

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4576

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
03/04/2024	11914	Introduction and first reading Referred to Judiciary and Public Safety
03/14/2024		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to legislative enactments; making miscellaneous technical corrections to

1.3 laws and statutes; correcting erroneous, obsolete, and omitted text and references;

1.4 removing redundant, conflicting, and superseded provisions; amending Minnesota

1.5 Statutes 2022, sections 12A.02, subdivision 6; 12B.15, subdivision 8; 13.3805,

1.6 subdivision 1; 13.6401, subdivision 2; 14.37, subdivision 2; 16A.99, subdivision

1.7 4; 62V.04, subdivision 12; 115A.952, subdivision 1; 116.07, subdivision 4k;

1.8 120A.22, subdivision 11; 122A.182, subdivision 5; 123B.72, subdivision 3;

1.9 124E.03, subdivision 7; 124E.14; 126C.05, subdivision 8; 126C.126; 126C.13,

1.10 subdivision 4; 126C.17, subdivision 5; 150A.091, subdivisions 2, 5, 11a; 152.25,

1.11 subdivision 1b; 155A.29, subdivision 2; 161.088, subdivision 7; 171.17, subdivision

1.12 1; 171.22, subdivision 1; 176.011, subdivision 15; 180.03, subdivision 4; 216B.161,

1.13 subdivision 1; 241.67, subdivision 2; 245A.11, subdivision 2; 253B.02, subdivisions

1.14 7, 9; 256.042, subdivision 4; 256.9742, subdivision 3; 256B.056, subdivision 11;

1.15 256B.058, subdivision 2; 256B.0595, subdivisions 1, 4; 256B.0625, subdivision

1.16 56; 256B.0941, subdivision 1; 256B.196, subdivision 2; 256B.197, subdivision 3;

1.17 256B.4911, subdivision 1; 256D.64, subdivision 2; 256I.04, subdivision 2a;

1.18 256L.11, subdivisions 2, 6a; 259.12; 260B.188, subdivision 1; 270C.445,

1.19 subdivisions 6b, 6c, 6d; 270C.446, subdivision 5; 272.02, subdivision 97; 273.032;

1.20 273.121, subdivision 1; 276.04, subdivision 2; 290.0132, subdivision 15; 297A.71,

1.21 subdivision 14; 297A.75, subdivisions 1, 2, 3; 299K.09, subdivision 1; 326B.164,

1.22 subdivision 5; 353.6511, subdivision 5; 353.6512, subdivision 5; 462.357,

1.23 subdivision 7; 504B.178, subdivision 2; 609.2231, subdivision 3; 609.596,

1.24 subdivision 3; 609.748, subdivision 1; Minnesota Statutes 2023 Supplement,

1.25 sections 15.06, subdivision 1; 17.457, subdivision 5; 47.60, subdivision 1;

1.26 115E.042, subdivision 1a; 116J.871, subdivision 1; 116P.21, subdivision 5;

1.27 122A.092, subdivision 5; 124D.65, subdivision 5; 124E.02; 125A.15; 125A.51;

1.28 125A.515, subdivision 3; 144E.101, subdivisions 7, 12; 145D.01, subdivision 5;

1.29 145D.02; 147.02, subdivision 1; 147.03, subdivision 1; 174.07, subdivision 3;

1.30 181.217, subdivision 1; 245A.03, subdivisions 2, 7; 245A.10, subdivision 3;

1.31 245G.06, subdivision 3a; 256B.0625, subdivision 13e; 256B.0913, subdivision 5;

1.32 256B.0943, subdivision 1; 289A.08, subdivision 7a; 290.0132, subdivision 32;

1.33 290.067, subdivision 1; 290A.04, subdivision 2h; 297A.71, subdivision 44;

1.34 299C.10, subdivision 1; 326B.164, subdivision 13; 609.185; 624.7178, subdivision

1.35 4; Laws 2023, chapter 41, article 1, section 2, subdivision 49; Laws 2023, chapter

1.36 57, article 1, section 4, subdivision 2; Laws 2023, chapter 70, article 15, sections

1.37 10, subdivision 4; 12; repealing Minnesota Statutes 2022, sections 13.6435,

1.38 subdivision 8; 16A.727; 256.021, subdivision 3; 273.11, subdivision 16; 297A.71,

2.1 subdivision 45; Laws 2023, chapter 16, section 36; Laws 2023, chapter 53, article
2.2 11, section 31; Laws 2023, chapter 55, article 1, section 2; article 7, section 6;
2.3 Laws 2023, chapter 57, article 2, section 39; Laws 2023, chapter 60, article 7,
2.4 section 8; Laws 2023, chapter 63, article 7, sections 1; 3.

2.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.6 Section 1. Minnesota Statutes 2022, section 12A.02, subdivision 6, is amended to read:

2.7 Subd. 6. **Local government.** "Local government" has the meaning given in section
2.8 12.03, subdivision ~~5d~~ 5f.

2.9 Sec. 2. Minnesota Statutes 2022, section 12B.15, subdivision 8, is amended to read:

2.10 Subd. 8. **Local government.** "Local government" has the meaning given in section
2.11 12.03, subdivision ~~5d~~ 5f.

2.12 Sec. 3. Minnesota Statutes 2022, section 13.3805, subdivision 1, is amended to read:

2.13 Subdivision 1. **Health data generally.** (a) **Definitions.** As used in this subdivision:

2.14 (1) "Commissioner" means the commissioner of health.

2.15 (2) "Health data" are data on individuals created, collected, received, or maintained by
2.16 the Department of Health, political subdivisions, or statewide systems relating to the
2.17 identification, description, prevention, and control of disease or as part of an epidemiologic
2.18 investigation the commissioner designates as necessary to analyze, describe, or protect the
2.19 public health.

2.20 (b) **Data on individuals.** (1) Health data are private data on individuals. Notwithstanding
2.21 section 13.05, subdivision 9, health data may not be disclosed except as provided in this
2.22 subdivision and section 13.04.

2.23 (2) The commissioner or a community health board as defined in section 145A.02,
2.24 subdivision 5, may disclose health data to the data subject's physician as necessary to locate
2.25 or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to
2.26 identify persons at risk of illness, or to conduct an epidemiologic investigation.

2.27 (3) With the approval of the commissioner, health data may be disclosed to the extent
2.28 necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to
2.29 alert persons who may be threatened by illness as evidenced by epidemiologic data, to
2.30 control or prevent the spread of serious disease, or to diminish an imminent threat to the
2.31 public health.

3.1 ~~(e) **Health summary data.** Summary data derived from data collected under section~~
3.2 ~~145.413 may be provided under section 13.05, subdivision 7.~~

3.3 Sec. 4. Minnesota Statutes 2022, section 13.6401, subdivision 2, is amended to read:

3.4 Subd. 2. **Department of Management and Budget.** (a) **Financial documents.** Data
3.5 sharing of financial documents between agencies and the commissioner of management
3.6 and budget is governed by section 16A.055.

3.7 (b) **Electronic payments.** Data relating to government services transactions is governed
3.8 by section 16A.626.

3.9 (c) **Register of ownership of bonds or certificates.** Information in a register of
3.10 ownership of state bonds or certificates is classified under section 16A.672, subdivision 11;
3.11 ~~or, for tobacco securitization bonds, under section 16A.98, subdivision 5, paragraph (1).~~

3.12 Sec. 5. Minnesota Statutes 2022, section 14.37, subdivision 2, is amended to read:

3.13 Subd. 2. **Compiled rules.** The text of the rules in the first compilation published by the
3.14 revisor is prima facie evidence of the text of the rules as against any previous documents.
3.15 However, the previous documents may be used to construe the text of a rule. Except as
3.16 provided in section 14.47, subdivision 6, the compilation shall not be construed as repealing
3.17 any unpublished rule. The rules published in the compilation shall be construed as
3.18 continuations of prior rules and not as new rules.

3.19 Any subsequent compilation or supplement published by the revisor and containing the
3.20 revisor's certificate is prima facie evidence of the administrative rules in all courts and
3.21 proceedings. Except as provided in section 14.47, subdivision 6, a compilation or supplement
3.22 shall not be construed as repealing an unpublished rule. If there is any material inconsistency
3.23 through omission or otherwise between the first compilation, a subsequent compilation or
3.24 supplement, the State Register, and a rule filed with the secretary of state, and the omission
3.25 or change was not due to the provisions of section 14.47, subdivision 6 or the correction of
3.26 an obvious error or unintentional omission as required by section 14.47, subdivision 3, the
3.27 rule filed with the secretary shall prevail.

3.28 Sec. 6. Minnesota Statutes 2023 Supplement, section 15.06, subdivision 1, is amended to
3.29 read:

3.30 Subdivision 1. **Applicability.** This section applies to the following departments or
3.31 agencies: the Departments of Administration; Agriculture; Children, Youth, and Families;
3.32 Commerce; Corrections; Direct Care and Treatment; Education; Employment and Economic

4.1 Development; Health; Human Rights; Human Services; Iron Range Resources and
 4.2 Rehabilitation; Labor and Industry; Management and Budget; Natural Resources; Public
 4.3 Safety; Revenue; Transportation; and Veterans Affairs; the Housing Finance and Pollution
 4.4 Control Agencies; ~~the Office of Commissioner of Iron Range Resources and Rehabilitation~~;
 4.5 the Department of Information Technology Services; the Bureau of Mediation Services;
 4.6 and their successor departments and agencies. The heads of the foregoing departments or
 4.7 agencies are "commissioners."

4.8 Sec. 7. Minnesota Statutes 2022, section 16A.99, subdivision 4, is amended to read:

4.9 Subd. 4. **Refunding bonds.** The commissioner from time to time may issue appropriation
 4.10 bonds for the purpose of refunding any appropriation bonds ~~or tobacco securitization bonds~~
 4.11 ~~authorized under section 16A.98~~ then outstanding, including the payment of any redemption
 4.12 premiums on the bonds, any interest accrued or to accrue to the redemption date, and costs
 4.13 related to the issuance and sale of the refunding bonds. The proceeds of any refunding bonds
 4.14 may, in the discretion of the commissioner, be applied to the purchase or payment at maturity
 4.15 of the appropriation bonds to be refunded, to the redemption of the outstanding bonds on
 4.16 any redemption date, or to pay interest on the refunding bonds and may, pending application,
 4.17 be placed in escrow to be applied to the purchase, payment, retirement, or redemption. Any
 4.18 escrowed proceeds, pending such use, may be invested and reinvested in obligations that
 4.19 are authorized investments under section 11A.24. The income earned or realized on the
 4.20 investment may also be applied to the payment of the bonds to be refunded or interest or
 4.21 premiums on the refunded bonds, or to pay interest on the refunding bonds. After the terms
 4.22 of the escrow have been fully satisfied, any balance of the proceeds and any investment
 4.23 income may be returned to the general fund or, if applicable, the appropriation bond proceeds
 4.24 account for use in any lawful manner. All refunding bonds issued under this subdivision
 4.25 must be prepared, executed, delivered, and secured by appropriations in the same manner
 4.26 as the bonds to be refunded.

4.27 Sec. 8. Minnesota Statutes 2023 Supplement, section 17.457, subdivision 5, is amended
 4.28 to read:

4.29 Subd. 5. **Enforcement.** This section may be enforced by an enforcement officer under
 4.30 sections 97A.205 and 97A.211 and by the commissioner under sections 17.982 to ~~17.984~~
 4.31 17.983.

5.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 47.60, subdivision 1, is amended to
5.2 read:

5.3 Subdivision 1. **Definitions.** For purposes of this section, the terms defined have the
5.4 meanings given them:

5.5 (a) "Consumer small loan" is a loan transaction in which cash is advanced to a borrower
5.6 for the borrower's own personal, family, or household purpose. A consumer small loan is
5.7 a short-term, unsecured loan to be repaid in a single installment. The cash advance of a
5.8 consumer small loan is equal to or less than \$350. A consumer small loan includes an
5.9 indebtedness evidenced by but not limited to a promissory note or agreement to defer the
5.10 presentation of a personal check for a fee.

5.11 (b) "Consumer small loan lender" is a financial institution as defined in section 47.59
5.12 or a business entity registered with the commissioner and engaged in the business of making
5.13 consumer small loans.

5.14 (c) "Annual percentage rate" means a measure of the cost of credit, expressed as a yearly
5.15 rate, that relates the amount and timing of value received by the consumer to the amount
5.16 and timing of payments made. Annual percentage ~~interest~~ rate includes all interest, finance
5.17 charges, and fees. The annual percentage rate must be determined in accordance with either
5.18 the actuarial method or the United States Rule method.

5.19 Sec. 10. Minnesota Statutes 2022, section 62V.04, subdivision 12, is amended to read:

5.20 Subd. 12. **Compensation.** ~~(a) The board members shall be paid a salary not to exceed~~
5.21 ~~the salary limits established under section 15A.0815, subdivision 4. The salary for board~~
5.22 ~~members shall be set in accordance with this subdivision and section 15A.0815, subdivision~~
5.23 ~~5. This paragraph expires December 31, 2015.~~

5.24 ~~(b)~~ Beginning January 1, 2016, the board members may be compensated in accordance
5.25 with section 15.0575.

5.26 Sec. 11. Minnesota Statutes 2022, section 115A.952, subdivision 1, is amended to read:

5.27 Subdivision 1. **Duties of agency; rules.** The agency may adopt rules to identify products
5.28 that are used primarily for personal, family, or household purposes and that constitute a
5.29 problem material or contain a problem material as defined in section 115A.03, subdivision
5.30 ~~24a~~ 24c. The rules may also prescribe a uniform label to be affixed by retailers of identified
5.31 products as provided in subdivision 4. Packaging that is recyclable or made from recycled
5.32 material shall not constitute a problem material.

6.1 Sec. 12. Minnesota Statutes 2023 Supplement, section 115E.042, subdivision 1a, is
6.2 amended to read:

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

6.5 (b) "Exercise" means an activity or training to evaluate responsibilities, roles, and
6.6 response plans for the discharge of oil or hazardous substances and includes but is not
6.7 limited to walkthroughs, tabletop exercises, or functional exercises.

6.8 (c) "Full-scale exercise" means training activities to evaluate responsibilities, roles, and
6.9 response plans for a confirmed discharge or worst-case discharge of oil or hazardous
6.10 substances and includes utilizing, as much as practicable, the equipment, personnel, and
6.11 coordinated resources required under ~~section 115E.042~~, subdivision 4.

6.12 (d) "Functional exercise" means a guided session where a simulated operational
6.13 environment trains and evaluates specific personnel, procedures, or resources on scenarios
6.14 relating to the discharge of oil or hazardous substances.

6.15 (e) "Tabletop exercise" means a guided session where the discussion addresses topics,
6.16 including but not limited to the roles and responsibilities of a rail carrier and its personnel
6.17 in response to a confirmed discharge of oil or hazardous substances.

6.18 (f) "Walkthrough" means drills and training designed to familiarize railroad personnel
6.19 with the response plans required under this chapter and the response requirements to a
6.20 confirmed discharge under this section.

6.21 Sec. 13. Minnesota Statutes 2022, section 116.07, subdivision 4k, is amended to read:

6.22 Subd. 4k. **Household hazardous waste and other problem materials; management.** (a)
6.23 The agency shall adopt rules to require the owner or operator of a solid waste disposal
6.24 facility or resource recovery facility to submit to the agency and to each county using or
6.25 projected to use the facility a management plan for the separation of household hazardous
6.26 waste and other problem materials from solid waste prior to disposal or processing and for
6.27 the proper management of the waste. The rules must require that the plan be developed in
6.28 coordination with each county using, or projected to use, the facility. The plan must not be
6.29 inconsistent with the plan developed under section 115A.956, subdivision 2, and must
6.30 include:

6.31 (1) identification of materials that are problem materials, as defined in section 115A.03,
6.32 subdivision ~~24a~~ 24c, for the facility;

7.1 (2) participation in public education activities on management of household hazardous
7.2 waste and other problem materials in the facility's service area;

7.3 (3) a strategy for reduction of household hazardous waste and other problem materials
7.4 entering the facility; and

7.5 (4) a plan for the storage and proper management of separated household hazardous
7.6 waste and other problem materials.

7.7 (b) By September 30, 1992, the owner or operator of a facility shall implement the
7.8 elements of the plan required in paragraph (a) relating to household hazardous waste
7.9 management. After that date, the agency may not grant or renew a permit for a facility until
7.10 the agency has:

7.11 (1) reviewed the elements of the facility's plan relating to household hazardous waste
7.12 management;

7.13 (2) directed the applicant or permittee to make changes to these elements as necessary
7.14 to comply with the plan requirements under paragraph (a); and

7.15 (3) included a requirement to implement the elements as a condition of the issued or
7.16 renewed permit.

7.17 (c) By September 30, 1993, the owner or operator of a facility shall implement the
7.18 elements of the plan required in paragraph (a) relating to problem materials management.
7.19 After that date, the agency may not grant or renew a permit for a facility until the agency
7.20 has:

7.21 (1) reviewed the elements of the facility's plan relating to problem materials management;

7.22 (2) directed the applicant or permittee to make changes to these elements as necessary
7.23 to comply with the plan requirements under paragraph (a); and

7.24 (3) included a requirement to implement the elements as a condition of the issued or
7.25 renewed permit.

7.26 Sec. 14. Minnesota Statutes 2023 Supplement, section 116J.871, subdivision 1, is amended
7.27 to read:

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

7.30 (b) "Economic development" means financial assistance provided to a person directly
7.31 or to a local unit of government or nonprofit organization on behalf of a person who is

8.1 engaged in the manufacture or sale of goods and services. Economic development does not
8.2 include (1) financial assistance for rehabilitation of existing housing; (2) financial assistance
8.3 for new housing construction in which total financial assistance at a single project site is
8.4 less than \$100,000; or (3) financial assistance for the new construction of fully detached
8.5 single-family affordable homeownership units for which the financial assistance covers no
8.6 more than ten fully detached single-family affordable homeownership units. For purposes
8.7 of this paragraph, "affordable homeownership" means housing targeted at households with
8.8 incomes, at initial occupancy, at or below 115 percent of the state or area median income,
8.9 whichever is greater, as determined by the United States Department of Housing and Urban
8.10 Development.

8.11 (c) "Financial assistance" means (1) a grant awarded by a state agency for economic
8.12 development related purposes if a single business receives \$200,000 or more of the grant
8.13 proceeds; (2) a loan or the guaranty or purchase of a loan made by a state agency for
8.14 economic development related purposes if a single business receives \$500,000 or more of
8.15 the loan proceeds; or (3) a reduction, credit, or abatement of a tax assessed under chapter
8.16 297A where the tax reduction, credit, or abatement applies to a geographic area smaller
8.17 than the entire state and was granted for economic development related purposes. Financial
8.18 assistance does not include payments by the state of aids and credits under chapter 273 or
8.19 477A to a political subdivision.

8.20 (d) "Project site" means the location where improvements are made that are financed in
8.21 whole or in part by the financial assistance; or the location of employees that receive financial
8.22 assistance in the form of employment and training services as defined in section 116L.19,
8.23 subdivision 4, or customized training from a technical college.

8.24 (e) "State agency" means any agency defined under section 16B.01, subdivision 2,
8.25 Enterprise Minnesota, Inc., and the Department of Iron Range Resources and Rehabilitation
8.26 Board.

8.27 Sec. 15. Minnesota Statutes 2023 Supplement, section 116P.21, subdivision 5, is amended
8.28 to read:

8.29 Subd. 5. **Other capital construction statutes.** The following statutes also apply to
8.30 recipients of appropriations from the trust fund: sections 16B.32; ~~16B.326~~; 16B.335,
8.31 subdivisions 3 and 4; 16C.054; 16C.16; 16C.28; 16C.285; 138.40; 138.665; 138.666; 177.41
8.32 to 177.44; and 471.345.

9.1 Sec. 16. Minnesota Statutes 2022, section 120A.22, subdivision 11, is amended to read:

9.2 Subd. 11. **Assessment of performance.** (a) Each year the performance of every child
9.3 ages seven through 16 and every child ages 16 through 17 for which an initial report was
9.4 filed pursuant to section 120A.24, subdivision 1, after the child is 16 and who is not enrolled
9.5 in a public school must be assessed using a nationally norm-referenced standardized
9.6 achievement examination. The superintendent of the district in which the child receives
9.7 instruction and the person in charge of the child's instruction must agree about the specific
9.8 examination to be used and the administration and location of the examination.

9.9 (b) To the extent the examination in paragraph (a) does not provide assessment in all of
9.10 the subject areas in subdivision 9, the parent must assess the child's performance in the
9.11 applicable subject area. This requirement applies only to a parent who provides instruction
9.12 and does not meet the requirements of subdivision 10, clause (1), or (2), ~~or (3)~~.

9.13 (c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's
9.14 performance on the total battery score is at or below the 30th percentile or one grade level
9.15 below the performance level for children of the same age, the parent must obtain additional
9.16 evaluation of the child's abilities and performance for the purpose of determining whether
9.17 the child has learning problems.

9.18 (d) A child receiving instruction from a nonpublic school, person, or institution that is
9.19 accredited by an accrediting agency, recognized according to section 123B.445, or recognized
9.20 by the commissioner, is exempt from the requirements of this subdivision.

9.21 Sec. 17. Minnesota Statutes 2023 Supplement, section 122A.092, subdivision 5, is amended
9.22 to read:

9.23 Subd. 5. **Reading strategies.** (a) A teacher preparation provider approved by the
9.24 Professional Educator Licensing and Standards Board to prepare persons for classroom
9.25 teacher licensure must include in its teacher preparation programs evidence-based best
9.26 practices in reading, consistent with sections 120B.1117 to 120B.124, including instruction
9.27 on phonemic awareness, phonics, vocabulary development, reading fluency, and reading
9.28 comprehension. Instruction on reading must enable the licensure candidate to teach reading
9.29 in the candidate's content areas. Teacher candidates must be instructed in using students'
9.30 native languages as a resource in creating effective differentiated instructional strategies
9.31 for English learners developing literacy skills. A teacher preparation provider also must
9.32 prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching
9.33 licenses under sections 122A.183 and 122A.184, respectively, ~~for the portion of the~~

10.1 ~~examination under section 122A.185, subdivision 1, paragraph (e), covering assessment of~~
 10.2 ~~reading instruction.~~

10.3 (b) Board-approved teacher preparation programs for teachers of elementary education
 10.4 must require instruction in applying evidence-based, structured literacy reading instruction
 10.5 programs that:

10.6 (1) teach students to read using foundational knowledge, practices, and strategies
 10.7 consistent with sections 120B.1117 to 120B.124, with emphasis on mastery of foundational
 10.8 reading skills so that students achieve continuous progress in reading; and

10.9 (2) teach specialized instruction in reading strategies, interventions, and remediations
 10.10 that enable students of all ages and proficiency levels, including multilingual learners and
 10.11 students demonstrating characteristics of dyslexia, to become proficient readers.

10.12 (c) Board-approved teacher preparation programs for teachers of elementary education,
 10.13 early childhood education, special education, and reading intervention must include
 10.14 instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation
 10.15 programs may consult with the Department of Education, including the dyslexia specialist
 10.16 under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia
 10.17 must be modeled on practice standards of the International Dyslexia Association, and must
 10.18 address:

10.19 (1) the nature and symptoms of dyslexia;

10.20 (2) resources available for students who show characteristics of dyslexia;

10.21 (3) evidence-based instructional strategies for students who show characteristics of
 10.22 dyslexia, including the structured literacy approach; and

10.23 (4) outcomes of intervention and lack of intervention for students who show
 10.24 characteristics of dyslexia.

10.25 (d) Nothing in this section limits the authority of a school district to select a school's
 10.26 reading program or curriculum.

10.27 Sec. 18. Minnesota Statutes 2022, section 122A.182, subdivision 5, is amended to read:

10.28 Subd. 5. **Limitations on license.** (a) A Tier 2 license is limited to the content matter
 10.29 indicated on the application for the initial Tier 2 license under subdivision 1, ~~paragraph (a),~~
 10.30 and limited to the district or charter school that requested the initial Tier 2 license.

11.1 (b) A Tier 2 license shall not be construed to bring an individual within the definition
 11.2 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,
 11.3 clause (a).

11.4 Sec. 19. Minnesota Statutes 2022, section 123B.72, subdivision 3, is amended to read:

11.5 Subd. 3. **Certification.** Prior to occupying or reoccupying a school facility affected by
 11.6 this section, a school board or its designee shall submit a document prepared by a system
 11.7 inspector to the building official or to the commissioner, verifying that the facility's heating,
 11.8 ventilation, and air conditioning system has been installed and operates according to design
 11.9 specifications and code, according to section 123B.71, subdivision 9, clause ~~(6)~~ (7), item
 11.10 (iii). A systems inspector shall also verify that the facility's design will provide the ability
 11.11 for monitoring of outdoor airflow and total airflow of ventilation systems in new school
 11.12 facilities and that any heating, ventilation, or air conditioning system that is installed or
 11.13 modified for a project subject to this section must provide a filtration system with a current
 11.14 ASHRAE standard.

11.15 Sec. 20. Minnesota Statutes 2023 Supplement, section 124D.65, subdivision 5, is amended
 11.16 to read:

11.17 Subd. 5. **School district EL revenue.** (a) For fiscal year 2024 through fiscal year 2026,
 11.18 a district's English learner programs revenue equals the sum of:

11.19 (1) the product of (i) \$1,228, and (ii) the greater of 20 or the adjusted average daily
 11.20 membership of eligible English learners enrolled in the district during the current fiscal
 11.21 year; and

11.22 (2) \$436 times the English learner pupil units under section 126C.05, subdivision 17.

11.23 (b) For fiscal year 2027 and later, a district's English learner programs revenue equals
 11.24 the sum of:

11.25 (1) the product of (i) \$1,775, and (ii) the greater of 20 or the adjusted average daily
 11.26 membership of eligible English learners enrolled in the district during the current fiscal
 11.27 year;

11.28 (2) \$630 times the English learner pupil units under section 126C.05, subdivision 17;
 11.29 and

11.30 (3) the district's English learner cross subsidy aid. A district's English learner cross
 11.31 subsidy aid ~~under paragraph (e)~~ equals 25 percent of the district's English learner cross
 11.32 subsidy under paragraph (c) for fiscal year 2027 and later.

12.1 (c) A district's English learner cross subsidy aid equals the greater of zero or the difference
12.2 between the district's expenditures for qualifying English learner services for the second
12.3 previous year and the district's English learner revenue for the second previous year.

12.4 (d) A pupil ceases to generate state English learner aid in the school year following the
12.5 school year in which the pupil attains the state cutoff score on a commissioner-provided
12.6 assessment that measures the pupil's emerging academic English.

12.7 Sec. 21. Minnesota Statutes 2023 Supplement, section 124E.02, is amended to read:

12.8 **124E.02 DEFINITIONS.**

12.9 (a) For purposes of this chapter, the terms defined in this section have the meanings
12.10 given them.

12.11 (b) "Affidavit" means a written statement the authorizer submits to the commissioner
12.12 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
12.13 its review and approval process before chartering a school.

12.14 (c) "Affiliate" means a person that directly or indirectly, through one or more
12.15 intermediaries, controls, is controlled by, or is under common control with another person.

12.16 (d) "Charter management organization" or "CMO" means any nonprofit or for-profit
12.17 entity that contracts with a charter school board of directors to provide, manage, or oversee
12.18 all or substantially all of a school's education program or a school's administrative, financial,
12.19 business, or operational functions.

12.20 (e) "Control" means the ability to affect the management, operations, or policy actions
12.21 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

12.22 (f) "Educational management organization" or "EMO" means a nonprofit or for-profit
12.23 entity that provides, manages or oversees all or substantially all of the education program,
12.24 or the school's administrative, financial, business, or operational functions.

12.25 (g) "Immediate family member" means an individual whose relationship by blood,
12.26 marriage, adoption, or partnership is no more remote than first cousin.

12.27 (h) "Market need and demand study" means a study that includes the following for the
12.28 proposed locations of the school or additional site:

12.29 (1) current and projected demographic information;

12.30 (2) student enrollment patterns;

12.31 (3) information on existing schools and types of educational programs currently available;

- 13.1 (4) characteristics of proposed students and families;
- 13.2 (5) availability of properly zoned and classified facilities; and
- 13.3 (6) quantification of existing demand for the school or site.
- 13.4 (i) "Person" means an individual or entity of any kind.
- 13.5 (j) "Related party" means an affiliate or immediate ~~relative~~ family member of the other
- 13.6 interested party, an affiliate of an immediate ~~relative~~ family member who is the other
- 13.7 interested party, or an immediate ~~relative~~ family member of an affiliate who is the other
- 13.8 interested party.
- 13.9 (k) For purposes of this chapter, the terms defined in section 120A.05 have the same
- 13.10 meanings.

13.11 Sec. 22. Minnesota Statutes 2022, section 124E.03, subdivision 7, is amended to read:

13.12 Subd. 7. **Additional program-specific requirements.** (a) A charter school offering

13.13 online courses or programs must comply with section ~~124D.095~~ 124D.094 governing online

13.14 ~~learning~~ instruction.

13.15 (b) A charter school that provides early childhood health and developmental screening

13.16 must comply with sections 121A.16 to 121A.19 governing early childhood screening.

13.17 (c) A charter school that provides school-sponsored youth athletic activities must comply

13.18 with section 121A.38 governing policies on concussions.

