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HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

SPECIAL SESSION

S. F. No. 47

- 06/17/2020 Companion to House File No. 128. (Authors:Marquart)
Read First Time and Referred to the Committee on Ways and Means
- 06/18/2020 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 06/19/2020 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to state government finance; providing aid and reimbursements to counties,

1.3 cities, and towns to fund expenses related to COVID-19; establishing a

1.4 supplemental budget; appropriating money from the coronavirus relief federal

1.5 fund; making various changes and cancellations to support state government

1.6 activities; establishing an administrative citation process; authorizing temporary

1.7 rate increases; modifying provisions governing child foster care and background

1.8 studies; making additions and deletions to certain state parks; authorizing the sale

1.9 of surplus lands; amending Minnesota Statutes 2018, sections 84.63; 92.502;

1.10 119B.125, subdivisions 1, 1a, 2; 119B.13, subdivision 1; 245A.16, by adding a

1.11 subdivision; 245C.02, by adding a subdivision; 245C.05, subdivisions 2c, 2d;

1.12 245C.14, subdivision 1; 245C.15, by adding a subdivision; 245C.24, subdivision

1.13 4, by adding a subdivision; 609.855, subdivisions 1, 7, by adding a subdivision;

1.14 Minnesota Statutes 2019 Supplement, sections 245A.05; 245A.07, subdivision 1;

1.15 245C.05, subdivision 4; 245C.08, subdivision 3; 245C.24, subdivisions 1, 2, 3;

1.16 256B.0659, subdivision 11, as amended; 256B.85, subdivision 16; Laws 2020,

1.17 chapter 70, article 2, section 2; Laws 2020, chapter 71, article 1, sections 2,

1.18 subdivision 9; 9; repealing Minnesota Statutes 2018, section 119B.125, subdivision

1.19 5.

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

1.21 **ARTICLE 1**

1.22 **LOCAL GOVERNMENT COVID-19 RELIEF**

1.23 Section 1. **CORONAVIRUS RELIEF FUND; LOCAL GOVERNMENT**

1.24 **DISTRIBUTIONS.**

1.25 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this

1.26 subdivision have the meanings given them.

1.27 (b) "Commissioner" means the commissioner of revenue.

1.28 (c) "City" means a statutory or home rule charter city.

2.1 (d) "Eligible county" means a Minnesota county with a population less than 500,000.

2.2 (e) "Eligible city" means a city with a population of 200 or more, or an organized town
2.3 with a population of 5,000 or more.

2.4 (f) "Eligible town" means an organized town with a population more than 199 but less
2.5 than 5,000.

2.6 (g) "Emergency financial assistance" means assistance to individuals and families directly
2.7 impacted by a loss of income due to COVID-19. Emergency financial assistance includes
2.8 but is not limited to amounts used to help pay overdue rent or mortgage to prevent eviction
2.9 or foreclosure or unexpected funeral costs.

2.10 (h) "Economic support" means assistance to small businesses with costs of business
2.11 interruptions caused by required closures due to COVID-19. Economic support includes
2.12 but is not limited to assistance to businesses that close voluntarily to promote social distancing
2.13 guidelines and businesses impacted by decreased customer demand as a result of the
2.14 COVID-19 health emergency.

2.15 (i) "Home county" for a city or town means the county where the administrative offices
2.16 of the city or town is located.

2.17 (j) "Local government" means a city, county, or town.

2.18 (k) "Population" means the most recently available 2018 population estimate from the
2.19 state demographer as of May 1, 2020.

2.20 Subd. 2. **Local government distribution amounts.** (a) The distribution for an eligible
2.21 city is equal to a dollar amount per capita that is the same for all eligible cities. The
2.22 commissioner shall determine the per capita dollar amount so that the total amount paid
2.23 under this paragraph is equal to the amount available under subdivision 8, paragraph (c),
2.24 minus the amounts payable to eligible towns under paragraph (b) and the supplemental
2.25 amount paid to counties under paragraph (d).

2.26 (b) The distribution for an eligible town is equal to \$25 multiplied by the town's
2.27 population.

2.28 (c) The base distribution amount for an eligible county is equal to a dollar amount
2.29 multiplied by the total county population. The dollar amount shall be the same amount for
2.30 all eligible counties and shall be determined by the commissioner so that the total amount
2.31 paid under this paragraph is equal to the amount available under subdivision 8, paragraph
2.32 (b).

3.1 (d) An eligible county shall also receive a supplemental distribution amount equal to
3.2 the sum of: (1) the per capita amount determined under paragraph (a) multiplied by the
3.3 population of all cities in the county with a population less than 200; and (2) \$25 multiplied
3.4 by the population within the county located outside of any city or eligible town. For purposes
3.5 of clause (1), a city that crosses into two or more counties is located in its home county.
3.6 Total aid to each county is equal to the base distribution amount plus the supplemental
3.7 amount.

3.8 Subd. 3. **Distribution schedule.** The commissioner must distribute the amounts calculated
3.9 under subdivision 2 no later than June 30, 2020, for certifications received by June 22, 2020.
3.10 Distributions will be made for certifications received by September 15, 2020.

3.11 Subd. 4. **Allowed uses.** (a) A local government must use aid distributions under this
3.12 section for purposes consistent with the requirements of Public Law 116-136. Prior to
3.13 distributing the aid, the commissioner must require each eligible local government to certify
3.14 its intent to comply with the requirements of this section. The certification must be in the
3.15 form and manner determined by the commissioner.

3.16 (b) Notwithstanding paragraph (a), a county must use at least 10 percent of the base
3.17 distribution aid it receives under subdivision 2, paragraph (c), for emergency financial
3.18 assistance to individuals and families and for economic support to businesses. The county
3.19 must certify it will spend funds according to this section to the commissioner. Any auditing
3.20 of compliance with this section, including the ten percent amount, will occur with regular
3.21 audits of the county.

3.22 (c) A city or town that is not an eligible city or eligible town may apply to its home
3.23 county for a reimbursement, to be paid from the county aid distribution under subdivision
3.24 2 to cover costs incurred by the city or town that are allowed uses under paragraph (a). The
3.25 county may require the city or town to provide sufficient information to demonstrate that
3.26 the cost incurred meets the requirements of Public Law 116-136. Upon appropriate
3.27 documentation, the county must make a reimbursement of up to the lesser of: (1) \$75.34
3.28 multiplied by the population of the city or \$25 multiplied by the population of the town; or
3.29 (2) the amount of documented allowed costs. The county, at its discretion, may increase the
3.30 reimbursement above this amount, but to no more than the amount of documented allowed
3.31 costs. Any application for a reimbursement under this paragraph must be made no later than
3.32 September 1, 2020, and any reimbursements made under this subdivision must be paid to
3.33 the city or town no later than September 20, 2020.

4.1 Subd. 5. **Local government collaborative agreements.** A local government may enter
4.2 into a collaborative agreement with one or more other local governments to share aid
4.3 distributions under this section, consistent with subdivision 4. The commissioner may require
4.4 each local government to provide information about the agreement in the form and manner
4.5 determined by the commissioner.

4.6 Subd. 6. **Expenditure time limits.** (a) Except as provided in paragraphs (b) and (d), any
4.7 aid amount remaining unexpended on November 15, 2020, by an eligible city or town whose
4.8 home county is an eligible county, must be sent to its home county. The transfer must be
4.9 made no later than November 20, 2020. The county may use these funds for any purpose
4.10 allowed under subdivision 4, paragraphs (a) and (b).

4.11 (b) Except as provided under paragraph (e), any aid amount remaining unexpended on
4.12 November 15, 2020, by an eligible city or town whose home county is Hennepin County,
4.13 must be sent to the Hennepin County Medical Center which may use the funds only for
4.14 eligible expenses that meet the requirements of Public Law 116-136. Except as provided
4.15 under paragraph (e), any aid amount remaining unexpended on November 15, 2020, by an
4.16 eligible city or town whose home county is Ramsey County, must be granted to Regions
4.17 Hospital which may use the funds only for eligible expenses that meet the requirements of
4.18 Public Law 116-136. Any funds transferred or granted to the medical center or hospital
4.19 under this paragraph that are unexpended by those entities by December 1, 2020, must be
4.20 returned no later than December 10, 2020, to the commissioner and are canceled to the
4.21 coronavirus relief federal fund.

4.22 (c) Any amount of aid under subdivision 2 or transfer under paragraph (a) remaining
4.23 unexpended by an eligible county by December 1, 2020, must be returned no later than
4.24 December 10, 2020, to the commissioner and is canceled to the coronavirus relief federal
4.25 fund.

4.26 (d) Notwithstanding paragraph (a), any aid amount remaining unexpended by a local
4.27 government on December 1, 2020, for a local government that has entered into a collaborative
4.28 agreement under subdivision 5, must be returned no later than December 10, 2020, to the
4.29 commissioner and is canceled to the coronavirus relief federal fund.

4.30 (e) The governing body of an eligible city or eligible town whose home county is
4.31 Hennepin County or Ramsey County may adopt a resolution to direct the aid amounts to
4.32 another hospital entity for expenditure by that hospital entity. The hospital entity must
4.33 comply with the other requirements of paragraph (b) governing eligible uses and expenditure

5.1 time limits. For the purposes of this paragraph "hospital entity" means a hospital licensed
5.2 under Minnesota Statutes, chapters 144.50 to 144.56.

5.3 Subd. 7. **Repayment of improperly spent federal funds.** (a) For purposes of this
5.4 subdivision, "local government unit" means a county, city, or town.

5.5 (b) The commissioner must recoup money from a local government unit if:

5.6 (1) the Inspector General of the Department of the Treasury has determined that the state
5.7 of Minnesota is subject to recoupment of funds under Public Law 116-136; and

5.8 (2) the recoupment is the result of the failure of a local government unit to expend money
5.9 distributed under this section consistent with the requirements of Public Law 116-136.

5.10 (c) The recoupment may only come from the local government whose spending caused
5.11 a need for recoupment from the state under federal law. The commissioner must certify the
5.12 amount to be repaid by each local government unit. For the purposes of this subdivision,
5.13 the commissioner must consider costs reimbursed under subdivision 4, paragraph (c), to be
5.14 spending by the city or town that receives the reimbursement. The amount of the repayment
5.15 required from each local government unit must be equal to the state recoupment amount
5.16 attributable to that local government unit. For the purposes of this paragraph, "state
5.17 recoupment amount" means the total of the amounts determined under paragraph (b).

5.18 (d) A local government unit must repay its share of the state recoupment amount to the
5.19 state in full within 90 days of the commissioner's certification under paragraph (c). A local
5.20 government unit may apply to the commissioner in the form and manner determined by the
5.21 commissioner for an alternative repayment schedule, not to exceed five years.

5.22 (e) Any amounts recouped by the state must be credited to the fund from which the state
5.23 paid the amounts recouped by the Department of the Treasury.

5.24 Subd. 7a. **Onetime grants.** (a) The commissioner may make onetime grants to a local
5.25 government from the money allotted under subdivision 8, paragraph (d). The grants may
5.26 be used for any allowed purpose under title V of Public Law 116-136, but preference shall
5.27 be given to the following purposes:

5.28 (1) to a city, town, or county with high outbreaks of coronavirus;

5.29 (2) to a city, town, or county with new and unanticipated costs associated with
5.30 COVID-19; and

5.31 (3) to a city, town, or county establishing or conducting a recovery project or a recovery
5.32 coordination office related to the effects of COVID-19.

6.1 (b) The commissioner of revenue may consult with the commissioner of health and the
6.2 commissioner of employment and economic development to develop guidelines and forms
6.3 for accepting applications and awarding grants under this subdivision by July 15, 2020. The
6.4 grant application must include a plan for spending the grant. Applications may be taken
6.5 from August 1, 2020, through December 1, 2020. Grants may only be expended for costs
6.6 incurred by the local government during the period beginning March 1, 2020, and ending
6.7 December 30, 2020. Any unexpended amount must be returned to the commissioner of
6.8 revenue by December 30, 2020, and is canceled to the coronavirus relief federal fund.

6.9 Subd. 8. **Appropriations.** (a) \$871,464,000 in fiscal year 2020 is appropriated from the
6.10 coronavirus relief federal fund to the commissioner of revenue for aid distributions under
6.11 this section. This is a onetime appropriation and is available until November 30, 2020.

6.12 (b) A total of \$462,805,200 of the appropriation in paragraph (a) must be used for the
6.13 base distribution amount for counties under subdivision 2, paragraph (c).

6.14 (c) A total of \$378,658,800 of the appropriation in paragraph (a) must be used for all
6.15 other aid and grant payments under this section.

6.16 (d) The remainder of the appropriation under paragraph (a), after payments to eligible
6.17 towns, cities, and counties, shall be retained by the commissioner and used to make grants
6.18 under subdivision 7a.

