as possible. The commissioner shall allow the use of electronic submission of request forms and accept electronic signatures.

Subd. 5. **Attestation.** As a condition of obtaining funds under this section, an eligible provider must attest to the following on the grant request form:

(1) the intent to provide eligible services under this section through December 31, 2020;

(2) unreimbursed costs incurred on or after March 1, 2020, related to COVID-19-related business interruptions caused by required closures, reduced capacity to promote social distancing measures, or reduced demand for services;

(3) revenue losses due to the COVID-19 pandemic exceeded monthly fixed costs incurred from March 1, 2020, to June 30, 2020; and

(4) without additional funds, the provider will be unable to maintain the continuity of the services provided.

Subd. 6. **Agreement.** As a condition of obtaining funds under this section, an eligible provider must agree to the following on the grant request form:

(1) cooperate with the commissioner of human services to deliver services according to the program and service waivers and modifications issued under the commissioner's authority;

(2) maintain documentation sufficient to demonstrate the unreimbursed costs required in order to receive a grant under this section; and

(3) acknowledge that retention grants may be subject to a special recoupment under this section if a state audit performed under this section determines that the provider used awarded funds for purposes not authorized under this section.

Subd. 7. **Retention grants.** (a) No later than August 30, 2020, the commissioner shall begin issuing retention grants to eligible providers in an amount equal to 66 percent of the provider's total revenue from medical assistance for eligible services provided during January 2020.

(b) The commissioner, acting under the governor's authority under Minnesota Statutes, section 12.36, shall implement retention grants and the process of making grants under this subdivision without compliance with time-consuming procedures and formalities prescribed in law such as the following statutes and related policies: Minnesota Statutes, sections 16A.15, subdivision 3; 16B.97; 16B.98, subdivisions 5 and 7; and 16B.98, subdivision 8, the express audit clause requirement.

(c) By accepting a grant under this subdivision, the grantee attests to the conditions specified in subdivisions 5 and 6.

(d) The commissioner's determination of the grant amount determined under this subdivision is final and is not subject to appeal. This paragraph does not apply to recoupment by the commissioner under subdivision 9.

Subd. 8. **Payments for services provided.** Providers who receive grants under this section may continue to bill for services provided.

Subd. 9. **Recoupment.** (a) The commissioner may perform an audit under this section up to six years after the grant is awarded to ensure the funds are utilized solely for the purposes stated in subdivision 1.

(b) If the commissioner determines that a provider used awarded funds for purposes not authorized under this section, the commissioner shall treat any amount used for a purpose not authorized under this section as an overpayment. The commissioner shall recover any overpayment.

Subd. 10. **Expiration.** This section expires December 30, 2020, except for subdivision 9.

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

Sec. 5. **APPROPRIATION; DISABILITY SERVICES PROVIDER COVID-19-RELATED PUBLIC HEALTH GRANTS.**

Subdivision 1. **Appropriation.** (a) \$10,125,000 in fiscal year 2021 is appropriated from the coronavirus relief fund to the commissioner of human services for COVID-19-related public health grants to eligible providers under subdivision 3 who have implemented or intend to implement COVID-19-related public health measures that facilitate social distancing practices that align with the most current social distancing guidelines issued by the United States Centers for Disease Control and Prevention (CDC) and are in accordance with the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, and related guidance.

(b) The commissioner may use up to \$125,000 of this appropriation to administer this grant.

(c) This is a onetime appropriation and is available until December 30, 2020. Any unexpended balance on December 30, 2020, cancels to the coronavirus relief fund.

Subd. 2. **Purpose.** Grants under this section are established to reduce the risk of exposure to and transmission of COVID-19 to people with disabilities and staff who support them by maintaining or increasing utilization of individualized day or employment services and reducing utilization of congregate and sheltered workshop settings.

Subd. 3. **Definitions.** (a) For purposes of this section, the following terms have the meaning given.

(b) "Eligible provider" means an enrolled provider who provides eligible services and who meets the attestation and application requirements in subdivisions 5 and 6.

(c) "Eligible services" means the following services:

(1) 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

(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.

Subd. 4. **Allowable uses of funds.** (a) Grants must be used to reduce the risk of exposure to and transmission of COVID-19 to people with disabilities and staff who support them by maintaining or increasing access to individualized employment services and reducing the use of congregate and sheltered workshop service settings. Funds must be used in accordance with the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, and related guidance. Funds may be used for:

(1) expenses incurred as a result of actions to facilitate compliance with COVID-19-related public health measures, such as the provision of services in settings that optimize social distancing and health and safety precautions for people with disabilities and staff who support them;

(2) expenses to facilitate and ensure the availability of individualized services to enable compliance with COVID-19 public health precautions; and

(3) other activities as determined by the commissioner that align with the purpose in subdivision 2 and are in accordance with the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, and related guidance.