13.19 Sec. 23. Minnesota Statutes 2022, section 124E.14, is amended to read:

13.20 **124E.14 CONFLICTS OF INTEREST.**

13.21 (a) No member of the board of directors, employee, officer, or agent of a charter school

13.22 shall participate in selecting, awarding, or administering a contract if a conflict of interest

13.23 exists. A conflict exists when:

13.24 (1) the board member, employee, officer, or agent;

13.25 (2) the immediate family member of the board member, employee, officer, or agent;

13.26 (3) the partner of the board member, employee, officer, or agent; or

13.27 (4) an organization that employs, or is about to employ any individual in clauses (1) to

13.28 (3),

14.1 has a financial or other interest in the entity with which the charter school is contracting. A
14.2 violation of this prohibition renders the contract void.

14.3 (b) The conflict of interest provisions under this section do not apply to compensation
14.4 paid to a teacher employed as a teacher by the charter school or a teacher who provides
14.5 instructional services to the charter school through a cooperative formed under chapter
14.6 308A when the teacher also serves on the charter school board of directors.

14.7 (c) A charter school board member, employee, or officer is a local official for purposes
14.8 of section 471.895 with regard to receipt of gifts as defined under section 10A.071,
14.9 subdivision 1, paragraph (b). A board member, employee, or officer must not receive
14.10 compensation from a group health insurance provider.

14.11 Sec. 24. Minnesota Statutes 2023 Supplement, section 125A.15, is amended to read:

14.12 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

14.13 The responsibility for special instruction and services for a child with a disability
14.14 temporarily placed in another district for care and treatment shall be determined in the
14.15 following manner:

14.16 (a) The district of residence of a child shall be the district in which the child's parent
14.17 resides, if living, or the child's guardian. If there is a dispute between school districts
14.18 regarding residency, the district of residence is the district designated by the commissioner.

14.19 (b) If a district other than the resident district places a pupil for care and treatment, the
14.20 district placing the pupil must notify and give the resident district an opportunity to participate
14.21 in the placement decision. When an immediate emergency placement of a pupil is necessary
14.22 and time constraints foreclose a resident district from participating in the emergency
14.23 placement decision, the district in which the pupil is temporarily placed must notify the
14.24 resident district of the emergency placement within 15 days. The resident district has up to
14.25 five business days after receiving notice of the emergency placement to request an
14.26 opportunity to participate in the placement decision, which the placing district must then
14.27 provide.

14.28 (c) When a child is temporarily placed for care and treatment in a day program located
14.29 in another district and the child continues to live within the district of residence during the
14.30 care and treatment, the district of residence is responsible for providing transportation to
14.31 and from the care and treatment program and an appropriate educational program for the
14.32 child. The resident district may establish reasonable restrictions on transportation, except
14.33 if a Minnesota court or agency orders the child placed at a day care and treatment program

15.1 and the resident district receives a copy of the order, then the resident district must provide
15.2 transportation to and from the program unless the court or agency orders otherwise.

15.3 Transportation shall only be provided by the resident district during regular operating hours
15.4 of the resident district. The resident district may provide the educational program at a school
15.5 within the district of residence, at the child's residence, or in the district in which the day
15.6 treatment center is located by paying tuition to that district. If a child's district of residence,
15.7 district of open enrollment under section 124D.03, or charter school of enrollment under
15.8 section 124E.11 is authorized to provide online learning instruction under state statutes, the
15.9 child's district of residence may utilize that ~~state-approved~~ online learning program in
15.10 fulfilling its educational program responsibility under this section if the child, or the child's
15.11 parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

15.12 (d) When a child is temporarily placed in a residential program for care and treatment,
15.13 the nonresident district in which the child is placed is responsible for providing an appropriate
15.14 educational program for the child and necessary transportation while the child is attending
15.15 the educational program; and must bill the district of the child's residence for the actual cost
15.16 of providing the program, as outlined in section 125A.11, except as provided in paragraph
15.17 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a
15.18 disability placed outside of the school district of residence by the commissioner of human
15.19 services or the commissioner of corrections or their agents, for reasons other than providing
15.20 for the child's special educational needs must not become the responsibility of either the
15.21 district providing the instruction or the district of the child's residence. For the purposes of
15.22 this section, the state correctional facilities operated on a fee-for-service basis are considered
15.23 to be residential programs for care and treatment. If a child's district of residence, district
15.24 of open enrollment under section 124D.03, or charter school of enrollment under section
15.25 124E.11 is authorized to provide online learning instruction under state statutes, the
15.26 nonresident district may utilize that ~~state-approved~~ online learning program in fulfilling its
15.27 educational program responsibility under this section if the child, or the child's parent or
15.28 guardian for a pupil under the age of 18, agrees to that form of instruction.

15.29 (e) A privately owned and operated residential facility may enter into a contract to obtain
15.30 appropriate educational programs for special education children and services with a joint
15.31 powers entity. The entity with which the private facility contracts for special education
15.32 services shall be the district responsible for providing students placed in that facility an
15.33 appropriate educational program in place of the district in which the facility is located. If a
15.34 privately owned and operated residential facility does not enter into a contract under this
15.35 paragraph, then paragraph (d) applies.

16.1 (f) The district of residence shall pay tuition and other program costs, not including
16.2 transportation costs, to the district providing the instruction and services. The district of
16.3 residence may claim general education aid for the child as provided by law. Transportation
16.4 costs must be paid by the district responsible for providing the transportation and the state
16.5 must pay transportation aid to that district.

16.6 Sec. 25. Minnesota Statutes 2023 Supplement, section 125A.51, is amended to read:

16.7 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
16.8 **AND TRANSPORTATION.**

16.9 The responsibility for providing instruction and transportation for a pupil without a
16.10 disability who has a short-term or temporary physical or emotional illness or disability, as
16.11 determined by the standards of the commissioner, and who is temporarily placed for care
16.12 and treatment for that illness or disability, must be determined as provided in this section.

16.13 (a) The school district of residence of the pupil is the district in which the pupil's parent
16.14 or guardian resides. If there is a dispute between school districts regarding residency, the
16.15 district of residence is the district designated by the commissioner.

16.16 (b) When parental rights have been terminated by court order, the legal residence of a
16.17 child placed in a residential or foster facility for care and treatment is the district in which
16.18 the child resides.

16.19 (c) Before the placement of a pupil for care and treatment, the district of residence must
16.20 be notified and provided an opportunity to participate in the placement decision. When an
16.21 immediate emergency placement is necessary and time does not permit resident district
16.22 participation in the placement decision, the district in which the pupil is temporarily placed,
16.23 if different from the district of residence, must notify the district of residence of the
16.24 emergency placement within 15 days of the placement. When a nonresident district makes
16.25 an emergency placement without first consulting with the resident district, the resident
16.26 district has up to five business days after receiving notice of the emergency placement to
16.27 request an opportunity to participate in the placement decision, which the placing district
16.28 must then provide.

16.29 (d) When a pupil without a disability is temporarily placed for care and treatment in a
16.30 day program and the pupil continues to live within the district of residence during the care
16.31 and treatment, the district of residence must provide instruction and necessary transportation
16.32 to and from the care and treatment program for the pupil. The resident district may establish
16.33 reasonable restrictions on transportation, except if a Minnesota court or agency orders the

17.1 child placed at a day care and treatment program and the resident district receives a copy
17.2 of the order, then the resident district must provide transportation to and from the program
17.3 unless the court or agency orders otherwise. Transportation shall only be provided by the
17.4 resident district during regular operating hours of the resident district. The resident district
17.5 may provide the instruction at a school within the district of residence; at the pupil's
17.6 residence; through an authorized online learning program provided by the pupil's resident
17.7 district, district of open enrollment under section 124D.03, or charter school of enrollment
17.8 under section 124E.11 if the child, or the child's parent or guardian for a pupil under the
17.9 age of 18, agrees to that form of instruction; or, in the case of a placement outside of the
17.10 resident district, in the district in which the day treatment program is located by paying
17.11 tuition to that district. The district of placement may contract with a facility to provide
17.12 instruction by teachers licensed by the Professional Educator Licensing and Standards
17.13 Board.

17.14 (e) When a pupil without a disability is temporarily placed in a residential program for
17.15 care and treatment, the district in which the pupil is placed must provide instruction for the
17.16 pupil and necessary transportation while the pupil is receiving instruction, and in the case
17.17 of a placement outside of the district of residence, the nonresident district must bill the
17.18 district of residence for the actual cost of providing the instruction for the regular school
17.19 year and for summer school, excluding transportation costs. If a pupil's district of residence,
17.20 district of open enrollment under section 124D.03, or charter school of enrollment under
17.21 section 124E.11 is authorized to provide online learning instruction under state statutes, the
17.22 district in which the pupil is placed may utilize that ~~state-approved~~ online learning program
17.23 in fulfilling its responsibility to provide instruction under this section if the child, or the
17.24 child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

17.25 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
17.26 private homeless shelter, then the district that enrolls the pupil under section 120A.20,
17.27 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls
17.28 the pupil and the district in which the pupil is temporarily placed agree that the district in
17.29 which the pupil is temporarily placed shall provide transportation. When a pupil without a
17.30 disability is temporarily placed in a residential program outside the district of residence,
17.31 the administrator of the court placing the pupil must send timely written notice of the
17.32 placement to the district of residence. The district of placement may contract with a
17.33 residential facility to provide instruction by teachers licensed by the Professional Educator
17.34 Licensing and Standards Board. For purposes of this section, the state correctional facilities

18.1 operated on a fee-for-service basis are considered to be residential programs for care and
18.2 treatment.

18.3 (g) The district of residence must include the pupil in its residence count of pupil units
18.4 and pay tuition as provided in section 123A.488 to the district providing the instruction.
18.5 Transportation costs must be paid by the district providing the transportation and the state
18.6 must pay transportation aid to that district. For purposes of computing state transportation
18.7 aid, pupils governed by this subdivision must be included in the disabled transportation
18.8 category if the pupils cannot be transported on a regular school bus route without special
18.9 accommodations.

18.10 Sec. 26. Minnesota Statutes 2023 Supplement, section 125A.515, subdivision 3, is amended
18.11 to read:

18.12 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
18.13 residential facility is located must provide education services, including special education
18.14 if eligible, to all students placed in a facility. If a child's district of residence, district of open
18.15 enrollment under section 124D.03, or charter school of enrollment under section 124E.11
18.16 is authorized to provide online learning instruction under state statutes, the district in which
18.17 the children's residential facility is located may utilize that ~~state-approved~~ online learning
18.18 program in fulfilling its education services responsibility under this section if the child, or
18.19 the child's parent or guardian for a pupil under the age of 18, agrees to that form of
18.20 instruction.

18.21 (b) For education programs operated by the Department of Corrections, the providing
18.22 district shall be the Department of Corrections. For students remanded to the commissioner
18.23 of corrections, the providing and resident district shall be the Department of Corrections.

18.24 Sec. 27. Minnesota Statutes 2022, section 126C.05, subdivision 8, is amended to read:

18.25 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten
18.26 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils
18.27 on the current roll of the school, counted from the date of entry until withdrawal. The date
18.28 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is
18.29 officially known that the pupil has left or has been legally excused. However, a pupil,
18.30 regardless of age, who has been absent from school for 15 consecutive school days during
18.31 the regular school year or for five consecutive school days during summer school or
18.32 intersession classes of flexible school year programs without receiving instruction in the
18.33 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this

19.1 section shall be construed as waiving the compulsory attendance provisions cited in section
 19.2 120A.22. Average daily membership equals the sum for all pupils of the number of days
 19.3 of the school year each pupil is enrolled in the district's schools divided by the number of
 19.4 days the schools are in session or are providing e-learning days due to inclement weather.
 19.5 Days of summer school or intersession classes of flexible school year programs are only
 19.6 included in the computation of membership for pupils with a disability not appropriately
 19.7 served primarily in the regular classroom. A student must not be counted as more than 1.2
 19.8 pupils in average daily membership under this section and section 126C.10, subdivision 2a,
 19.9 paragraph ~~(b)~~ (c). When the initial total average daily membership exceeds 1.2 for a pupil
 19.10 enrolled in more than one school district during the fiscal year, each district's average daily
 19.11 membership must be reduced proportionately.

19.12 (b) A student must not be counted as more than one pupil in average daily membership
 19.13 except for purposes of section 126C.10, subdivision 2a.

19.14 Sec. 28. Minnesota Statutes 2022, section 126C.126, is amended to read:

19.15 **126C.126 USE OF GENERAL EDUCATION REVENUE FOR ALL-DAY**
 19.16 **KINDERGARTEN AND PREKINDERGARTEN.**

19.17 A school district may spend general education revenue on extended time kindergarten
 19.18 and prekindergarten programs. At the school board's discretion, the district may use revenue
 19.19 generated by the all-day kindergarten pupil count under section 126C.05, subdivision 1,
 19.20 paragraph ~~(d)~~ (c), to meet the needs of three- and four-year-olds in the district. A school
 19.21 district may not use these funds on programs for three- and four-year-old children while
 19.22 maintaining a fee-based all-day kindergarten program.

19.23 Sec. 29. Minnesota Statutes 2022, section 126C.13, subdivision 4, is amended to read:

19.24 Subd. 4. **General education aid.** For fiscal year 2015 and later, a district's general
 19.25 education aid equals:

19.26 (1) general education revenue, excluding operating capital revenue, equity revenue, local
 19.27 optional revenue, and transition revenue, ~~minus the student achievement levy, multiplied~~
 19.28 ~~times the ratio of the actual amount of student achievement levy levied to the permitted~~
 19.29 ~~student achievement levy; plus~~

19.30 (2) operating capital aid under section 126C.10, subdivision 13b;

19.31 (3) equity aid under section 126C.10, subdivision 30; plus

19.32 (4) transition aid under section 126C.10, subdivision 33; plus

20.1 (5) shared time aid under section 126C.01, subdivision 7; plus

20.2 (6) referendum aid under section 126C.17, subdivisions 7 and 7a; plus

20.3 (7) online learning aid under section 124D.096; plus

20.4 (8) local optional aid according to section 126C.10, subdivision 2e, paragraph ~~(e)~~ (f).

20.5 Sec. 30. Minnesota Statutes 2022, section 126C.17, subdivision 5, is amended to read:

20.6 Subd. 5. **Referendum equalization revenue.** (a) A district's referendum equalization
20.7 revenue equals the sum of the first tier referendum equalization revenue and the second tier
20.8 referendum equalization revenue.

20.9 (b) A district's first tier referendum equalization revenue equals the district's first tier
20.10 referendum equalization allowance times the district's adjusted pupil units for that year.

20.11 (c) A district's first tier referendum equalization allowance equals the lesser of the
20.12 district's referendum allowance under subdivision 1 or \$460.

20.13 (d) A district's second tier referendum equalization revenue equals the district's second
20.14 tier referendum equalization allowance times the district's adjusted pupil units for that year.

20.15 (e) A district's second tier referendum equalization allowance equals the lesser of the
20.16 district's referendum allowance under subdivision 1 or 25 percent of the formula allowance,
20.17 minus the sum of \$300 and the district's first tier referendum equalization allowance.

20.18 (f) Notwithstanding paragraph (e), the second tier referendum equalization allowance
20.19 for a district qualifying for secondary sparsity revenue under section 126C.10, subdivision
20.20 7, or elementary sparsity revenue under section 126C.10, subdivision 8, equals the district's
20.21 referendum allowance under subdivision 1 minus the district's first tier referendum
20.22 equalization allowance.

20.23 Sec. 31. Minnesota Statutes 2023 Supplement, section 144E.101, subdivision 7, is amended
20.24 to read:

20.25 Subd. 7. **Advanced life support.** (a) Except as provided in paragraphs (f) and (g), an
20.26 advanced life-support ambulance shall be staffed by at least:

20.27 (1) one EMT or one AEMT and one paramedic;

20.28 (2) one EMT or one AEMT and one registered nurse who is an EMT or an AEMT, is
20.29 currently practicing nursing, and has passed a paramedic practical skills test approved by
20.30 the board and administered by an education program; or

21.1 (3) one EMT or one AEMT and one physician assistant who is an EMT or an AEMT,
21.2 is currently practicing as a physician assistant, and has passed a paramedic practical skills
21.3 test approved by the board and administered by an education program.

21.4 (b) An advanced life-support service shall provide basic life support, as specified under
21.5 subdivision 6, paragraph (a), advanced airway management, manual defibrillation,
21.6 administration of intravenous fluids and pharmaceuticals, and administration of opiate
21.7 antagonists.

21.8 (c) In addition to providing advanced life support, an advanced life-support service may
21.9 staff additional ambulances to provide basic life support according to subdivision 6 and
21.10 section 144E.103, subdivision 1.

21.11 (d) An ambulance service providing advanced life support shall have a written agreement
21.12 with its medical director to ensure medical control for patient care 24 hours a day, seven
21.13 days a week. The terms of the agreement shall include a written policy on the administration
21.14 of medical control for the service. The policy shall address the following issues:

21.15 (1) two-way communication for physician direction of ambulance service personnel;

21.16 (2) patient triage, treatment, and transport;

21.17 (3) use of standing orders; and

21.18 (4) the means by which medical control will be provided 24 hours a day.

21.19 The agreement shall be signed by the licensee's medical director and the licensee or the
21.20 licensee's designee and maintained in the files of the licensee.

21.21 (e) When an ambulance service provides advanced life support, the authority of a
21.22 paramedic, Minnesota registered nurse-EMT, or Minnesota registered physician
21.23 assistant-EMT to determine the delivery of patient care prevails over the authority of an
21.24 EMT.

21.25 (f) Upon application from an ambulance service that includes evidence demonstrating
21.26 hardship, the board may grant a variance from the staff requirements in paragraph (a), clause
21.27 (1), and may authorize an advanced life-support ambulance to be staffed by a registered
21.28 emergency medical responder driver with a paramedic for all emergency calls and interfacility
21.29 transfers. The variance shall apply to advanced life-support ambulance services until the
21.30 ambulance service renews its license. When the variance expires, an ambulance service
21.31 may apply for a new variance under this paragraph. This paragraph applies only to an
21.32 ambulance service whose primary service area is mainly located outside the metropolitan
21.33 counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato,

22.1 Moorhead, Rochester, and St. Cloud, or an ambulance service based in a community with
22.2 a population of less than 1,000 persons.

22.3 (g) After an initial emergency ambulance call, each subsequent emergency ambulance
22.4 response, until the initial ambulance is again available, and interfacility transfers, may be
22.5 staffed by one registered emergency medical responder driver and an EMT or paramedic.
22.6 This paragraph applies only to an ambulance service whose primary service area is mainly
22.7 located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside
22.8 the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud, or an ambulance service
22.9 based in a community with a population of less than 1,000 persons.

22.10 Sec. 32. Minnesota Statutes 2023 Supplement, section 144E.101, subdivision 12, is
22.11 amended to read:

22.12 Subd. 12. **Mutual aid agreement.** (a) A licensee shall have a written agreement with
22.13 at least one neighboring licensed ambulance service for the preplanned and organized
22.14 response of emergency medical services, and other emergency personnel and equipment,
22.15 to a request for assistance in an emergency when local ambulance transport resources have
22.16 been expended. The response is predicated upon formal agreements among participating
22.17 ambulance services. A copy of each mutual aid agreement shall be maintained in the files
22.18 of the licensee and shall be filed with the board for informational purposes only.

22.19 (b) A licensee may have a written agreement with a neighboring licensed ambulance
22.20 service, including a licensed ambulance service from a neighboring state if that service is
22.21 currently and remains in compliance with its home state licensing requirements, to provide
22.22 support to the primary service area of the licensee upon the licensee's request. The agreement
22.23 may allow the licensee to suspend ambulance services in its primary service area during
22.24 the times the neighboring licensed ambulance service has agreed to provide all emergency
22.25 services to the licensee's primary service area. The agreement may permit the neighboring
22.26 licensed ambulance service to serve the licensee's primary service area for up to 24 hours
22.27 per day, provided service by the neighboring licensed ambulance service does not exceed
22.28 108 hours per calendar week. This paragraph applies only to an ambulance service whose
22.29 primary service area is mainly located outside the metropolitan counties listed in section
22.30 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester,
22.31 and St. Cloud, or an ambulance service based in a community with a population of less than
22.32 2,500 persons.

23.1 Sec. 33. Minnesota Statutes 2023 Supplement, section 145D.01, subdivision 5, is amended
23.2 to read:

23.3 Subd. 5. **Attorney general enforcement and supplemental authority.** (a) The attorney
23.4 general may bring an action in district court to enjoin or unwind a transaction or seek other
23.5 equitable relief necessary to protect the public interest if a health care entity or transaction
23.6 violates this section, if the transaction is contrary to the public interest, or if both a health
23.7 care entity or transaction violates this section and the transaction is contrary to the public
23.8 interest. Factors informing whether a transaction is contrary to the public interest include
23.9 but are not limited to whether the transaction:

23.10 (1) will harm public health;

23.11 (2) will reduce the affected community's continued access to affordable and quality care
23.12 and to the range of services historically provided by the entities or will prevent members
23.13 in the affected community from receiving a comparable or better patient experience;

23.14 (3) will have a detrimental impact on competing health care options within primary and
23.15 dispersed service areas;

23.16 (4) will reduce delivery of health care to disadvantaged, uninsured, underinsured, and
23.17 underserved populations and to populations enrolled in public health care programs;

23.18 (5) will have a substantial negative impact on medical education and teaching programs,
23.19 health care workforce training, or medical research;

23.20 (6) will have a negative impact on the market for health care services, health insurance
23.21 services, or skilled health care workers;

23.22 (7) will increase health care costs for patients;

23.23 (8) will adversely impact provider cost trends and containment of total health care
23.24 spending;

23.25 (9) will have a negative impact on wages paid by, or the number of employees employed
23.26 by, a health care entity involved in a transaction; or

23.27 (10) will have a negative impact on wages, collective bargaining units, and collective
23.28 bargaining agreements of existing or future workers employed by a health care entity
23.29 involved in a transaction.

23.30 (b) The attorney general may enforce this section under section 8.31.

23.31 (c) Failure of the entities involved in a transaction to provide timely information as
23.32 required by the attorney general or the commissioner shall be an independent and sufficient

24.1 ground for a court to enjoin or unwind the transaction or provide other equitable relief,
24.2 provided the attorney general notified the entities of the inadequacy of the information
24.3 provided and provided the entities with a reasonable opportunity to remedy the inadequacy.

24.4 (d) The commissioner shall provide to the attorney general, upon request, data and
24.5 research on broader market trends, impacts on prices and outcomes, public health and
24.6 population health considerations, and health care access, for the attorney general to use
24.7 when evaluating whether a transaction is contrary to public interest. The commissioner may
24.8 share with the attorney general, according to section 13.05, subdivision 9, any not public
24.9 data, as defined in section 13.02, subdivision 8a, held by the commissioner to aid in the
24.10 investigation and review of the transaction, and the attorney general must maintain this data
24.11 with the same classification according to section 13.03, subdivision 4, paragraph ~~(d)~~ (c).

24.12 Sec. 34. Minnesota Statutes 2023 Supplement, section 145D.02, is amended to read:

24.13 **145D.02 DATA REPORTING OF CERTAIN HEALTH CARE TRANSACTIONS.**

24.14 (a) This section applies to all transactions where:

24.15 (1) the health care entity involved in the transaction has average revenue between
24.16 \$10,000,000 and \$80,000,000 per year; or

24.17 (2) the transaction will result in an entity projected to have average revenue between
24.18 \$10,000,000 per year and \$80,000,000 per year once the entity is operating at full capacity.

24.19 (b) A health care entity must provide the following data to the commissioner at least 30
24.20 days before the proposed completion date of the transaction, or within ten business days of
24.21 the date the parties first reasonably anticipate entering into the transaction if the expected
24.22 completion is within less than 30 days, in the form and manner determined by the
24.23 commissioner:

24.24 (1) the entities involved in the transaction;

24.25 (2) the leadership, ownership structures, and business relationship of the entities involved
24.26 in the transaction, including all board members, managing partners, member managers, and
24.27 officers;

24.28 (3) the services provided by each entity and the operating and nonoperating revenue for
24.29 each entity by location, for the last three years;

24.30 (4) the primary service area for each location;

24.31 (5) the proposed service area for each location;

25.1 (6) the current relationships between the entities and the affected health care providers
25.2 and practices, the locations of affected health care providers and practices, the services
25.3 provided by affected health care providers and practices, and the proposed relationships
25.4 between the entities and the affected health care providers and practices;

25.5 (7) the terms of the transaction agreement or agreements;

25.6 (8) potential areas of expansion, whether in existing markets or new markets;

25.7 (9) plans to close facilities, reduce workforce, or reduce or eliminate services;

25.8 (10) the number of full-time equivalent positions at each location before and after the
25.9 transaction by job category, including administrative and contract positions; and

25.10 (11) any other information relevant to evaluating the transaction that is requested by the
25.11 commissioner.

25.12 (c) If the commissioner determines that information required from the health care entity
25.13 under this section has not been provided, the commissioner may notify the entity of the
25.14 necessary information within 30 days of the health care entity's initial submission of the
25.15 notice. The health care entity must provide such additional information to the commissioner
25.16 within 14 days of the commissioner's request.

25.17 (d) Data provided to or collected by the commissioner under this section are private data
25.18 on individuals or nonpublic data, as defined in section 13.02. The commissioner may share
25.19 with the attorney general, according to section 13.05, subdivision 9, any not public data, as
25.20 defined in section 13.02, subdivision 8a, held by the commissioner to aid in the investigation
25.21 and review of the transaction, and the attorney general must maintain this data with the
25.22 same classification according to section 13.03, subdivision 4, paragraph ~~(d)~~ (c).

25.23 (e) A health care entity is exempt from reporting under this section if the health care
25.24 entity is required to submit information to the attorney general and commissioner under
25.25 section 145D.01, subdivision 2.

25.26 (f) The commissioner shall use data collected under this section to analyze the number
25.27 of health care transactions in Minnesota and the potential impact these transactions may
25.28 have on equitable access to or the cost and quality of health care services, and develop
25.29 recommendations for the legislature on improvements to the law.

26.1 Sec. 35. Minnesota Statutes 2023 Supplement, section 147.02, subdivision 1, is amended
26.2 to read:

26.3 Subdivision 1. **United States or Canadian medical school graduates.** The board shall
26.4 issue a license to practice medicine to a person not currently licensed in another state or
26.5 Canada and who meets the requirements in paragraphs (a) to (i).

26.6 (a) An applicant for a license shall file a written application on forms provided by the
26.7 board, showing to the board's satisfaction that the applicant is of good moral character and
26.8 satisfies the requirements of this section.

26.9 (b) The applicant shall present evidence satisfactory to the board of being a graduate of
26.10 a medical or osteopathic medical school located in the United States, its territories, or
26.11 Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation
26.12 by a recognized national accrediting organization approved by the board, and other relevant
26.13 data, or is currently enrolled in the final year of study at the school.

26.14 (c) The applicant must have passed an examination as described in clause (1) or (2).

26.15 (1) The applicant must have passed a comprehensive examination for initial licensure
26.16 prepared and graded by the National Board of Medical Examiners, the Federation of State
26.17 Medical Boards, the Medical Council of Canada, the National Board of Osteopathic
26.18 Examiners, or the appropriate state board that the board determines acceptable. The board
26.19 shall by rule determine what constitutes a passing score in the examination.

26.20 (2) The applicant taking the United States Medical Licensing Examination (USMLE)
26.21 or Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) must
26.22 have passed steps or levels one, two, and three. Step or level three must be passed within
26.23 five years of passing step or level two, or before the end of residency training. The applicant
26.24 must pass each of steps or levels one, two, and three with passing scores as recommended
26.25 by the USMLE program or National Board of Osteopathic Medical Examiners within three
26.26 attempts. The applicant taking combinations of Federation of State Medical Boards, National
26.27 Board of Medical Examiners, and USMLE may be accepted only if the combination is
26.28 approved by the board as comparable to existing comparable examination sequences and
26.29 all examinations are completed prior to the year 2000.

26.30 (d) The applicant shall present evidence satisfactory to the board of the completion of
26.31 one year of graduate, clinical medical training in a program accredited by a national
26.32 accrediting organization approved by the board.

27.1 (e) The applicant may make arrangements with the executive director to appear in person
27.2 before the board or its designated representative to show that the applicant satisfies the
27.3 requirements of this section. The board may establish as internal operating procedures the
27.4 procedures or requirements for the applicant's personal presentation.

27.5 (f) The applicant shall pay a nonrefundable fee established by the board. Upon application
27.6 or notice of license renewal, the board must provide notice to the applicant and to the person
27.7 whose license is scheduled to be issued or renewed of any additional fees, surcharges, or
27.8 other costs which the person is obligated to pay as a condition of licensure. The notice must:

27.9 (1) state the dollar amount of the additional costs; and

27.10 (2) clearly identify to the applicant the payment schedule of additional costs.

27.11 (g) The applicant must not be under license suspension or revocation by the licensing
27.12 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
27.13 occurred.

27.14 (h) The applicant must not have engaged in conduct warranting disciplinary action
27.15 against a licensee, or have been subject to disciplinary action other than as specified in
27.16 paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph,
27.17 the board may issue a license only on the applicant's showing that the public will be protected
27.18 through issuance of a license with conditions and limitations the board considers appropriate.

27.19 (i) If the examination in paragraph (c) was passed more than ten years ago, the applicant
27.20 must either:

27.21 (1) pass the special purpose examination of the Federation of State Medical Boards with
27.22 a score of 75 or better within three attempts; or

27.23 (2) have a current certification by a specialty board of the American Board of Medical
27.24 Specialties, ~~of~~ the American Osteopathic Association, the Royal College of Physicians and
27.25 Surgeons of Canada, or ~~of~~ the College of Family Physicians of Canada.