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

6.20 **ARTICLE 2**

6.21 **SUPPLEMENTAL BUDGET**

6.22 Section 1. Minnesota Statutes 2018, section 119B.125, subdivision 1, is amended to read:

6.23 Subdivision 1. **Authorization.** ~~Except as provided in subdivision 5,~~ A county or the
6.24 commissioner must authorize the provider chosen by an applicant or a participant before
6.25 the county can authorize payment for care provided by that provider. The commissioner
6.26 must establish the requirements necessary for authorization of providers. A provider must
6.27 be reauthorized every two years. ~~A legal, nonlicensed family child care provider also must~~
6.28 ~~be reauthorized when another person over the age of 13 joins the household, a current~~
6.29 ~~household member turns 13, or there is reason to believe that a household member has a~~
6.30 ~~factor that prevents authorization. The provider is required to report all family changes that~~
6.31 ~~would require reauthorization. When a provider has been authorized for payment for~~
6.32 ~~providing care for families in more than one county, the county responsible for~~

7.1 ~~reauthorization of that provider is the county of the family with a current authorization for~~
7.2 ~~that provider and who has used the provider for the longest length of time.~~

7.3 **EFFECTIVE DATE.** This section is effective January 4, 2021.

7.4 Sec. 2. Minnesota Statutes 2018, section 119B.125, subdivision 1a, is amended to read:

7.5 Subd. 1a. **Background study required.** (a) This subdivision only applies to legal,
7.6 nonlicensed family child care providers.

7.7 (b) Prior to authorization, ~~and as part of each reauthorization required in subdivision 1,~~
7.8 ~~the county shall perform~~ the commissioner shall perform a background study on every
7.9 member of the provider's household who is age 13 and older. ~~The county shall also perform~~
7.10 ~~a background study on an individual who has reached age ten but is not yet age 13 and is~~
7.11 ~~living in the household where the nonlicensed child care will be provided when the county~~
7.12 ~~has reasonable cause as defined under section 245C.02, subdivision 15~~ individuals identified
7.13 under section 245C.02, subdivision 6a.

7.14 (c) After authorization, the commissioner shall perform a background study when an
7.15 individual identified under section 245C.02, subdivision 6a, joins the household. The provider
7.16 must report all family changes that would require a new background study.

7.17 (d) At each reauthorization, the county shall perform a background study of all individuals
7.18 in the provider's household for whom paragraphs (b) and (c) require a background study.

7.19 (e) Prior to a background study expiring, the commissioner shall perform another
7.20 background study of all individuals for whom the background study will expire.

7.21 **EFFECTIVE DATE.** This section is effective January 4, 2021.

7.22 Sec. 3. Minnesota Statutes 2018, section 119B.125, subdivision 2, is amended to read:

7.23 Subd. 2. **Persons who cannot be authorized.** (a) The provider seeking authorization
7.24 under this section shall collect the information required under section 245C.05, subdivision
7.25 1, and forward the information to the county agency. ~~The background study must include~~
7.26 ~~a review of the information required under section 245C.08, subdivisions 2, 3, and 4,~~
7.27 ~~paragraph (b).~~ The county shall collect and forward the information to the commissioner
7.28 as directed under section 245C.05, subdivision 2b. A legal nonlicensed family child care
7.29 provider is not authorized under this section if the commissioner determines that any
7.30 household member who is the subject of a background study is ~~determined to have a~~
7.31 ~~disqualifying characteristic under paragraphs (b) to (e) or under section 245C.14 or 245C.15.~~
7.32 ~~If a county has determined that a provider is able to be authorized in that county, and a~~

8.1 ~~family in another county later selects that provider, the provider is able to be authorized in~~
8.2 ~~the second county without undergoing a new background investigation unless one of the~~
8.3 ~~following conditions exists: disqualified from direct contact with, or from access to, persons~~
8.4 ~~served by the program, unless the disqualified individual is subsequently set aside under~~
8.5 ~~section 245C.22.~~

8.6 ~~(1) two years have passed since the first authorization;~~

8.7 ~~(2) another person age 13 or older has joined the provider's household since the last~~
8.8 ~~authorization;~~

8.9 ~~(3) a current household member has turned 13 since the last authorization; or~~

8.10 ~~(4) there is reason to believe that a household member has a factor that prevents~~
8.11 ~~authorization.~~

8.12 ~~(b) The person has refused to give written consent for disclosure of criminal history~~
8.13 ~~records.~~

8.14 ~~(c) The person has been denied a family child care license or has received a fine or a~~
8.15 ~~sanction as a licensed child care provider that has not been reversed on appeal.~~

8.16 ~~(d) The person has a family child care licensing disqualification that has not been set~~
8.17 ~~aside.~~

8.18 ~~(e) The person has admitted or a county has found that there is a preponderance of~~
8.19 ~~evidence that fraudulent information was given to the county for child care assistance~~
8.20 ~~application purposes or was used in submitting child care assistance bills for payment.~~

8.21 **EFFECTIVE DATE.** This section is effective January 4, 2021.

8.22 Sec. 4. Minnesota Statutes 2018, section 119B.13, subdivision 1, is amended to read:

8.23 Subdivision 1. **Subsidy restrictions.** (a) ~~Beginning February 3, 2014,~~ The maximum
8.24 rate paid for child care assistance in any county or county price cluster under the child care
8.25 fund shall be the greater of the 25th percentile of the ~~2011~~ 2018 child care provider rate
8.26 survey or the ~~maximum rate effective November 28, 2011~~ rate in effect at the time of the
8.27 update. For a child care provider located within the boundaries of a city located in two or
8.28 more of the counties of Benton, Sherburne, and Stearns, the maximum rate paid for child
8.29 care assistance shall be equal to the maximum rate paid in the county with the highest
8.30 maximum reimbursement rates or the provider's charge, whichever is less. The commissioner
8.31 may: (1) assign a county with no reported provider prices to a similar price cluster; and (2)
8.32 consider county level access when determining final price clusters.

9.1 (b) A rate which includes a special needs rate paid under subdivision 3 may be in excess
9.2 of the maximum rate allowed under this subdivision.

9.3 (c) The department shall monitor the effect of this paragraph on provider rates. The
9.4 county shall pay the provider's full charges for every child in care up to the maximum
9.5 established. The commissioner shall determine the maximum rate for each type of care on
9.6 an hourly, full-day, and weekly basis, including special needs and disability care.

9.7 (d) If a child uses one provider, the maximum payment for one day of care must not
9.8 exceed the daily rate. The maximum payment for one week of care must not exceed the
9.9 weekly rate.

9.10 (e) If a child uses two providers under section 119B.097, the maximum payment must
9.11 not exceed:

9.12 (1) the daily rate for one day of care;

9.13 (2) the weekly rate for one week of care by the child's primary provider; and

9.14 (3) two daily rates during two weeks of care by a child's secondary provider.

9.15 (f) Child care providers receiving reimbursement under this chapter must not be paid
9.16 activity fees or an additional amount above the maximum rates for care provided during
9.17 nonstandard hours for families receiving assistance.

9.18 (g) If the provider charge is greater than the maximum provider rate allowed, the parent
9.19 is responsible for payment of the difference in the rates in addition to any family co-payment
9.20 fee.

9.21 (h) All maximum provider rates changes shall be implemented on the Monday following
9.22 the effective date of the maximum provider rate.

9.23 (i) ~~Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum registration~~
9.24 ~~fees in effect on January 1, 2013, shall remain in effect~~ Beginning September 21, 2020, the
9.25 maximum registration fee paid for child care assistance in any county or county price cluster
9.26 under the child care fund shall be the greater of the 25th percentile of the 2018 child care
9.27 provider rate survey, or the registration fee in effect at the time of the update. Maximum
9.28 registration fees must be set for licensed family child care providers and for child care
9.29 centers. For a child care provider located within the boundaries of a city located in two or
9.30 more of the counties of Benton, Sherburne, and Stearns, the maximum registration fee paid
9.31 for child care assistance shall be equal to the maximum registration fee paid in the county
9.32 with the highest maximum registration fee or the provider's charge, whichever is less.

10.1 **EFFECTIVE DATE.** This section is effective September 18, 2020.

10.2 Sec. 5. Minnesota Statutes 2019 Supplement, section 245A.05, is amended to read:

10.3 **245A.05 DENIAL OF APPLICATION.**

10.4 (a) The commissioner may deny a license if an applicant or controlling individual:

10.5 (1) fails to submit a substantially complete application after receiving notice from the
10.6 commissioner under section 245A.04, subdivision 1;

10.7 (2) fails to comply with applicable laws or rules;

10.8 (3) knowingly withholds relevant information from or gives false or misleading
10.9 information to the commissioner in connection with an application for a license or during
10.10 an investigation;

10.11 (4) has a disqualification that has not been set aside under section 245C.22 and no
10.12 variance has been granted;

10.13 (5) has an individual living in the household who received a background study under
10.14 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that
10.15 has not been set aside under section 245C.22, and no variance has been granted;

10.16 (6) is associated with an individual who received a background study under section
10.17 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to
10.18 children or vulnerable adults, and who has a disqualification that has not been set aside
10.19 under section 245C.22, and no variance has been granted;

10.20 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

10.21 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision
10.22 6;

10.23 (9) has a history of noncompliance as a license holder or controlling individual with
10.24 applicable laws or rules, including but not limited to this chapter and chapters 119B and
10.25 245C; ~~or~~

10.26 (10) is prohibited from holding a license according to section 245.095; or

10.27 (11) for family child foster care, has nondisqualifying background study information,
10.28 as described in section 245C.05, subdivision 4, that reflects on the individual's ability to
10.29 safely provide care to foster children.

10.30 (b) An applicant whose application has been denied by the commissioner must be given
10.31 notice of the denial, which must state the reasons for the denial in plain language. Notice

11.1 must be given by certified mail or personal service. The notice must state the reasons the
11.2 application was denied and must inform the applicant of the right to a contested case hearing
11.3 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may
11.4 appeal the denial by notifying the commissioner in writing by certified mail or personal
11.5 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20
11.6 calendar days after the applicant received the notice of denial. If an appeal request is made
11.7 by personal service, it must be received by the commissioner within 20 calendar days after
11.8 the applicant received the notice of denial. Section 245A.08 applies to hearings held to
11.9 appeal the commissioner's denial of an application.

11.10 **EFFECTIVE DATE.** This section is effective July 1, 2021.

11.11 Sec. 6. Minnesota Statutes 2019 Supplement, section 245A.07, subdivision 1, is amended
11.12 to read:

11.13 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
11.14 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
11.15 or secure an injunction against the continuing operation of the program of a license holder
11.16 who does not comply with applicable law or rule, or who has nondisqualifying background
11.17 study information, as described in section 245C.05, subdivision 4, that reflects on the license
11.18 holder's ability to safely provide care to foster children. When applying sanctions authorized
11.19 under this section, the commissioner shall consider the nature, chronicity, or severity of the
11.20 violation of law or rule and the effect of the violation on the health, safety, or rights of
11.21 persons served by the program.

11.22 (b) If a license holder appeals the suspension or revocation of a license and the license
11.23 holder continues to operate the program pending a final order on the appeal, the commissioner
11.24 shall issue the license holder a temporary provisional license. Unless otherwise specified
11.25 by the commissioner, variances in effect on the date of the license sanction under appeal
11.26 continue under the temporary provisional license. If a license holder fails to comply with
11.27 applicable law or rule while operating under a temporary provisional license, the
11.28 commissioner may impose additional sanctions under this section and section 245A.06, and
11.29 may terminate any prior variance. If a temporary provisional license is set to expire, a new
11.30 temporary provisional license shall be issued to the license holder upon payment of any fee
11.31 required under section 245A.10. The temporary provisional license shall expire on the date
11.32 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
11.33 license shall be issued for the remainder of the current license period.

12.1 (c) If a license holder is under investigation and the license issued under this chapter is
12.2 due to expire before completion of the investigation, the program shall be issued a new
12.3 license upon completion of the reapplication requirements and payment of any applicable
12.4 license fee. Upon completion of the investigation, a licensing sanction may be imposed
12.5 against the new license under this section, section 245A.06, or 245A.08.

12.6 (d) Failure to reapply or closure of a license issued under this chapter by the license
12.7 holder prior to the completion of any investigation shall not preclude the commissioner
12.8 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
12.9 of the investigation.

12.10 **EFFECTIVE DATE.** This section is effective July 1, 2021.