Subd. 5. **Attestation.** (a) As a condition of applying for and accepting public health grants under this section, each provider must attest in writing that the provider:

(1) has or will have unreimbursed costs that are greater than or equal to grant awards under this section related to actions to facilitate compliance with COVID-19 related public health measures, such as the provision of services in settings that optimize social distancing and health and safety precautions for people with disabilities and staff who support them;

(2) agrees to return any funds determined by the commissioner to be ineligible uses according to the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, and related guidance; and

(3) will maintain documentation sufficient to demonstrate the unreimbursed costs required in order to receive a grant under this section.

Subd. 6. **Application.** (a) The commissioner, acting under the governor's authority under Minnesota Statutes, section 12.36, shall develop an expedited application process and process for issuing grants under this section notwithstanding time-consuming procedures and formalities prescribed in law such as the following statutes and related policies: Minnesota Statutes, sections 16A.15, subdivision 3; 16B.97; 16B.98, subdivisions 5 and 7; and 16B.98, subdivision 8, the express audit clause requirement. The application and related processes must be consistent with allowable uses of funds under subdivision 4. The commissioner shall allow applicants to submit applications electronically and shall accept electronic signatures.

(b) Eligible providers must apply for a grant under this section no later than November 15, 2020.

Subd. 7. **Allocation.** (a) Beginning September 30, 2020, the commissioner shall award grants under this section to eligible providers who meet the attestation and application requirements under subdivisions 5 and 6.

(b) The commissioner may make public health grants in an amount determined by the commissioner and based on each grantee's application, up to a maximum grant amount of \$200,000.

(c) Notwithstanding paragraph (b), if funds are available after all eligible providers have received a grant, the commissioner may award additional grant funds to providers who have already received the \$200,000 maximum grant amount.

(d) If applications for grants exceed the available appropriations, the commissioner shall give priority to grant applications from providers whose applications demonstrate the most need or the most robust plan to ensure people have opportunities to participate in day or employment services that are not provided in a facility or sheltered or work crew setting.

(e) The commissioner's determination of the grant amount is final and not subject to appeal. This paragraph does not apply to recoupment by the commissioner under subdivision 8.

Subd. 8. **Recoupment.** (a) The commissioner may perform an audit under this section up to six years after the grant contract expires to ensure the funds are utilized solely for the purposes stated in subdivision 4.

(b) If the commissioner determines that a provider used awarded funds for purposes not authorized under this section, the commissioner shall treat any amount used for a purpose not authorized under this section as an overpayment. The commissioner shall recover any overpayment. All money recovered by the commissioner under this subdivision must be deposited in the federal fund.

Subd. 9. **Reporting.** The commissioner shall develop a reporting process for public health grants under this section. Each provider receiving funds under this section shall report to the commissioner by March 1, 2021, with a description of how the funds were utilized. By August 1, 2021, the

commissioner shall report to the legislative committees with jurisdiction over human services policy and finance the total funds allocated to providers, uses of the funds, outcomes measured, people impacted, and other measures determined by the commissioner.

Subd. 10. **Expiration.** Subdivisions 1 to 7 expire December 30, 2020, or on a date determined by the United States Department of Treasury, whichever is later. Subdivision 9 expires August 1, 2021, or on the date the commissioner submits the report required under subdivision 9, whichever is later.

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

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

S.F. No. 12 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, P.; Gazelka; Goggin; Hall; Housley; Ingebrigtsen; Lang; Newman; Osmek; Rosen; Ruud; and Westrom.

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rarick moved that the name of Senator Tomassoni be added as a co-author to S.F. No. 1. The motion prevailed.

Senator Benson moved that the name of Senator Nelson be added as a co-author to S.F. No. 2. The motion prevailed.

Senator Benson moved that the names of Senators Nelson and Draheim be added as co-authors to S.F. No. 3. The motion prevailed.

Senator Housley moved that the name of Senator Nelson be added as a co-author to S.F. No. 5. The motion prevailed.

Senator Abeler moved that the name of Senator Hoffman be added as a co-author to S.F. No. 7. The motion prevailed.

Senator Chamberlain moved that the name of Senator Nelson be added as a co-author to S.F. No. 10. The motion prevailed.

Senator Dibble moved that the name of Senator Hayden be added as a co-author to S.F. No. 36. The motion prevailed.

Senator Kiffmeyer moved that the name of Senator Carlson be added as a co-author to S.F. No. 39. The motion prevailed.

ADJOURNMENT

Senator Benson moved that the Senate do now adjourn until 12:00 noon, Wednesday, July 15, 2020, unless the House of Representatives adopts Senate Concurrent Resolution No. 2 on July 14, 2020, in which case the Senate shall adjourn to 12:00 noon, Monday, July 20, 2020, pursuant to the terms of Senate Concurrent Resolution No. 2. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

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| 7 | 27 | | |
| 10 | 27 | | |
| 12 | 20 | | |

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| 12 | 20 |
| 17 | 13 |
| 36 | 27 |
| 39 | 27 |
| Sen. Con. | |
| No. 1 | 5 |
| Sen. Con. | |
| No. 2 | 7 |
| Sen. Res. | |
| No. 1 | 4 |
| Sen. Res. | |
| No. 2 | 5 |
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