27.26 Sec. 36. Minnesota Statutes 2023 Supplement, section 147.03, subdivision 1, is amended
27.27 to read:

27.28 Subdivision 1. **Endorsement; reciprocity.** (a) The board may issue a license to practice
27.29 medicine to any person who satisfies the requirements in paragraphs (b) to (e).

27.30 (b) The applicant shall satisfy all the requirements established in section 147.02,
27.31 subdivision 1, paragraphs (a), (b), (d), (e), and (f), or section 147.037, subdivision 1,
27.32 paragraphs (a) to (e).

28.1 (c) The applicant shall:

28.2 (1) have passed an examination prepared and graded by the Federation of State Medical
28.3 Boards, the National Board of Medical Examiners, or the United States Medical Licensing
28.4 Examination (USMLE) program in accordance with section 147.02, subdivision 1, paragraph
28.5 (c), clause (2); the National Board of Osteopathic Medical Examiners; or the Medical Council
28.6 of Canada; and

28.7 (2) have a current license from the equivalent licensing agency in another state or Canada
28.8 and, if the examination in clause (1) was passed more than ten years ago, either:

28.9 (i) pass the Special Purpose Examination of the Federation of State Medical Boards
28.10 (SPEX) within three attempts; or

28.11 (ii) have a current certification by a specialty board of the American Board of Medical
28.12 Specialties, of the American Osteopathic Association, the Royal College of Physicians and
28.13 Surgeons of Canada, or of the College of Family Physicians of Canada; or

28.14 (3) if the applicant fails to meet the requirement established in section 147.02, subdivision
28.15 1, paragraph (c), clause (2), because the applicant failed to pass within the permitted three
28.16 attempts each of steps or levels one, two, and three of the USMLE or the Comprehensive
28.17 Osteopathic Medical Licensing Examination (COMLEX-USA), the applicant may be granted
28.18 a license provided the applicant:

28.19 (i) has passed each of steps or levels one, two, and three within no more than four attempts
28.20 for any of the three steps or levels with passing scores as recommended by the USMLE or
28.21 COMLEX-USA program;

28.22 (ii) is currently licensed in another state; and

28.23 (iii) has current certification by a specialty board of the American Board of Medical
28.24 Specialties, the American Osteopathic Association, the Royal College of Physicians and
28.25 Surgeons of Canada, or the College of Family Physicians of Canada.

28.26 (d) The applicant must not be under license suspension or revocation by the licensing
28.27 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
28.28 occurred.

28.29 (e) The applicant must not have engaged in conduct warranting disciplinary action against
28.30 a licensee, or have been subject to disciplinary action other than as specified in paragraph
28.31 (d). If an applicant does not satisfy the requirements stated in this paragraph, the board may
28.32 issue a license only on the applicant's showing that the public will be protected through
28.33 issuance of a license with conditions or limitations the board considers appropriate.

29.1 (f) Upon the request of an applicant, the board may conduct the final interview of the
29.2 applicant by teleconference.

29.3 Sec. 37. Minnesota Statutes 2022, section 150A.091, subdivision 2, is amended to read:

29.4 Subd. 2. **Application and initial license or registration fees.** Each applicant shall
29.5 submit with a license, advanced dental therapist certificate, or permit application a
29.6 nonrefundable fee in the following amounts in order to administratively process an
29.7 application:

29.8 (1) dentist, \$308;

29.9 (2) full faculty dentist, \$308;

29.10 (3) limited faculty dentist, \$140;

29.11 (4) resident dentist or dental provider, \$55;

29.12 (5) advanced dental therapist, \$100;

29.13 (6) dental therapist, \$220;

29.14 (7) dental hygienist, \$115;

29.15 (8) licensed dental assistant, \$115;

29.16 (9) dental assistant with limited radiology registration as described in Minnesota Rules,
29.17 ~~part 3100.8500, subpart 3~~ 3100.1320, \$27; and

29.18 (10) guest license, \$50.

29.19 Sec. 38. Minnesota Statutes 2022, section 150A.091, subdivision 5, is amended to read:

29.20 Subd. 5. **Biennial license or registration renewal fees.** Each of the following applicants
29.21 shall submit with a biennial license or permit renewal application a fee as established by
29.22 the board, not to exceed the following amounts:

29.23 (1) dentist or full faculty dentist, \$475;

29.24 (2) dental therapist, \$300;

29.25 (3) dental hygienist, \$200;

29.26 (4) licensed dental assistant, \$150; and

29.27 (5) dental assistant with a limited radiology registration as described in Minnesota Rules,
29.28 ~~part 3100.8500, subpart 3~~ 3100.1320, \$24.

30.1 Sec. 39. Minnesota Statutes 2022, section 150A.091, subdivision 11a, is amended to read:

30.2 Subd. 11a. **Certificate for anesthesia/sedation late fee.** Applications for renewal of a
30.3 general anesthesia or moderate sedation certificate or a contracted sedation provider certificate
30.4 received after the time specified in Minnesota Rules, part 3100.3600, subparts ~~9~~ 19 and ~~9b~~
30.5 21, must be assessed a late fee equal to 50 percent of the biennial renewal fee for an
30.6 anesthesia/sedation certificate.

30.7 Sec. 40. Minnesota Statutes 2022, section 152.25, subdivision 1b, is amended to read:

30.8 Subd. 1b. **Temporary suspension proceedings.** The commissioner may institute
30.9 proceedings to temporarily suspend the registration of a medical cannabis manufacturer for
30.10 a period of up to 90 days by notifying the manufacturer in writing if any action by an
30.11 employee, agent, officer, director, or controlling person of the manufacturer:

30.12 (1) violates any of the requirements of sections ~~152.21~~ 152.22 to 152.37 or the rules
30.13 adopted thereunder;

30.14 (2) permits, aids, or abets the commission of any violation of state law at the
30.15 manufacturer's location for cultivation, harvesting, manufacturing, packaging, and processing
30.16 or at any site for distribution of medical cannabis;

30.17 (3) performs any act contrary to the welfare of a registered patient or registered designated
30.18 caregiver; or

30.19 (4) obtains, or attempts to obtain, a registration by fraudulent means or misrepresentation.

30.20 Sec. 41. Minnesota Statutes 2022, section 155A.29, subdivision 2, is amended to read:

30.21 Subd. 2. **Requirements.** The conditions and process by which a salon is licensed shall
30.22 be established by the board by rule. In addition to those requirements, no license shall be
30.23 issued unless the board first determines that the conditions in clauses (1) to ~~(5)~~ (4) have
30.24 been satisfied:

30.25 (1) compliance with all local and state laws, particularly relating to matters of infection
30.26 control, health, and safety;

30.27 (2) the employment of a manager, as defined in section 155A.23, subdivision 8;

30.28 (3) if applicable, evidence of compliance with workers' compensation section 176.182;
30.29 and

30.30 (4) evidence of continued professional liability insurance coverage of at least \$25,000
30.31 for each claim and \$50,000 total coverage for each policy year for each operator.

31.1 Sec. 42. Minnesota Statutes 2022, section 161.088, subdivision 7, is amended to read:

31.2 Subd. 7. **Legislative report; evaluation.** (a) Annually by November 1, the commissioner
31.3 must electronically submit a report on the corridors of commerce program to the chairs and
31.4 ranking minority members of the legislative committees with jurisdiction over transportation
31.5 policy and finance. At a minimum, the report must include:

31.6 (1) a summary of the program, including a review of:

31.7 (i) project selection process details that address program design and implementation,
31.8 decision-making procedures, and eligibility evaluation;

31.9 (ii) criteria measurement methodologies and criteria weighting used in project selection;
31.10 and

31.11 (iii) the policy that provides the weight given each criterion;

31.12 (2) a summary of program finance, including funds expended in the previous selection
31.13 cycle, any future operating costs assigned under subdivision 6, and total funds expended
31.14 since program inception;

31.15 (3) a list of projects funded under the program in the previous selection cycle, including:

31.16 (i) project classification;

31.17 (ii) a breakdown of project costs and funding sources; and

31.18 (iii) a brief project description that is comprehensible to a lay audience;

31.19 (4) a comprehensive list of evaluated projects and candidate project recommendations
31.20 as required under subdivision 5, ~~paragraph (b)~~, that identifies for each project: eligibility,
31.21 classification, evaluation results for each criterion, score, and disposition in the selection
31.22 process; and

31.23 (5) any recommendations for changes to statutory requirements of the program.

31.24 (b) In every even-numbered year, the commissioner must incorporate into the report the
31.25 results of an independent evaluation of impacts and effectiveness of the program. The
31.26 evaluation must be performed by agency staff or a consultant. The individual or individuals
31.27 performing the evaluation must have experience in program evaluation, but must not be
31.28 regularly involved in the program's implementation.

31.29 (c) Notwithstanding paragraph (a), a report is not required in a year in which:

31.30 (1) no project selection was completed during the preceding 12 months; and

31.31 (2) an evaluation under paragraph (b) is not due.

32.1 Sec. 43. Minnesota Statutes 2022, section 171.17, subdivision 1, is amended to read:

32.2 Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license of a
32.3 driver upon receiving a record of the driver's conviction of:

32.4 (1) manslaughter resulting from the operation of a motor vehicle or criminal vehicular
32.5 homicide or injury under section 609.2112, 609.2113, or 609.2114, or Minnesota Statutes
32.6 2012, section 609.21;

32.7 (2) a violation of section 169A.20 or 609.487;

32.8 (3) a felony in the commission of which a motor vehicle was used;

32.9 (4) failure to stop and disclose identity and render aid, as required under section 169.09,
32.10 in the event of a motor vehicle accident, resulting in the death or personal injury of another;

32.11 (5) perjury or the making of a false affidavit or statement to the department under any
32.12 law relating to the application, ownership, or operation of a motor vehicle, including on the
32.13 certification required under section 171.05, subdivision 2, paragraph (a), clause (1), item
32.14 (ii), subitem (C), to issue an instruction permit to a homeschool student;

32.15 (6) except as this section otherwise provides, three charges of violating within a period
32.16 of 12 months any of the provisions of chapter 169 or of the rules or municipal ordinances
32.17 enacted in conformance with chapter 169, for which the accused may be punished upon
32.18 conviction by imprisonment;

32.19 (7) two or more violations, within five years, of the misdemeanor offense described in
32.20 section 169.444, subdivision 2, paragraph (a);

32.21 (8) the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph
32.22 (b);

32.23 (9) an offense in another state that, if committed in this state, would be grounds for
32.24 revoking the driver's license; or

32.25 (10) a violation of an applicable speed limit by a person driving in excess of 100 miles
32.26 per hour. The person's license must be revoked for six months for a violation of this clause,
32.27 or for a longer minimum period of time applicable under section 169A.53, 169A.54, or
32.28 171.174.

32.29 (b) The department shall immediately revoke the school bus endorsement of a driver
32.30 upon receiving a record of the driver's conviction of the misdemeanor offense described in
32.31 section 169.443, subdivision 7.

33.1 Sec. 44. Minnesota Statutes 2022, section 171.22, subdivision 1, is amended to read:

33.2 Subdivision 1. **Violations.** With regard to any driver's license, including a commercial
33.3 driver's license, it shall be unlawful for any person:

33.4 (1) to display, cause or permit to be displayed, or have in possession, any fictitious or
33.5 fraudulently altered driver's license or Minnesota identification card;

33.6 (2) to lend the person's driver's license or Minnesota identification card to any other
33.7 person or knowingly permit the use thereof by another;

33.8 (3) to display or represent as one's own any driver's license or Minnesota identification
33.9 card not issued to that person;

33.10 (4) to use a fictitious name or date of birth to any police officer or in any application for
33.11 a driver's license or Minnesota identification card, or to knowingly make a false statement,
33.12 or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

33.13 (5) to alter any driver's license or Minnesota identification card;

33.14 (6) to take any part of the driver's license examination for another or to permit another
33.15 to take the examination for that person;

33.16 (7) to make a counterfeit driver's license or Minnesota identification card;

33.17 (8) to use the name and date of birth of another person to any police officer for the
33.18 purpose of falsely identifying oneself to the police officer;

33.19 (9) to display as a valid driver's license any canceled, revoked, or suspended driver's
33.20 license. A person whose driving privileges have been withdrawn may display a driver's
33.21 license only for identification purposes; or

33.22 (10) to submit a false affidavit or statement to the department on the certification required
33.23 under section 171.05, subdivision 2, paragraph (a), clause (1), item (ii), subitem (C), to issue
33.24 an instruction permit to a homeschool student.

33.25 Sec. 45. Minnesota Statutes 2023 Supplement, section 174.07, subdivision 3, is amended
33.26 to read:

33.27 Subd. 3. **Exceptions.** This section does not apply to:

33.28 (1) a law that establishes a requirement with general applicability for an agency or
33.29 agencies to submit a report, including but not limited to reports and information under
33.30 sections 14.05, subdivision 5, and 14.116;

34.1 (2) a law that specifies a reporting expiration date or a date for the submission of a final
34.2 report;

34.3 (3) information required by law to be included in a budget submission to the legislature
34.4 under section 16A.11;

34.5 (4) the plans required under section 174.03, subdivisions 1a, 1b, and 1c;

34.6 (5) the forecast information requirements under section 174.03, subdivision 9; and

34.7 (6) the reports required under sections 161.088, subdivision 7; 161.089; 161.3203,
34.8 subdivision 4; 165.03, subdivision 8; ~~165.14, subdivision 5~~; 174.03, subdivision 12; 174.185,
34.9 subdivision 3; 174.247; 174.56, subdivisions 1 and 2; and 174.75, subdivision 3.

34.10 Sec. 46. Minnesota Statutes 2022, section 176.011, subdivision 15, is amended to read:

34.11 Subd. 15. **Occupational disease.** (a) "Occupational disease" means a mental impairment
34.12 as defined in paragraph (d) or physical disease arising out of and in the course of employment
34.13 peculiar to the occupation in which the employee is engaged and due to causes in excess of
34.14 the hazards ordinary of employment and shall include undulant fever. Physical stimulus
34.15 resulting in mental injury and mental stimulus resulting in physical injury shall remain
34.16 compensable. Mental impairment is not considered a disease if it results from a disciplinary
34.17 action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement,
34.18 or similar action taken in good faith by the employer. Ordinary diseases of life to which the
34.19 general public is equally exposed outside of employment are not compensable, except where
34.20 the diseases follow as an incident of an occupational disease, or where the exposure peculiar
34.21 to the occupation makes the disease an occupational disease hazard. A disease arises out of
34.22 the employment only if there be a direct causal connection between the conditions under
34.23 which the work is performed and if the occupational disease follows as a natural incident
34.24 of the work as a result of the exposure occasioned by the nature of the employment. An
34.25 employer is not liable for compensation for any occupational disease which cannot be traced
34.26 to the employment as a direct and proximate cause and is not recognized as a hazard
34.27 characteristic of and peculiar to the trade, occupation, process, or employment or which
34.28 results from a hazard to which the worker would have been equally exposed outside of the
34.29 employment.

34.30 (b) If immediately preceding the date of disablement or death, an employee was employed
34.31 on active duty with an organized fire or police department of any municipality, as a member
34.32 of the Minnesota State Patrol, conservation officer service, state crime bureau, as a forest
34.33 officer by the Department of Natural Resources, correctional officer or security counselor

35.1 employed by the state or a political subdivision at a corrections, detention, or secure treatment
35.2 facility, or sheriff or full-time deputy sheriff of any county, and the disease is that of
35.3 myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of employment
35.4 such employee was given a thorough physical examination by a licensed doctor of medicine,
35.5 and a written report thereof has been made and filed with such organized fire or police
35.6 department, with the Minnesota State Patrol, conservation officer service, state crime bureau,
35.7 Department of Natural Resources, Department of Corrections, or sheriff's department of
35.8 any county, which examination and report negated any evidence of myocarditis, coronary
35.9 sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and
35.10 shall be presumed to have been due to the nature of employment. If immediately preceding
35.11 the date of disablement or death, any individual who by nature of their position provides
35.12 emergency medical care, or an employee who was employed as a licensed police officer
35.13 under section 626.84, subdivision 1; firefighter; paramedic; correctional officer or security
35.14 counselor employed by the state or a political subdivision at a corrections, detention, or
35.15 secure treatment facility; emergency medical technician; or licensed nurse providing
35.16 emergency medical care; and who contracts an infectious or communicable disease to which
35.17 the employee was exposed in the course of employment outside of a hospital, then the
35.18 disease is presumptively an occupational disease and shall be presumed to have been due
35.19 to the nature of employment and the presumption may be rebutted by substantial factors
35.20 brought by the employer or insurer. Any substantial factors which shall be used to rebut
35.21 this presumption and which are known to the employer or insurer at the time of the denial
35.22 of liability shall be communicated to the employee on the denial of liability.

35.23 (c) A firefighter on active duty with an organized fire department who is unable to
35.24 perform duties in the department by reason of a disabling cancer of a type caused by exposure
35.25 to heat, radiation, or a known or suspected carcinogen, as defined by the International
35.26 Agency for Research on Cancer, and the carcinogen is reasonably linked to the disabling
35.27 cancer, is presumed to have an occupational disease under paragraph (a). If a firefighter
35.28 who enters the service after August 1, 1988, is examined by a physician prior to being hired
35.29 and the examination discloses the existence of a cancer of a type described in this paragraph,
35.30 the firefighter is not entitled to the presumption unless a subsequent medical determination
35.31 is made that the firefighter no longer has the cancer.

35.32 (d) For the purposes of this chapter, "mental impairment" means a diagnosis of
35.33 post-traumatic stress disorder by a licensed psychiatrist or psychologist. For the purposes
35.34 of this chapter, "post-traumatic stress disorder" means the condition as described in the most
35.35 recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by

36.1 the American Psychiatric Association. For purposes of section 79.34, subdivision 2, one or
36.2 more compensable mental impairment claims arising out of a single event or occurrence
36.3 shall constitute a single loss occurrence.

36.4 (e) If, preceding the date of disablement or death, an employee who was employed on
36.5 active duty as: a licensed police officer; a firefighter; a paramedic; an emergency medical
36.6 technician; a licensed nurse employed to provide emergency medical services outside of a
36.7 medical facility; a public safety dispatcher; a correctional officer or security counselor
36.8 employed by the state or a political subdivision at a corrections, detention, or secure treatment
36.9 facility; a sheriff or full-time deputy sheriff of any county; or a member of the Minnesota
36.10 State Patrol is diagnosed with a mental impairment as defined in paragraph (d), and had not
36.11 been diagnosed with the mental impairment previously, then the mental impairment is
36.12 presumptively an occupational disease and shall be presumed to have been due to the nature
36.13 of employment. This presumption may be rebutted by substantial factors brought by the
36.14 employer or insurer. Any substantial factors that are used to rebut this presumption and that
36.15 are known to the employer or insurer at the time of the denial of liability shall be
36.16 communicated to the employee on the denial of liability. The mental impairment is not
36.17 considered an occupational disease if it results from a disciplinary action, work evaluation,
36.18 job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken
36.19 in good faith by the employer.

36.20 ~~(f) Notwithstanding paragraph (a) and the rebuttable presumption for infectious or~~
36.21 ~~communicable diseases in paragraph (b), an employee who contracts COVID-19 is presumed~~
36.22 ~~to have an occupational disease arising out of and in the course of employment if the~~
36.23 ~~employee satisfies the requirements of clauses (1) and (2).~~

36.24 ~~(1) The employee was employed as a licensed peace officer under section 626.84,~~
36.25 ~~subdivision 1; firefighter; paramedic; nurse or health care worker, correctional officer, or~~
36.26 ~~security counselor employed by the state or a political subdivision at a corrections, detention,~~
36.27 ~~or secure treatment facility; emergency medical technician; a health care provider, nurse,~~
36.28 ~~or assistive employee employed in a health care, home care, or long-term care setting, with~~
36.29 ~~direct COVID-19 patient care or ancillary work in COVID-19 patient units; and workers~~
36.30 ~~required to provide child care to first responders and health care workers under Executive~~
36.31 ~~Order 20-02 and Executive Order 20-19.~~

36.32 ~~(2) The employee's contraction of COVID-19 must be confirmed by a positive laboratory~~
36.33 ~~test or, if a laboratory test was not available for the employee, as diagnosed and documented~~
36.34 ~~by the employee's licensed physician, licensed physician's assistant, or licensed advanced~~
36.35 ~~practice registered nurse (APRN), based on the employee's symptoms. A copy of the positive~~

37.1 ~~laboratory test or the written documentation of the physician's, physician assistant's, or~~
 37.2 ~~APRN's diagnosis shall be provided to the employer or insurer.~~

37.3 ~~(3) Once the employee has satisfied the requirements of clauses (1) and (2), the~~
 37.4 ~~presumption shall only be rebutted if the employer or insurer shows the employment was~~
 37.5 ~~not a direct cause of the disease. A denial of liability under this paragraph must meet the~~
 37.6 ~~requirements for a denial under section 176.221, subdivision 1.~~

37.7 ~~(4) The date of injury for an employee who has contracted COVID-19 under this~~
 37.8 ~~paragraph shall be the date that the employee was unable to work due to a diagnosis of~~
 37.9 ~~COVID-19, or due to symptoms that were later diagnosed as COVID-19, whichever occurred~~
 37.10 ~~first.~~

37.11 ~~(5) An employee who has contracted COVID-19 but who is not entitled to the~~
 37.12 ~~presumption under this paragraph is not precluded from claiming an occupational disease~~
 37.13 ~~as provided in other paragraphs of this subdivision or from claiming a personal injury under~~
 37.14 ~~subdivision 16.~~

37.15 ~~(6) The commissioner shall provide a detailed report on COVID-19 workers'~~
 37.16 ~~compensation claims under this paragraph to the Workers' Compensation Advisory Council,~~
 37.17 ~~and chairs and ranking minority members of the house of representatives and senate~~
 37.18 ~~committees with jurisdiction over workers' compensation, by January 15, 2021.~~

37.19 Sec. 47. Minnesota Statutes 2022, section 180.03, subdivision 4, is amended to read:

37.20 Subd. 4. **Exemptions.** (a) The portion of an excavation, cave, open or water-filled pit,
 37.21 or shaft is exempt from the requirements of this section if:

37.22 (1) it is located on property owned, leased, or administered by the ~~Office of the~~
 37.23 ~~Commissioner~~ Department of Iron Range Resources and Rehabilitation;

37.24 (2) it is for the construction, operation, maintenance, or administration of:

37.25 (i) grants-in-aid trails as defined in section 85.018;

37.26 (ii) property owned or leased by a municipality, as defined in section 466.01, subdivision
 37.27 1, that is intended or permitted to be used as a park, an open area for recreational purposes,
 37.28 or for the provision of recreational services, including the creation of trails or paths without
 37.29 artificial surfaces; or

37.30 (iii) recreational use, as defined in section 604A.21, subdivisions 5 and 6, provided the
 37.31 use is administered by a municipality, as defined in section 466.01, subdivision 1;

37.32 (3) it is for economic development purposes under chapter 469; or

38.1 (4) upon written application by the property owner, the county mine inspector determines
38.2 that it is provided with fencing, barriers, appropriate signs, or combinations of them, in a
38.3 manner that is reasonably similar to the standards in subdivision 2, or if, in the inspector's
38.4 judgment, it does not constitute a safety hazard.

38.5 (b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted
38.6 by the recipient of the exemption consistent with section 97B.001, subdivision 4:

38.7 (1) at each location of public access to the mining area restricting access to designated
38.8 areas and warning of possible dangers due to the presence of excavations, shafts, caves, or
38.9 open or water-filled pits;

38.10 (2) prohibiting public access beyond the boundaries of the designated public access area;
38.11 and

38.12 (3) identifying those areas where the property on which public access is allowed abuts
38.13 private property.

38.14 (c) Where an exemption applies, to reduce the possibility of inadvertent access beyond
38.15 the boundaries of the designated public access area, any new fencing erected by the recipient
38.16 of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient
38.17 of the exemption.

38.18 (d) Notwithstanding section 180.10, limited openings in preexisting fencing may be
38.19 created and maintained by the recipient of the exemption or its agent to provide public
38.20 access to the designated public access area.

38.21 (e) The county mine inspector has the authority to enter, examine, and inspect any and
38.22 all property exempted under this section at all reasonable times by day or by night, and, in
38.23 addition to enforcing the provisions of this chapter, may make recommendations regarding
38.24 the erection of fences, barriers, signs, or a combination of them.

38.25 Sec. 48. Minnesota Statutes 2023 Supplement, section 181.217, subdivision 1, is amended
38.26 to read:

38.27 Subdivision 1. **Minimum nursing home employment standards.** Except as provided
38.28 in section 181.213, subdivision 45, paragraph (b) or (c), the minimum wages and other
38.29 compensation established by the board in rule as minimum nursing home employment
38.30 standards shall be the minimum wages and other compensation for nursing home workers
38.31 or a subgroup of nursing home workers as a matter of state law. Except as provided in
38.32 section 181.213, subdivision 45, paragraph (b) or (c), it shall be unlawful for a nursing

39.1 home employer to employ a nursing home worker for lower wages or other compensation
39.2 than that established as the minimum nursing home employment standards.

39.3 Sec. 49. Minnesota Statutes 2022, section 216B.161, subdivision 1, is amended to read:

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

39.6 (b) "Area development rate" means a rate schedule established by a utility that provides
39.7 customers within an area development zone service under a base utility rate schedule, except
39.8 that charges may be reduced from the base rate as agreed upon by the utility and the customer
39.9 consistent with this section.

39.10 (c) "Area development zone" means a contiguous or noncontiguous area designated by
39.11 an authority or municipality for development or redevelopment and within which one of
39.12 the following conditions exists:

39.13 (1) obsolete buildings not suitable for improvement or conversion or other identified
39.14 hazards to the health, safety, and general well-being of the community;

39.15 (2) buildings in need of substantial rehabilitation or in substandard condition; or

39.16 (3) low values and damaged investments.

39.17 (d) "Authority" means a rural development financing authority established under sections
39.18 469.142 to 469.151; a housing and redevelopment authority established under sections
39.19 469.001 to 469.047; a port authority established under sections 469.048 to 469.068; an
39.20 economic development authority established under sections 469.090 to 469.108; a
39.21 redevelopment agency as defined in sections 469.152 to 469.165; the ~~commissioner~~
39.22 Department of Iron Range Resources and Rehabilitation established under section 298.22;
39.23 a municipality that is administering a development district created under sections 469.124
39.24 to 469.133 or any special law; a municipality that undertakes a project under sections 469.152
39.25 to 469.165, except a town located outside the metropolitan area as defined in section 473.121,
39.26 subdivision 2, or with a population of 5,000 persons or less; or a municipality that exercises
39.27 the powers of a port authority under any general or special law.

39.28 (e) "Municipality" means a city, however organized, and, with respect to a project
39.29 undertaken under sections 469.152 to 469.165, "municipality" has the meaning given in
39.30 sections 469.152 to 469.165, and, with respect to a project undertaken under sections 469.142
39.31 to 469.151 or a county or multicounty project undertaken under sections 469.004 to 469.008,
39.32 also includes any county.

40.1 Sec. 50. Minnesota Statutes 2022, section 241.67, subdivision 2, is amended to read:

40.2 Subd. 2. **Treatment program standards.** (a) The commissioner shall adopt rules under
40.3 chapter 14 for the certification of adult and juvenile sex offender treatment programs in
40.4 state and local correctional facilities and state-operated adult and juvenile sex offender
40.5 treatment programs not operated in state or local correctional facilities. The rules shall
40.6 require that sex offender treatment programs be at least four months in duration. A
40.7 correctional facility may not operate a sex offender treatment program unless the program
40.8 has met the standards adopted by and been certified by the commissioner of corrections.
40.9 As used in this subdivision, "correctional facility" has the meaning given it in section
40.10 241.021, ~~subdivision 1, paragraph (f)~~ subdivision 1i.

40.11 (b) In addition to other certification requirements established under paragraph (a), the
40.12 commissioner must require all programs certified under this subdivision to participate in
40.13 the sex offender program evaluation project established by the commissioner under section
40.14 241.67, subdivision 8.