12.11 Sec. 7. Minnesota Statutes 2018, section 245A.16, is amended by adding a subdivision to
12.12 read:

12.13 **Subd. 9. Licensed family child foster care.** (a) Before recommending to deny a license
12.14 under section 245A.05 or revoke a license under section 245A.07 for nondisqualifying
12.15 background study information received under section 245C.05, subdivision 4, paragraph
12.16 (a), clause (3), for licensed family child foster care a county agency or private agency that
12.17 has been designated or licensed by the commissioner must review the following:

12.18 (1) the type of offense;

12.19 (2) the number of offenses;

12.20 (3) the nature of the offenses;

12.21 (4) the age of the individual at the time of the offense;

12.22 (5) the length of time that has elapsed since the last offense;

12.23 (6) the relationship of the offenses and the capacity to care for a child;

12.24 (7) evidence of rehabilitation;

12.25 (8) information or knowledge from community members regarding the individual's
12.26 capacity to provide foster care;

12.27 (9) a statement from the study subject;

12.28 (10) a statement from the license holder; and

12.29 (11) other aggravating and mitigating factors.

13.1 (b) When licensing a relative to provide family child foster care, the commissioner shall
13.2 also consider the importance of maintaining the child's relationship with relatives as an
13.3 additional significant factor in determining whether an application will be denied.

13.4 (c) The county or private licensing agency must send a summary of the review completed
13.5 according to paragraph (a), on a form developed by the commissioner, to the commissioner
13.6 and include any recommendation for licensing action.

13.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.

13.8 Sec. 8. Minnesota Statutes 2018, section 245C.02, is amended by adding a subdivision to
13.9 read:

13.10 Subd. 12a. **Licensed family child foster care.** "Licensed family child foster care"
13.11 includes providers who have submitted an application for family child foster care licensure
13.12 under section 245A.04, subdivision 1. Licensed family child foster care does not include
13.13 foster residence settings that meet the licensing requirements of Minnesota Rules, parts
13.14 2960.3200 to 2960.3230.

13.15 **EFFECTIVE DATE.** This section is effective July 1, 2021.

13.16 Sec. 9. Minnesota Statutes 2018, section 245C.05, subdivision 2c, is amended to read:

13.17 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each
13.18 background study, the entity initiating the study must provide the commissioner's privacy
13.19 notice to the background study subject required under section 13.04, subdivision 2. The
13.20 notice must be available through the commissioner's electronic NETStudy and NETStudy
13.21 2.0 systems and shall include the information in paragraphs (b) and (c).

13.22 (b) The background study subject shall be informed that any previous background studies
13.23 that received a set-aside will be reviewed, and without further contact with the background
13.24 study subject, the commissioner may notify the agency that initiated the subsequent
13.25 background study:

13.26 (1) that the individual has a disqualification that has been set aside for the program or
13.27 agency that initiated the study;

13.28 (2) the reason for the disqualification; and

13.29 (3) that information about the decision to set aside the disqualification will be available
13.30 to the license holder upon request without the consent of the background study subject.

13.31 (c) The background study subject must also be informed that:

14.1 (1) the subject's fingerprints collected for purposes of completing the background study
14.2 under this chapter must not be retained by the Department of Public Safety, Bureau of
14.3 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will
14.4 ~~only retain fingerprints of subjects with a criminal history~~ not retain background study
14.5 subjects' fingerprints;

14.6 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image
14.7 will be retained by the commissioner, and if the subject has provided the subject's Social
14.8 Security number for purposes of the background study, the photographic image will be
14.9 available to prospective employers and agencies initiating background studies under this
14.10 chapter to verify the identity of the subject of the background study;

14.11 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes of
14.12 verifying the identity of the background study subject, be able to view the identifying
14.13 information entered into NETStudy 2.0 by the entity that initiated the background study,
14.14 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
14.15 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
14.16 name and the date and time the subject's fingerprints were recorded and sent, only as
14.17 necessary for auditing and billing activities;

14.18 (4) the commissioner shall provide the subject notice, as required in section 245C.17,
14.19 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

14.20 (5) the subject may request in writing a report listing the entities that initiated a
14.21 background study on the individual as provided in section 245C.17, subdivision 1, paragraph
14.22 (b);

14.23 (6) the subject may request in writing that information used to complete the individual's
14.24 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,
14.25 paragraph (a), are met; and

14.26 (7) notwithstanding clause (6), the commissioner shall destroy:

14.27 (i) the subject's photograph after a period of two years when the requirements of section
14.28 245C.051, paragraph (c), are met; and

14.29 (ii) any data collected on a subject under this chapter after a period of two years following
14.30 the individual's death as provided in section 245C.051, paragraph (d).

15.1 Sec. 10. Minnesota Statutes 2018, section 245C.05, subdivision 2d, is amended to read:

15.2 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall
15.3 notify all background study subjects under this chapter that the Department of Human
15.4 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not
15.5 retain fingerprint data after a background study is completed, and that the Federal Bureau
15.6 of Investigation ~~only retains the fingerprints of subjects who have a criminal history~~ does
15.7 not retain background study subjects' fingerprints.

15.8 Sec. 11. Minnesota Statutes 2019 Supplement, section 245C.05, subdivision 4, is amended
15.9 to read:

15.10 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
15.11 Department of Human Services, the commissioner shall implement a secure system for the
15.12 electronic transmission of:

15.13 (1) background study information to the commissioner;

15.14 (2) background study results to the license holder;

15.15 (3) background study results and relevant underlying investigative information to county
15.16 and private agencies for background studies conducted by the commissioner for child foster
15.17 care, including a summary of nondisqualifying results, except as prohibited by law; and

15.18 (4) background study results to county agencies for background studies conducted by
15.19 the commissioner for adult foster care and family adult day services and, upon
15.20 implementation of NETStudy 2.0, family child care and legal nonlicensed child care
15.21 authorized under chapter 119B.

15.22 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a
15.23 license holder or an applicant must use the electronic transmission system known as
15.24 NETStudy or NETStudy 2.0 to submit all requests for background studies to the
15.25 commissioner as required by this chapter.

15.26 (c) A license holder or applicant whose program is located in an area in which high-speed
15.27 Internet is inaccessible may request the commissioner to grant a variance to the electronic
15.28 transmission requirement.

15.29 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
15.30 this subdivision.

15.31 **EFFECTIVE DATE.** This section is effective July 1, 2021.

16.1 Sec. 12. Minnesota Statutes 2019 Supplement, section 245C.08, subdivision 3, is amended
16.2 to read:

16.3 Subd. 3. **Arrest and investigative information.** (a) For any background study completed
16.4 under this section, if the commissioner has reasonable cause to believe the information is
16.5 pertinent to the disqualification of an individual, the commissioner also may review arrest
16.6 and investigative information from:

16.7 (1) the Bureau of Criminal Apprehension;

16.8 (2) the commissioners of health and human services;

16.9 (3) a county attorney;

16.10 (4) a county sheriff;

16.11 (5) a county agency;

16.12 (6) a local chief of police;

16.13 (7) other states;

16.14 (8) the courts;

16.15 (9) the Federal Bureau of Investigation;

16.16 (10) the National Criminal Records Repository; and

16.17 (11) criminal records from other states.

16.18 (b) Except when specifically required by law, the commissioner is not required to conduct
16.19 more than one review of a subject's records from the Federal Bureau of Investigation if a
16.20 review of the subject's criminal history with the Federal Bureau of Investigation has already
16.21 been completed by the commissioner and there has been no break in the subject's affiliation
16.22 with the entity that initiated the background study.

16.23 (c) If the commissioner conducts a national criminal history record check when required
16.24 by law and uses the information from the national criminal history record check to make a
16.25 disqualification determination, the data obtained is private data and cannot be shared with
16.26 ~~county agencies, private agencies, or prospective employers of the background study subject.~~

16.27 (d) If the commissioner conducts a national criminal history record check when required
16.28 by law and uses the information from the national criminal history record check to make a
16.29 disqualification determination, the license holder or entity that submitted the study is not
16.30 required to obtain a copy of the background study subject's disqualification letter under
16.31 section 245C.17, subdivision 3.

17.1 **EFFECTIVE DATE.** This section is effective July 1, 2020.

17.2 Sec. 13. Minnesota Statutes 2018, section 245C.14, subdivision 1, is amended to read:

17.3 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
17.4 disqualify an individual who is the subject of a background study from any position allowing
17.5 direct contact with persons receiving services from the license holder or entity identified in
17.6 section 245C.03, upon receipt of information showing, or when a background study
17.7 completed under this chapter shows any of the following:

17.8 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
17.9 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
17.10 or misdemeanor level crime;

17.11 (2) a preponderance of the evidence indicates the individual has committed an act or
17.12 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
17.13 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
17.14 misdemeanor level crime; or

17.15 (3) an investigation results in an administrative determination listed under section
17.16 245C.15, subdivision 4, paragraph (b).

17.17 (b) No individual who is disqualified following a background study under section
17.18 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
17.19 persons served by a program or entity identified in section 245C.03, unless the commissioner
17.20 has provided written notice under section 245C.17 stating that:

17.21 (1) the individual may remain in direct contact during the period in which the individual
17.22 may request reconsideration as provided in section 245C.21, subdivision 2;

17.23 (2) the commissioner has set aside the individual's disqualification for that program or
17.24 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

17.25 (3) the license holder has been granted a variance for the disqualified individual under
17.26 section 245C.30.

17.27 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
17.28 with a licensed family child foster care provider, the commissioner shall disqualify an
17.29 individual who is the subject of a background study from any position allowing direct contact
17.30 with persons receiving services from the license holder or entity identified in section 245C.03,
17.31 upon receipt of information showing, or when a background study completed under this
17.32 chapter shows reason for disqualification under section 245C.15, subdivision 6.

18.1 **EFFECTIVE DATE.** This section is effective July 1, 2021.

18.2 Sec. 14. Minnesota Statutes 2018, section 245C.15, is amended by adding a subdivision
18.3 to read:

18.4 Subd. 6. **Licensed family child foster care disqualifications.** (a) Notwithstanding
18.5 subdivisions 1 to 5, for a background study affiliated with a licensed family child foster
18.6 care, regardless of how much time has passed, an individual is disqualified under section
18.7 245C.14 if the individual committed an act that resulted in a felony-level conviction for:
18.8 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
18.9 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
18.10 the second degree); 609.2112 (criminal vehicular homicide); 609.223, subdivision 2 (assault
18.11 in the third degree, past pattern of child abuse); 609.223, subdivision 3 (assault in the third
18.12 degree, victim under four); a felony offense under sections 609.2242 and 609.2243 (domestic
18.13 assault, spousal abuse, child abuse or neglect, or a crime against children); 609.2247
18.14 (domestic assault by strangulation); 609.25 (kidnapping); 609.255 (false imprisonment);
18.15 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662
18.16 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in
18.17 the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665
18.18 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child
18.19 in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268
18.20 (injury or death of an unborn child in the commission of a crime); 609.324, subdivision 1
18.21 (other prohibited acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution);
18.22 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in
18.23 the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal
18.24 sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
18.25 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage
18.26 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or
18.27 endangerment of a child); 617.246 (use of minors in sexual performance prohibited); or
18.28 617.247 (possession of pictorial representations of minors).

18.29 (b) Notwithstanding subdivisions 1 to 5, for the purposes of a background study affiliated
18.30 with a licensed family foster care license, an individual is disqualified under section 245C.14,
18.31 regardless of how much time has passed, if the individual:

18.32 (1) committed an action under paragraph (d) that resulted in death or involved sexual
18.33 abuse;

19.1 (2) committed an act that resulted in a felony-level conviction for section 609.746
19.2 (interference with privacy);

19.3 (3) committed an act that resulted in a gross misdemeanor-level conviction for section
19.4 609.3451 (criminal sexual conduct in the fifth degree); or

19.5 (4) committed an act against or involving a minor that resulted in a felony-level conviction
19.6 for: section 609.221 (assault in the first degree); 609.222 (assault in the second degree);
19.7 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree);
19.8 or 609.224, subdivision 4 (assault in the fifth degree).

19.9 (c) Notwithstanding subdivisions 1 to 5, for a background study affiliated with a licensed
19.10 family child foster care license, an individual is disqualified under section 245C.14 if:

19.11 (1) less than five years have passed since the termination of parental rights under section
19.12 260C.301, subdivision 1, paragraph (b);

19.13 (2) less than five years have passed since a felony-level conviction for: section 152.021
19.14 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the
19.15 second degree); 152.023 (controlled substance crime in the third degree); 152.024 (controlled
19.16 substance crime in the fourth degree); 152.025 (controlled substance crime in the fifth
19.17 degree); 152.0261 (importing controlled substances across state borders); 152.0262,
19.18 subdivision 1, paragraph (b) (possession of substance with intent to manufacture
19.19 methamphetamine); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic
19.20 cannabinoids); 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances);
19.21 152.136 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities);
19.22 152.137 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24
19.23 (felony first-degree driving while impaired); 243.166 (violation of predatory offender
19.24 registration requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114
19.25 (criminal vehicular operation; unborn child); 609.228 (great bodily harm caused by
19.26 distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult); 609.235 (use of
19.27 drugs to injure or facilitate a crime); 609.322 (solicitation, inducement, and promotion of
19.28 prostitution; sex trafficking); 609.561 (arson in the first degree); 609.562 (arson in the
19.29 second degree); 609.563 (arson in the third degree); 609.66, subdivision 1e (felony drive-by
19.30 shooting); 609.687 (adulteration); 609.749, subdivision 3, 4, or 5 (felony-level harassment
19.31 or stalking); or 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility);
19.32 or

19.33 (3) less than five years have passed since a felony-level conviction for an act not against
19.34 or involving a minor that constitutes: section 609.221 (assault in the first degree); 609.222

20.1 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231
20.2 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the fifth degree).