40.15 Sec. 51. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 2, is amended
40.16 to read:

40.17 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

40.18 (1) residential or nonresidential programs that are provided to a person by an individual
40.19 who is related unless the residential program is a child foster care placement made by a
40.20 local social services agency or a licensed child-placing agency, except as provided in
40.21 subdivision 2a;

40.22 (2) nonresidential programs that are provided by an unrelated individual to persons from
40.23 a single related family;

40.24 (3) residential or nonresidential programs that are provided to adults who do not misuse
40.25 substances or have a substance use disorder, a mental illness, a developmental disability, a
40.26 functional impairment, or a physical disability;

40.27 (4) sheltered workshops or work activity programs that are certified by the commissioner
40.28 of employment and economic development;

40.29 (5) programs operated by a public school for children 33 months or older;

40.30 (6) nonresidential programs primarily for children that provide care or supervision for
40.31 periods of less than three hours a day while the child's parent or legal guardian is in the

- 41.1 same building as the nonresidential program or present within another building that is
41.2 directly contiguous to the building in which the nonresidential program is located;
- 41.3 (7) nursing homes or hospitals licensed by the commissioner of health except as specified
41.4 under section 245A.02;
- 41.5 (8) board and lodge facilities licensed by the commissioner of health that do not provide
41.6 children's residential services under Minnesota Rules, chapter 2960, mental health or
41.7 substance use disorder treatment;
- 41.8 (9) homes providing programs for persons placed by a county or a licensed agency for
41.9 legal adoption, unless the adoption is not completed within two years;
- 41.10 (10) programs licensed by the commissioner of corrections;
- 41.11 (11) recreation programs for children or adults that are operated or approved by a park
41.12 and recreation board whose primary purpose is to provide social and recreational activities;
- 41.13 (12) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA
41.14 as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in
41.15 section 315.51, whose primary purpose is to provide child care or services to school-age
41.16 children;
- 41.17 (13) Head Start nonresidential programs which operate for less than 45 days in each
41.18 calendar year;
- 41.19 (14) noncertified boarding care homes unless they provide services for five or more
41.20 persons whose primary diagnosis is mental illness or a developmental disability;
- 41.21 (15) programs for children such as scouting, boys clubs, girls clubs, and sports and art
41.22 programs, and nonresidential programs for children provided for a cumulative total of less
41.23 than 30 days in any 12-month period;
- 41.24 (16) residential programs for persons with mental illness, that are located in hospitals;
- 41.25 (17) the religious instruction of school-age children; Sabbath or Sunday schools; or the
41.26 congregate care of children by a church, congregation, or religious society during the period
41.27 used by the church, congregation, or religious society for its regular worship;
- 41.28 (18) camps licensed by the commissioner of health under Minnesota Rules, chapter
41.29 4630;
- 41.30 (19) mental health outpatient services for adults with mental illness or children with
41.31 emotional disturbance;

42.1 (20) residential programs serving school-age children whose sole purpose is cultural or
42.2 educational exchange, until the commissioner adopts appropriate rules;

42.3 (21) community support services programs as defined in section 245.462, subdivision
42.4 6, and family community support services as defined in section 245.4871, subdivision 17;

42.5 (22) the placement of a child by a birth parent or legal guardian in a preadoptive home
42.6 for purposes of adoption as authorized by section 259.47;

42.7 (23) settings registered under chapter ~~144D~~ which 144G that provide home care services
42.8 licensed by the commissioner of health to fewer than seven adults;

42.9 (24) substance use disorder treatment activities of licensed professionals in private
42.10 practice as defined in section 245G.01, subdivision 17;

42.11 (25) consumer-directed community support service funded under the Medicaid waiver
42.12 for persons with developmental disabilities when the individual who provided the service
42.13 is:

42.14 (i) the same individual who is the direct payee of these specific waiver funds or paid by
42.15 a fiscal agent, fiscal intermediary, or employer of record; and

42.16 (ii) not otherwise under the control of a residential or nonresidential program that is
42.17 required to be licensed under this chapter when providing the service;

42.18 (26) a program serving only children who are age 33 months or older, that is operated
42.19 by a nonpublic school, for no more than four hours per day per child, with no more than 20
42.20 children at any one time, and that is accredited by:

42.21 (i) an accrediting agency that is formally recognized by the commissioner of education
42.22 as a nonpublic school accrediting organization; or

42.23 (ii) an accrediting agency that requires background studies and that receives and
42.24 investigates complaints about the services provided.

42.25 A program that asserts its exemption from licensure under item (ii) shall, upon request
42.26 from the commissioner, provide the commissioner with documentation from the accrediting
42.27 agency that verifies: that the accreditation is current; that the accrediting agency investigates
42.28 complaints about services; and that the accrediting agency's standards require background
42.29 studies on all people providing direct contact services;

42.30 (27) a program operated by a nonprofit organization incorporated in Minnesota or another
42.31 state that serves youth in kindergarten through grade 12; provides structured, supervised
42.32 youth development activities; and has learning opportunities take place before or after

43.1 school, on weekends, or during the summer or other seasonal breaks in the school calendar.

43.2 A program exempt under this clause is not eligible for child care assistance under chapter

43.3 119B. A program exempt under this clause must:

43.4 (i) have a director or supervisor on site who is responsible for overseeing written policies
43.5 relating to the management and control of the daily activities of the program, ensuring the
43.6 health and safety of program participants, and supervising staff and volunteers;

43.7 (ii) have obtained written consent from a parent or legal guardian for each youth
43.8 participating in activities at the site; and

43.9 (iii) have provided written notice to a parent or legal guardian for each youth at the site
43.10 that the program is not licensed or supervised by the state of Minnesota and is not eligible
43.11 to receive child care assistance payments;

43.12 (28) a county that is an eligible vendor under section 254B.05 to provide care coordination
43.13 and comprehensive assessment services;

43.14 (29) a recovery community organization that is an eligible vendor under section 254B.05
43.15 to provide peer recovery support services; or

43.16 (30) Head Start programs that serve only children who are at least three years old but
43.17 not yet six years old.

43.18 (b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a
43.19 building in which a nonresidential program is located if it shares a common wall with the
43.20 building in which the nonresidential program is located or is attached to that building by
43.21 skyway, tunnel, atrium, or common roof.

43.22 (c) Except for the home and community-based services identified in section 245D.03,
43.23 subdivision 1, nothing in this chapter shall be construed to require licensure for any services
43.24 provided and funded according to an approved federal waiver plan where licensure is
43.25 specifically identified as not being a condition for the services and funding.

43.26 Sec. 52. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 7, is amended
43.27 to read:

43.28 Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license
43.29 for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or adult
43.30 foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter
43.31 for a physical location that will not be the primary residence of the license holder for the
43.32 entire period of licensure. If a family child foster care home or family adult foster care home

44.1 license is issued during this moratorium, and the license holder changes the license holder's
 44.2 primary residence away from the physical location of the foster care license, the
 44.3 commissioner shall revoke the license according to section 245A.07. The commissioner
 44.4 shall not issue an initial license for a community residential setting licensed under chapter
 44.5 245D. When approving an exception under this paragraph, the commissioner shall consider
 44.6 the resource need determination process in paragraph (h), the availability of foster care
 44.7 licensed beds in the geographic area in which the licensee seeks to operate, the results of a
 44.8 person's choices during their annual assessment and service plan review, and the
 44.9 recommendation of the local county board. The determination by the commissioner is final
 44.10 and not subject to appeal. Exceptions to the moratorium include:

44.11 (1) a license for a person in a foster care setting that is not the primary residence of the
 44.12 license holder and where at least 80 percent of the residents are 55 years of age or older;

44.13 (2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or
 44.14 community residential setting licenses replacing adult foster care licenses in existence on
 44.15 December 31, 2013, and determined to be needed by the commissioner under paragraph
 44.16 (b);

44.17 (3) new foster care licenses or community residential setting licenses determined to be
 44.18 needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD,
 44.19 or regional treatment center; restructuring of state-operated services that limits the capacity
 44.20 of state-operated facilities; or allowing movement to the community for people who no
 44.21 longer require the level of care provided in state-operated facilities as provided under section
 44.22 256B.092, subdivision 13, or 256B.49, subdivision 24; or

44.23 (4) new foster care licenses or community residential setting licenses determined to be
 44.24 needed by the commissioner under paragraph (b) for persons requiring hospital-level care;
 44.25 ~~or.~~

44.26 ~~(5) new foster care licenses or community residential setting licenses for people receiving~~
 44.27 ~~customized living or 24-hour customized living services under the brain injury or community~~
 44.28 ~~access for disability inclusion waiver plans under section 256B.49 or elderly waiver plan~~
 44.29 ~~under chapter 256S and residing in the customized living setting for which a license is~~
 44.30 ~~required. A customized living service provider subject to this exception may rebut the~~
 44.31 ~~presumption that a license is required by seeking a reconsideration of the commissioner's~~
 44.32 ~~determination. The commissioner's disposition of a request for reconsideration is final and~~
 44.33 ~~not subject to appeal under chapter 14. The exception is available until December 31, 2023.~~
 44.34 ~~This exception is available when:~~

45.1 ~~(i) the person's customized living services are provided in a customized living service~~
45.2 ~~setting serving four or fewer people in a single-family home operational on or before June~~
45.3 ~~30, 2021. Operational is defined in section 256B.49, subdivision 28;~~

45.4 ~~(ii) the person's case manager provided the person with information about the choice of~~
45.5 ~~service, service provider, and location of service, including in the person's home, to help~~
45.6 ~~the person make an informed choice; and~~

45.7 ~~(iii) the person's services provided in the licensed foster care or community residential~~
45.8 ~~setting are less than or equal to the cost of the person's services delivered in the customized~~
45.9 ~~living setting as determined by the lead agency.~~

45.10 (b) The commissioner shall determine the need for newly licensed foster care homes or
45.11 community residential settings as defined under this subdivision. As part of the determination,
45.12 the commissioner shall consider the availability of foster care capacity in the area in which
45.13 the licensee seeks to operate, and the recommendation of the local county board. The
45.14 determination by the commissioner must be final. A determination of need is not required
45.15 for a change in ownership at the same address.

45.16 (c) When an adult resident served by the program moves out of a foster home that is not
45.17 the primary residence of the license holder according to section 256B.49, subdivision 15,
45.18 paragraph (f), or the adult community residential setting, the county shall immediately
45.19 inform the Department of Human Services Licensing Division. The department may decrease
45.20 the statewide licensed capacity for adult foster care settings.

45.21 (d) Residential settings that would otherwise be subject to the decreased license capacity
45.22 established in paragraph (c) shall be exempt if the license holder's beds are occupied by
45.23 residents whose primary diagnosis is mental illness and the license holder is certified under
45.24 the requirements in subdivision 6a or section 245D.33.

45.25 (e) A resource need determination process, managed at the state level, using the available
45.26 data required by section 144A.351, and other data and information shall be used to determine
45.27 where the reduced capacity determined under section 256B.493 will be implemented. The
45.28 commissioner shall consult with the stakeholders described in section 144A.351, and employ
45.29 a variety of methods to improve the state's capacity to meet the informed decisions of those
45.30 people who want to move out of corporate foster care or community residential settings,
45.31 long-term service needs within budgetary limits, including seeking proposals from service
45.32 providers or lead agencies to change service type, capacity, or location to improve services,
45.33 increase the independence of residents, and better meet needs identified by the long-term
45.34 services and supports reports and statewide data and information.

46.1 (f) At the time of application and reapplication for licensure, the applicant and the license
46.2 holder that are subject to the moratorium or an exclusion established in paragraph (a) are
46.3 required to inform the commissioner whether the physical location where the foster care
46.4 will be provided is or will be the primary residence of the license holder for the entire period
46.5 of licensure. If the primary residence of the applicant or license holder changes, the applicant
46.6 or license holder must notify the commissioner immediately. The commissioner shall print
46.7 on the foster care license certificate whether or not the physical location is the primary
46.8 residence of the license holder.

46.9 (g) License holders of foster care homes identified under paragraph (f) that are not the
46.10 primary residence of the license holder and that also provide services in the foster care home
46.11 that are covered by a federally approved home and community-based services waiver, as
46.12 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human
46.13 services licensing division that the license holder provides or intends to provide these
46.14 waiver-funded services.

46.15 (h) The commissioner may adjust capacity to address needs identified in section
46.16 144A.351. Under this authority, the commissioner may approve new licensed settings or
46.17 delicense existing settings. Delicensing of settings will be accomplished through a process
46.18 identified in section 256B.493.

46.19 (i) The commissioner must notify a license holder when its corporate foster care or
46.20 community residential setting licensed beds are reduced under this section. The notice of
46.21 reduction of licensed beds must be in writing and delivered to the license holder by certified
46.22 mail or personal service. The notice must state why the licensed beds are reduced and must
46.23 inform the license holder of its right to request reconsideration by the commissioner. The
46.24 license holder's request for reconsideration must be in writing. If mailed, the request for
46.25 reconsideration must be postmarked and sent to the commissioner within 20 calendar days
46.26 after the license holder's receipt of the notice of reduction of licensed beds. If a request for
46.27 reconsideration is made by personal service, it must be received by the commissioner within
46.28 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

46.29 (j) The commissioner shall not issue an initial license for children's residential treatment
46.30 services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter
46.31 for a program that Centers for Medicare and Medicaid Services would consider an institution
46.32 for mental diseases. Facilities that serve only private pay clients are exempt from the
46.33 moratorium described in this paragraph. The commissioner has the authority to manage
46.34 existing statewide capacity for children's residential treatment services subject to the
46.35 moratorium under this paragraph and may issue an initial license for such facilities if the

47.1 initial license would not increase the statewide capacity for children's residential treatment
47.2 services subject to the moratorium under this paragraph.

47.3 Sec. 53. Minnesota Statutes 2023 Supplement, section 245A.10, subdivision 3, is amended
47.4 to read:

47.5 Subd. 3. **Application fee for initial license or certification.** (a) For fees required under
47.6 subdivision 1, an applicant for an initial license or certification issued by the commissioner
47.7 shall submit a \$500 application fee with each new application required under this subdivision.
47.8 An applicant for an initial day services facility license under chapter 245D shall submit a
47.9 \$250 application fee with each new application. The application fee shall not be prorated,
47.10 is nonrefundable, and is in lieu of the annual license or certification fee that expires on
47.11 December 31. The commissioner shall not process an application until the application fee
47.12 is paid.

47.13 (b) Except as provided in clauses (1) and (2), an applicant shall apply for a license to
47.14 provide services at a specific location.

47.15 (1) For a license to provide home and community-based services to persons with
47.16 disabilities or age 65 and older under chapter 245D, an applicant shall submit an application
47.17 to provide services statewide. Notwithstanding paragraph (a), applications received by the
47.18 commissioner between July 1, 2013, and December 31, 2013, for licensure of services
47.19 provided under chapter 245D must include an application fee that is equal to the annual
47.20 license renewal fee under subdivision 4, paragraph (b), or \$500, whichever is less.
47.21 Applications received by the commissioner after January 1, 2014, must include the application
47.22 fee required under paragraph (a). Applicants who meet the modified application criteria
47.23 identified in section 245A.042, subdivision 2, are exempt from paying an application fee.

47.24 (2) For a license for a private agency to provide foster care or adoption services under
47.25 Minnesota Rules, parts 9545.0755 to 9545.0845, an applicant shall submit a single application
47.26 to provide services statewide.

47.27 ~~(c) The initial application fee charged under this subdivision does not include the~~
47.28 ~~temporary license surcharge under section 16E.22.~~

47.29 Sec. 54. Minnesota Statutes 2022, section 245A.11, subdivision 2, is amended to read:

47.30 Subd. 2. **Permitted single-family residential use.** ~~(a)~~ Residential programs with a
47.31 licensed capacity of six or fewer persons shall be considered a permitted single-family
47.32 residential use of property for the purposes of zoning and other land use regulations, except

48.1 that a residential program whose primary purpose is to treat juveniles who have violated
48.2 criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis
48.3 of conduct in violation of criminal statutes relating to sex offenses shall not be considered
48.4 a permitted use. This exception shall not apply to residential programs licensed before July
48.5 1, 1995. Programs otherwise allowed under this subdivision shall not be prohibited by
48.6 operation of restrictive covenants or similar restrictions, regardless of when entered into,
48.7 which cannot be met because of the nature of the licensed program, including provisions
48.8 which require the home's occupants be related, and that the home must be occupied by the
48.9 owner, or similar provisions.

48.10 ~~(b) Unless otherwise provided in any town, municipal, or county zoning regulation,~~
48.11 ~~licensed residential services provided to more than four persons with developmental~~
48.12 ~~disabilities in a supervised living facility, including intermediate care facilities for persons~~
48.13 ~~with developmental disabilities, with a licensed capacity of seven to eight persons shall be~~
48.14 ~~considered a permitted single-family residential use of property for the purposes of zoning~~
48.15 ~~and other land use regulations. A town, municipal, or county zoning authority may require~~
48.16 ~~a conditional use or special use permit to assure proper maintenance and operation of the~~
48.17 ~~residential program. Conditions imposed on the residential program must not be more~~
48.18 ~~restrictive than those imposed on other conditional uses or special uses of residential property~~
48.19 ~~in the same zones, unless the additional conditions are necessary to protect the health and~~
48.20 ~~safety of the persons being served by the program. This paragraph expires July 1, 2023.~~

48.21 Sec. 55. Minnesota Statutes 2023 Supplement, section 245G.06, subdivision 3a, is amended
48.22 to read:

48.23 Subd. 3a. **Frequency of treatment plan reviews.** (a) A license holder must ensure that
48.24 the alcohol and drug counselor responsible for a client's treatment plan completes and
48.25 documents a treatment plan review that meets the requirements of subdivision 3 in each
48.26 client's file, according to the frequencies required in this subdivision. All ASAM levels
48.27 referred to in this chapter are those described in section 254B.19, subdivision 1.

48.28 (b) For a client receiving residential ASAM level 3.3 or 3.5 high-intensity services or
48.29 residential hospital-based services, a treatment plan review must be completed once every
48.30 14 days.

48.31 (c) For a client receiving residential ASAM level 3.1 low-intensity services or any other
48.32 residential level not listed in paragraph (b), a treatment plan review must be completed once
48.33 every 30 days.

49.1 (d) For a client receiving nonresidential ASAM level 2.5 partial hospitalization services,
49.2 a treatment plan review must be completed once every 14 days.

49.3 (e) For a client receiving nonresidential ASAM level 1.0 outpatient or 2.1 intensive
49.4 outpatient services or any other nonresidential level not included in paragraph (d), a treatment
49.5 plan review must be completed once every 30 days.

49.6 (f) For a client receiving nonresidential opioid treatment program services according to
49.7 section 245G.22, a treatment plan review must be completed:

49.8 (1) ~~a treatment plan review must be completed~~ weekly for the ten weeks following
49.9 completion of the treatment plan; and

49.10 (2) monthly thereafter.

49.11 Treatment plan reviews must be completed more frequently when clinical needs warrant.

49.12 (g) Notwithstanding paragraphs (e) and (f), clause (2), for a client in a nonresidential
49.13 program with a treatment plan that clearly indicates less than five hours of skilled treatment
49.14 services will be provided to the client each month, a treatment plan review must be completed
49.15 once every 90 days. Treatment plan reviews must be completed more frequently when
49.16 clinical needs warrant.

49.17 Sec. 56. Minnesota Statutes 2022, section 253B.02, subdivision 7, is amended to read:

49.18 Subd. 7. **Examiner.** "Examiner" means a person who is knowledgeable, trained, and
49.19 practicing in the diagnosis and assessment or in the treatment of the alleged impairment,
49.20 and who is a licensed physician; a mental health professional ~~as defined in section 245.462,~~
49.21 ~~subdivision 18, clauses (1) to (6)~~ qualified under section 245I.04, subdivision 2; a licensed
49.22 physician assistant; or an advanced practice registered nurse (APRN) as defined in section
49.23 148.171, subdivision 3, who is practicing in the emergency room of a hospital, so long as
49.24 the hospital has a process for credentialing and recredentialing any APRN acting as an
49.25 examiner in an emergency room.

49.26 Sec. 57. Minnesota Statutes 2022, section 253B.02, subdivision 9, is amended to read:

49.27 Subd. 9. **Health officer.** "Health officer" means:

49.28 (1) a licensed physician;

49.29 (2) a mental health professional ~~as defined in section 245.462, subdivision 18, clauses~~
49.30 ~~(1) to (6)~~ qualified under section 245I.04, subdivision 2;

49.31 (3) a licensed social worker;

50.1 (4) a registered nurse working in an emergency room of a hospital;

50.2 (5) an advanced practice registered nurse (APRN) as defined in section 148.171,
50.3 subdivision 3;

50.4 (6) a physician assistant as defined in section 147A.01, subdivision 18;

50.5 (7) a mental health practitioner as defined in section 245.462, subdivision 17, providing
50.6 mental health mobile crisis intervention services as described under section 256B.0624 with
50.7 the consultation and approval by a mental health professional; or

50.8 (8) a formally designated member of a prepetition screening unit established by section
50.9 253B.07.

50.10 Sec. 58. Minnesota Statutes 2022, section 256.042, subdivision 4, is amended to read:

50.11 Subd. 4. **Grants.** (a) The commissioner of human services shall submit a report of the
50.12 grants proposed by the advisory council to be awarded for the upcoming calendar year to
50.13 the chairs and ranking minority members of the legislative committees with jurisdiction
50.14 over health and human services policy and finance, by December 1 of each year, beginning
50.15 December 1, 2022. This paragraph expires upon the expiration of the advisory council.

50.16 (b) The grants shall be awarded to proposals selected by the advisory council that address
50.17 the priorities in subdivision 1, paragraph (a), clauses (1) to (4), unless otherwise appropriated
50.18 by the legislature. The advisory council shall determine grant awards and funding amounts
50.19 based on the funds appropriated to the commissioner under section 256.043, subdivision 3,
50.20 paragraph ~~(h)~~ (n), and subdivision 3a, paragraph (d). The commissioner shall award the
50.21 grants from the opiate epidemic response fund and administer the grants in compliance with
50.22 section 16B.97. No more than ten percent of the grant amount may be used by a grantee for
50.23 administration.

50.24 Sec. 59. Minnesota Statutes 2022, section 256.9742, subdivision 3, is amended to read:

50.25 Subd. 3. **Posting.** Every long-term care facility and acute care facility shall post in a
50.26 conspicuous place the address and telephone number of the office. A home care service
50.27 provider shall provide all recipients, including those in ~~housing with services under chapter~~
50.28 ~~144D~~ an assisted living facility under chapter 144G, with the address and telephone number
50.29 of the office. Counties shall provide clients receiving long-term care consultation services
50.30 under section 256B.0911 or home and community-based services through a state or federally
50.31 funded program with the name, address, and telephone number of the office. The posting
50.32 or notice is subject to approval by the ombudsman.

51.1 Sec. 60. Minnesota Statutes 2022, section 256B.056, subdivision 11, is amended to read:

51.2 Subd. 11. **Treatment of annuities.** (a) Any person requesting medical assistance payment
51.3 of long-term care services shall provide a complete description of any interest either the
51.4 person or the person's spouse has in annuities on a form designated by the department. The
51.5 form shall include a statement that the state becomes a preferred remainder beneficiary of
51.6 annuities or similar financial instruments by virtue of the receipt of medical assistance
51.7 payment of long-term care services. The person and the person's spouse shall furnish the
51.8 agency responsible for determining eligibility with complete current copies of their annuities
51.9 and related documents and complete the form designating the state as the preferred remainder
51.10 beneficiary for each annuity in which the person or the person's spouse has an interest.

51.11 (b) The department shall provide notice to the issuer of the department's right under this
51.12 section as a preferred remainder beneficiary under the annuity or similar financial instrument
51.13 for medical assistance furnished to the person or the person's spouse, and provide notice of
51.14 the issuer's responsibilities as provided in paragraph (c).

51.15 (c) An issuer of an annuity or similar financial instrument who receives notice of the
51.16 state's right to be named a preferred remainder beneficiary as described in paragraph (b)
51.17 shall provide confirmation to the requesting agency that the state has been made a preferred
51.18 remainder beneficiary. The issuer shall also notify the county agency when a change in the
51.19 amount of income or principal being withdrawn from the annuity or other similar financial
51.20 instrument or a change in the state's preferred remainder beneficiary designation under the
51.21 annuity or other similar financial instrument occurs. The county agency shall provide the
51.22 issuer with the name, address, and telephone number of a unit within the department that
51.23 the issuer can contact to comply with this paragraph.

51.24 (d) "Preferred remainder beneficiary" for purposes of this subdivision and sections
51.25 256B.0594 and 256B.0595 means the state is a remainder beneficiary in the first position
51.26 in an amount equal to the amount of medical assistance paid on behalf of the institutionalized
51.27 person, or is a remainder beneficiary in the second position if the institutionalized person
51.28 designates and is survived by a remainder beneficiary who is (1) a spouse who does not
51.29 reside in a medical institution, (2) a minor child, or (3) a child of any age who is blind or
51.30 permanently and totally disabled as defined in the Supplemental Security Income program.
51.31 Notwithstanding this paragraph, the state is the remainder beneficiary in the first position
51.32 if the spouse or child disposes of the remainder for less than fair market value.

51.33 (e) For purposes of this subdivision, "institutionalized person" and "long-term care
51.34 services" have the meanings given in section 256B.0595, subdivision 1, paragraph ~~(f)~~ (a).

52.1 (f) For purposes of this subdivision, "medical institution" means a skilled nursing facility,
52.2 intermediate care facility, intermediate care facility for persons with developmental
52.3 disabilities, nursing facility, or inpatient hospital.

52.4 Sec. 61. Minnesota Statutes 2022, section 256B.058, subdivision 2, is amended to read:

52.5 Subd. 2. **Monthly income allowance for community spouse.** (a) For an institutionalized
52.6 spouse, monthly income may be allocated to the community spouse as a monthly income
52.7 allowance for the community spouse. Beginning with the first full calendar month the
52.8 institutionalized spouse is in the institution, the monthly income allowance is not considered
52.9 available to the institutionalized spouse for monthly payment of costs of care in the institution
52.10 as long as the income is made available to the community spouse.

52.11 (b) The monthly income allowance is the amount by which the community spouse's
52.12 monthly maintenance needs allowance under paragraphs (c) and (d) exceeds the amount of
52.13 monthly income otherwise available to the community spouse.

52.14 (c) The community spouse's monthly maintenance needs allowance is the lesser of \$1,500
52.15 or 122 percent of the monthly federal poverty guideline for a family of two plus an excess
52.16 shelter allowance. The excess shelter allowance is for the amount of shelter expenses that
52.17 exceed 30 percent of 122 percent of the federal poverty guideline ~~line~~ for a family of two.
52.18 Shelter expenses are the community spouse's expenses for rent, mortgage payments including
52.19 principal and interest, taxes, insurance, required maintenance charges for a cooperative or
52.20 condominium that is the community spouse's principal residence, and the standard utility
52.21 allowance under section 5 of the federal Food and Nutrition Act of 2008. If the community
52.22 spouse has a required maintenance charge for a cooperative or condominium, the standard
52.23 utility allowance must be reduced by the amount of utility expenses included in the required
52.24 maintenance charge.

52.25 If the community or institutionalized spouse establishes that the community spouse
52.26 needs income greater than the monthly maintenance needs allowance determined in this
52.27 paragraph due to exceptional circumstances resulting in significant financial duress, the
52.28 monthly maintenance needs allowance may be increased to an amount that provides needed
52.29 additional income.

52.30 (d) The percentage of the federal poverty guideline used to determine the monthly
52.31 maintenance needs allowance in paragraph (c) is increased to 133 percent on July 1, 1991,
52.32 and to 150 percent on July 1, 1992. Adjustments in the income limits due to annual changes
52.33 in the federal poverty guidelines shall be implemented the first day of July following
52.34 publication of the annual changes. The \$1,500 maximum must be adjusted January 1, 1990,

53.1 and every January 1 after that by the same percentage increase in the Consumer Price Index
 53.2 for all urban consumers (all items; United States city average) between the two previous
 53.3 Septembers.

53.4 (e) If a court has entered an order against an institutionalized spouse for monthly income
 53.5 for support of the community spouse, the community spouse's monthly income allowance
 53.6 under this subdivision shall not be less than the amount of the monthly income ordered.

53.7 Sec. 62. Minnesota Statutes 2022, section 256B.0595, subdivision 1, is amended to read:

53.8 Subdivision 1. **Prohibited transfers.** (a) For purposes of this section, "long-term care
 53.9 services" includes services in a nursing facility; services that are eligible for payment
 53.10 according to section 256B.0625, subdivision 2, because they are provided in a swing bed;
 53.11 services in an intermediate care facility for persons with developmental disabilities; and
 53.12 home and community-based services provided pursuant to sections 256B.092 and 256B.49
 53.13 and chapter 256S. For purposes of this subdivision and subdivisions 2, 3, and 4,
 53.14 "institutionalized person" includes a person who is an inpatient in a nursing facility, a swing
 53.15 bed, or an intermediate care facility for persons with developmental disabilities, or who is
 53.16 receiving home and community-based services under sections 256B.092 and 256B.49 and
 53.17 chapter 256S.

53.18 ~~(a)~~ (b) Effective for transfers made after August 10, 1993, an institutionalized person,
 53.19 an institutionalized person's spouse, or any person, court, or administrative body with legal
 53.20 authority to act in place of, on behalf of, at the direction of, or upon the request of the
 53.21 institutionalized person or institutionalized person's spouse, may not give away, sell, or
 53.22 dispose of, for less than fair market value, any asset or interest therein, except assets other
 53.23 than the homestead that are excluded under the Supplemental Security Income program,
 53.24 for the purpose of establishing or maintaining medical assistance eligibility. This applies
 53.25 to all transfers, including those made by a community spouse after the month in which the
 53.26 institutionalized spouse is determined eligible for medical assistance. For purposes of
 53.27 determining eligibility for long-term care services, any transfer of such assets within 36
 53.28 months before or any time after an institutionalized person requests medical assistance
 53.29 payment of long-term care services, or 36 months before or any time after a medical
 53.30 assistance recipient becomes an institutionalized person, for less than fair market value may
 53.31 be considered. Any such transfer is presumed to have been made for the purpose of
 53.32 establishing or maintaining medical assistance eligibility and the institutionalized person
 53.33 is ineligible for long-term care services for the period of time determined under subdivision
 53.34 2, unless the institutionalized person furnishes convincing evidence to establish that the

54.1 transaction was exclusively for another purpose, or unless the transfer is permitted under
54.2 subdivision 3 or 4. In the case of payments from a trust or portions of a trust that are
54.3 considered transfers of assets under federal law, or in the case of any other disposal of assets
54.4 made on or after February 8, 2006, any transfers made within 60 months before or any time
54.5 after an institutionalized person requests medical assistance payment of long-term care
54.6 services and within 60 months before or any time after a medical assistance recipient becomes
54.7 an institutionalized person, may be considered.

54.8 ~~(b)~~ (c) This section applies to transfers, for less than fair market value, of income or
54.9 assets, including assets that are considered income in the month received, such as
54.10 inheritances, court settlements, and retroactive benefit payments or income to which the
54.11 institutionalized person or the institutionalized person's spouse is entitled but does not
54.12 receive due to action by the institutionalized person, the institutionalized person's spouse,
54.13 or any person, court, or administrative body with legal authority to act in place of, on behalf
54.14 of, at the direction of, or upon the request of the institutionalized person or the
54.15 institutionalized person's spouse.

54.16 ~~(e)~~ (d) This section applies to payments for care or personal services provided by a
54.17 relative, unless the compensation was stipulated in a notarized, written agreement that was
54.18 in existence when the service was performed, the care or services directly benefited the
54.19 person, and the payments made represented reasonable compensation for the care or services
54.20 provided. A notarized written agreement is not required if payment for the services was
54.21 made within 60 days after the service was provided.

54.22 ~~(d)~~ (e) Effective for transactions, including the purchase of an annuity, occurring on or
54.23 after February 8, 2006, by or on behalf of an institutionalized person who has applied for
54.24 or is receiving long-term care services or the institutionalized person's spouse shall be treated
54.25 as the disposal of an asset for less than fair market value unless the department is named a
54.26 preferred remainder beneficiary as described in section 256B.056, subdivision 11. Any
54.27 subsequent change to the designation of the department as a preferred remainder beneficiary
54.28 shall result in the annuity being treated as a disposal of assets for less than fair market value.
54.29 The amount of such transfer shall be the maximum amount the institutionalized person or
54.30 the institutionalized person's spouse could receive from the annuity or similar financial
54.31 instrument. Any change in the amount of the income or principal being withdrawn from the
54.32 annuity or other similar financial instrument at the time of the most recent disclosure shall
54.33 be deemed to be a transfer of assets for less than fair market value unless the institutionalized
54.34 person or the institutionalized person's spouse demonstrates that the transaction was for fair
54.35 market value. In the event a distribution of income or principal has been improperly

55.1 distributed or disbursed from an annuity or other retirement planning instrument of an
55.2 institutionalized person or the institutionalized person's spouse, a cause of action exists
55.3 against the individual receiving the improper distribution for the cost of medical assistance
55.4 services provided or the amount of the improper distribution, whichever is less.

55.5 ~~(e)~~ (f) Effective for transactions, including the purchase of an annuity, occurring on or
55.6 after February 8, 2006, by or on behalf of an institutionalized person applying for or receiving
55.7 long-term care services shall be treated as a disposal of assets for less than fair market value
55.8 unless it is:

55.9 (1) an annuity described in subsection (b) or (q) of section 408 of the Internal Revenue
55.10 Code of 1986; or

55.11 (2) purchased with proceeds from:

55.12 (i) an account or trust described in subsection (a), (c), or (p) of section 408 of the Internal
55.13 Revenue Code;

55.14 (ii) a simplified employee pension within the meaning of section 408(k) of the Internal
55.15 Revenue Code; or

55.16 (iii) a Roth IRA described in section 408A of the Internal Revenue Code; or

55.17 (3) an annuity that is irrevocable and nonassignable; is actuarially sound as determined
55.18 in accordance with actuarial publications of the Office of the Chief Actuary of the Social
55.19 Security Administration; and provides for payments in equal amounts during the term of
55.20 the annuity, with no deferral and no balloon payments made.

55.21 ~~(f) For purposes of this section, long-term care services include services in a nursing
55.22 facility, services that are eligible for payment according to section 256B.0625, subdivision
55.23 2, because they are provided in a swing bed, intermediate care facility for persons with
55.24 developmental disabilities, and home and community-based services provided pursuant to
55.25 chapter 256S and sections 256B.092 and 256B.49. For purposes of this subdivision and
55.26 subdivisions 2, 3, and 4, "institutionalized person" includes a person who is an inpatient in
55.27 a nursing facility or in a swing bed, or intermediate care facility for persons with
55.28 developmental disabilities or who is receiving home and community-based services under
55.29 chapter 256S and sections 256B.092 and 256B.49.~~

55.30 (g) This section applies to funds used to purchase a promissory note, loan, or mortgage
55.31 unless the note, loan, or mortgage:

55.32 (1) has a repayment term that is actuarially sound;

56.1 (2) provides for payments to be made in equal amounts during the term of the loan, with
56.2 no deferral and no balloon payments made; and

56.3 (3) prohibits the cancellation of the balance upon the death of the lender.

56.4 (h) In the case of a promissory note, loan, or mortgage that does not meet an exception
56.5 in paragraph (g), clauses (1) to (3), the value of such note, loan, or mortgage shall be the
56.6 outstanding balance due as of the date of the institutionalized person's request for medical
56.7 assistance payment of long-term care services.

56.8 (i) This section applies to the purchase of a life estate interest in another person's home
56.9 unless the purchaser resides in the home for a period of at least one year after the date of
56.10 purchase.

56.11 (j) This section applies to transfers into a pooled trust that qualifies under United States
56.12 Code, title 42, section 1396p(d)(4)(C), by:

56.13 (1) a person age 65 or older or the person's spouse; or

56.14 (2) any person, court, or administrative body with legal authority to act in place of, on
56.15 behalf of, at the direction of, or upon the request of a person age 65 or older or the person's
56.16 spouse.

56.17 Sec. 63. Minnesota Statutes 2022, section 256B.0595, subdivision 4, is amended to read:

56.18 Subd. 4. **Other exceptions to transfer prohibition.** (a) An institutionalized person, as
56.19 defined in subdivision 1, paragraph ~~(f)~~ (a), who has made, or whose spouse has made a
56.20 transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of
56.21 the following conditions applies:

56.22 (1) the assets were transferred to the individual's spouse or to another for the sole benefit
56.23 of the spouse; or

56.24 (2) the institutionalized spouse, prior to being institutionalized, transferred assets to a
56.25 spouse, provided that the spouse to whom the assets were transferred does not then transfer
56.26 those assets to another person for less than fair market value. (At the time when one spouse
56.27 is institutionalized, assets must be allocated between the spouses as provided under section
56.28 256B.059); or

56.29 (3) the assets were transferred to the individual's child who is blind or permanently and
56.30 totally disabled as determined in the Supplemental Security Income program; or

56.31 (4) a satisfactory showing is made that the individual intended to dispose of the assets
56.32 either at fair market value or for other valuable consideration; or

57.1 (5) the local agency determines that denial of eligibility for long-term care services
57.2 would work an undue hardship and grants a waiver of a period of ineligibility resulting from
57.3 a transfer for less than fair market value based on an imminent threat to the individual's
57.4 health and well-being. Imminent threat to the individual's health and well-being means that
57.5 imposing a period of ineligibility would endanger the individual's health or life or cause
57.6 serious deprivation of food, clothing, or shelter. Whenever an applicant or recipient is denied
57.7 eligibility because of a transfer for less than fair market value, the local agency shall notify
57.8 the applicant or recipient that the applicant or recipient may request a waiver of the period
57.9 of ineligibility if the denial of eligibility will cause undue hardship. With the written consent
57.10 of the individual or the personal representative of the individual, a long-term care facility
57.11 in which an individual is residing may file an undue hardship waiver request, on behalf of
57.12 the individual who is denied eligibility for long-term care services on or after July 1, 2006,
57.13 due to a period of ineligibility resulting from a transfer on or after February 8, 2006; or

57.14 (6) for transfers occurring after August 10, 1993, the assets were transferred by the
57.15 person or the person's spouse: (i) into a trust established for the sole benefit of a son or
57.16 daughter of any age who is blind or disabled as defined by the Supplemental Security Income
57.17 program; or (ii) into a trust established for the sole benefit of an individual who is under 65
57.18 years of age who is disabled as defined by the Supplemental Security Income program. "For
57.19 the sole benefit of" has the meaning found in section 256B.059, subdivision 1.

57.20 (b) Subject to paragraph (c), when evaluating a hardship waiver, the local agency shall
57.21 take into account whether the individual was the victim of financial exploitation, whether
57.22 the individual has made reasonable efforts to recover the transferred property or resource,
57.23 whether the individual has taken any action to prevent the designation of the department as
57.24 a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11,
57.25 and other factors relevant to a determination of hardship.

57.26 (c) In the case of an imminent threat to the individual's health and well-being, the local
57.27 agency shall approve a hardship waiver of the portion of an individual's period of ineligibility
57.28 resulting from a transfer of assets for less than fair market value by or to a person:

57.29 (1) convicted of financial exploitation, fraud, or theft upon the individual for the transfer
57.30 of assets; or

57.31 (2) against whom a report of financial exploitation upon the individual has been
57.32 substantiated. For purposes of this paragraph, "financial exploitation" and "substantiated"
57.33 have the meanings given in section 626.5572.

58.1 (d) The local agency shall make a determination within 30 days of the receipt of all
58.2 necessary information needed to make such a determination. If the local agency does not
58.3 approve a hardship waiver, the local agency shall issue a written notice to the individual
58.4 stating the reasons for the denial and the process for appealing the local agency's decision.
58.5 When a waiver is granted, a cause of action exists against the person to whom the assets
58.6 were transferred for that portion of long-term care services provided within:

58.7 (1) 30 months of a transfer made on or before August 10, 1993;

58.8 (2) 60 months of a transfer if the assets were transferred after August 30, 1993, to a trust
58.9 or portion of a trust that is considered a transfer of assets under federal law;

58.10 (3) 36 months of a transfer if transferred in any other manner after August 10, 1993, but
58.11 prior to February 8, 2006; or

58.12 (4) 60 months of any transfer made on or after February 8, 2006,

58.13 or the amount of the uncompensated transfer, whichever is less, together with the costs
58.14 incurred due to the action.

58.15 Sec. 64. Minnesota Statutes 2023 Supplement, section 256B.0625, subdivision 13e, is
58.16 amended to read:

58.17 Subd. 13e. **Payment rates.** (a) The basis for determining the amount of payment shall
58.18 be the lower of the ingredient costs of the drugs plus the professional dispensing fee; or the
58.19 usual and customary price charged to the public. The usual and customary price means the
58.20 lowest price charged by the provider to a patient who pays for the prescription by cash,
58.21 check, or charge account and includes prices the pharmacy charges to a patient enrolled in
58.22 a prescription savings club or prescription discount club administered by the pharmacy or
58.23 pharmacy chain. The amount of payment basis must be reduced to reflect all discount
58.24 amounts applied to the charge by any third-party provider/insurer agreement or contract for
58.25 submitted charges to medical assistance programs. The net submitted charge may not be
58.26 greater than the patient liability for the service. The professional dispensing fee shall be
58.27 \$10.77 for prescriptions filled with legend drugs meeting the definition of "covered outpatient
58.28 drugs" according to United States Code, title 42, section 1396r-8(k)(2). The dispensing fee
58.29 for intravenous solutions that must be compounded by the pharmacist shall be \$10.77 per
58.30 claim. The professional dispensing fee for prescriptions filled with over-the-counter drugs
58.31 meeting the definition of covered outpatient drugs shall be \$10.77 for dispensed quantities
58.32 equal to or greater than the number of units contained in the manufacturer's original package.
58.33 The professional dispensing fee shall be prorated based on the percentage of the package

59.1 dispensed when the pharmacy dispenses a quantity less than the number of units contained
59.2 in the manufacturer's original package. The pharmacy dispensing fee for prescribed
59.3 over-the-counter drugs not meeting the definition of covered outpatient drugs shall be \$3.65
59.4 for quantities equal to or greater than the number of units contained in the manufacturer's
59.5 original package and shall be prorated based on the percentage of the package dispensed
59.6 when the pharmacy dispenses a quantity less than the number of units contained in the
59.7 manufacturer's original package. The National Average Drug Acquisition Cost (NADAC)
59.8 shall be used to determine the ingredient cost of a drug. For drugs for which a NADAC is
59.9 not reported, the commissioner shall estimate the ingredient cost at the wholesale acquisition
59.10 cost minus two percent. The ingredient cost of a drug for a provider participating in the
59.11 federal 340B Drug Pricing Program shall be either the 340B Drug Pricing Program ceiling
59.12 price established by the Health Resources and Services Administration or NADAC,
59.13 whichever is lower. Wholesale acquisition cost is defined as the manufacturer's list price
59.14 for a drug or biological to wholesalers or direct purchasers in the United States, not including
59.15 prompt pay or other discounts, rebates, or reductions in price, for the most recent month for
59.16 which information is available, as reported in wholesale price guides or other publications
59.17 of drug or biological pricing data. The maximum allowable cost of a multisource drug may
59.18 be set by the commissioner and it shall be comparable to the actual acquisition cost of the
59.19 drug product and no higher than the NADAC of the generic product. Establishment of the
59.20 amount of payment for drugs shall not be subject to the requirements of the Administrative
59.21 Procedure Act.

59.22 (b) Pharmacies dispensing prescriptions to residents of long-term care facilities using
59.23 an automated drug distribution system meeting the requirements of section 151.58, or a
59.24 packaging system meeting the packaging standards set forth in Minnesota Rules, part
59.25 6800.2700, that govern the return of unused drugs to the pharmacy for reuse, may employ
59.26 retrospective billing for prescription drugs dispensed to long-term care facility residents. A
59.27 retrospectively billing pharmacy must submit a claim only for the quantity of medication
59.28 used by the enrolled recipient during the defined billing period. A retrospectively billing
59.29 pharmacy must use a billing period not less than one calendar month or 30 days.

59.30 (c) A pharmacy provider using packaging that meets the standards set forth in Minnesota
59.31 Rules, part 6800.2700, is required to credit the department for the actual acquisition cost
59.32 of all unused drugs that are eligible for reuse, unless the pharmacy is using retrospective
59.33 billing. The commissioner may permit the drug clozapine to be dispensed in a quantity that
59.34 is less than a 30-day supply.

60.1 (d) If a pharmacy dispenses a multisource drug, the ingredient cost shall be the NADAC
60.2 of the generic product or the maximum allowable cost established by the commissioner
60.3 unless prior authorization for the brand name product has been granted according to the
60.4 criteria established by the Drug Formulary Committee as required by subdivision 13f,
60.5 paragraph (a), and the prescriber has indicated "dispense as written" on the prescription in
60.6 a manner consistent with section 151.21, subdivision 2.

60.7 (e) The basis for determining the amount of payment for drugs administered in an
60.8 outpatient setting shall be the lower of the usual and customary cost submitted by the
60.9 provider, 106 percent of the average sales price as determined by the United States
60.10 Department of Health and Human Services pursuant to title XVIII, section 1847a of the
60.11 federal Social Security Act, the specialty pharmacy rate, or the maximum allowable cost
60.12 set by the commissioner. If average sales price is unavailable, the amount of payment must
60.13 be lower of the usual and customary cost submitted by the provider, the wholesale acquisition
60.14 cost, the specialty pharmacy rate, or the maximum allowable cost set by the commissioner.
60.15 The commissioner shall discount the payment rate for drugs obtained through the federal
60.16 340B Drug Pricing Program by 28.6 percent. The payment for drugs administered in an
60.17 outpatient setting shall be made to the administering facility or practitioner. A retail or
60.18 specialty pharmacy dispensing a drug for administration in an outpatient setting is not
60.19 eligible for direct reimbursement.

60.20 (f) The commissioner may establish maximum allowable cost rates for specialty pharmacy
60.21 products that are lower than the ingredient cost formulas specified in paragraph (a). The
60.22 commissioner may require individuals enrolled in the health care programs administered
60.23 by the department to obtain specialty pharmacy products from providers with whom the
60.24 commissioner has negotiated lower reimbursement rates. Specialty pharmacy products are
60.25 defined as those used by a small number of recipients or recipients with complex and chronic
60.26 diseases that require expensive and challenging drug regimens. Examples of these conditions
60.27 include, but are not limited to: multiple sclerosis, HIV/AIDS, transplantation, hepatitis C,
60.28 growth hormone deficiency, Crohn's Disease, rheumatoid arthritis, and certain forms of
60.29 cancer. Specialty pharmaceutical products include injectable and infusion therapies,
60.30 biotechnology drugs, antihemophilic factor products, high-cost therapies, and therapies that
60.31 require complex care. The commissioner shall consult with the Formulary Committee to
60.32 develop a list of specialty pharmacy products subject to maximum allowable cost
60.33 reimbursement. In consulting with the Formulary Committee in developing this list, the
60.34 commissioner shall take into consideration the population served by specialty pharmacy
60.35 products, the current delivery system and standard of care in the state, and access to care

61.1 issues. The commissioner shall have the discretion to adjust the maximum allowable cost
61.2 to prevent access to care issues.

61.3 (g) Home infusion therapy services provided by home infusion therapy pharmacies must
61.4 be paid at rates according to subdivision 8d.

61.5 (h) The commissioner shall contract with a vendor to conduct a cost of dispensing survey
61.6 for all pharmacies that are physically located in the state of Minnesota that dispense outpatient
61.7 drugs under medical assistance. The commissioner shall ensure that the vendor has prior
61.8 experience in conducting cost of dispensing surveys. Each pharmacy enrolled with the
61.9 department to dispense outpatient prescription drugs to fee-for-service members must
61.10 respond to the cost of dispensing survey. The commissioner may sanction a pharmacy under
61.11 section 256B.064 for failure to respond. The commissioner shall require the vendor to
61.12 measure a single statewide cost of dispensing for specialty prescription drugs and a single
61.13 statewide cost of dispensing for nonspecialty prescription drugs for all responding pharmacies
61.14 to measure the mean, mean weighted by total prescription volume, mean weighted by
61.15 medical assistance prescription volume, median, median weighted by total prescription
61.16 volume, and median weighted by total medical assistance prescription volume. The
61.17 commissioner shall post a copy of the final cost of dispensing survey report on the
61.18 department's website. The initial survey must be completed no later than January 1, 2021,
61.19 and repeated every three years. The commissioner shall provide a summary of the results
61.20 of each cost of dispensing survey and provide recommendations for any changes to the
61.21 dispensing fee to the chairs and ranking minority members of the legislative committees
61.22 with jurisdiction over medical assistance pharmacy reimbursement. Notwithstanding section
61.23 256.01, subdivision 42, this paragraph does not expire.

61.24 (i) The commissioner shall increase the ingredient cost reimbursement calculated in
61.25 paragraphs (a) and (f) by 1.8 percent for prescription and nonprescription drugs subject to
61.26 the wholesale drug distributor tax under section 295.52.

61.27 Sec. 65. Minnesota Statutes 2022, section 256B.0625, subdivision 56, is amended to read:

61.28 Subd. 56. **Medical service coordination.** (a)(1) Medical assistance covers in-reach
61.29 community-based service coordination that is performed through a hospital emergency
61.30 department as an eligible procedure under a state ~~healthcare~~ health care program for a
61.31 frequent user. A frequent user is defined as an individual who has frequented the hospital
61.32 emergency department for services three or more times in the previous four consecutive
61.33 months. In-reach community-based service coordination includes navigating services to
61.34 address a client's mental health, chemical health, social, economic, and housing needs, or

62.1 any other activity targeted at reducing the incidence of emergency room and other
62.2 nonmedically necessary health care utilization.

62.3 (2) Medical assistance covers in-reach community-based service coordination that is
62.4 performed through a hospital emergency department or inpatient psychiatric unit for a child
62.5 or young adult up to age 21 with a serious emotional disturbance who has frequented the
62.6 hospital emergency room two or more times in the previous consecutive three months or
62.7 been admitted to an inpatient psychiatric unit two or more times in the previous consecutive
62.8 four months, or is being discharged to a shelter.

62.9 (b) Reimbursement must be made in 15-minute increments and allowed for up to 60
62.10 days posthospital discharge based upon the specific identified emergency department visit
62.11 or inpatient admitting event. In-reach community-based service coordination shall seek to
62.12 connect frequent users with existing covered services available to them, including, but not
62.13 limited to, targeted case management, waiver case management, or care coordination in a
62.14 health care home. For children and young adults with a serious emotional disturbance,
62.15 in-reach community-based service coordination includes navigating and arranging for
62.16 community-based services prior to discharge to address a client's mental health, chemical
62.17 health, social, educational, family support and housing needs, or any other activity targeted
62.18 at reducing multiple incidents of emergency room use, inpatient readmissions, and other
62.19 nonmedically necessary health care utilization. In-reach services shall seek to connect them
62.20 with existing covered services, including targeted case management, waiver case
62.21 management, care coordination in a health care home, children's therapeutic services and
62.22 supports, crisis services, and respite care. Eligible in-reach service coordinators must hold
62.23 a minimum of a bachelor's degree in social work, public health, corrections, or a related
62.24 field. The commissioner shall submit any necessary application for waivers to the Centers
62.25 for Medicare and Medicaid Services to implement this subdivision.

62.26 (c)(1) For the purposes of this subdivision, "in-reach community-based service
62.27 coordination" means the practice of a community-based worker with training, knowledge,
62.28 skills, and ability to access a continuum of services, including housing, transportation,
62.29 chemical and mental health treatment, employment, education, and peer support services,
62.30 by working with an organization's staff to transition an individual back into the individual's
62.31 living environment. In-reach community-based service coordination includes working with
62.32 the individual during their discharge and for up to a defined amount of time in the individual's
62.33 living environment, reducing the individual's need for readmittance.

62.34 (2) Hospitals utilizing in-reach service coordinators shall report annually to the
62.35 commissioner on the number of adults, children, and adolescents served; the postdischarge

63.1 services which they accessed; and emergency department/psychiatric hospitalization
 63.2 readmissions. The commissioner shall ensure that services and payments provided under
 63.3 in-reach care coordination do not duplicate services or payments provided under subdivision
 63.4 20 or section 256B.0753, or 256B.0755, ~~or 256B.0625, subdivision 20.~~

63.5 Sec. 66. Minnesota Statutes 2023 Supplement, section 256B.0913, subdivision 5, is
 63.6 amended to read:

63.7 Subd. 5. **Services covered under alternative care.** (a) Alternative care funding may
 63.8 be used for payment of costs of:

- 63.9 (1) adult day services and adult day services bath;
- 63.10 (2) home care;
- 63.11 (3) homemaker services;
- 63.12 (4) personal care;
- 63.13 (5) case management and conversion case management;
- 63.14 (6) respite care;
- 63.15 (7) specialized supplies and equipment;
- 63.16 (8) home-delivered meals;
- 63.17 (9) nonmedical transportation;
- 63.18 (10) nursing services;
- 63.19 (11) chore services;
- 63.20 (12) companion services;
- 63.21 (13) nutrition services;
- 63.22 (14) family caregiver training and education;
- 63.23 (15) coaching and counseling;
- 63.24 (16) telehome care to provide services in their own homes in conjunction with in-home
 63.25 visits;
- 63.26 (17) consumer-directed community supports;
- 63.27 (18) environmental accessibility and adaptations; and

64.1 (19) discretionary services, for which lead agencies may make payment from their
64.2 alternative care program allocation for services not otherwise defined in this section or
64.3 section 256B.0625, following approval by the commissioner.

64.4 (b) Total annual payments for discretionary services for all clients served by a lead
64.5 agency must not exceed 25 percent of that lead agency's annual alternative care program
64.6 base allocation, except that when alternative care services receive federal financial
64.7 participation under the 1115 waiver demonstration, funding shall be allocated in accordance
64.8 with subdivision 17.

64.9 Sec. 67. Minnesota Statutes 2022, section 256B.0941, subdivision 1, is amended to read:

64.10 Subdivision 1. **Eligibility.** (a) An individual who is eligible for mental health treatment
64.11 services in a psychiatric residential treatment facility must meet all of the following criteria:

64.12 (1) before admission, services are determined to be medically necessary according to
64.13 Code of Federal Regulations, title 42, section 441.152;

64.14 (2) is younger than 21 years of age at the time of admission. Services may continue until
64.15 the individual meets criteria for discharge or reaches 22 years of age, whichever occurs
64.16 first;

64.17 (3) has a mental health diagnosis as defined in the most recent edition of the Diagnostic
64.18 and Statistical Manual for Mental Disorders, as well as clinical evidence of severe aggression,
64.19 or a finding that the individual is a risk to self or others;

64.20 (4) has functional impairment and a history of difficulty in functioning safely and
64.21 successfully in the community, school, home, or job; an inability to adequately care for
64.22 one's physical needs; or caregivers, guardians, or family members who are unable to safely
64.23 fulfill the individual's needs;

64.24 (5) requires psychiatric residential treatment under the direction of a physician to improve
64.25 the individual's condition or prevent further regression so that services will no longer be
64.26 needed;

64.27 (6) utilized and exhausted other community-based mental health services, or clinical
64.28 evidence indicates that such services cannot provide the level of care needed; and

64.29 (7) was referred for treatment in a psychiatric residential treatment facility by a mental
64.30 health professional qualified according to section 245I.04, subdivision 2.

64.31 (b) The commissioner shall provide oversight and review the use of referrals for clients
64.32 admitted to psychiatric residential treatment facilities to ensure that eligibility criteria,

65.1 clinical services, and treatment planning reflect clinical, state, and federal standards for
65.2 psychiatric residential treatment facility level of care. The commissioner shall coordinate
65.3 the production of a statewide list of children and youth who meet the medical necessity
65.4 criteria for psychiatric residential treatment facility level of care and who are awaiting
65.5 admission. The commissioner and any recipient of the list shall not use the statewide list to
65.6 direct admission of children and youth to specific facilities.

65.7 Sec. 68. Minnesota Statutes 2023 Supplement, section 256B.0943, subdivision 1, is
65.8 amended to read:

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

65.11 (b) "Children's therapeutic services and supports" means the flexible package of mental
65.12 health services for children who require varying therapeutic and rehabilitative levels of
65.13 intervention to treat a diagnosed emotional disturbance, as defined in section 245.4871,
65.14 subdivision 15, or a diagnosed mental illness, as defined in section 245.462, subdivision
65.15 20. The services are time-limited interventions that are delivered using various treatment
65.16 modalities and combinations of services designed to reach treatment outcomes identified
65.17 in the individual treatment plan.

65.18 (c) "Clinical trainee" means a staff person who is qualified according to section 245I.04,
65.19 subdivision 6.

65.20 (d) "Crisis planning" has the meaning given in section 245.4871, subdivision 9a.

65.21 (e) "Culturally competent provider" means a provider who understands and can utilize
65.22 to a client's benefit the client's culture when providing services to the client. A provider
65.23 may be culturally competent because the provider is of the same cultural or ethnic group
65.24 as the client or the provider has developed the knowledge and skills through training and
65.25 experience to provide services to culturally diverse clients.

65.26 (f) "Day treatment program" for children means a site-based structured mental health
65.27 program consisting of psychotherapy for three or more individuals and individual or group
65.28 skills training provided by a team, under the treatment supervision of a mental health
65.29 professional.

65.30 (g) "Direct service time" means the time that a mental health professional, clinical trainee,
65.31 mental health practitioner, or mental health behavioral aide spends face-to-face with a client
65.32 and the client's family or providing covered services through telehealth as defined under
65.33 section 256B.0625, subdivision 3b. Direct service time includes time in which the provider

66.1 obtains a client's history, develops a client's treatment plan, records individual treatment
66.2 outcomes, or provides service components of children's therapeutic services and supports.
66.3 Direct service time does not include time doing work before and after providing direct
66.4 services, including scheduling or maintaining clinical records.

66.5 (h) "Direction of mental health behavioral aide" means the activities of a mental health
66.6 professional, clinical trainee, or mental health practitioner in guiding the mental health
66.7 behavioral aide in providing services to a client. The direction of a mental health behavioral
66.8 aide must be based on the client's individual treatment plan and meet the requirements in
66.9 subdivision 6, paragraph (b), clause (7).

66.10 (i) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15.

66.11 (j) "Individual treatment plan" means the plan described in section 245I.10, subdivisions
66.12 7 and 8.

66.13 (k) "Mental health behavioral aide services" means medically necessary one-on-one
66.14 activities performed by a mental health behavioral aide qualified according to section
66.15 245I.04, subdivision 16, to assist a child retain or generalize psychosocial skills as previously
66.16 trained by a mental health professional, clinical trainee, or mental health practitioner and
66.17 as described in the child's individual treatment plan and individual behavior plan. Activities
66.18 involve working directly with the child or child's family as provided in subdivision 9,
66.19 paragraph (b), clause (4).

66.20 (l) "Mental health certified family peer specialist" means a staff person who is qualified
66.21 according to section 245I.04, subdivision 12.

66.22 (m) "Mental health practitioner" means a staff person who is qualified according to
66.23 section 245I.04, subdivision 4.

66.24 (n) "Mental health professional" means a staff person who is qualified according to
66.25 section 245I.04, subdivision 2.

66.26 (o) "Mental health service plan development" includes:

66.27 (1) development and revision of a child's individual treatment plan; and

66.28 (2) administering and reporting ~~the standardized outcome measurements in section~~
66.29 ~~245I.10, subdivision 6, paragraph (d), clauses (3) and (4), and other~~ standardized outcome
66.30 measurements approved by the commissioner, as periodically needed to evaluate the
66.31 effectiveness of treatment.

67.1 (p) "Mental illness," for persons at least age 18 but under age 21, has the meaning given
67.2 in section 245.462, subdivision 20, paragraph (a).

67.3 (q) "Psychotherapy" means the treatment described in section 256B.0671, subdivision
67.4 11.

67.5 (r) "Rehabilitative services" or "psychiatric rehabilitation services" means interventions
67.6 to: (1) restore a child or adolescent to an age-appropriate developmental trajectory that had
67.7 been disrupted by a psychiatric illness; or (2) enable the child to self-monitor, compensate
67.8 for, cope with, counteract, or replace psychosocial skills deficits or maladaptive skills
67.9 acquired over the course of a psychiatric illness. Psychiatric rehabilitation services for
67.10 children combine coordinated psychotherapy to address internal psychological, emotional,
67.11 and intellectual processing deficits, and skills training to restore personal and social
67.12 functioning. Psychiatric rehabilitation services establish a progressive series of goals with
67.13 each achievement building upon a prior achievement.