20.3 (d) Notwithstanding subdivisions 1 to 5, except as provided in paragraph (a), for a
20.4 background study affiliated with a licensed family child foster care license, an individual
20.5 is disqualified under section 245C.14 if less than five years have passed since:

20.6 (1) a determination or disposition of the individual's failure to make required reports
20.7 under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which the
20.8 final disposition under section 626.556 or 626.557 was substantiated maltreatment and the
20.9 maltreatment was recurring or serious;

20.10 (2) a determination or disposition of the individual's substantiated serious or recurring
20.11 maltreatment of a minor under section 626.556, a vulnerable adult under section 626.557,
20.12 or serious or recurring maltreatment in any other state, the elements of which are substantially
20.13 similar to the elements of maltreatment under section 626.556 or 626.557 and meet the
20.14 definition of serious maltreatment or recurring maltreatment;

20.15 (3) the termination of the individual's parental rights under section 260C.301, subdivision
20.16 1, paragraph (a); or

20.17 (4) a gross misdemeanor-level conviction for: section 609.746 (interference with privacy);
20.18 609.2242 and 609.2243 (domestic assault); 609.377 (malicious punishment of a child); or
20.19 609.378 (neglect or endangerment of a child).

20.20 **EFFECTIVE DATE.** This section is effective July 1, 2021.

20.21 Sec. 15. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 1, is amended
20.22 to read:

20.23 Subdivision 1. **Minimum disqualification periods.** The disqualification periods under
20.24 subdivisions 3 to ~~5~~ 6 are the minimum applicable disqualification periods. The commissioner
20.25 may determine that an individual should continue to be disqualified from licensure because
20.26 the individual continues to pose a risk of harm to persons served by that individual, even
20.27 after the minimum disqualification period has passed.

20.28 **EFFECTIVE DATE.** This section is effective July 1, 2021.

21.1 Sec. 16. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 2, is amended
21.2 to read:

21.3 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
21.4 paragraphs (b) to ~~(e)~~ (f), the commissioner may not set aside the disqualification of any
21.5 individual disqualified pursuant to this chapter, regardless of how much time has passed,
21.6 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
21.7 1.

21.8 (b) For an individual in the chemical dependency or corrections field who was disqualified
21.9 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification
21.10 was set aside prior to July 1, 2005, the commissioner must consider granting a variance
21.11 pursuant to section 245C.30 for the license holder for a program dealing primarily with
21.12 adults. A request for reconsideration evaluated under this paragraph must include a letter
21.13 of recommendation from the license holder that was subject to the prior set-aside decision
21.14 addressing the individual's quality of care to children or vulnerable adults and the
21.15 circumstances of the individual's departure from that service.

21.16 (c) If an individual who requires a background study for nonemergency medical
21.17 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
21.18 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
21.19 passed since the discharge of the sentence imposed, the commissioner may consider granting
21.20 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
21.21 paragraph must include a letter of recommendation from the employer. This paragraph does
21.22 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
21.23 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
21.24 clause (1); 617.246; or 617.247.

21.25 (d) When a licensed foster care provider adopts an individual who had received foster
21.26 care services from the provider for over six months, and the adopted individual is required
21.27 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
21.28 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
21.29 to permit the adopted individual with a permanent disqualification to remain affiliated with
21.30 the license holder under the conditions of the variance when the variance is recommended
21.31 by the county of responsibility for each of the remaining individuals in placement in the
21.32 home and the licensing agency for the home.

21.33 (e) For an individual 18 years of age or older affiliated with a licensed family child foster
21.34 care program, the commissioner must not set aside the disqualification of any individual

22.1 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual
22.2 was disqualified for a crime or conduct listed in section 245C.15, subdivision 6, paragraph
22.3 (a).

22.4 (f) In connection with a license for family child foster care, the commissioner may grant
22.5 a variance to the disqualification for an individual who is under 18 years of age at the time
22.6 the background study is submitted.

22.7 **EFFECTIVE DATE.** This section is effective July 1, 2021.

22.8 Sec. 17. Minnesota Statutes 2019 Supplement, section 245C.24, subdivision 3, is amended
22.9 to read:

22.10 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set
22.11 aside the disqualification of an individual in connection with a license to provide family
22.12 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day
22.13 care services for adults in the provider's home if: (1) less than ten years has passed since
22.14 the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based
22.15 on a preponderance of evidence determination under section 245C.14, subdivision 1,
22.16 paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph
22.17 (a), clause (1), and less than ten years has passed since the individual committed the act or
22.18 admitted to committing the act, whichever is later; and (3) the individual has committed a
22.19 violation of any of the following offenses: sections 609.165 (felon ineligible to possess
22.20 firearm); criminal vehicular homicide or criminal vehicular operation causing death under
22.21 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding
22.22 suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault
22.23 in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713
22.24 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple
22.25 robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);
22.26 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
22.27 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous
22.28 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);
22.29 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled
22.30 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or
22.31 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,
22.32 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);
22.33 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable
22.34 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or

23.1 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a
23.2 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
23.3 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in
23.4 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,
23.5 second, or third degree); 609.268 (injury or death of an unborn child in the commission of
23.6 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or
23.7 displaying harmful material to minors); a felony-level conviction involving alcohol or drug
23.8 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a
23.9 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross
23.10 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision
23.11 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess
23.12 firearms); or Minnesota Statutes 2012, section 609.21.

23.13 (b) The commissioner may not set aside the disqualification of an individual if less than
23.14 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to
23.15 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in
23.16 Minnesota Statutes.

23.17 (c) The commissioner may not set aside the disqualification of an individual if less than
23.18 ten years have passed since the discharge of the sentence imposed for an offense in any
23.19 other state or country, the elements of which are substantially similar to the elements of any
23.20 of the offenses listed in paragraph (a).

23.21 **EFFECTIVE DATE.** This section is effective July 1, 2021.

23.22 Sec. 18. Minnesota Statutes 2018, section 245C.24, subdivision 4, is amended to read:

23.23 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set
23.24 aside the disqualification of an individual in connection with a license to provide family
23.25 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day
23.26 care services for adults in the provider's home if within seven years preceding the study:

23.27 (1) the individual committed an act that constitutes maltreatment of a child under section
23.28 626.556, subdivision 10e, and the maltreatment resulted in substantial bodily harm as defined
23.29 in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by
23.30 competent psychological or psychiatric evidence; or

23.31 (2) the individual was determined under section 626.557 to be the perpetrator of a
23.32 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial

24.1 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional
24.2 harm as supported by competent psychological or psychiatric evidence.

24.3 **EFFECTIVE DATE.** This section is effective July 1, 2021.

24.4 Sec. 19. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision
24.5 to read:

24.6 Subd. 6. **Five-year bar to set aside disqualification; family child foster care.** (a) The
24.7 commissioner shall not set aside the disqualification of an individual 18 years of age or
24.8 older in connection with a license for foster care for children in the provider's home if within
24.9 five years preceding the study the individual is convicted of a felony in section 245C.15,
24.10 subdivision 6, paragraph (c).

24.11 (b) In connection with a license for family child foster care, the commissioner may set
24.12 aside or grant a variance to the disqualification for an individual who is under 18 years of
24.13 age at the time the background study is submitted.

24.14 **EFFECTIVE DATE.** This section is effective July 1, 2021.

24.15 Sec. 20. Minnesota Statutes 2019 Supplement, section 256B.0659, subdivision 11, as
24.16 amended by Laws 2020, chapter 115, article 4, section 128, is amended to read:

24.17 Subd. 11. **Personal care assistant; requirements.** (a) A personal care assistant must
24.18 meet the following requirements:

24.19 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years of
24.20 age with these additional requirements:

24.21 (i) supervision by a qualified professional every 60 days; and

24.22 (ii) employment by only one personal care assistance provider agency responsible for
24.23 compliance with current labor laws;

24.24 (2) be employed by a personal care assistance provider agency;

24.25 (3) enroll with the department as a personal care assistant after clearing a background
24.26 study. Except as provided in subdivision 11a, before a personal care assistant provides
24.27 services, the personal care assistance provider agency must initiate a background study on
24.28 the personal care assistant under chapter 245C, and the personal care assistance provider
24.29 agency must have received a notice from the commissioner that the personal care assistant
24.30 is:

24.31 (i) not disqualified under section 245C.14; or

25.1 (ii) disqualified, but the personal care assistant has received a set aside of the
25.2 disqualification under section 245C.22;

25.3 (4) be able to effectively communicate with the recipient and personal care assistance
25.4 provider agency;

25.5 (5) be able to provide covered personal care assistance services according to the recipient's
25.6 personal care assistance care plan, respond appropriately to recipient needs, and report
25.7 changes in the recipient's condition to the supervising qualified professional, physician, or
25.8 advanced practice registered nurse;

25.9 (6) not be a consumer of personal care assistance services;

25.10 (7) maintain daily written records including, but not limited to, time sheets under
25.11 subdivision 12;

25.12 (8) effective January 1, 2010, complete standardized training as determined by the
25.13 commissioner before completing enrollment. The training must be available in languages
25.14 other than English and to those who need accommodations due to disabilities. Personal care
25.15 assistant training must include successful completion of the following training components:
25.16 basic first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic
25.17 roles and responsibilities of personal care assistants including information about assistance
25.18 with lifting and transfers for recipients, emergency preparedness, orientation to positive
25.19 behavioral practices, fraud issues, and completion of time sheets. Upon completion of the
25.20 training components, the personal care assistant must demonstrate the competency to provide
25.21 assistance to recipients;

25.22 (9) complete training and orientation on the needs of the recipient; and

25.23 (10) be limited to providing and being paid for up to ~~275~~ 310 hours per month of personal
25.24 care assistance services regardless of the number of recipients being served or the number
25.25 of personal care assistance provider agencies enrolled with. The number of hours worked
25.26 per day shall not be disallowed by the department unless in violation of the law.

25.27 (b) A legal guardian may be a personal care assistant if the guardian is not being paid
25.28 for the guardian services and meets the criteria for personal care assistants in paragraph (a).

25.29 (c) Persons who do not qualify as a personal care assistant include parents, stepparents,
25.30 and legal guardians of minors; spouses; paid legal guardians of adults; family foster care
25.31 providers, except as otherwise allowed in section 256B.0625, subdivision 19a; and staff of
25.32 a residential setting.

26.1 (d) Personal care assistance services qualify for the enhanced rate described in subdivision
26.2 17a if the personal care assistant providing the services:

26.3 (1) provides covered services to a recipient who qualifies for 12 or more hours per day
26.4 of personal care assistance services; and

26.5 (2) satisfies the current requirements of Medicare for training and competency or
26.6 competency evaluation of home health aides or nursing assistants, as provided in the Code
26.7 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
26.8 training or competency requirements.

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

26.10 Sec. 21. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 16, is amended
26.11 to read:

26.12 Subd. 16. **Support workers requirements.** (a) Support workers shall:

26.13 (1) enroll with the department as a support worker after a background study under chapter
26.14 245C has been completed and the support worker has received a notice from the
26.15 commissioner that the support worker:

26.16 (i) is not disqualified under section 245C.14; or

26.17 (ii) is disqualified, but has received a set-aside of the disqualification under section
26.18 245C.22;

26.19 (2) have the ability to effectively communicate with the participant or the participant's
26.20 representative;

26.21 (3) have the skills and ability to provide the services and supports according to the
26.22 participant's CFSS service delivery plan and respond appropriately to the participant's needs;

26.23 (4) complete the basic standardized CFSS training as determined by the commissioner
26.24 before completing enrollment. The training must be available in languages other than English
26.25 and to those who need accommodations due to disabilities. CFSS support worker training
26.26 must include successful completion of the following training components: basic first aid,
26.27 vulnerable adult, child maltreatment, OSHA universal precautions, basic roles and
26.28 responsibilities of support workers including information about basic body mechanics,
26.29 emergency preparedness, orientation to positive behavioral practices, orientation to
26.30 responding to a mental health crisis, fraud issues, time cards and documentation, and an
26.31 overview of person-centered planning and self-direction. Upon completion of the training

27.1 components, the support worker must pass the certification test to provide assistance to
27.2 participants;

27.3 (5) complete employer-directed training and orientation on the participant's individual
27.4 needs;

27.5 (6) maintain the privacy and confidentiality of the participant; and

27.6 (7) not independently determine the medication dose or time for medications for the
27.7 participant.

27.8 (b) The commissioner may deny or terminate a support worker's provider enrollment
27.9 and provider number if the support worker:

27.10 (1) does not meet the requirements in paragraph (a);

27.11 (2) fails to provide the authorized services required by the employer;

27.12 (3) has been intoxicated by alcohol or drugs while providing authorized services to the
27.13 participant or while in the participant's home;

27.14 (4) has manufactured or distributed drugs while providing authorized services to the
27.15 participant or while in the participant's home; or

27.16 (5) has been excluded as a provider by the commissioner of human services, or by the
27.17 United States Department of Health and Human Services, Office of Inspector General, from
27.18 participation in Medicaid, Medicare, or any other federal health care program.

27.19 (c) A support worker may appeal in writing to the commissioner to contest the decision
27.20 to terminate the support worker's provider enrollment and provider number.

27.21 (d) A support worker must not provide or be paid for more than ~~275~~ 310 hours of CFSS
27.22 per month, regardless of the number of participants the support worker serves or the number
27.23 of agency-providers or participant employers by which the support worker is employed.
27.24 The department shall not disallow the number of hours per day a support worker works
27.25 unless it violates other law.

27.26 (e) CFSS qualify for an enhanced rate if the support worker providing the services:

27.27 (1) provides services, within the scope of CFSS described in subdivision 7, to a participant
27.28 who qualifies for 12 or more hours per day of CFSS; and

27.29 (2) satisfies the current requirements of Medicare for training and competency or
27.30 competency evaluation of home health aides or nursing assistants, as provided in the Code

28.1 of Federal Regulations, title 42, section 483.151 or 484.36, or alternative state-approved
28.2 training or competency requirements.

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

28.4 Sec. 22. Minnesota Statutes 2018, section 609.855, subdivision 1, is amended to read:

28.5 Subdivision 1. **Unlawfully obtaining services; misdemeanor.** (a) A person is guilty
28.6 of a misdemeanor who intentionally obtains or attempts to obtain service for himself, herself,
28.7 or another person from a provider of public transit or from a public conveyance by doing
28.8 any of the following:

28.9 (1) occupies or rides in any public transit vehicle without paying the applicable fare or
28.10 otherwise obtaining the consent of the transit provider including:

28.11 (i) the use of a reduced fare when a person is not eligible for the fare; or

28.12 (ii) the use of a fare medium issued solely for the use of a particular individual by another
28.13 individual;

28.14 (2) presents a falsified, counterfeit, photocopied, or other deceptively manipulated fare
28.15 medium as fare payment or proof of fare payment;

28.16 (3) sells, provides, copies, reproduces, or creates any version of any fare medium without
28.17 the consent of the transit provider; or

28.18 (4) puts or attempts to put any of the following into any fare box, pass reader, ticket
28.19 vending machine, or other fare collection equipment of a transit provider:

28.20 (i) papers, articles, instruments, or items other than fare media or currency; or

28.21 (ii) a fare medium that is not valid for the place or time at, or the manner in, which it is
28.22 used.

28.23 (b) Where self-service barrier-free fare collection is utilized by a public transit provider,
28.24 it is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon
28.25 the request of an authorized transit representative when entering, riding upon, or leaving a
28.26 transit vehicle or when present in a designated paid fare zone located in a transit facility.

28.27 **EFFECTIVE DATE.** This section is effective August 1, 2021.

28.28 Sec. 23. Minnesota Statutes 2018, section 609.855, subdivision 7, is amended to read:

28.29 Subd. 7. **Definitions.** (a) The definitions in this subdivision apply in this section.

28.30 (b) "Public transit" or "transit" has the meaning given in section 174.22, subdivision 7.

29.1 (c) "Public transit vehicle" or "transit vehicle" means any vehicle used for the purpose
29.2 of providing public transit, whether or not the vehicle is owned or operated by a public
29.3 entity.

29.4 (d) "Public transit facilities" or "transit facilities" means any vehicles, equipment,
29.5 property, structures, stations, improvements, plants, parking or other facilities, or rights that
29.6 are owned, leased, held, or used for the purpose of providing public transit, whether or not
29.7 the facility is owned or operated by a public entity.

29.8 (e) "Fare medium" means a ticket, smart card, pass, coupon, token, transfer, or other
29.9 medium sold or distributed by a public transit provider, or its authorized agents, for use in
29.10 gaining entry to or use of the public transit facilities or vehicles of the provider.

29.11 (f) "Proof of fare payment" means a fare medium valid for the place or time at, or the
29.12 manner in, which it is used. If using a reduced-fare medium, proof of fare payment also
29.13 includes proper identification demonstrating a person's eligibility for the reduced fare. If
29.14 using a fare medium issued solely for the use of a particular individual, proof of fare payment
29.15 also includes an identification document bearing a photographic likeness of the individual
29.16 and demonstrating that the individual is the person to whom the fare medium is issued.

29.17 (g) "Authorized transit representative" means the person authorized by the transit provider
29.18 to operate the transit vehicle, a peace officer, a transit agent, or any other person designated
29.19 by the transit provider as an authorized transit ~~provider~~ representative under this section.

29.20 (h) "Transit agent" means a peace officer, a community service officer, or a person who
29.21 is authorized by the transit provider to issue administrative citations as provided in this
29.22 section.

29.23 **EFFECTIVE DATE.** This section is effective August 1, 2021.

29.24 Sec. 24. Minnesota Statutes 2018, section 609.855, is amended by adding a subdivision
29.25 to read:

29.26 **Subd. 8. Administrative citations.** (a) Subject to requirements established by the transit
29.27 provider, a transit agent may issue an administrative citation to a person who commits a
29.28 violation under subdivision 1, paragraph (a), clause (1), or paragraph (b), or under subdivision
29.29 3, if:

29.30 (1) the violation occurs in a transit vehicle or transit facility;

29.31 (2) the transit vehicle or transit facility utilizes self-service barrier-free fare collection;

29.32 and

30.1 (3) the public transit service is operated, whether in whole or in part, in the metropolitan
30.2 area, as defined in section 473.121, subdivision 2.

30.3 (b) A transit agent has the exclusive authority to issue an administrative citation under
30.4 this subdivision.

30.5 (c) Issuance of an administrative citation prevents imposition of a citation under
30.6 subdivision 1, paragraph (a), clause (1), or paragraph (b), or under subdivision 3, as
30.7 appropriate, and any criminal citation arising from the same conduct.

30.8 (d) A person who is issued an administrative citation under this subdivision must, within
30.9 90 days of issuance, pay a fine of \$35 or contest the citation. A person who fails to either
30.10 pay the fine or contest the citation within the specified period is considered to have waived
30.11 the contested citation process and is subject to collections, including collection costs.

30.12 (e) The transit provider must provide a civil process that allows a person to contest an
30.13 administrative citation before a neutral third party. The transit provider may employ a person
30.14 not associated with its transit operations, or enter into an agreement with another unit of
30.15 government, to hear and rule on challenges to administrative citations.

30.16 (f) Fines under this subdivision must be collected by the transit provider and maintained
30.17 in a separate account that is only used to cover the costs of enforcement activities under
30.18 this section.

30.19 (g) An administrative citation must include notification that the person has the right to
30.20 contest the citation, basic procedures for contesting the citation, and information on the
30.21 timeline and consequences related to the citation.

30.22 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to violations
30.23 committed on or after that date.

30.24 **Sec. 25. TRANSPORTATION APPROPRIATIONS.**

30.25 The sums shown in the columns marked "Appropriations" are added to the appropriations
30.26 in Laws 2019, First Special Session chapter 3, article 1, to the agencies and for the purposes
30.27 specified in sections 11 and 12. The appropriations are from the trunk highway fund, or
30.28 another named fund, and are available for the fiscal years indicated for each purpose. The
30.29 figures "2020" and "2021" used below mean that the appropriations listed under them in
30.30 sections 11 and 12 are available for the fiscal year ending June 30, 2020, or June 30, 2021,
30.31 respectively.

30.32 **APPROPRIATIONS**
30.33 **Available for the Year**

	<u>Ending June 30</u>	
	<u>2020</u>	<u>2021</u>
31.1		
31.2		
31.3	Sec. 26. <u>METROPOLITAN COUNCIL</u>	
31.4	<u>Transit System Operations</u>	<u>-0-</u> <u>3,703,000</u>
31.5	<u>This appropriation is from the general fund to</u>	
31.6	<u>the Metropolitan Council for transit system</u>	
31.7	<u>operations under Minnesota Statutes, sections</u>	
31.8	<u>473.371 to 473.449, to provide additional</u>	
31.9	<u>transit safety improvements and fare</u>	
31.10	<u>compliance measures on Metro Transit light</u>	
31.11	<u>rail and transitway service, including an</u>	
31.12	<u>administrative citations program, additional</u>	
31.13	<u>law enforcement staffing, and enhanced</u>	
31.14	<u>monitoring.</u>	
31.15	<u>The base for transit system operations is</u>	
31.16	<u>\$37,551,000 in fiscal year 2022 and</u>	
31.17	<u>\$39,632,000 in fiscal year 2023.</u>	
31.18	Sec. 27. <u>DEPARTMENT OF PUBLIC SAFETY</u>	
31.19	<u>Subdivision 1. Appropriations</u>	
31.20	<u>The appropriations in this section are to the</u>	
31.21	<u>commissioner of public safety. The amounts</u>	
31.22	<u>that may be spent for each purpose are</u>	
31.23	<u>specified in the following subdivisions.</u>	
31.24	<u>Subd. 2. Patrolling Highways</u>	<u>\$ -0- \$ 7,168,000</u>
31.25	<u>This appropriation is for staff and operating</u>	
31.26	<u>costs.</u>	
31.27	<u>The base from the trunk highway fund for</u>	
31.28	<u>patrolling highways is \$102,452,000 in each</u>	
31.29	<u>of fiscal years 2022 and 2023.</u>	
31.30	<u>Subd. 3. Commercial Vehicle Enforcement</u>	<u>\$ -0- \$ 648,000</u>
31.31	<u>This appropriation is for staff and operating</u>	
31.32	<u>costs.</u>	

32.1 The base for commercial vehicle enforcement
32.2 is \$9,686,000 in each of fiscal years 2022 and
32.3 2023.

32.4 Subd. 4. Capitol Security \$ -0- \$ 1,278,000

32.5 This appropriation is from the general fund
32.6 for staff and operating costs.

32.7 The base for capitol security is \$10,528,000
32.8 in each of fiscal years 2022 and 2023.

32.9 Sec. 28. TEMPORARY PERSONAL CARE ASSISTANCE COMPENSATION FOR
32.10 SERVICES PROVIDED BY A PARENT OR SPOUSE.

32.11 (a) Notwithstanding Minnesota Statutes, section 256B.0659, subdivisions 3, paragraph
32.12 (a), clause (1); 11, paragraph (c); and 19, paragraph (b), clause (3), during a peacetime
32.13 emergency declared by the governor under Minnesota Statutes, section 12.31, subdivision
32.14 2, for an outbreak of COVID-19, a parent, stepparent, or legal guardian of a minor who is
32.15 a personal care assistance recipient or a spouse of a personal care assistance recipient may
32.16 provide and be paid for providing personal care assistance services.

32.17 (b) This section expires January 31, 2021, or 60 days after the peacetime emergency
32.18 declared by the governor under Minnesota Statutes, section 12.31, subdivision 2, for an
32.19 outbreak of COVID-19, is terminated or rescinded by proper authority, whichever is earlier.

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

32.23 Sec. 29. PERSONAL CARE ASSISTANCE TEMPORARY RATE INCREASE.

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

32.26 (b) "Commissioner" means the commissioner of human services.

32.27 (c) "Covered program" has the meaning given in Minnesota Statutes, section 256B.0711,
32.28 subdivision 1, paragraph (b).

32.29 (d) "Direct support professional" means an individual employed to personally provide
32.30 personal care assistance services covered by medical assistance under Minnesota Statutes,
32.31 section 256B.0625, subdivisions 19a and 19c; or to personally provide medical assistance

33.1 services covered under Minnesota Statutes, sections 256B.0913, 256B.092, 256B.49, or
33.2 chapter 256S. Direct support professional does not include managerial or administrative
33.3 staff who do not personally provide the services described in this paragraph.

33.4 (e) "Direct support services" has the meaning given in Minnesota Statutes, section
33.5 256B.0711, subdivision 1, paragraph (c).