67.14 (s) "Skills training" means individual, family, or group training, delivered by or under
67.15 the supervision of a mental health professional, designed to facilitate the acquisition of
67.16 psychosocial skills that are medically necessary to rehabilitate the child to an age-appropriate
67.17 developmental trajectory heretofore disrupted by a psychiatric illness or to enable the child
67.18 to self-monitor, compensate for, cope with, counteract, or replace skills deficits or
67.19 maladaptive skills acquired over the course of a psychiatric illness. Skills training is subject
67.20 to the service delivery requirements under subdivision 9, paragraph (b), clause (2).

67.21 (t) "Standard diagnostic assessment" means the assessment described in section 245I.10,
67.22 subdivision 6.

67.23 (u) "Treatment supervision" means the supervision described in section 245I.06.

67.24 Sec. 69. Minnesota Statutes 2022, section 256B.196, subdivision 2, is amended to read:

67.25 Subd. 2. **Commissioner's duties.** (a) For the purposes of this subdivision and subdivision
67.26 3, the commissioner shall determine the fee-for-service outpatient hospital services upper
67.27 payment limit for nonstate government hospitals. The commissioner shall then determine
67.28 the amount of a supplemental payment to Hennepin County Medical Center and Regions
67.29 Hospital for these services that would increase medical assistance spending in this category
67.30 to the aggregate upper payment limit for all nonstate government hospitals in Minnesota.
67.31 In making this determination, the commissioner shall allot the available increases between
67.32 Hennepin County Medical Center and Regions Hospital based on the ratio of medical
67.33 assistance fee-for-service outpatient hospital payments to the two facilities. The commissioner

68.1 shall adjust this allotment as necessary based on federal approvals, the amount of
68.2 intergovernmental transfers received from Hennepin and Ramsey Counties, and other factors,
68.3 in order to maximize the additional total payments. The commissioner shall inform Hennepin
68.4 County and Ramsey County of the periodic intergovernmental transfers necessary to match
68.5 federal Medicaid payments available under this subdivision in order to make supplementary
68.6 medical assistance payments to Hennepin County Medical Center and Regions Hospital
68.7 equal to an amount that when combined with existing medical assistance payments to
68.8 nonstate governmental hospitals would increase total payments to hospitals in this category
68.9 for outpatient services to the aggregate upper payment limit for all hospitals in this category
68.10 in Minnesota. Upon receipt of these periodic transfers, the commissioner shall make
68.11 supplementary payments to Hennepin County Medical Center and Regions Hospital.

68.12 (b) For the purposes of this subdivision and subdivision 3, the commissioner shall
68.13 determine an upper payment limit for physicians and other billing professionals affiliated
68.14 with Hennepin County Medical Center and with Regions Hospital. The upper payment limit
68.15 shall be based on the average commercial rate or be determined using another method
68.16 acceptable to the Centers for Medicare and Medicaid Services. The commissioner shall
68.17 inform Hennepin County and Ramsey County of the periodic intergovernmental transfers
68.18 necessary to match the federal Medicaid payments available under this subdivision in order
68.19 to make supplementary payments to physicians and other billing professionals affiliated
68.20 with Hennepin County Medical Center and to make supplementary payments to physicians
68.21 and other billing professionals affiliated with Regions Hospital through HealthPartners
68.22 Medical Group equal to the difference between the established medical assistance payment
68.23 for physician and other billing professional services and the upper payment limit. Upon
68.24 receipt of these periodic transfers, the commissioner shall make supplementary payments
68.25 to physicians and other billing professionals affiliated with Hennepin County Medical Center
68.26 and shall make supplementary payments to physicians and other billing professionals
68.27 affiliated with Regions Hospital through HealthPartners Medical Group.

68.28 (c) Beginning January 1, 2010, Ramsey County may make monthly voluntary
68.29 intergovernmental transfers to the commissioner in amounts not to exceed \$6,000,000 per
68.30 year. The commissioner shall increase the medical assistance capitation payments to any
68.31 licensed health plan under contract with the medical assistance program that agrees to make
68.32 enhanced payments to Regions Hospital. The increase shall be in an amount equal to the
68.33 annual value of the monthly transfers plus federal financial participation, with each health
68.34 plan receiving its pro rata share of the increase based on the pro rata share of medical
68.35 assistance admissions to Regions Hospital by those plans. For the purposes of this paragraph,

69.1 "the base amount" means the total annual value of increased medical assistance capitation
69.2 payments, including the voluntary intergovernmental transfers, under this paragraph in
69.3 calendar year 2017. For managed care contracts beginning on or after January 1, 2018, the
69.4 commissioner shall reduce the total annual value of increased medical assistance capitation
69.5 payments under this paragraph by an amount equal to ten percent of the base amount, and
69.6 by an additional ten percent of the base amount for each subsequent contract year until
69.7 December 31, 2025. Upon the request of the commissioner, health plans shall submit
69.8 individual-level cost data for verification purposes. The commissioner may ratably reduce
69.9 these payments on a pro rata basis in order to satisfy federal requirements for actuarial
69.10 soundness. If payments are reduced, transfers shall be reduced accordingly. Any licensed
69.11 health plan that receives increased medical assistance capitation payments under the
69.12 intergovernmental transfer described in this paragraph shall increase its medical assistance
69.13 payments to Regions Hospital by the same amount as the increased payments received in
69.14 the capitation payment described in this paragraph. This paragraph expires January 1, 2026.

69.15 (d) For the purposes of this subdivision and subdivision 3, the commissioner shall
69.16 determine an upper payment limit for ambulance services affiliated with Hennepin County
69.17 Medical Center and the city of St. Paul, and ambulance services owned and operated by
69.18 another governmental entity that chooses to participate by requesting the commissioner to
69.19 determine an upper payment limit. The upper payment limit shall be based on the average
69.20 commercial rate or be determined using another method acceptable to the Centers for
69.21 Medicare and Medicaid Services. The commissioner shall inform Hennepin County, the
69.22 city of St. Paul, and other participating governmental entities of the periodic
69.23 intergovernmental transfers necessary to match the federal Medicaid payments available
69.24 under this subdivision in order to make supplementary payments to Hennepin County
69.25 Medical Center, the city of St. Paul, and other participating governmental entities equal to
69.26 the difference between the established medical assistance payment for ambulance services
69.27 and the upper payment limit. Upon receipt of these periodic transfers, the commissioner
69.28 shall make supplementary payments to Hennepin County Medical Center, the city of St.
69.29 Paul, and other participating governmental entities. A tribal government that owns and
69.30 operates an ambulance service is not eligible to participate under this subdivision.

69.31 (e) For the purposes of this subdivision and subdivision 3, the commissioner shall
69.32 determine an upper payment limit for physicians, dentists, and other billing professionals
69.33 affiliated with the University of Minnesota and University of Minnesota Physicians. The
69.34 upper payment limit shall be based on the average commercial rate or be determined using
69.35 another method acceptable to the Centers for Medicare and Medicaid Services. The

70.1 commissioner shall inform the University of Minnesota Medical School and University of
70.2 Minnesota School of Dentistry of the periodic intergovernmental transfers necessary to
70.3 match the federal Medicaid payments available under this subdivision in order to make
70.4 supplementary payments to physicians, dentists, and other billing professionals affiliated
70.5 with the University of Minnesota and the University of Minnesota Physicians equal to the
70.6 difference between the established medical assistance payment for physician, dentist, and
70.7 other billing professional services and the upper payment limit. Upon receipt of these periodic
70.8 transfers, the commissioner shall make supplementary payments to physicians, dentists,
70.9 and other billing professionals affiliated with the University of Minnesota and the University
70.10 of Minnesota Physicians.

70.11 (f) The commissioner shall inform the transferring governmental entities on an ongoing
70.12 basis of ~~the need for~~ any changes needed in the intergovernmental transfers in order to
70.13 continue the payments under paragraphs (a) to (e), at their maximum level, including
70.14 increases in upper payment limits, changes in the federal Medicaid match, and other factors.

70.15 (g) The payments in paragraphs (a) to (e) shall be implemented independently of each
70.16 other, subject to federal approval and to the receipt of transfers under subdivision 3.

70.17 (h) All of the data and funding transactions related to the payments in paragraphs (a) to
70.18 (e) shall be between the commissioner and the governmental entities.

70.19 (i) For purposes of this subdivision, billing professionals are limited to physicians, nurse
70.20 practitioners, nurse midwives, clinical nurse specialists, physician assistants,
70.21 anesthesiologists, certified registered nurse anesthetists, dentists, dental hygienists, and
70.22 dental therapists.

70.23 Sec. 70. Minnesota Statutes 2022, section 256B.197, subdivision 3, is amended to read:

70.24 Subd. 3. **Commissioner's duties.** (a) For the purposes of this subdivision, the
70.25 commissioner shall determine the fee-for-service inpatient hospital services upper payment
70.26 limit for nonstate government hospitals. The commissioner shall determine, for each eligible
70.27 nonstate government hospital, the amount of a supplemental payment for inpatient hospital
70.28 services that would increase medical assistance spending for each eligible nonstate
70.29 government hospital up to the amount that Medicare would pay for the Medicaid
70.30 fee-for-service inpatient hospital services provided by that hospital. If the combined amount
70.31 of such supplemental payment amounts and existing medical assistance payments for
70.32 inpatient hospital services to all nonstate government hospitals is less than the upper payment
70.33 limit, the commissioner shall increase the supplemental payment amount for each eligible

71.1 nonstate government hospital in proportion to the initial supplemental payments in order
71.2 to maximize the additional total payments.

71.3 (b) The commissioner shall inform each eligible nonstate government hospital and
71.4 associated governmental entities of voluntary intergovernmental transfers necessary to
71.5 provide the nonfederal share for the supplemental payment amount attributable to each
71.6 eligible nonstate government hospital, as calculated under paragraph (a).

71.7 (c) Upon receipt of a voluntary intergovernmental transfer from a governmental entity
71.8 associated with an eligible nonstate government hospital or from the eligible nonstate
71.9 government hospital, the commissioner shall make a supplemental payment, using the
71.10 amounts calculated under paragraph (a), to the associated eligible nonstate government
71.11 hospital.

71.12 (d) The commissioner may implement the payments in this section through use of periodic
71.13 payments and voluntary intergovernmental transfers.

71.14 (e) The commissioner shall inform eligible nonstate government hospitals and associated
71.15 governmental entities on an ongoing basis of ~~the need for~~ any changes needed in the payment
71.16 amounts or voluntary intergovernmental transfers in order to continue the payments under
71.17 paragraph (c) at their maximum level, including increases in upper payment limits, changes
71.18 in the federal Medicaid match, and other factors.

71.19 Sec. 71. Minnesota Statutes 2022, section 256B.4911, subdivision 1, is amended to read:

71.20 Subdivision 1. **Federal authority.** Consumer-directed community supports, as referenced
71.21 in sections 256B.0913, subdivision 5, paragraph (a), clause (17); 256B.092, subdivision 1b,
71.22 clause (4); 256B.49, subdivision 16, paragraph (c); and chapter 256S are governed, in whole,
71.23 by the federally-approved waiver plans for home and community-based services.

71.24 Sec. 72. Minnesota Statutes 2022, section 256D.64, subdivision 2, is amended to read:

71.25 Subd. 2. **Eligibility requirements.** To be eligible for the Minnesota food assistance
71.26 program, all of the following conditions must be met:

71.27 (1) the applicant must meet the initial and ongoing eligibility requirements for the federal
71.28 SNAP, except for the applicant's ineligible immigration status;

71.29 (2) the applicant must be either a qualified noncitizen as defined in section 256J.08,
71.30 subdivision 73, or a noncitizen otherwise residing lawfully in the United States;

71.31 (3) the applicant must be a resident of the state; and

72.1 (4) the applicant must not be receiving assistance under ~~the MFIP or the work first~~
 72.2 ~~program.~~

72.3 Sec. 73. Minnesota Statutes 2022, section 256I.04, subdivision 2a, is amended to read:

72.4 Subd. 2a. **License required; staffing qualifications.** (a) Except as provided in paragraph
 72.5 (b), an agency may not enter into an agreement with an establishment to provide housing
 72.6 support unless:

72.7 (1) the establishment is licensed by the Department of Health as a hotel and restaurant;
 72.8 a board and lodging establishment; a boarding care home before March 1, 1985; or a
 72.9 supervised living facility, and the service provider for residents of the facility is licensed
 72.10 under chapter 245A. However, an establishment licensed by the Department of Health to
 72.11 provide lodging need not also be licensed to provide board if meals are being supplied to
 72.12 residents under a contract with a food vendor who is licensed by the Department of Health;

72.13 (2) the residence is: (i) licensed by the commissioner of human services under Minnesota
 72.14 Rules, parts 9555.5050 to 9555.6265; (ii) certified by a county human services agency prior
 72.15 to July 1, 1992, using the standards under Minnesota Rules, parts 9555.5050 to 9555.6265;
 72.16 (iii) licensed by the commissioner under Minnesota Rules, parts 2960.0010 to 2960.0120,
 72.17 with a variance under section 245A.04, subdivision 9; or (iv) licensed under section 245D.02,
 72.18 subdivision 4a, as a community residential setting by the commissioner of human services;
 72.19 or

72.20 (3) the facility is ~~registered under chapter 144D~~ or licensed under chapter 144G and
 72.21 provides three meals a day.

72.22 (b) The requirements under paragraph (a) do not apply to establishments exempt from
 72.23 state licensure because they are:

72.24 (1) located on Indian reservations and subject to tribal health and safety requirements;
 72.25 or

72.26 (2) supportive housing establishments where an individual has an approved habitability
 72.27 inspection and an individual lease agreement.

72.28 (c) Supportive housing establishments that serve individuals who have experienced
 72.29 long-term homelessness and emergency shelters must participate in the homeless management
 72.30 information system and a coordinated assessment system as defined by the commissioner.

72.31 (d) Effective July 1, 2016, an agency shall not have an agreement with a provider of
 72.32 housing support unless all staff members who have direct contact with recipients:

- 73.1 (1) have skills and knowledge acquired through one or more of the following:
- 73.2 (i) a course of study in a health- or human services-related field leading to a bachelor
- 73.3 of arts, bachelor of science, or associate's degree;
- 73.4 (ii) one year of experience with the target population served;
- 73.5 (iii) experience as a mental health certified peer specialist according to section 256B.0615;
- 73.6 or
- 73.7 (iv) meeting the requirements for unlicensed personnel under sections 144A.43 to
- 73.8 144A.483;
- 73.9 (2) hold a current driver's license appropriate to the vehicle driven if transporting
- 73.10 recipients;
- 73.11 (3) complete training on vulnerable adults mandated reporting and child maltreatment
- 73.12 mandated reporting, where applicable; and
- 73.13 (4) complete housing support orientation training offered by the commissioner.

73.14 Sec. 74. Minnesota Statutes 2022, section 256L.11, subdivision 2, is amended to read:

73.15 Subd. 2. **Payment of certain providers.** Services provided by federally qualified health

73.16 centers, rural health clinics, facilities of the Indian ~~health service~~ Health Service, and certified

73.17 community behavioral health clinics shall be paid for according to the same rates and

73.18 conditions applicable to the same service provided by providers that are not federally

73.19 qualified health centers, rural health clinics, facilities of the Indian ~~health service~~ Health

73.20 Service, or certified community behavioral health clinics. The alternative payment

73.21 methodology described under section 256B.0625, subdivision 30, paragraph (1), shall not

73.22 apply to services delivered under this chapter by federally qualified health centers, rural

73.23 health clinics, and facilities of the Indian Health ~~Services~~ Service. The prospective payment

73.24 system for certified behavioral health clinics under section 256B.0625, subdivision 5m,

73.25 shall not apply to services delivered under this chapter.

73.26 Sec. 75. Minnesota Statutes 2022, section 256L.11, subdivision 6a, is amended to read:

73.27 Subd. 6a. **Dental providers.** ~~(a) Effective for dental services provided to MinnesotaCare~~

73.28 ~~enrollees on or after January 1, 2018, to December 31, 2021, the commissioner shall increase~~

73.29 ~~payment rates to dental providers by 54 percent.~~

74.1 ~~(b)~~ (a) Effective for dental services provided on or after January 1, 2022, payment rates
 74.2 to dental providers shall equal the payment rates described in section 256B.76, subdivision
 74.3 2.

74.4 ~~(e)~~ (b) Payments made to prepaid health plans under section 256L.12 shall reflect the
 74.5 payment rates described in this subdivision. The prepaid health plans under contract with
 74.6 the commissioner shall provide payments to dental providers that are at least equal to a rate
 74.7 that includes the payment rate specified in this subdivision, and if applicable to the provider,
 74.8 the rates described under subdivision 7.

74.9 Sec. 76. Minnesota Statutes 2022, section 259.12, is amended to read:

74.10 **259.12 CORRECTIONAL INMATES; NAME CHANGES; LIMITED.**

74.11 During an inmate's confinement in a correctional facility, as defined in section 241.021,
 74.12 ~~subdivision 1, paragraph (f)~~ subdivision 1i, an inmate may request a name change under
 74.13 section 259.10 only once and may proceed in forma pauperis only when the failure to allow
 74.14 the name change would infringe on a constitutional right of an inmate.

74.15 Sec. 77. Minnesota Statutes 2022, section 260B.188, subdivision 1, is amended to read:

74.16 Subdivision 1. **Medical aid.** If a child is taken into custody as provided in section
 74.17 260B.175 and detained in a local juvenile secure detention facility or shelter care facility,
 74.18 or if a child is sentenced by the juvenile court to a local correctional facility as defined in
 74.19 section 241.021, ~~subdivision 1, paragraph (f)~~ subdivision 1i, the child's county of residence
 74.20 shall pay the costs of medical services provided to the child during the period of time the
 74.21 child is residing in the facility. The county of residence is entitled to reimbursement from
 74.22 the child or the child's family for payment of medical bills to the extent that the child or the
 74.23 child's family has the ability to pay for the medical services. If there is a disagreement
 74.24 between the county and the child or the child's family concerning the ability to pay or
 74.25 whether the medical services were necessary, the court with jurisdiction over the child shall
 74.26 determine the extent, if any, of the child's or the family's ability to pay for the medical
 74.27 services or whether the services are necessary. If the child is covered by health or medical
 74.28 insurance or a health plan when medical services are provided, the county paying the costs
 74.29 of medical services has a right of subrogation to be reimbursed by the insurance carrier or
 74.30 health plan for all amounts spent by it for medical services to the child that are covered by
 74.31 the insurance policy or health plan, in accordance with the benefits, limitations, exclusions,
 74.32 provider restrictions, and other provisions of the policy or health plan. The county may

75.1 maintain an action to enforce this subrogation right. The county does not have a right of
75.2 subrogation against the medical assistance program or the MinnesotaCare program.

75.3 Sec. 78. Minnesota Statutes 2022, section 270C.445, subdivision 6b, is amended to read:

75.4 Subd. 6b. **Exchange of data; Lawyers ~~Board~~ of Professional Responsibility**
75.5 **Board.** The Lawyers ~~Board~~ of Professional Responsibility Board may refer to the
75.6 commissioner complaints it receives about tax preparers who are not subject to its jurisdiction
75.7 and who are alleged to have violated the provisions of this section, except subdivision 5a,
75.8 or section 270C.4451.

75.9 Sec. 79. Minnesota Statutes 2022, section 270C.445, subdivision 6c, is amended to read:

75.10 Subd. 6c. **Exchange of data; commissioner.** The commissioner shall refer information
75.11 and complaints about tax preparers who are alleged to have violated the provisions of this
75.12 section, except subdivision 5a, or section 270C.4451, to:

75.13 (1) the State Board of Accountancy, if the tax preparer is under its jurisdiction; and

75.14 (2) the Lawyers ~~Board~~ of Professional Responsibility Board, if the tax preparer is under
75.15 its jurisdiction.

75.16 Sec. 80. Minnesota Statutes 2022, section 270C.445, subdivision 6d, is amended to read:

75.17 Subd. 6d. **Data private.** Information exchanged on individuals under subdivisions 6a
75.18 to 6c are private data under section 13.02, subdivision 12, until such time as a penalty is
75.19 imposed as provided in section 326A.08 or by the Lawyers ~~Board~~ of Professional
75.20 Responsibility Board.

75.21 Sec. 81. Minnesota Statutes 2022, section 270C.446, subdivision 5, is amended to read:

75.22 Subd. 5. **Removal from list.** The commissioner shall remove the name of a tax preparer
75.23 from the list of tax preparers published under this section:

75.24 (1) when the commissioner determines that the name was included on the list in error;

75.25 (2) within three years after the preparer has demonstrated to the commissioner that the
75.26 preparer fully paid all fines and penalties imposed, served any suspension, satisfied any
75.27 sentence imposed, successfully completed any probationary period imposed, and successfully
75.28 completed any remedial actions required by the commissioner, the State Board of
75.29 Accountancy, or the Lawyers ~~Board~~ of Professional Responsibility Board; or

75.30 (3) when the commissioner has been notified that the tax preparer is deceased.

76.1 Sec. 82. Minnesota Statutes 2022, section 272.02, subdivision 97, is amended to read:

76.2 Subd. 97. **Property used in business of mining subject to ~~net~~ gross proceeds tax.** The
76.3 following property used in the business of mining that is subject to the ~~net~~ gross proceeds
76.4 tax under section 298.015 is exempt:

76.5 (1) deposits of ores, metals, and minerals and the lands in which they are contained;

76.6 (2) all real and personal property used in mining, quarrying, producing, or refining ores,
76.7 minerals, or metals, including lands occupied by or used in connection with the mining,
76.8 quarrying, production, or ore refining facilities; and

76.9 (3) concentrate.

76.10 This exemption applies for each year that a person subject to tax under section 298.015
76.11 uses the property for mining, quarrying, producing, or refining ores, metals, or minerals.

76.12 Sec. 83. Minnesota Statutes 2022, section 273.032, is amended to read:

76.13 **273.032 MARKET VALUE DEFINITION.**

76.14 (a) Unless otherwise provided, for the purpose of determining any property tax levy
76.15 limitation based on market value or any limit on net debt, the issuance of bonds, certificates
76.16 of indebtedness, or capital notes based on market value, any qualification to receive state
76.17 aid based on market value, or any state aid amount based on market value, the terms "market
76.18 value," "estimated market value," and "market valuation," whether equalized or unequalized,
76.19 mean the estimated market value of taxable property within the local unit of government
76.20 before any of the following or similar adjustments for:

76.21 (1) the market value exclusions under:

76.22 (i) section 273.11, subdivisions 14a and 14c (vacant platted land);

76.23 ~~(ii) section 273.11, subdivision 16 (certain improvements to homestead property);~~

76.24 ~~(iii)~~ (ii) section 273.11, subdivisions 19 and 20 (certain improvements to business
76.25 properties);

76.26 ~~(iv)~~ (iii) section 273.11, subdivision 21 (homestead property damaged by mold);

76.27 ~~(v)~~ (iv) section 273.13, subdivision 34 (homestead of a veteran with a disability or family
76.28 caregiver); or

76.29 ~~(vi)~~ (v) section 273.13, subdivision 35 (homestead market value exclusion); or

76.30 (2) the deferment of value under:

- 77.1 (i) the Minnesota Agricultural Property Tax Law, section 273.111;
- 77.2 (ii) the Aggregate Resource Preservation Law, section 273.1115;
- 77.3 (iii) the Minnesota Open Space Property Tax Law, section 273.112;
- 77.4 (iv) the rural preserves property tax program, section 273.114; or
- 77.5 (v) the Metropolitan Agricultural Preserves Act, section 473H.10; or
- 77.6 (3) the adjustments to tax capacity for:
- 77.7 (i) tax increment financing under sections 469.174 to 469.1794;
- 77.8 (ii) fiscal disparities under chapter 276A or 473F; or
- 77.9 (iii) powerline credit under section 273.425.
- 77.10 (b) Estimated market value under paragraph (a) also includes the market value of
- 77.11 tax-exempt property if the applicable law specifically provides that the limitation,
- 77.12 qualification, or aid calculation includes tax-exempt property.
- 77.13 (c) Unless otherwise provided, "market value," "estimated market value," and "market
- 77.14 valuation" for purposes of property tax levy limitations and calculation of state aid, refer
- 77.15 to the estimated market value for the previous assessment year and for purposes of limits
- 77.16 on net debt, the issuance of bonds, certificates of indebtedness, or capital notes refer to the
- 77.17 estimated market value as last finally equalized.
- 77.18 (d) For purposes of a provision of a home rule charter or of any special law that is not
- 77.19 codified in the statutes and that imposes a levy limitation based on market value or any limit
- 77.20 on debt, the issuance of bonds, certificates of indebtedness, or capital notes based on market
- 77.21 value, the terms "market value," "taxable market value," and "market valuation," whether
- 77.22 equalized or unequalized, mean "estimated market value" as defined in paragraph (a).
- 77.23 Sec. 84. Minnesota Statutes 2022, section 273.121, subdivision 1, is amended to read:
- 77.24 Subdivision 1. **Notice.** Any county assessor or city assessor having the powers of a
- 77.25 county assessor, valuing or classifying taxable real property shall in each year notify those
- 77.26 persons whose property is to be included on the assessment roll that year if the person's
- 77.27 address is known to the assessor, otherwise the occupant of the property. The notice shall
- 77.28 be in writing and shall be sent by ordinary mail at least ten days before the meeting of the
- 77.29 local board of appeal and equalization under section 274.01 or the review process established
- 77.30 under section 274.13, subdivision 1c. Upon written request by the owner of the property,
- 77.31 the assessor may send the notice in electronic form or by electronic mail instead of on paper

78.1 or by ordinary mail. It shall contain: (1) the market value for the current and prior
 78.2 assessment; ~~(2) the qualifying amount of any improvements under section 273.11,~~
 78.3 ~~subdivision 16, for the current assessment,~~ (3) the market value subject to taxation after
 78.4 subtracting the amount of any qualifying improvements for the current assessment, ~~(4);~~ (3)
 78.5 the classification of the property for the current and prior assessment, ~~(5);~~ (4) the assessor's
 78.6 office address, and ~~(6);~~ (5) the dates, places, and times set for the meetings of the local board
 78.7 of appeal and equalization, the review process established under section 274.13, subdivision
 78.8 1c, and the county board of appeal and equalization. If the classification of the property has
 78.9 changed between the current and prior assessments, a specific note to that effect shall be
 78.10 prominently listed on the statement. The commissioner of revenue shall specify the form
 78.11 of the notice. The assessor shall attach to the assessment roll a statement that the notices
 78.12 required by this section have been mailed. Any assessor who is not provided sufficient funds
 78.13 from the assessor's governing body to provide such notices, may make application to the
 78.14 commissioner of revenue to finance such notices. The commissioner of revenue shall conduct
 78.15 an investigation and, if satisfied that the assessor does not have the necessary funds, issue
 78.16 a certification to the commissioner of management and budget of the amount necessary to
 78.17 provide such notices. The commissioner of management and budget shall issue a payment
 78.18 for such amount and shall deduct such amount from any state payment to such county or
 78.19 municipality. The necessary funds to make such payments are hereby appropriated. Failure
 78.20 to receive the notice shall in no way affect the validity of the assessment, the resulting tax,
 78.21 the procedures of any board of review or equalization, or the enforcement of delinquent
 78.22 taxes by statutory means.

78.23 Sec. 85. Minnesota Statutes 2022, section 276.04, subdivision 2, is amended to read:

78.24 Subd. 2. **Contents of tax statements.** (a) The treasurer shall provide for the printing of
 78.25 the tax statements. The commissioner of revenue shall prescribe the form of the property
 78.26 tax statement and its contents. The tax statement must not state or imply that property tax
 78.27 credits are paid by the state of Minnesota. The statement must contain a tabulated statement
 78.28 of the dollar amount due to each taxing authority and the amount of the state tax from the
 78.29 parcel of real property for which a particular tax statement is prepared. The dollar amounts
 78.30 attributable to the county, the state tax, the voter approved school tax, the other local school
 78.31 tax, the township or municipality, and the total of the metropolitan special taxing districts
 78.32 as defined in section 275.065, subdivision 3, paragraph (i), must be separately stated. The
 78.33 amounts due all other special taxing districts, if any, may be aggregated except that any
 78.34 levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin,
 78.35 Ramsey, Scott, or Washington under chapter 398A shall be listed on a separate line directly

79.1 under the appropriate county's levy. If the county levy under this paragraph includes an
79.2 amount for a lake improvement district as defined under sections 103B.501 to 103B.581,
79.3 the amount attributable for that purpose must be separately stated from the remaining county
79.4 levy amount. In the case of Ramsey County, if the county levy under this paragraph includes
79.5 an amount for public library service under section 134.07, the amount attributable for that
79.6 purpose may be separated from the remaining county levy amount. The amount of the tax
79.7 on homesteads qualifying under the senior citizens' property tax deferral program under
79.8 chapter 290B is the total amount of property tax before subtraction of the deferred property
79.9 tax amount. The amount of the tax on contamination value imposed under sections 270.91
79.10 to 270.98, if any, must also be separately stated. The dollar amounts, including the dollar
79.11 amount of any special assessments, may be rounded to the nearest even whole dollar. For
79.12 purposes of this section whole odd-numbered dollars may be adjusted to the next higher
79.13 even-numbered dollar. ~~The amount of market value excluded under section 273.11,
79.14 subdivision 16, if any, must also be listed on the tax statement.~~

79.15 (b) The property tax statements for manufactured homes and sectional structures taxed
79.16 as personal property shall contain the same information that is required on the tax statements
79.17 for real property.

79.18 (c) Real and personal property tax statements must contain the following information
79.19 in the order given in this paragraph. The information must contain the current year tax
79.20 information in the right column with the corresponding information for the previous year
79.21 in a column on the left:

79.22 (1) the property's estimated market value under section 273.11, subdivision 1;

79.23 (2) the property's homestead market value exclusion under section 273.13, subdivision
79.24 35;

79.25 (3) the property's taxable market value under section 272.03, subdivision 15;

79.26 (4) the property's gross tax, before credits;

79.27 (5) for agricultural properties, the credits under sections 273.1384 and 273.1387;

79.28 (6) any credits received under sections 273.119; 273.1234 or 273.1235; 273.135;

79.29 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit
79.30 received under section 273.135 must be separately stated and identified as "taconite tax
79.31 relief"; and

79.32 (7) the net tax payable in the manner required in paragraph (a).

80.1 (d) If the county uses envelopes for mailing property tax statements and if the county
80.2 agrees, a taxing district may include a notice with the property tax statement notifying
80.3 taxpayers when the taxing district will begin its budget deliberations for the current year,
80.4 and encouraging taxpayers to attend the hearings. If the county allows notices to be included
80.5 in the envelope containing the property tax statement, and if more than one taxing district
80.6 relative to a given property decides to include a notice with the tax statement, the county
80.7 treasurer or auditor must coordinate the process and may combine the information on a
80.8 single announcement.

80.9 Sec. 86. Minnesota Statutes 2023 Supplement, section 289A.08, subdivision 7a, is amended
80.10 to read:

80.11 Subd. 7a. **Pass-through entity tax.** (a) For the purposes of this subdivision, the following
80.12 terms have the meanings given:

80.13 (1) "income" has the meaning given in section 290.01, subdivision 19, paragraph (i).
80.14 The income of a resident qualifying owner of a qualifying entity that is a partnership or
80.15 limited liability company taxed as a partnership under the Internal Revenue Code is not
80.16 subject to allocation outside this state as provided for resident individuals under section
80.17 290.17, subdivision 1, paragraph (a). The income of a nonresident qualifying owner of a
80.18 qualifying entity and the income of a resident qualifying owner of a qualifying entity that
80.19 is an S corporation, including a qualified subchapter S subsidiary organized under section
80.20 1361(b)(3)(B) of the Internal Revenue Code, are allocated and assigned to this state as
80.21 provided for nonresident partners and shareholders under sections 290.17, 290.191, and
80.22 290.20;

80.23 (2) "qualifying entity" means a partnership, limited liability company taxed as a
80.24 partnership or S corporation, or S corporation including a qualified subchapter S subsidiary
80.25 organized under section 1361(b)(3)(B) of the Internal Revenue Code that has at least one
80.26 qualifying owner. Qualifying entity does not include a publicly traded partnership, as defined
80.27 in section 7704 of the Internal Revenue Code; and

80.28 (3) "qualifying owner" means:

80.29 (i) a resident or nonresident individual or estate that is a partner, member, or shareholder
80.30 of a qualifying entity;

80.31 (ii) a resident or nonresident trust that is a shareholder of a qualifying entity that is an
80.32 S corporation; or

80.33 (iii) a disregarded entity that has a qualifying owner as its single owner.

81.1 (b) For taxable years beginning after December 31, 2020, a qualifying entity may elect
81.2 to file a return and pay the pass-through entity tax imposed under paragraph (c). The election:

81.3 (1) must be made on or before the due date or extended due date of the qualifying entity's
81.4 pass-through entity tax return;

81.5 (2) must exclude partners, members, shareholders, or owners who are not qualifying
81.6 owners;

81.7 (3) may only be made by qualifying owners who collectively hold more than 50 percent
81.8 of the ownership interests in the qualifying entity held by qualifying owners;

81.9 (4) is binding on all qualifying owners who have an ownership interest in the qualifying
81.10 entity; and

81.11 (5) once made is irrevocable for the taxable year.

81.12 (c) Subject to the election in paragraph (b), a pass-through entity tax is imposed on a
81.13 qualifying entity in an amount equal to the sum of the tax liability of each qualifying owner.

81.14 (d) The amount of a qualifying owner's tax liability under paragraph (c) is the amount
81.15 of the qualifying owner's income multiplied by the highest tax rate for individuals under
81.16 section 290.06, subdivision 2c. The computation of a qualifying owner's net investment
81.17 income tax liability must be computed under section 290.033. When making this
81.18 determination:

81.19 (1) nonbusiness deductions, standard deductions, or personal exemptions are not allowed;
81.20 and

81.21 (2) a credit or deduction is allowed only to the extent allowed to the qualifying owner.

81.22 (e) The amount of each credit and deduction used to determine a qualifying owner's tax
81.23 liability under paragraph (d) must also be used to determine that qualifying owner's income
81.24 tax liability under chapter 290.

81.25 (f) This subdivision does not negate the requirement that a qualifying owner pay estimated
81.26 tax if the qualifying owner's tax liability would exceed the requirements set forth in section
81.27 289A.25. The qualifying owner's liability to pay estimated tax on the qualifying owner's
81.28 tax liability as determined under paragraph (d) is, however, satisfied when the qualifying
81.29 entity pays estimated tax in the manner prescribed in section 289A.25 for composite estimated
81.30 tax.

82.1 (g) A qualifying owner's adjusted basis in the interest in the qualifying entity, and the
82.2 treatment of distributions, is determined as if the election to pay the pass-through entity tax
82.3 under paragraph (b) is not made.

82.4 (h) To the extent not inconsistent with this subdivision, for purposes of this chapter, a
82.5 pass-through entity tax return must be treated as a composite return and a qualifying entity
82.6 filing a pass-through entity tax return must be treated as a partnership filing a composite
82.7 return.

82.8 (i) The provisions of subdivision 17 apply to the election to pay the pass-through entity
82.9 tax under this subdivision.

82.10 (j) If a nonresident qualifying owner of a qualifying entity making the election to file
82.11 and pay the tax under this subdivision has no other Minnesota source income, filing of the
82.12 pass-through entity tax return is a return for purposes of subdivision 1, provided that the
82.13 nonresident qualifying owner must not have any Minnesota source income other than the
82.14 income from the qualifying entity, other electing qualifying entities, and other partnerships
82.15 electing to file a composite return under subdivision 7. If it is determined that the nonresident
82.16 qualifying owner has other Minnesota source income, the inclusion of the income and tax
82.17 liability for that owner under this provision will not constitute a return to satisfy the
82.18 requirements of subdivision 1. The tax paid for the qualifying owner as part of the
82.19 pass-through entity tax return is allowed as a payment of the tax by the qualifying owner
82.20 on the date on which the pass-through entity tax return payment was made.

82.21 (k) Once a credit is claimed by a qualifying owner under section 290.06, subdivision
82.22 40, a qualifying entity cannot receive a refund for tax paid under this subdivision for any
82.23 amounts claimed under that section by the qualifying owners. Once a credit is claimed under
82.24 section 290.06, subdivision 40, any refund must be claimed in conjunction with a return
82.25 filed by the qualifying owner.

82.26 (l) This ~~section~~ subdivision expires at the same time and on the same terms as section
82.27 164(b)(6)(B) of the Internal Revenue Code, except that the expiration of this ~~section~~
82.28 subdivision does not affect the commissioner's authority to audit or power of examination
82.29 and assessments for credits claimed under this section.

82.30 Sec. 87. Minnesota Statutes 2022, section 290.0132, subdivision 15, is amended to read:

82.31 Subd. 15. **Nonresident military service compensation.** For nonresidents of Minnesota,
82.32 compensation paid to a service member as defined in United States Code, title 10, section

83.1 101(a)(5), for military service as defined in United States Code, ~~Appendix~~, title 50, section
83.2 ~~511(2)~~ 3911(2), is a subtraction.

83.3 Sec. 88. Minnesota Statutes 2023 Supplement, section 290.0132, subdivision 32, is amended
83.4 to read:

83.5 Subd. 32. **Delayed net operating loss deduction.** The amount of the sum of each addition
83.6 required in section 290.0131, subdivision 20, for each taxable year, except as otherwise
83.7 provided, less the sum of all amounts subtracted under this subdivision in all prior taxable
83.8 years, that does not exceed 80 percent of federal taxable income as defined in section 290.01,
83.9 subdivision 19, paragraph (b), determined without regard to this subdivision, is a subtraction.
83.10 Any excess is a delayed net operating loss deduction carryforward, the entire amount of
83.11 which must be carried to the earliest taxable year. No subtraction under this subdivision is
83.12 allowed after 20 taxable years from the taxable year in which an operating loss arises. The
83.13 sum of the additions required under section 290.0131, subdivision 20, paragraph (a), are
83.14 aggregated and assigned to the taxable year immediately succeeding the taxable year in
83.15 which the operating loss arises, for purposes of determining the subtraction allowed under
83.16 this subdivision in that succeeding taxable year and the amount carried forward.

83.17 Sec. 89. Minnesota Statutes 2023 Supplement, section 290.067, subdivision 1, is amended
83.18 to read:

83.19 Subdivision 1. **Amount of credit.** (a) A taxpayer may take as a credit against the tax
83.20 due from the taxpayer and a spouse, if any, under this chapter an amount equal to the
83.21 dependent care credit for which the taxpayer is eligible pursuant to the provisions of section
83.22 21 of the Internal Revenue Code except that in determining whether the child qualified as
83.23 a dependent, income received as a Minnesota family investment program grant or allowance
83.24 to or on behalf of the child must not be taken into account in determining whether the child
83.25 received more than half of the child's support from the taxpayer.

83.26 (b) If a child who has not attained the age of six years at the close of the taxable year is
83.27 cared for at a licensed family day care home operated by the child's parent, the taxpayer is
83.28 deemed to have paid employment-related expenses. If the child is 16 months old or younger
83.29 at the close of the taxable year, the amount of expenses deemed to have been paid equals
83.30 the maximum limit for one ~~qualified~~ qualifying individual under section 21(c) and (d) of
83.31 the Internal Revenue Code. If the child is older than 16 months of age but has not attained
83.32 the age of six years at the close of the taxable year, the amount of expenses deemed to have

84.1 been paid equals the amount the licensee would charge for the care of a child of the same
84.2 age for the same number of hours of care.

84.3 (c) If a taxpayer:

84.4 (1) has a child who has not attained the age of one year at the close of the taxable year;
84.5 and

84.6 (2) does not participate in a dependent care assistance program as defined in section 129
84.7 of the Internal Revenue Code, in lieu of the actual employment related expenses paid for
84.8 that child under paragraph (a) or the deemed amount under paragraph (b), the lesser of (i)
84.9 the earned income of the taxpayer or (ii) the amount of the maximum limit for one ~~qualified~~
84.10 qualifying individual under section 21(c) and (d) of the Internal Revenue Code will be
84.11 deemed to be the employment related expense paid for that child. The earned income
84.12 limitation of section 21(d) of the Internal Revenue Code shall not apply to this deemed
84.13 amount. These deemed amounts apply regardless of whether any employment-related
84.14 expenses have been paid.

84.15 (d) If the taxpayer is not required and does not file a federal individual income tax return
84.16 for the tax year, no credit is allowed for any amount paid to any person unless:

84.17 (1) the name, address, and taxpayer identification number of the person are included on
84.18 the return claiming the credit; or

84.19 (2) if the person is an organization described in section 501(c)(3) of the Internal Revenue
84.20 Code and exempt from tax under section 501(a) of the Internal Revenue Code, the name
84.21 and address of the person are included on the return claiming the credit.

84.22 In the case of a failure to provide the information required under the preceding sentence,
84.23 the preceding sentence does not apply if it is shown that the taxpayer exercised due diligence
84.24 in attempting to provide the information required.

84.25 (e) In the case of a nonresident, or part-year resident, the credit determined under section
84.26 21 of the Internal Revenue Code must be allocated based on the ratio by which the earned
84.27 income of the claimant and the claimant's spouse from Minnesota sources bears to the total
84.28 earned income of the claimant and the claimant's spouse.

84.29 (f) For residents of Minnesota, the subtractions for military pay under section 290.0132,
84.30 subdivisions 11 and 12, are not considered "earned income not subject to tax under this
84.31 chapter."

85.1 (g) For residents of Minnesota, the exclusion of combat pay under section 112 of the
85.2 Internal Revenue Code is not considered "earned income not subject to tax under this
85.3 chapter."

85.4 (h) For taxpayers with federal adjusted gross income in excess of \$52,230, the credit is
85.5 equal to the lesser of the credit otherwise calculated under this subdivision, or the amount
85.6 equal to \$600 minus five percent of federal adjusted gross income in excess of \$52,230 for
85.7 taxpayers with one ~~qualified~~ qualifying individual, or \$1,200 minus five percent of federal
85.8 adjusted gross income in excess of \$52,230 for taxpayers with two or more ~~qualified~~
85.9 qualifying individuals, but in no case is the credit less than zero.

85.10 Sec. 90. Minnesota Statutes 2023 Supplement, section 290A.04, subdivision 2h, is amended
85.11 to read:

85.12 Subd. 2h. **Additional refund.** (a) If the gross property taxes payable on a homestead
85.13 increase more than 12 percent over the property taxes payable in the prior year on the same
85.14 property that is owned and occupied by the same owner on January 2 of both years, and the
85.15 amount of that increase is \$100 or more, a claimant who is a homeowner shall be allowed
85.16 an additional refund equal to 60 percent of the amount of the increase over the greater of
85.17 12 percent of the prior year's property taxes payable or \$100. This subdivision shall not
85.18 apply to any increase in the gross property taxes payable attributable to improvements made
85.19 to the homestead after the assessment date for the prior year's taxes. ~~This subdivision shall~~
85.20 ~~not apply to any increase in the gross property taxes payable attributable to the termination~~
85.21 ~~of valuation exclusions under section 273.11, subdivision 16.~~

85.22 The maximum refund allowed under this subdivision is \$1,000.

85.23 (b) For purposes of this subdivision "gross property taxes payable" means property taxes
85.24 payable determined without regard to the refund allowed under this subdivision.

85.25 (c) In addition to the other proofs required by this chapter, each claimant under this
85.26 subdivision shall file with the property tax refund return a copy of the property tax statement
85.27 for taxes payable in the preceding year or other documents required by the commissioner.

85.28 (d) Upon request, the appropriate county official shall make available the names and
85.29 addresses of the property taxpayers who may be eligible for the additional property tax
85.30 refund under this section. The information shall be provided electronically. The county may
85.31 recover its costs by charging the person requesting the information the reasonable cost for
85.32 preparing the data. The information may not be used for any purpose other than for notifying

86.1 the homeowner of potential eligibility and assisting the homeowner, without charge, in
86.2 preparing a refund claim.

86.3 Sec. 91. Minnesota Statutes 2022, section 297A.71, subdivision 14, is amended to read:

86.4 Subd. 14. **Mineral production facilities.** Building materials, equipment, and supplies
86.5 used for the construction of the following mineral production facilities are exempt.

86.6 The mineral production facilities that qualify for this exemption are:

86.7 (1) a value added iron products plant, which may be either a new plant or a facility
86.8 incorporated into an existing plant that produces iron upgraded to a minimum of 75 percent
86.9 iron content or any iron alloy with a total minimum metallic content of 90 percent;

86.10 (2) a facility used for the manufacture of fluxed taconite pellets as defined in section
86.11 298.24;

86.12 (3) a new capital project that has a total cost of over \$40,000,000 that is directly related
86.13 to production, cost, or quality at an existing taconite facility that does not qualify under
86.14 clause (1) or (2); and

86.15 (4) a new mine or minerals processing plant for any mineral subject to the ~~net~~ gross
86.16 proceeds tax imposed under section 298.015.

86.17 The tax must be imposed and collected as if the rate under section 297A.62, subdivision
86.18 1, applied, and then refunded in the manner provided in section 297A.75.

86.19 Sec. 92. Minnesota Statutes 2023 Supplement, section 297A.71, subdivision 44, is amended
86.20 to read:

86.21 Subd. 44. **Building materials, capital projects.** (a) Materials and supplies used or
86.22 consumed in and equipment incorporated into the construction or improvement of a capital
86.23 project funded partially or wholly under section 297A.9905 are exempt, provided that the
86.24 project has a total construction cost of at least \$40,000,000 within a 24-month period.

86.25 (b) Materials and supplies used or consumed in and equipment incorporated into the
86.26 construction, remodeling, expansion, or improvement of an ice arena or other buildings or
86.27 facilities owned and operated by the city of Plymouth are exempt. For purposes of this
86.28 paragraph, "facilities" include municipal streets and facilities associated with streets including
86.29 but not limited to lighting, curbs and gutters, and sidewalks. The total amount of refund on
86.30 all building materials, supplies, and equipment that the city may apply for under this
86.31 paragraph is \$2,500,000.

87.1 (c) The tax on purchases exempt under paragraph (a) and paragraph (b) must be imposed
87.2 and collected as if the rate under section 297A.62, subdivision 1, applied and then refunded
87.3 in the manner provided in section 297A.75. ~~Notwithstanding section 289A.40, the city of~~
87.4 ~~Plymouth must file for refund by December 31, 2017, for sales tax paid on all eligible~~
87.5 ~~purchases under paragraph (b) made prior to December 31, 2015.~~

87.6 Sec. 93. Minnesota Statutes 2022, section 297A.75, subdivision 1, is amended to read:

87.7 Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following
87.8 exempt items must be imposed and collected as if the sale were taxable and the rate under
87.9 section 297A.62, subdivision 1, applied. The exempt items include:

87.10 (1) building materials for an agricultural processing facility exempt under section
87.11 297A.71, subdivision 13;

87.12 (2) building materials for mineral production facilities exempt under section 297A.71,
87.13 subdivision 14;

87.14 (3) building materials for correctional facilities under section 297A.71, subdivision 3;

87.15 (4) building materials used in a residence for veterans with a disability exempt under
87.16 section 297A.71, subdivision 11;

87.17 (5) elevators and building materials exempt under section 297A.71, subdivision 12;

87.18 (6) materials and supplies for qualified low-income housing under section 297A.71,
87.19 subdivision 23;

87.20 (7) materials, supplies, and equipment for municipal electric utility facilities under
87.21 section 297A.71, subdivision 35;

87.22 (8) equipment and materials used for the generation, transmission, and distribution of
87.23 electrical energy and an aerial camera package exempt under section 297A.68, subdivision
87.24 37;

87.25 (9) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, paragraph
87.26 (a), clause (10);

87.27 (10) materials, supplies, and equipment for construction or improvement of projects and
87.28 facilities under section 297A.71, subdivision 40;

87.29 ~~(11) materials, supplies, and equipment for construction, improvement, or expansion of~~
87.30 ~~a biopharmaceutical manufacturing facility exempt under section 297A.71, subdivision 45;~~

88.1 ~~(12)~~ (11) enterprise information technology equipment and computer software for use
88.2 in a qualified data center exempt under section 297A.68, subdivision 42;

88.3 ~~(13)~~ (12) materials, supplies, and equipment for qualifying capital projects under section
88.4 297A.71, subdivision 44, paragraph (a), clause (1), and paragraph (b);

88.5 ~~(14)~~ (13) items purchased for use in providing critical access dental services exempt
88.6 under section 297A.70, subdivision 7, paragraph (c);

88.7 ~~(15)~~ (14) items and services purchased under a business subsidy agreement for use or
88.8 consumption primarily in greater Minnesota exempt under section 297A.68, subdivision
88.9 44;

88.10 ~~(16)~~ (15) building materials, equipment, and supplies for constructing or replacing real
88.11 property exempt under section 297A.71, subdivisions 49; 50, paragraph (b); and 51;

88.12 ~~(17)~~ (16) building materials, equipment, and supplies for qualifying capital projects
88.13 under section 297A.71, subdivision 52; and

88.14 ~~(18)~~ (17) building materials, equipment, and supplies for constructing, remodeling,
88.15 expanding, or improving a fire station, police station, or related facilities exempt under
88.16 section 297A.71, subdivision 53.

88.17 Sec. 94. Minnesota Statutes 2022, section 297A.75, subdivision 2, is amended to read:

88.18 Subd. 2. **Refund; eligible persons.** Upon application on forms prescribed by the
88.19 commissioner, a refund equal to the tax paid on the gross receipts of the exempt items must
88.20 be paid to the applicant. Only the following persons may apply for the refund:

88.21 (1) for subdivision 1, clauses (1), (2), and ~~(14)~~ (13), the applicant must be the purchaser;

88.22 (2) for subdivision 1, clause (3), the applicant must be the governmental subdivision;

88.23 (3) for subdivision 1, clause (4), the applicant must be the recipient of the benefits
88.24 provided in United States Code, title 38, chapter 21;

88.25 (4) for subdivision 1, clause (5), the applicant must be the owner of the homestead
88.26 property;

88.27 (5) for subdivision 1, clause (6), the owner of the qualified low-income housing project;

88.28 (6) for subdivision 1, clause (7), the applicant must be a municipal electric utility or a
88.29 joint venture of municipal electric utilities;

88.30 (7) for subdivision 1, clauses (8), (11), ~~(12)~~, and ~~(15)~~ (14), the owner of the qualifying
88.31 business;

89.1 (8) for subdivision 1, clauses (9), (10), ~~(13), (17)~~ (12), (16), and ~~(18)~~ (17), the applicant
89.2 must be the governmental entity that owns or contracts for the project or facility; and

89.3 (9) for subdivision 1, clause ~~(16)~~ (15), the applicant must be the owner or developer of
89.4 the building or project.

89.5 Sec. 95. Minnesota Statutes 2022, section 297A.75, subdivision 3, is amended to read:

89.6 Subd. 3. **Application.** (a) The application must include sufficient information to permit
89.7 the commissioner to verify the tax paid. If the tax was paid by a contractor, subcontractor,
89.8 or builder, under subdivision 1, clauses (3) to ~~(13)~~ (12) or ~~(15) to (18)~~ (14) to (17), the
89.9 contractor, subcontractor, or builder must furnish to the refund applicant a statement including
89.10 the cost of the exempt items and the taxes paid on the items unless otherwise specifically
89.11 provided by this subdivision. The provisions of sections 289A.40 and 289A.50 apply to
89.12 refunds under this section.

89.13 (b) An applicant may not file more than two applications per calendar year for refunds
89.14 for taxes paid on capital equipment exempt under section 297A.68, subdivision 5.

89.15 Sec. 96. Minnesota Statutes 2023 Supplement, section 299C.10, subdivision 1, is amended
89.16 to read:

89.17 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
89.18 corrections agencies operating secure juvenile detention facilities shall take or cause to be
89.19 taken immediately fingerprints and thumbprints, photographs, distinctive physical mark
89.20 identification data, information on any known aliases or street names, and other identification
89.21 data requested or required by the superintendent of the bureau, of the following:

89.22 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
89.23 misdemeanor, or targeted misdemeanor;

89.24 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
89.25 or alleged to have committed felonies or gross misdemeanors as distinguished from those
89.26 committed by adult offenders;

89.27 (3) adults and juveniles admitted to jails or detention facilities;

89.28 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

89.29 (5) persons in whose possession, when arrested, are found concealed firearms or other
89.30 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

90.1 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
90.2 to be intended for such purposes;

90.3 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
90.4 or gross misdemeanor offense; and

90.5 (7) persons currently involved in the criminal justice process, on probation, on parole,
90.6 or in custody for any offense whom the superintendent of the bureau identifies as being the
90.7 subject of a court disposition record which cannot be linked to an arrest record, and whose
90.8 fingerprints are necessary to reduce the number of suspense files, or to comply with the
90.9 mandates of section 299C.111, relating to the reduction of the number of suspense files.
90.10 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
90.11 shall include the requirement that fingerprints be taken in post-arrest interviews, while
90.12 making court appearances, while in custody, or while on any form of probation, diversion,
90.13 or supervised release.

90.14 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
90.15 of taking the fingerprints and data, the fingerprint records and other identification data
90.16 specified under paragraph (a) must be electronically entered into a bureau-managed
90.17 searchable database in a manner as may be prescribed by the superintendent.

90.18 (c) Prosecutors, courts, and probation officers and their agents, employees, and
90.19 subordinates shall attempt to ensure that the required identification data is taken on a person
90.20 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
90.21 presently on probation.

90.22 (d) Fingerprints and thumbprints must be obtained no later than:

90.23 (1) release from booking; or

90.24 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

90.25 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
90.26 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
90.27 and thumb prints have not been successfully received by the bureau, an individual may,
90.28 upon order of the court, be taken into custody for no more than eight hours so that the taking
90.29 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time
90.30 period may be extended upon a showing that additional time in custody is essential for the
90.31 successful taking of prints.

90.32 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
90.33 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

91.1 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
91.2 609.748 (harassment or restraining order violation), ~~609.749~~ 609.79 (obscene or harassing
91.3 telephone calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

91.4 Sec. 97. Minnesota Statutes 2022, section 299K.09, subdivision 1, is amended to read:

91.5 Subdivision 1. **Fees.** The commission shall adopt rules setting the following fees:

91.6 (1) a material safety data sheet fee to be paid by a facility when it submits material safety
91.7 data sheets in lieu of a hazardous chemical report form as required under section 11021 of
91.8 the federal act;

91.9 (2) a fee to be paid annually by a facility when the owner or operator submits its
91.10 emergency and hazardous chemical inventory form, required under section 11022 of the
91.11 federal act, ~~for calendar year 1990 and annually afterwards~~; and

91.12 (3) a late fee to be paid by a facility that fails to pay a fee under clause (1) or (2) in a
91.13 timely manner, not to exceed 200 percent of the original fee.

91.14 Sec. 98. Minnesota Statutes 2022, section 326B.164, subdivision 5, is amended to read:

91.15 Subd. 5. **Registered unlicensed elevator constructor.** (a) An unlicensed individual
91.16 shall not perform elevator work, unless the individual has first registered with the department
91.17 as an unlicensed elevator constructor. Except as allowed by subdivision ~~12~~ 13, a registered
91.18 unlicensed elevator constructor shall not perform elevator work unless the work is performed
91.19 under the direct supervision of an individual actually licensed to perform such work. The
91.20 licensed elevator constructor and the registered unlicensed elevator constructor must be
91.21 employed by the same employer. Unlicensed individuals shall not supervise the performance
91.22 of elevator work or make assignments of elevator work to unlicensed individuals. Licensed
91.23 elevator constructors shall provide direct supervision for no more than two registered
91.24 unlicensed elevator constructors.

91.25 (b) Notwithstanding any other provision of this section, no individual other than a master
91.26 elevator constructor or limited master elevator constructor shall plan or lay out elevator
91.27 wiring, apparatus, or equipment.

91.28 (c) Contractors employing registered unlicensed elevator constructors performing elevator
91.29 work shall maintain records establishing compliance with this subdivision that shall identify
91.30 all unlicensed individuals performing elevator work and shall permit the department to
91.31 examine and copy all such records.

92.1 (d) When a licensed elevator constructor supervises the elevator work of an unlicensed
92.2 individual, the licensed elevator constructor is responsible for ensuring that the elevator
92.3 work complies with this section and the Minnesota Elevator Code.

92.4 (e) A registered unlicensed elevator constructor with a minimum of one year experience
92.5 may perform the following maintenance tasks for elevator equipment without being provided
92.6 with direct supervision: oiling, cleaning, greasing, painting, relamping, and replacing of
92.7 escalator and moving walk comb teeth.

92.8 Sec. 99. Minnesota Statutes 2023 Supplement, section 326B.164, subdivision 13, is
92.9 amended to read:

92.10 Subd. 13. **Exemption from licensing.** (a) Employees of a licensed elevator contractor
92.11 or licensed limited elevator contractor are not required to hold or obtain a license under this
92.12 section or be provided with direct supervision by a licensed master elevator constructor,
92.13 licensed limited master elevator constructor, licensed elevator constructor, or licensed limited
92.14 elevator constructor to install, maintain, or repair platform lifts and stairway chairlifts.
92.15 Unlicensed employees performing elevator work under this exemption must comply with
92.16 subdivision ~~5~~ 6. This exemption does not include the installation, maintenance, repair, or
92.17 replacement of electrical wiring for elevator equipment.

92.18 (b) Contractors or individuals shall not be required to hold or obtain a license under this
92.19 section when performing work on:

92.20 (1) conveyors, excluding vertical reciprocating conveyors;

92.21 (2) platform lifts not covered under section 326B.163, subdivision 5a; or

92.22 (3) dock levelers.

92.23 Sec. 100. Minnesota Statutes 2022, section 353.6511, subdivision 5, is amended to read:

92.24 Subd. 5. **Surviving dependent child benefit.** A surviving dependent child under section
92.25 353.01, subdivision ~~15a~~ 15, of a deceased member described in subdivision 1 is entitled to
92.26 a surviving child benefit equal to eight units.

92.27 Sec. 101. Minnesota Statutes 2022, section 353.6512, subdivision 5, is amended to read:

92.28 Subd. 5. **Surviving dependent child benefit.** A surviving dependent child under section
92.29 353.01, subdivision ~~15a~~ 15, of a deceased member described in subdivision 1 is entitled to
92.30 a surviving child benefit equal to eight units.