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

33.10 (b) Providers that receive a rate increase under this section must:

33.11 (1) use at least 80 percent of the additional revenue to increase wages, salaries, and
33.12 benefits for personal care assistants and any corresponding increase in the employer's share
33.13 of FICA taxes, Medicare taxes, state and federal unemployment taxes, and workers'
33.14 compensation premiums; and

33.15 (2) use any remainder of the additional revenue for activities and items necessary to
33.16 support compliance with Centers for Disease Control and Prevention guidance on sanitation
33.17 and personal protective equipment.

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

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

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

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

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

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

34.9 (b) By September 15, 2020, the provider must post the distribution plan for a period of
34.10 at least six weeks in an area of the provider's operation to which all direct support
34.11 professionals have access. The provider must post with the distribution plan instructions on
34.12 how to contact the commissioner if direct support professionals do not believe they have
34.13 received the wage increase or benefits specified in the distribution plan. The instructions
34.14 must include a mailing address, e-mail address, and telephone number that the direct support
34.15 professional may use to contact the commissioner or the commissioner's representative.

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

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

34.23 Sec. 30. **APPROPRIATION; PERSONAL CARE ASSISTANCE.**

34.24 \$21,002,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
34.25 of human services to implement the personal care assistance provisions in this act.

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

34.27 Sec. 31. **DIRECTION TO COMMISSIONER; ALLOCATING BASIC SLIDING**
34.28 **FEE FUNDS.**

34.29 Notwithstanding Minnesota Statutes, section 119B.03, subdivisions 6, 6a, and 6b, the
34.30 commissioner must allocate the additional basic sliding fee child care funds for calendar
34.31 year 2021 to counties for updated maximum rates based on relative need to cover maximum

35.1 rate increases. In distributing the additional funds, the commissioner shall consider the
35.2 following factors by county:

35.3 (1) number of children;

35.4 (2) provider type;

35.5 (3) age of children; and

35.6 (4) amount of the increase in maximum rates.

35.7 **Sec. 32. DIRECTION TO THE COMMISSIONER; CHILD CARE AND**
35.8 **DEVELOPMENT BLOCK GRANT ALLOCATION.**

35.9 (a) The commissioner shall allocate \$20,439,000 in fiscal year 2021, \$32,710,000 in
35.10 fiscal year 2022, and \$32,648,000 in fiscal year 2023 from the child care development block
35.11 grant amount in the federal fund for the rate increase under section 4, paragraph (a).

35.12 (b) When increased federal discretionary child care development block grant funding is
35.13 used to pay for the rate increase under paragraph (a) of this section, the commissioner, in
35.14 consultation with the commissioner of management and budget, may adjust the amount of
35.15 working family credit expenditures as needed to meet the state's maintenance of effort
35.16 requirements for the TANF block grant.

35.17 **Sec. 33. APPROPRIATION; SELF-ADMINISTERED MEDICATION-ASSISTED**
35.18 **TREATMENT.**

35.19 \$28,909,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
35.20 of human services for repayment to the federal Centers for Medicare and Medicaid Services
35.21 for the federal share of identified overpayments to the Leech Lake Band of Ojibwe and the
35.22 White Earth Band of Ojibwe for self-administered medication-assisted treatment from the
35.23 beginning of fiscal year 2014 through the end of fiscal year 2019. If the Leech Lake Band
35.24 of Ojibwe and the White Earth Band of Ojibwe are required by law to repay the
35.25 overpayments, the commissioner of human services may pay up to \$14,666,000 to the Leech
35.26 Lake Band of Ojibwe and up to \$14,242,000 to the White Earth Band of Ojibwe for each
35.27 to comply with repayment requirements. This is a onetime appropriation.

35.28 **Sec. 34. APPROPRIATION; INSTITUTIONS FOR MENTAL DISEASE**
35.29 **PAYMENTS.**

35.30 \$8,812,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
35.31 of human services to reimburse counties for the value of the commissioner's estimate of the

36.1 statewide county share of costs for which federal funds were claimed, but were not eligible
36.2 for federal funding for substance use disorder services provided in institutions for mental
36.3 disease, for claims paid between January 1, 2014, and June 30, 2019. The commissioner of
36.4 human services shall allocate this appropriation between counties in proportion to each
36.5 county's estimated county share versus the estimated statewide county share. Prior to payment
36.6 of the allocated amount to a county, the county must pay in full any unpaid consolidated
36.7 chemical dependency treatment fund invoiced county share. This is a onetime appropriation.

36.8 **Sec. 35. APPROPRIATIONS; DIRECT CARE AND TREATMENT.**

36.9 (a) \$6,124,000 in fiscal year 2021 is appropriated from the general fund to the
36.10 commissioner of human services for forensic services programs. This is a onetime
36.11 appropriation.

36.12 (b) \$4,715,000 in fiscal year 2021 is appropriated from the general fund to the
36.13 commissioner of human services for the sex offender program. This is a onetime
36.14 appropriation.

36.15 (c) \$463,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
36.16 of human services for direct care and treatment program operations costs. This is a onetime
36.17 appropriation.

36.18 (d) \$5,742,000 in fiscal year 2021 is appropriated from the general fund to the
36.19 commissioner of human services for direct care and treatment mental health and substance
36.20 abuse treatment services. The commissioner must transfer \$547,000 in fiscal year 2021 to
36.21 the enterprise fund for the Community Addiction Recovery Enterprise program. This is a
36.22 onetime appropriation.

36.23 (e) \$21,066,000 in fiscal year 2021 is appropriated from the general fund to the
36.24 commissioner of human services for direct care and treatment community-based services.
36.25 The commissioner must transfer \$20,582,000 in fiscal year 2021 from the general fund to
36.26 the enterprise fund for Minnesota State Operated Community Services. This is a onetime
36.27 appropriation.

36.28 **Sec. 36. APPROPRIATION; MFIP SUPPLEMENTAL PAYMENT.**

36.29 (a) \$13,852,000 in fiscal year 2021 is appropriated from the TANF fund to the
36.30 commissioner of human services to provide a onetime cash benefit of up to \$500 for each
36.31 household enrolled in the Minnesota family investment program or diversionary work
36.32 program under Minnesota Statutes, chapter 256J, at the time that the cash benefit is

37.1 distributed. The commissioner shall distribute these funds through existing systems and in
37.2 a manner that minimizes the burden to families. This is a onetime appropriation.

37.3 (b) \$92,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
37.4 of human services for administrative costs associated with distributing the cash benefit in
37.5 paragraph (a). This is a onetime appropriation.

37.6 (c) \$6,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
37.7 of human services for information technology to administer the cash benefit in paragraph
37.8 (a). This is a onetime appropriation.

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

37.10 Sec. 37. **APPROPRIATION.**

37.11 \$100,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
37.12 of human services to implement child foster care background study modifications. The base
37.13 for this appropriation is \$115,000 in fiscal year 2022 and \$115,000 in fiscal year 2023.
37.14 These appropriations include federal financial participation of \$32,000 in fiscal year 2021
37.15 and \$37,000 in fiscal years 2022 and 2023.

37.16 **EFFECTIVE DATE.** This section is effective if the commissioner of management and
37.17 budget determines that an act substantially similar to House File 95 (2020 First Special
37.18 Session) is enacted during the 2020 First Special Session.

37.19 Sec. 38. **DEPARTMENT OF NATURAL RESOURCES; APPROPRIATIONS.**

37.20 Subdivision 1. **Chronic wasting disease.** (a) \$1,300,000 in fiscal year 2021 is
37.21 appropriated from the general fund to the commissioner of natural resources for surveillance
37.22 and response to chronic wasting disease. This is a onetime appropriation and is available
37.23 until June 30, 2022.

37.24 (b) \$200,000 in fiscal year 2021 is appropriated from the general fund to the commissioner
37.25 of natural resources for enforcement activities related to chronic wasting disease. This is a
37.26 onetime appropriation and is available until June 30, 2022.

37.27 (c) \$672,000 in fiscal year 2021 is appropriated from the game and fish fund to the
37.28 commissioner of natural resources for deer research to maintain and promote a healthy deer
37.29 population. The base for this appropriation is \$546,000 in fiscal year 2023.

37.30 Subd. 2. **Aquatic invasive species.** \$5,000,000 in fiscal year 2021 is appropriated from
37.31 the general fund to the commissioner of natural resources for aquatic invasive species

38.1 prevention, response, education, and grants. This is a onetime appropriation and is available
38.2 until June 30, 2023.

38.3 Subd. 3. **Legal costs.** \$500,000 in fiscal year 2020 and \$3,500,000 in fiscal year 2021
38.4 are appropriated from the general fund to the commissioner of natural resources for legal
38.5 costs. Of this amount, up to \$500,000 in fiscal year 2020 and \$1,500,000 in fiscal year 2021
38.6 may be transferred to the Minnesota Pollution Control Agency. This is a onetime
38.7 appropriation and is available until June 30, 2023.

38.8 Sec. 39. **MINNESOTA ZOO; APPROPRIATION.**

38.9 \$6,000,000 in fiscal year 2021 is appropriated from the general fund to the Minnesota
38.10 Zoological Board for the Minnesota Zoological Garden. This is a onetime appropriation.

38.11 Sec. 40. **VETERANS AFFAIRS; APPROPRIATIONS.**

38.12 (a) \$1,000,000 in fiscal year 2021 is appropriated from the general fund to the
38.13 commissioner of veterans affairs for the operation of a Veterans Suicide Office within the
38.14 Department of Veterans Affairs. The Veterans Suicide Office must address the problem of
38.15 veteran suicide in Minnesota. The base for this appropriation is \$650,000 in fiscal year 2022
38.16 and \$550,000 in fiscal year 2023.

38.17 (b) \$3,165,000 in fiscal year 2021 is appropriated from the general fund to the
38.18 commissioner of veterans affairs for the provision of housing vouchers and other services
38.19 dedicated to alleviating homelessness for veterans and former service members in Minnesota.

38.20 Sec. 41. **APPROPRIATION; DEPARTMENT OF CORRECTIONS.**

38.21 Subdivision 1. **Total appropriation.** \$1,208,000 in fiscal year 2020 and \$17,338,000
38.22 in fiscal year 2021 are appropriated from the general fund to the commissioner of corrections
38.23 for overtime and staffing, investment in community supervision partners, and operations
38.24 support. The appropriation for fiscal year 2020 is available for the purposes specified in
38.25 this section until June 30, 2021.

38.26 Subd. 2. **Correctional institutions.** (a) Of the amounts appropriated in subdivision 1,
38.27 \$481,000 in fiscal year 2020 and \$9,888,000 in fiscal year 2021 are for additional
38.28 compensation costs, including overtime. The base for this appropriation is \$12,338,000 in
38.29 fiscal year 2022 and \$12,338,000 in fiscal year 2023.

39.1 (b) A base reduction of \$2,469,000 in fiscal year 2021 is for an anticipated reduction in
39.2 state prison beds needed by using community-based alternatives for supervision revocations.
39.3 The base reduction is \$4,938,000 in fiscal year 2022 and \$7,407,000 in fiscal year 2023.

39.4 Subd. 3. **Community services.** (a) Of the amounts appropriated in subdivision 1,
39.5 \$543,000 in fiscal year 2020 and \$9,333,000 in fiscal year 2021 are for community services
39.6 as provided in this subdivision.

39.7 (b) \$205,000 in fiscal year 2020 and \$8,065,000 in fiscal year 2021 are for investment
39.8 in community supervision partners as follows:

39.9 (1) \$3,925,000 in fiscal year 2021 is added to the Community Corrections Act subsidy
39.10 under Minnesota Statutes, section 401.14. The base for this appropriation is \$4,911,000 in
39.11 fiscal year 2022 and \$4,911,000 in fiscal year 2023;

39.12 (2) \$310,000 in fiscal year 2021 is for county probation officer reimbursement under
39.13 Minnesota Statutes, section 244.19, subdivision 6;

39.14 (3) \$205,000 in fiscal year 2020 and \$430,000 in fiscal year 2021 are to provide offender
39.15 supervision services in Meeker and Renville Counties. These expenditures must be offset
39.16 by revenue to the general fund collected under Minnesota Statutes, section 244.19,
39.17 subdivision 5;

39.18 (4) \$422,000 in fiscal year 2021 is to increase offender supervision by the Department
39.19 of Corrections. The base for this appropriation is \$844,000 in fiscal year 2022 and \$844,000
39.20 in fiscal year 2023;

39.21 (5) \$2,613,000 in fiscal year 2021 is to establish county and regional revocation
39.22 intervention service centers for offenders who would otherwise be returned to prison. The
39.23 base for this appropriation is \$5,100,000 in fiscal year 2022 and \$5,100,000 in fiscal year
39.24 2023; and

39.25 (6) \$365,000 in fiscal year 2021 is for cognitive behavioral treatment, for
39.26 community-based sex offender treatment, and to increase housing alternatives for offenders
39.27 under community supervision. The base for this appropriation is \$730,000 in fiscal year
39.28 2022 and \$730,000 in fiscal year 2023.