93.1 Sec. 102. Minnesota Statutes 2022, section 462.357, subdivision 7, is amended to read:

93.2 Subd. 7. **Permitted single family use.** A state licensed residential facility ~~or a housing~~
93.3 ~~with services establishment registered under chapter 144D, including an assisted living~~
93.4 facility under chapter 144G, serving six or fewer persons, a licensed day care facility serving
93.5 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules,
93.6 parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted
93.7 single family residential use of property for the purposes of zoning, except that a residential
93.8 facility whose primary purpose is to treat juveniles who have violated criminal statutes
93.9 relating to sex offenses or have been adjudicated delinquent on the basis of conduct in
93.10 violation of criminal statutes relating to sex offenses shall not be considered a permitted
93.11 use.

93.12 Sec. 103. Minnesota Statutes 2022, section 504B.178, subdivision 2, is amended to read:

93.13 Subd. 2. **Interest.** Any deposit of money shall not be considered received in a fiduciary
93.14 capacity within the meaning of section 82.55, subdivision 26, but shall be held by the
93.15 landlord for the tenant who is party to the agreement and shall bear simple noncompounded
93.16 interest at the rate of ~~three percent per annum until August 1, 2003, and one percent per~~
93.17 ~~annum thereafter~~, computed from the first day of the next month following the full payment
93.18 of the deposit to the last day of the month in which the landlord, in good faith, complies
93.19 with the requirements of subdivision 3 or to the date upon which judgment is entered in any
93.20 civil action involving the landlord's liability for the deposit, whichever date is earlier. Any
93.21 interest amount less than \$1 shall be excluded from the provisions of this section.

93.22 Sec. 104. Minnesota Statutes 2023 Supplement, section 609.185, is amended to read:

93.23 **609.185 MURDER IN THE FIRST DEGREE.**

93.24 (a) Whoever does any of the following is guilty of murder in the first degree and shall
93.25 be sentenced to imprisonment for life:

93.26 (1) causes the death of a human being with premeditation and with intent to effect the
93.27 death of the person or of another;

93.28 (2) causes the death of a human being while committing or attempting to commit criminal
93.29 sexual conduct in the first or second degree with force or violence, either upon or affecting
93.30 the person or another;

93.31 (3) causes the death of a human being with intent to effect the death of the person or
93.32 another, while committing or attempting to commit burglary, aggravated robbery, carjacking

94.1 in the first or second degree, kidnapping, arson in the first or second degree, a drive-by
94.2 shooting, tampering with a witness in the first degree, escape from custody, or any felony
94.3 violation of chapter 152 involving the unlawful sale of a controlled substance;

94.4 (4) causes the death of a peace officer, prosecuting attorney, judge, or a guard employed
94.5 at a Minnesota state or local correctional facility, with intent to effect the death of that person
94.6 or another, while the person is engaged in the performance of official duties;

94.7 (5) causes the death of a minor while committing child abuse, when the perpetrator has
94.8 engaged in a past pattern of child abuse upon a child and the death occurs under
94.9 circumstances manifesting an extreme indifference to human life;

94.10 (6) causes the death of a human being while committing domestic abuse, when the
94.11 perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another
94.12 family or household member and the death occurs under circumstances manifesting an
94.13 extreme indifference to human life; or

94.14 (7) causes the death of a human being while committing, conspiring to commit, or
94.15 attempting to commit a felony crime to further terrorism and the death occurs under
94.16 circumstances manifesting an extreme indifference to human life.

94.17 (b) For the purposes of paragraph (a), clause (4), "prosecuting attorney" has the meaning
94.18 given in section 609.221, ~~subdivision 2, paragraph (e), clause (4)~~ subdivision 6, clause (4).

94.19 (c) For the purposes of paragraph (a), clause (4), "judge" has the meaning given in section
94.20 609.221, ~~subdivision 2, paragraph (e), clause (5)~~ subdivision 6, clause (5).

94.21 (d) For purposes of paragraph (a), clause (5), "child abuse" means an act committed
94.22 against a minor victim that constitutes a violation of the following laws of this state or any
94.23 similar laws of the United States or any other state: section 609.221; 609.222; 609.223;
94.24 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

94.25 (e) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

94.26 (1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242,
94.27 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or
94.28 any other state; and

94.29 (2) is committed against the victim who is a family or household member as defined in
94.30 section 518B.01, subdivision 2, paragraph (b).

94.31 (f) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given
94.32 in section 609.714, subdivision 1.

95.1 Sec. 105. Minnesota Statutes 2022, section 609.2231, subdivision 3, is amended to read:

95.2 Subd. 3. **Correctional employees; prosecuting attorneys; judges; probation**

95.3 **officers.** Whoever commits either of the following acts against an employee of a correctional
95.4 facility as defined in section 241.021, ~~subdivision 1, paragraph (f)~~ subdivision 1i, against
95.5 a prosecuting attorney as defined in section 609.221, ~~subdivision 2, paragraph (e), clause~~
95.6 ~~(4)~~ subdivision 6, clause (4), against a judge as defined in section 609.221, ~~subdivision 2,~~
95.7 ~~paragraph (e), clause (5)~~ subdivision 6, clause (5), or against a probation officer or other
95.8 qualified person employed in supervising offenders while the person is engaged in the
95.9 performance of a duty imposed by law, policy, or rule is guilty of a felony and may be
95.10 sentenced to imprisonment for not more than two years or to payment of a fine of not more
95.11 than \$4,000, or both:

95.12 (1) assaults the person and inflicts demonstrable bodily harm; or

95.13 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

95.14 Sec. 106. Minnesota Statutes 2022, section 609.596, subdivision 3, is amended to read:

95.15 Subd. 3. **Definitions.** As used in this section:

95.16 (1) "arson dog" means a dog that has been certified as an arson dog by a state fire or
95.17 police agency or by an independent testing laboratory;

95.18 (2) "correctional facility" has the meaning given in section 241.021, ~~subdivision 1,~~
95.19 ~~paragraph (f)~~ subdivision 1i;

95.20 (3) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
95.21 (c); and

95.22 (4) "search and rescue dog" means a dog that is trained to locate lost or missing persons,
95.23 victims of natural or other disasters, and human bodies.

95.24 Sec. 107. Minnesota Statutes 2022, section 609.748, subdivision 1, is amended to read:

95.25 Subdivision 1. **Definition.** For the purposes of this section, the following terms have
95.26 the meanings given them in this subdivision.

95.27 (a) "Harassment" includes:

95.28 (1) a single incident of physical or sexual assault, a single incident of harassment under
95.29 section 609.749, subdivision 2, paragraph (c), clause (8), a single incident of nonconsensual
95.30 dissemination of private sexual images under section 617.261, or repeated incidents of
95.31 intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are

96.1 intended to have a substantial adverse effect on the safety, security, or privacy of another,
96.2 regardless of the relationship between the actor and the intended target;

96.3 (2) targeted residential picketing; and

96.4 (3) a pattern of attending public events after being notified that the actor's presence at
96.5 the event is harassing to another.

96.6 (b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment
96.7 or organizations alleged to have sponsored or promoted harassment.

96.8 (c) "Targeted residential picketing" includes the following acts when committed on more
96.9 than one occasion:

96.10 (1) marching, standing, or patrolling by one or more persons directed solely at a particular
96.11 residential building in a manner that adversely affects the safety, security, or privacy of an
96.12 occupant of the building; or

96.13 (2) marching, standing, or patrolling by one or more persons which prevents an occupant
96.14 of a residential building from gaining access to or exiting from the property on which the
96.15 residential building is located.

96.16 Sec. 108. Minnesota Statutes 2023 Supplement, section 624.7178, subdivision 4, is amended
96.17 to read:

96.18 Subd. 4. **Liability protection for mental health professionals.** A mental health
96.19 professional who provides notice to the sheriff under section ~~626.7171~~ 624.7171, subdivision
96.20 5, is immune from monetary liability and no cause of action, or disciplinary action by the
96.21 person's licensing board may arise against the mental health professional for disclosure of
96.22 confidences to the sheriff, for failure to disclose confidences to the sheriff, or for erroneous
96.23 disclosure of confidences to the sheriff in a good faith effort to warn against or take
96.24 precautions against a client's violent behavior or threat of suicide.

96.25 Sec. 109. Laws 2023, chapter 41, article 1, section 2, subdivision 49, is amended to read:

96.26 Subd. 49. **North Star Promise** -0- 117,226,000
96.27 \$117,226,000 the second year is transferred
96.28 from the general fund to the account in the
96.29 special revenue fund under Minnesota
96.30 Statutes, section 136A.1465, subdivision ~~6~~ 8.

97.1 The base for the transfer is \$49,500,000 in
97.2 fiscal year 2026 and thereafter.

97.3 Sec. 110. Laws 2023, chapter 57, article 1, section 4, subdivision 2, is amended to read:

97.4 **Subd. 2. Excessive Price Increases to Generic**

97.5 **Drugs** 549,000 549,000

97.6 \$549,000 each year is for the duties under
97.7 Minnesota Statutes, sections 62J.841 to
97.8 ~~64J.845~~ 62J.95.

97.9 Sec. 111. Laws 2023, chapter 70, article 15, section 10, subdivision 4, is amended to read:

97.10 **Subd. 4. Integrated services for children and families.** (a) Any amount appropriated
97.11 for this subdivision is to stabilize and update legacy information technology systems,
97.12 modernize systems, and develop a plan for the future of information technology systems
97.13 for the programs that serve children and families. Outcomes to be achieved include:

97.14 (1) reducing unscheduled downtime on Social Services Information System by at least
97.15 20 percent;

97.16 (2) completing the transition of automated child support systems from mainframe
97.17 technology to a web-based environment;

97.18 (3) making information received regarding an individual's eligibility for benefits easier
97.19 to understand;

97.20 (4) enhancing the child support participant portal to provide additional options for
97.21 uploading and updating information, making payments, exchanging data securely, and
97.22 providing other features requested by users of the portal; and

97.23 (5) other outcomes identified by the commissioner under subdivision 2, paragraph (b).

97.24 (b) The commissioner must contract with an independent consultant to perform a thorough
97.25 evaluation of the SSIS, which supports the child protection system in Minnesota. The
97.26 consultant must make recommendations for improving the current system for usability,
97.27 system performance, and federal Comprehensive Child Welfare Information System
97.28 compliance and must address technical problems and identify any unnecessary or unduly
97.29 burdensome data entry requirements that have contributed to system capacity issues. The
97.30 consultant must assist the commissioner with selecting a platform for future development
97.31 of an information technology system for child protection.

98.1 (c) The commissioner of human services must conduct a study and develop
98.2 recommendations to streamline and reduce SSIS data entry requirements for child protection
98.3 cases. The study must be completed in partnership with local social services agencies and
98.4 others, as determined by the commissioner. The study must review all input fields required
98.5 on current reporting forms and determine which input fields and information are required
98.6 under state or federal law. By June 30, 2024, the commissioner must provide a status report
98.7 and an implementation timeline to the chairs and ranking minority members of the legislative
98.8 committees with jurisdiction over child protection. The status report must include information
98.9 about procedures for soliciting ongoing user input from stakeholders, progress on solicitation
98.10 and hiring of a consultant to conduct the system evaluation required under paragraph ~~(a)~~
98.11 (b), and a report on the progress and completed efforts to streamline data entry requirements
98.12 and improve user experience.

98.13 Sec. 112. Laws 2023, chapter 70, article 15, section 12, is amended to read:

98.14 **Sec. 12. EFFECTIVE DATE CHANGES.**

98.15 (a) The effective date for 2023 S.F. No. 2934, article 3, section ~~5~~3, if enacted during
98.16 the 2023 regular legislative session, is January 1, 2024, or upon federal approval, whichever
98.17 occurs later, except that paragraph (a), clause (6), is effective the day following final
98.18 enactment. The commissioner of human services shall notify the revisor of statutes when
98.19 federal approval is obtained. This paragraph prevails over any contrary effective date for
98.20 2023 S.F. No. 2934, article 3, section ~~5~~3, enacted during the 2023 regular legislative session,
98.21 regardless of order of enactment.

98.22 (b) The effective date for 2023 S.F. No. 2934, article 5, section 10, if enacted during the
98.23 2023 regular legislative session, is the day following final enactment, except for paragraph
98.24 (p), which is effective retroactive to June 30, 2022. This paragraph prevails over any contrary
98.25 effective date for 2023 S.F. No. 2934, article 5, section 10, enacted during the 2023 regular
98.26 legislative session, regardless of order of enactment.

98.27 (c) The effective date for 2023 S.F. No. 2934, article 5, section 11, if enacted during the
98.28 2023 regular legislative session, is the day following final enactment, except for paragraph
98.29 (g), which is effective retroactive to June 30, 2022. This paragraph prevails over any contrary
98.30 effective date for 2023 S.F. No. 2934, article 5, section 11, enacted during the 2023 regular
98.31 legislative session, regardless of order of enactment.

99.1 Sec. 113. **REPEALER.**

99.2 Subdivision 1. **Conflict resolution.** Laws 2023, chapter 53, article 11, section 31, is
99.3 repealed.

99.4 Subd. 2. **Conflict resolution.** Laws 2023, chapter 55, article 1, section 2, is repealed.

99.5 Subd. 3. **Conflict resolution.** Laws 2023, chapter 55, article 7, section 6, is repealed.

99.6 Subd. 4. **Conflict resolution.** Laws 2023, chapter 16, section 36, is repealed.

99.7 Subd. 5. **Conflict resolution.** Laws 2023, chapter 57, article 2, section 39, is repealed.

99.8 Subd. 6. **Conflict resolution.** Laws 2023, chapter 60, article 7, section 8, is repealed.

99.9 Subd. 7. **Obsolete subdivision.** Minnesota Statutes 2022, section 13.6435, subdivision
99.10 8, is repealed.

99.11 Subd. 8. **Obsolete provisions.** (a) Minnesota Statutes 2022, section 273.11, subdivision
99.12 16, is repealed.

99.13 (b) Minnesota Statutes 2022, section 16A.727, is repealed.

99.14 (c) Minnesota Statutes 2022, section 297A.71, subdivision 45, is repealed.

99.15 Subd. 9. **Conflict resolution.** Laws 2023, chapter 63, article 7, section 3, is repealed.

99.16 Subd. 10. **Conflict resolution.** Laws 2023, chapter 63, article 7, section 1, is repealed.

99.17 Subd. 11. **Expired report.** Minnesota Statutes 2022, section 256.021, subdivision 3, is
99.18 repealed.

99.19 **EFFECTIVE DATE.** Subdivisions 9 and 10 are effective March 1, 2025.

99.20 Sec. 114. **SUPERSEDING ACTS.**

99.21 Any amendments or repeals enacted in the 2024 session of the legislature to sections
99.22 also amended or repealed in this act supersede the amendments or repeals in this act,
99.23 regardless of order of enactment.

13.6435 AGRICULTURAL DATA CODED ELSEWHERE.

Subd. 8. **Dairy products.** Financial and production information obtained by the commissioner of agriculture to administer chapter 32D are classified under section 32D.25, subdivision 2.

16A.727 BACKUP REVENUES; FOOTBALL STADIUM FUNDING.

(a) If the commissioner of management and budget determines that the amount of revenues under section 297E.021, subdivision 2, for the next fiscal year, plus \$20,000,000, will be less than the amounts specified in section 297E.021, subdivision 3, clause (1), items (i) to (iii), for that fiscal year, the commissioner may implement the revenue options authorized in Laws 2012, chapter 299, article 6; provided that this section does not constitute a pledge of tax revenues as security for the payment of principal and interest on appropriation bonds issued under section 16A.965. If the commissioner determines to exercise the authority under this section for a fiscal year, the commissioner must implement the revenue options, as necessary, in the following order:

- (1) a sports-themed lottery game under section 349A.20; and
- (2) a tax on suites as provided under section 473J.14.

(b) Revenue raised under the authority granted by this section must be deposited in the general fund.

(c) If the commissioner determines to implement one or more of the revenue options authorized by this section, each subsequent year the commissioner must determine if the revenue is needed and will be imposed and collected for the next fiscal year. If the commissioner determines that one or more revenue options implemented for a fiscal year are not needed for a subsequent fiscal year, the commissioner must terminate them in the reverse order they were required to be implemented by paragraph (a) with the last option implemented terminated first and so forth.

(d) Before implementing a revenue source authorized under this section, the commissioner must report the intent to do so to the Legislative Commission on Planning and Fiscal Policy. The commissioner must inform the commission of determinations to continue or discontinue each revenue source for a subsequent fiscal year.

(e) The provisions of this section no longer apply after the Minnesota Sports Facilities Authority certifies to the commissioner that it has determined that the revenues of the general fund under section 297A.994, the increased revenues under chapter 297E, and other available resources of the authority provide adequate financial security for the state and the authority.

256.021 VULNERABLE ADULT MALTREATMENT REVIEW PANEL.

Subd. 3. **Report.** (a) By January 15 of each year, the panel shall submit a report to the committees of the legislature with jurisdiction over section 626.557 regarding the number of requests for review it receives under this section, the number of cases where the panel requires the lead investigative agency to reconsider its final disposition, and the number of cases where the final disposition is changed, and any recommendations to improve the review or investigative process.

(b) This subdivision expires January 1, 2024.

273.11 VALUATION OF PROPERTY.

Subd. 16. **Valuation exclusion for certain improvements.** (a) Improvements to homestead property made before January 2, 2003, shall be fully or partially excluded from the value of the property for assessment purposes provided that (1) the house is at least 45 years old at the time of the improvement and (2) the assessor's estimated market value of the house on January 2 of the current year is equal to or less than \$400,000.

(b) For purposes of determining this eligibility, "house" means land and buildings.

(c) The age of a residence is the number of years since the original year of its construction. In the case of a residence that is relocated, the relocation must be from a location within the state and the only improvements eligible for exclusion under this subdivision are (1) those for which building permits were issued to the homeowner after the residence was relocated to its present site, and (2) those undertaken during or after the year the residence is initially occupied by the homeowner, excluding any market value increase relating to basic improvements that are necessary to install the residence on its foundation and connect it to utilities at its present site. In the case of an owner-occupied duplex or triplex, the improvement is eligible regardless of which portion of the property was improved.

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(d) If the property lies in a jurisdiction which is subject to a building permit process, a building permit must have been issued prior to commencement of the improvement. The improvements for a single project or in any one year must add at least \$5,000 to the value of the property to be eligible for exclusion under this subdivision. Only improvements to the structure which is the residence of the qualifying homesteader or construction of or improvements to no more than one two-car garage per residence qualify for the provisions of this subdivision. If an improvement was begun between January 2, 1992, and January 2, 1993, any value added from that improvement for the January 1994 and subsequent assessments shall qualify for exclusion under this subdivision provided that a building permit was obtained for the improvement between January 2, 1992, and January 2, 1993. Whenever a building permit is issued for property currently classified as homestead, the issuing jurisdiction shall notify the property owner of the possibility of valuation exclusion under this subdivision. The assessor shall require an application, including documentation of the age of the house from the owner, if unknown by the assessor. The application may be filed subsequent to the date of the building permit provided that the application must be filed within three years of the date the building permit was issued for the improvement. If the property lies in a jurisdiction which is not subject to a building permit process, the application must be filed within three years of the date the improvement was made. The assessor may require proof from the taxpayer of the date the improvement was made. Applications must be received prior to July 1 of any year in order to be effective for taxes payable in the following year.

No exclusion for an improvement may be granted by a local board of review or county board of equalization, and no abatement of the taxes for qualifying improvements may be granted by the county board unless (1) a building permit was issued prior to the commencement of the improvement if the jurisdiction requires a building permit, and (2) an application was completed.

(e) The assessor shall note the qualifying value of each improvement on the property's record, and the sum of those amounts shall be subtracted from the value of the property in each year for ten years after the improvement has been made. After ten years the amount of the qualifying value shall be added back as follows:

- (1) 50 percent in the two subsequent assessment years if the qualifying value is equal to or less than \$10,000 market value; or
- (2) 20 percent in the five subsequent assessment years if the qualifying value is greater than \$10,000 market value.

(f) If an application is filed after the first assessment date at which an improvement could have been subject to the valuation exclusion under this subdivision, the ten-year period during which the value is subject to exclusion is reduced by the number of years that have elapsed since the property would have qualified initially. The valuation exclusion shall terminate whenever (1) the property is sold, or (2) the property is reclassified to a class which does not qualify for treatment under this subdivision. Improvements made by an occupant who is the purchaser of the property under a conditional purchase contract do not qualify under this subdivision unless the seller of the property is a governmental entity. The qualifying value of the property shall be computed based upon the increase from that structure's market value as of January 2 preceding the acquisition of the property by the governmental entity.

(g) The total qualifying value for a homestead may not exceed \$50,000. The total qualifying value for a homestead with a house that is less than 70 years old may not exceed \$25,000. The term "qualifying value" means the increase in estimated market value resulting from the improvement if the improvement occurs when the house is at least 70 years old, or one-half of the increase in estimated market value resulting from the improvement otherwise. The \$25,000 and \$50,000 maximum qualifying value under this subdivision may result from multiple improvements to the homestead.

(h) If 50 percent or more of the square footage of a structure is voluntarily razed or removed, the valuation increase attributable to any subsequent improvements to the remaining structure does not qualify for the exclusion under this subdivision. If a structure is unintentionally or accidentally destroyed by a natural disaster, the property is eligible for an exclusion under this subdivision provided that the structure was not completely destroyed. The qualifying value on property destroyed by a natural disaster shall be computed based upon the increase from that structure's market value as determined on January 2 of the year in which the disaster occurred. A property receiving benefits under the homestead disaster provisions under sections 273.1231 to 273.1235 is not disqualified from receiving an exclusion under this subdivision. If any combination of improvements made to a structure after January 1, 1993, increases the size of the structure by 100 percent or more, the

valuation increase attributable to the portion of the improvement that causes the structure's size to exceed 100 percent does not qualify for exclusion under this subdivision.

297A.71 CONSTRUCTION EXEMPTIONS.

Subd. 45. **Biopharmaceutical manufacturing facility.** (a) Materials and supplies used or consumed in, capital equipment incorporated into, and privately owned infrastructure in support of the construction, improvement, or expansion of a biopharmaceutical manufacturing facility in the state are exempt if the commissioner of employment and economic development certifies to the commissioner of revenue that the following criteria are met:

(1) the facility is used for the manufacturing of biologics;

(2) the total capital investment made at the facility exceeds \$50,000,000; and

(3) the facility creates and maintains at least 190 full-time equivalent positions at the facility. These positions must be new jobs in Minnesota and not the result of relocating jobs that currently exist in Minnesota.

(b) The tax must be imposed and collected as if the rate under section 297A.62 applied, and refunded in the manner provided in section 297A.75.

(c) To be eligible for a refund, the owner of the biopharmaceutical manufacturing facility must:

(1) initially apply to the commissioner of employment and economic development for certification no later than one year from the final completion date of construction, improvement, or expansion of the facility; and

(2) for each year that the owner of the biopharmaceutical manufacturing facility applies for a refund, the commissioner of revenue must have received written certification from the commissioner of employment and economic development that the facility has met the criteria of paragraph (a).

(d) The refund is to be paid annually at a rate of 25 percent of the total allowable refund payable to date, with the commissioner making annual payments of the remaining refund until all of the refund has been paid.

(e) For purposes of this subdivision, "biopharmaceutical" and "biologics" are interchangeable and mean medical drugs or medicinal preparations produced using technology that uses biological systems, living organisms, or derivatives of living organisms to make or modify products or processes for specific use. The medical drugs or medicinal preparations include but are not limited to proteins, antibodies, nucleic acids, and vaccines.

Laws 2023, chapter 16, section 36

Sec. 36. Minnesota Statutes 2022, section 260.835, subdivision 2, is amended to read:

Subd. 2. **Expiration.** ~~The American Indian Child Welfare Advisory Council expires June 30, 2023. This section does not expire.~~

Laws 2023, chapter 53, article 11, section 31

Sec. 31. Minnesota Statutes 2022, section 181.9413, is amended to read:

181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or harassment or stalking. For the purpose of this paragraph:

(1) "domestic abuse" has the meaning given in section 518B.01;

(2) "sexual assault" means an act that constitutes a violation under sections 609.342 to 609.3453 or 609.352; and

(3) "harass" and "stalking" have the meanings given in section 609.749.

(c) An employer may limit the use of safety leave as described in paragraph (b) or personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for requesting or obtaining a leave of absence under this section.

EFFECTIVE DATE. This section is effective July 1, 2023.
Laws 2023, chapter 55, article 1, section 2

Sec. 2. **[121A.224] OPIATE ANTAGONISTS.**

(a) A school district or charter school must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each school site to be administered in compliance with section 151.37, subdivision 12.

(b) Each school building must have two doses of nasal naloxone available on-site.

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(c) The commissioner of health shall identify resources, including at least one training video to help schools implement an opiate antagonist emergency response and make the resources available for schools.

(d) A school board may adopt a model plan for use, storage, and administration of opiate antagonists.

EFFECTIVE DATE. This section is effective July 1, 2023.
Laws 2023, chapter 55, article 7, section 6

Sec. 6. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as having substance use disorder;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or is an English learner;

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, or is a pupil with a disability as set forth in section 125A.02, is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section.

Laws 2023, chapter 57, article 2, section 39

Sec. 39. Minnesota Statutes 2022, section 62K.10, subdivision 4, is amended to read:

Subd. 4. **Network adequacy.** (a) Each designated provider network must include a sufficient number and type of providers, including providers that specialize in mental health and substance use disorder services, to ensure that covered services are available to all enrollees without unreasonable delay. In determining network adequacy, the commissioner of health shall consider availability of services, including the following:

(1) primary care physician services are available and accessible 24 hours per day, seven days per week, within the network area;

(2) a sufficient number of primary care physicians have hospital admitting privileges at one or more participating hospitals within the network area so that necessary admissions are made on a timely basis consistent with generally accepted practice parameters;

(3) specialty physician service is available through the network or contract arrangement;

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(4) mental health and substance use disorder treatment providers, including but not limited to psychiatric residential treatment facilities, are available and accessible through the network or contract arrangement;

(5) to the extent that primary care services are provided through primary care providers other than physicians, and to the extent permitted under applicable scope of practice in state law for a given provider, these services shall be available and accessible; and

(6) the network has available, either directly or through arrangements, appropriate and sufficient personnel, physical resources, and equipment to meet the projected needs of enrollees for covered health care services.

(b) The commissioner must determine network sufficiency in a manner that is consistent with the requirements of this section and may establish sufficiency by referencing any reasonable criteria, which may include but is not limited to:

(1) provider-covered person ratios by specialty;

(2) primary care professional-covered person ratios;

(3) geographic accessibility of providers;

(4) geographic variation and population dispersion;

(5) waiting times for an appointment with participating providers;

(6) hours of operation;

(7) the ability of the network to meet the needs of covered persons, which may include:

(i) low-income persons;

(ii) children and adults with serious, chronic, or complex health conditions, physical disabilities, or mental illness; or

(iii) persons with limited English proficiency and persons from underserved communities;

(8) other health care service delivery system options, including telemedicine or telehealth, mobile clinics, centers of excellence, and other ways of delivering care; and

(9) the volume of technological and specialty care services available to serve the needs of covered persons that need technologically advanced or specialty care services.

EFFECTIVE DATE. The amendment to paragraph (a) is effective July 1, 2023. Paragraph (b) is effective January 1, 2025, and applies to health plans offered, issued, or renewed on or after that date.

Laws 2023, chapter 60, article 7, section 8

Sec. 8. Minnesota Statutes 2022, section 35.156, subdivision 2, is amended to read:

Subd. 2. **Federal fund account.** (a) Money granted to the state by the federal government for purposes of chronic wasting disease must be credited to a separate account in the federal fund and is annually appropriated to the commissioner of agriculture for the purposes for which the federal grant was made according to section 17.03.

(b) By February 15 each year, the commissioner of agriculture, in consultation with the commissioner of natural resources and Board of Animal Health, must submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over agriculture and the environment and natural resources on the receipt and expenditure of any federal money received for purposes of chronic wasting disease.

Laws 2023, chapter 63, article 7, section 1

Section 1. Minnesota Statutes 2022, section 34A.01, subdivision 4, is amended to read:

Subd. 4. **Food.** "Food" means every ingredient used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for humans or other animals, whether simple, mixed, or compound; and articles used as components of these ingredients, except that edible cannabinoid products, as defined in section 151.72, subdivision 1, paragraph (e) ~~(f)~~, are not food.

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EFFECTIVE DATE. This section is effective the day following final enactment.
Laws 2023, chapter 63, article 7, section 3

Sec. 3. Minnesota Statutes 2022, section 340A.412, subdivision 14, is amended to read:

Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision, an exclusive liquor store may sell only the following items:

- (1) alcoholic beverages;
 - (2) tobacco products;
 - (3) ice;
 - (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating liquor;
 - (5) soft drinks;
 - (6) liqueur-filled candies;
 - (7) food products that contain more than one-half of one percent alcohol by volume;
 - (8) cork extraction devices;
 - (9) books and videos on the use of alcoholic beverages;
 - (10) magazines and other publications published primarily for information and education on alcoholic beverages;
 - (11) multiple-use bags designed to carry purchased items;
 - (12) devices designed to ensure safe storage and monitoring of alcohol in the home, to prevent access by underage drinkers;
 - (13) home brewing equipment;
 - (14) clothing marked with the specific name, brand, or identifying logo of the exclusive liquor store, and bearing no other name, brand, or identifying logo;
 - (15) citrus fruit; ~~and~~
 - (16) glassware;
 - (17) edible cannabinoid products as defined in section 151.72, subdivision 1, paragraph (f); and
 - (18) products that detect the presence of fentanyl or a fentanyl analog.
- (b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.
- (c) An exclusive liquor store may offer live or recorded entertainment.

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