39.29 (c) \$338,000 in fiscal year 2020 and \$1,268,000 in fiscal year 2021 are for additional
39.30 compensation costs, including overtime.

39.31 Subd. 4. **Operations support.** Of the amounts appropriated in subdivision 1, \$184,000
39.32 in fiscal year 2020 and \$586,000 in fiscal year 2021 are for additional compensation costs,
39.33 including overtime.

40.1 Sec. 42. **APPROPRIATION; DEPARTMENT OF PUBLIC SAFETY; BUREAU OF**
40.2 **CRIMINAL APPREHENSION.**

40.3 (a) \$4,482,000 in fiscal year 2021 is appropriated from the general fund to the
40.4 commissioner of public safety for use by the Bureau of Criminal Apprehension in storing,
40.5 tracking, and testing sexual assault examination kits; and forensic testing to combat violent
40.6 crime.

40.7 (b) Of the amount appropriated in paragraph (a), \$3,096,000 in fiscal year 2021 is to
40.8 pay for the testing of unrestricted sexual assault examination kits, storage of restricted kits,
40.9 and the development of an informational website for sexual assault survivors to learn the
40.10 status of the testing of the survivor's individual sexual assault examination kit. The base for
40.11 this appropriation is \$2,067,000 in fiscal year 2022 and each year thereafter.

40.12 (c) Of the amount appropriated in paragraph (a), \$1,386,000 in fiscal year 2021 is for
40.13 staffing and operating costs to provide for training, supplies, and equipment; and renovate
40.14 space to enhance the capacity for forensic testing to combat violent crime. The base for this
40.15 appropriation is \$844,000 in fiscal year 2022 and each year thereafter.

40.16 Sec. 43. **APPROPRIATIONS GIVEN EFFECT ONCE.**

40.17 If an appropriation in this act is enacted more than once during the 2020 First Special
40.18 Session, it shall be given effect only once.

40.19 Sec. 44. **REPEALER.**

40.20 Minnesota Statutes 2018, section 119B.125, subdivision 5, is repealed.

40.21 **ARTICLE 3**

40.22 **COVID-19 APPROPRIATIONS; CANCELLATIONS**

40.23 Section 1. Laws 2020, chapter 70, article 2, section 2, is amended to read:

40.24 Sec. 2. **TRANSFER; HEALTH CARE RESPONSE FUND.**

40.25 The commissioner of management and budget shall make a onetime transfer in fiscal
40.26 year 2020 of ~~\$150,000,000~~ \$42,521,185 from the general fund to the health care response
40.27 fund under section 1, for the uses specified in section 1. ~~Any unobligated and unexpended~~
40.28 ~~amount in the fund on February 1, 2021, shall transfer to the general fund.~~

40.29 **EFFECTIVE DATE.** This section is effective retroactively from March 18, 2020.

41.1 Sec. 2. Laws 2020, chapter 71, article 1, section 2, subdivision 9, is amended to read:

41.2 Subd. 9. **Appropriation.** (a) \$29,964,000 in fiscal year 2020 is appropriated from the
41.3 ~~general~~ coronavirus relief federal fund to the commissioner of human services for grants
41.4 under this section. Of this amount, up to \$450,000 is for Child Care Aware to administer
41.5 the grants in accordance with subdivision 1.

41.6 (b) This is a onetime appropriation and is available until December ~~31~~ 30, 2020.

41.7 **EFFECTIVE DATE.** This section is effective retroactively from March 29, 2020.

41.8 Sec. 3. Laws 2020, chapter 71, article 1, section 9, is amended to read:

41.9 Sec. 9. **TRANSFER.**

41.10 ~~\$200,000,000~~ \$189,048,000 in fiscal year 2020 is transferred from the general fund to
41.11 the COVID-19 Minnesota fund under section 7. This is a onetime transfer.

41.12 **EFFECTIVE DATE.** This section is effective retroactively from March 29, 2020.

41.13 Sec. 4. **APPROPRIATION.**

41.14 \$107,478,815 is appropriated from the coronavirus relief federal fund to fund grants
41.15 authorized under Laws 2020, chapter 70, article 2, section 1, and for the uses authorized
41.16 under Laws 2020, chapter 70, article 2, section 1.

41.17 **EFFECTIVE DATE.** This section is effective retroactively from March 18, 2020.

41.18 Sec. 5. **COVID-19 MINNESOTA FUND CANCELLATION; COVID-19**

41.19 **MINNESOTA FEDERAL ACCOUNT USE; APPROPRIATION.**

41.20 (a) The commissioner of management and budget shall cancel expenditures authorized
41.21 from the COVID-19 Minnesota fund identified as Legislative COVID-19 Response
41.22 Commission Action Order No. 11.

41.23 (b) The commissioner of management and budget shall pay for the costs of the action
41.24 orders canceled in paragraph (a) from the coronavirus relief federal fund.

41.25 (c) \$10,952,000 in fiscal year 2020 is appropriated from the coronavirus relief federal
41.26 fund for expenses related to Legislative COVID-19 Response Commission Action Order
41.27 No. 11.

41.28 **EFFECTIVE DATE.** This section is effective retroactively from March 29, 2020.

42.1 **ARTICLE 4**

42.2 **STATE LANDS**

42.3 Section 1. Minnesota Statutes 2018, section 84.63, is amended to read:

42.4 **84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE ~~AND~~, FEDERAL,**
42.5 **AND TRIBAL GOVERNMENTS.**

42.6 (a) Notwithstanding any existing law to the contrary, the commissioner of natural
42.7 resources is hereby authorized on behalf of the state to convey to the United States, to a
42.8 federally recognized Indian tribe, or to the state of Minnesota or any of its subdivisions,
42.9 upon state-owned lands under the administration of the commissioner of natural resources,
42.10 permanent or temporary easements for specified periods or otherwise for trails, highways,
42.11 roads including limitation of right of access from the lands to adjacent highways and roads,
42.12 flowage for development of fish and game resources, stream protection, flood control, and
42.13 necessary appurtenances thereto, such conveyances to be made upon such terms and
42.14 conditions including provision for reversion in the event of non-user as the commissioner
42.15 of natural resources may determine.

42.16 (b) In addition to the fee for the market value of the easement, the commissioner of
42.17 natural resources shall assess the applicant the following fees:

42.18 (1) an application fee of \$2,000 to cover reasonable costs for reviewing the application
42.19 and preparing the easement; and

42.20 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
42.21 construction of the improvement for which the easement was conveyed and preparing special
42.22 terms and conditions for the easement. The commissioner must give the applicant an estimate
42.23 of the monitoring fee before the applicant submits the fee.

42.24 (c) The applicant shall pay these fees to the commissioner of natural resources. The
42.25 commissioner shall not issue the easement until the applicant has paid in full the application
42.26 fee, the monitoring fee, and the market value payment for the easement.

42.27 (d) Upon completion of construction of the improvement for which the easement was
42.28 conveyed, the commissioner shall refund the unobligated balance from the monitoring fee
42.29 revenue. The commissioner shall not return the application fee, even if the application is
42.30 withdrawn or denied.

42.31 (e) Money received under paragraph (b) must be deposited in the land management
42.32 account in the natural resources fund and is appropriated to the commissioner of natural
42.33 resources to cover the reasonable costs incurred for issuing and monitoring easements.

43.1 (f) A county or joint county regional railroad authority is exempt from all fees specified
43.2 under this section for trail easements on state-owned land.

43.3 Sec. 2. Minnesota Statutes 2018, section 92.502, is amended to read:

43.4 **92.502 LEASE OF TAX-FORFEITED AND STATE LANDS.**

43.5 (a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may
43.6 enter a 30-year lease of tax-forfeited land for a wind energy project.

43.7 (b) The commissioner of natural resources may enter a 30-year lease of land administered
43.8 by the commissioner for a wind energy project.

43.9 (c) The commissioner of natural resources may enter a 30-year lease of land administered
43.10 by the commissioner for recreational trails and facilities. The commissioner may assess the
43.11 lease applicant a monitoring fee to cover the projected reasonable costs of monitoring
43.12 construction of the recreational trail or facility and preparing special terms and conditions
43.13 of the license to ensure proper construction. The commissioner must give the applicant an
43.14 estimate of the monitoring fee before the applicant is required to submit the fee. Upon
43.15 completion of construction of the trail or facility, the commissioner must refund the
43.16 unobligated balance from the monitoring fee revenue.

43.17 (d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis
43.18 Counties may enter into 30-year leases of tax-forfeited land for recreational trails and
43.19 facilities.

43.20 Sec. 3. **ADDITION TO STATE PARK.**

43.21 **[85.012] [Subd. 18.] Fort Snelling State Park, Dakota County.** The following areas
43.22 are added to Fort Snelling State Park, Dakota County:

43.23 (1) that part of Section 28, Township 28 North, Range 23 West, Dakota County,
43.24 Minnesota, bounded by the Dakota County line along the Minnesota River and the following
43.25 described lines:

43.26 Beginning at the intersection of the south line of Lot 18 of Auditor's Subdivision Number
43.27 29 of Mendota, according to the plat on file in the Office of the Dakota County Recorder,
43.28 with the westerly right-of-way line of the existing Sibley Memorial Highway; thence
43.29 northerly along said westerly right-of-way line to the north line of said Lot 18; thence
43.30 westerly along the north line of said Lot 18 to the easterly right-of-way line of the
43.31 Chicago and Northwestern Railroad; thence northerly and northeasterly along said
43.32 easterly right-of-way to the east line of said Section 28;

44.1 (2) that part of Section 33, Township 28 North, Range 23 West, Dakota County,
44.2 Minnesota, lying westerly of the easterly right-of-way of the Chicago and Northwestern
44.3 Railroad;

44.4 (3) that part of Government Lot 6 of Section 33, Township 28 North, Range 23 West,
44.5 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
44.6 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway
44.7 and North of the South 752 feet of said Government Lot 6;

44.8 (4) the North 152 feet of the South 752 feet of that part of Government Lot 6 of Section
44.9 33, Township 28 North, Range 23 West, Dakota County, Minnesota, lying East of the
44.10 easterly right-of-way of the Chicago and Northwestern Railroad and West of the westerly
44.11 right-of-way of Sibley Memorial Highway;

44.12 (5) the North 270 feet of the South 600 feet of that part of Government Lot 6 lying
44.13 between the westerly right-of-way of Sibley Memorial Highway and the easterly right-of-way
44.14 of the Chicago and Northwestern Railroad in Section 33, Township 28 North, Range 23
44.15 West, Dakota County, Minnesota;

44.16 (6) that part of the South 20 rods of Government Lot 6 of Section 33, Township 28
44.17 North, Range 23 West, Dakota County, Minnesota, lying East of the easterly right-of-way
44.18 of the Chicago and Northwestern Railroad and West of the westerly right-of-way of Sibley
44.19 Memorial Highway, excepting therefrom that part described as follows:

44.20 Commencing at the southeast corner of said Government Lot 6; thence North 89 degrees
44.21 56 minutes 54 seconds West assumed bearing along the south line of said Government
44.22 Lot 6 a distance of 260.31 feet to the point of beginning of the property to be described;
44.23 thence continue North 89 degrees 56 minutes 54 seconds West a distance of 71.17 feet;
44.24 thence northwesterly a distance of 37.25 feet along a nontangential curve concave to
44.25 the East having a radius of 4,098.00 feet and a central angle of 00 degrees 31 minutes
44.26 15 seconds the chord of said curve bears North 23 degrees 31 minutes 27 seconds West;
44.27 thence northerly a distance of 127.39 feet along a compound curve concave to the East
44.28 having a radius of 2,005.98 feet and a central angle of 03 degrees 38 minutes 19 seconds;
44.29 thence North 70 degrees 22 minutes 29 seconds East not tangent to said curve a distance
44.30 of 65.00 feet; thence southerly a distance of 123.26 feet along a nontangential curve
44.31 concave to the East having a radius of 1,940.98 feet and a central angle of 03 degrees
44.32 38 minutes 19 seconds the chord of said curve bears South 21 degrees 26 minutes 40
44.33 seconds East; thence southerly a distance of 65.42 feet to the point of beginning along

45.1 a compound curve concave to the East having a radius of 4,033.00 feet and a central
45.2 angle of 00 degrees 55 minutes 46 seconds;

45.3 (7) that part of Government Lot 5 of Section 33, Township 28 North, Range 23 West,
45.4 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
45.5 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway,
45.6 excepting therefrom that part described as follows:

45.7 Commencing at the southeast corner of said Government Lot 5; thence North 89 degrees
45.8 56 minutes 18 seconds West assumed bearing along the south line of said Government
45.9 Lot 5 a distance of 70.48 feet to the point of beginning of the property to be described;
45.10 thence continue North 89 degrees 56 minutes 18 seconds West along said south line of
45.11 Government Lot 5 a distance of 40.01 feet; thence North 01 degree 30 minutes 25 seconds
45.12 East a distance of 6.08 feet; thence northerly a distance of 185.58 feet along a tangential
45.13 curve concave to the West having a radius of 4,427.00 feet and a central angle of 02
45.14 degrees 24 minutes 07 seconds; thence South 89 degrees 06 minutes 18 seconds West
45.15 not tangent to said curve a distance of 25.00 feet; thence North 00 degrees 53 minutes
45.16 42 seconds West a distance of 539.13 feet; thence northerly a distance of 103.77 feet
45.17 along a tangential curve concave to the West having a radius of 1,524.65 feet and a
45.18 central angle of 03 degrees 53 minutes 59 seconds; thence northerly a distance of 159.33
45.19 feet along a compound curve concave to the West having a radius of 522.45 feet and a
45.20 central angle of 17 degrees 28 minutes 23 seconds; thence northwesterly a distance of
45.21 86.78 feet along a tangential curve concave to the West having a radius of 1,240.87 feet
45.22 and a central angle of 04 degrees 00 minutes 25 seconds; thence North 26 degrees 16
45.23 minutes 30 seconds West tangent to said curve a distance of 92.39 feet; thence
45.24 northwesterly a distance of 178.12 feet along a tangential curve concave to the East
45.25 having a radius of 4,098.00 feet and a central angle of 02 degrees 29 minutes 25 seconds
45.26 to a point on the north line of said Government Lot 5 which is 331.48 feet from the
45.27 northeast corner thereof as measured along said north line; thence South 89 degrees 56
45.28 minutes 54 seconds East along said north line of Government Lot 5 a distance of 71.17
45.29 feet; thence southeasterly a distance of 146.53 feet along a nontangential curve concave
45.30 to the East having a radius of 4,033.00 feet and a central angle of 02 degrees 04 minutes
45.31 54 seconds the chord of said curve bears South 25 degrees 14 minutes 03 seconds East;
45.32 thence South 26 degrees 16 minutes 30 seconds East tangent to said curve a distance of
45.33 92.39 feet; thence southerly a distance of 91.33 feet along a tangential curve concave
45.34 to the West having a radius of 1,305.87 feet and a central angle of 04 degrees 00 minutes
45.35 25 seconds; thence southerly a distance of 179.15 feet along a tangential curve concave

46.1 to the West having a radius of 587.45 feet and a central angle of 17 degrees 28 minutes
46.2 23 seconds; thence southerly a distance of 108.20 feet along a compound curve concave
46.3 to the West having a radius of 1,589.65 feet and a central angle of 03 degrees 53 minutes
46.4 59 seconds; thence South 00 degrees 53 minutes 42 seconds East tangent to said curve
46.5 a distance of 539.13 feet; thence southerly a distance of 187.26 feet along a tangential
46.6 curve concave to the West having a radius of 4,467.00 feet and a central angle of 02
46.7 degrees 24 minutes 07 seconds; thence South 01 degree 30 minutes 25 seconds West
46.8 tangent to said curve a distance of 5.07 feet to the point of beginning; and

46.9 (8) that part of Government Lot 4 of Section 33, Township 28 North, Range 23 West,
46.10 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
46.11 Northwestern Railroad and northerly of the following described line:

46.12 Commencing at the southeast corner of said Government Lot 4; thence North 89 degrees
46.13 55 minutes 42 seconds West assumed bearing along the south line of said Government
46.14 Lot 4 a distance of 312.44 feet to corner B205, MNDOT Right-of-Way Plat No. 19-93,
46.15 according to the recorded map thereof; thence continue North 89 degrees 55 minutes 42
46.16 seconds West along said south line of Government Lot 4 a distance of 318.00 feet to the
46.17 easterly right-of-way of Chicago and Northwestern Railroad; thence northerly along
46.18 said railroad right-of-way a distance of 387.97 feet along a nontangential curve concave
46.19 to the West having a radius of 2,963.54 feet and a central angle of 07 degrees 30 minutes
46.20 03 seconds, the chord of said curve bears North 00 degrees 42 minutes 41 seconds East;
46.21 thence North 03 degrees 02 minutes 21 seconds West tangent to said curve along said
46.22 railroad right-of-way a distance of 619.45 feet to the point of beginning of the line to
46.23 be described; thence North 89 degrees 35 minutes 27 seconds East a distance of 417.92
46.24 feet; thence North 18 degrees 18 minutes 58 seconds East a distance of 317.52 feet to a
46.25 point on the north line of said Government Lot 4 which is 135.00 feet from the northeast
46.26 corner thereof as measured along said north line and there terminating.

46.27 **Sec. 4. ADDITION TO STATE RECREATION AREA.**

46.28 **[85.013] [Subd. 12a.] Iron Range Off-Highway Vehicle Recreation Area, St. Louis**
46.29 **County.** The following area is added to Iron Range Off-Highway Vehicle Recreation Area,
46.30 St. Louis County: that part of the South Half of the Northwest Quarter of Section 15,
46.31 Township 58 North, Range 17 West, St. Louis County, Minnesota, lying northerly of the
46.32 following described line:

46.33 Commencing at the West quarter corner of said Section 15; thence North 01 degree 24
46.34 minutes 27 seconds West, bearing assumed, along the west line of said South Half of

47.1 the Northwest Quarter a distance of 1,034.09 feet to a 3/4-inch rebar with plastic cap
47.2 stamped "MN DNR LS 44974" (DM) and the point of beginning; thence South 62 degrees
47.3 44 minutes 07 seconds East 405.24 feet to a DM; thence South 82 degrees 05 minutes
47.4 24 seconds East 314.95 feet to a DM; thence South 86 degrees 18 minutes 01 second
47.5 East 269.23 feet to a DM; thence North 81 degrees 41 minutes 24 seconds East 243.61
47.6 feet to a DM; thence North 71 degrees 48 minutes 05 seconds East 478.17 feet to a DM;
47.7 thence North 60 degrees 53 minutes 38 seconds East 257.32 feet to a DM; thence South
47.8 09 degrees 16 minutes 07 seconds East 179.09 feet to a DM; thence South 49 degrees
47.9 16 minutes 00 seconds East 127.27 feet to a DM; thence South 50 degrees 16 minutes
47.10 11 seconds East 187.13 feet to a DM; thence South 67 degrees 11 minutes 35 seconds
47.11 East 189.33 feet to a DM; thence South 67 degrees 13 minutes 16 seconds East 209.43
47.12 feet to a DM; thence South 80 degrees 39 minutes 19 seconds East 167.59 feet to a DM
47.13 on the east line of said South Half of the Northwest Quarter, and there terminating.

47.14 Sec. 5. **DELETIONS FROM STATE PARKS.**

47.15 Subdivision 1. [85.012] [Subd. 18.] Fort Snelling State Park, Dakota County. The
47.16 following areas are deleted from Fort Snelling State Park, Dakota County:

47.17 (1) all of Section 33, Township 28 North, Range 23 West of the 4th Principal Meridian
47.18 lying westerly of the westerly right-of-way line of the existing Minnesota Trunk Highway
47.19 No. 13, excepting the right-of-way owned by the Chicago and Northwestern railway
47.20 company; and

47.21 (2) all of Section 28, Township 28 North, Range 23 West of the 4th Principal Meridian
47.22 bounded by the Dakota County line along the Minnesota River and the following described
47.23 lines: Beginning at the south line of said Section 28 at its intersection with the westerly
47.24 right-of-way line of the existing Minnesota Trunk Highway No. 13; thence northerly along
47.25 the said westerly right-of-way line of existing Minnesota Trunk Highway No. 13 to the
47.26 southerly right-of-way line of existing Minnesota Trunk Highway Nos. 55 and 100; thence
47.27 along the existing southerly right-of-way line of Minnesota Trunk Highway Nos. 55 and
47.28 100 to the westerly right-of-way line owned by the Chicago and Northwestern railway
47.29 company; thence northeasterly along the said westerly right-of-way line of the Chicago and
47.30 Northwestern railway to the east line of said Section 28, excepting therefrom the right-of-way
47.31 owned by the Chicago and Northwestern railway company.

47.32 Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The
47.33 following areas are deleted from William O'Brien State Park, Washington County:

48.1 (1) those parts of Section 25, Township 32 North, Range 20 West, Washington County,
48.2 Minnesota, described as follows:

48.3 The West two rods of the Southwest Quarter of the Northeast Quarter, the West two
48.4 rods of the North two rods of the Northwest Quarter of the Southeast Quarter, and the
48.5 East two rods of the Southeast Quarter of the Northwest Quarter; and

48.6 (2) the East two rods over and across the Northeast Quarter of the Northwest Quarter,
48.7 excepting therefrom the North 200 feet of said Northeast Quarter of the Northwest Quarter.
48.8 Also, the West 2 rods of the Northwest Quarter of the Northeast Quarter, excepting therefrom
48.9 the North 266 feet of said Northwest Quarter of the Northeast Quarter. Also, the South 66
48.10 feet of the North 266 feet of that part of said Northwest Quarter of the Northeast Quarter
48.11 lying southwesterly of the existing public road known as 199th Street North.

48.12 **Sec. 6. PRIVATE SALE OF SURPLUS STATE LAND; CASS COUNTY.**

48.13 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
48.14 natural resources may sell by private sale the surplus land that is described in paragraph (c).

48.15 (b) The commissioner may make necessary changes to the legal description to correct
48.16 errors and ensure accuracy.

48.17 (c) The land to be conveyed is located in Cass County and is described as: the westerly
48.18 20.00 feet of the West Half of the Northeast Quarter, Section 16, Township 139 North,
48.19 Range 30 West, Cass County, Minnesota. The Grantor, its employees and agents only,
48.20 reserves a perpetual easement for ingress and egress over and across the above described
48.21 land.

48.22 (d) The Department of Natural Resources has determined that the land is not needed for
48.23 natural resource purposes and that the state's land management interests would best be
48.24 served if the land was returned to private ownership.

48.25 **Sec. 7. PRIVATE SALE OF SURPLUS STATE LAND; LAKE OF THE WOODS**
48.26 **COUNTY.**

48.27 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
48.28 natural resources may sell by private sale the surplus land that is described in paragraph (c).

48.29 (b) The commissioner may make necessary changes to the legal description to correct
48.30 errors and ensure accuracy.

49.1 (c) The land to be conveyed is located in Lake of the Woods County and is described
49.2 as: a strip of land lying in Government Lot 3, Section 5, Township 163 North, Range 34
49.3 West of the Fifth Principal Meridian, Lake of the Woods County, Minnesota; said strip of
49.4 land being 33.00 feet in width lying 16.50 feet on each side of the following described
49.5 centerline:

49.6 Commencing at the southeast corner of said Government Lot 3; thence North 00 degrees
49.7 09 minutes 28 seconds West, assumed bearing, along the east line of said Government
49.8 Lot 3, a distance of 690 feet, more or less, to the south line of that particular tract of land
49.9 deeded to the State of Minnesota according to Document No. 75286, on file and of record
49.10 in the Office of the Recorder, Lake of the Woods County, Minnesota; thence South 89
49.11 degrees 50 minutes 32 seconds West, along said south line of that particular tract of
49.12 land, a distance of 200.00 feet; thence South 00 degrees 09 minutes 28 seconds East,
49.13 parallel with the east line of said Government Lot 3, a distance of 40.00 feet; thence
49.14 South 89 degrees 50 minutes 32 seconds West, a distance of 16.50 feet to the point of
49.15 beginning of the centerline to be herein described; thence South 00 degrees 09 minutes
49.16 28 seconds East, parallel with the east line of said Government Lot 3, a distance of 650.5
49.17 feet, more or less, to the south line of said Government Lot 3 and said centerline there
49.18 terminating.

49.19 (d) The Department of Natural Resources has determined that the land is not needed for
49.20 natural resource purposes and that the state's land management interests would best be
49.21 served if the land was returned to private ownership.

49.22 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

49.23 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
49.24 natural resources may convey the surplus land that is described in paragraph (c) to a local
49.25 unit of government for no consideration.

49.26 (b) The commissioner may make necessary changes to the legal description to correct
49.27 errors and ensure accuracy.

49.28 (c) The land to be conveyed is located in St. Louis County and is described as: that part
49.29 of the Southwest Quarter of the Northwest Quarter of Section 27, Township 52 North, Range
49.30 17 West, St. Louis County, Minnesota, described as follows:

49.31 Commencing at the quarter corner between Sections 27 and 28 of said Township 52
49.32 North, Range 17 West; thence running East 624 feet; thence North 629 feet to the point

50.1 of beginning; thence North 418 feet; thence East 208 feet; thence South 418 feet; thence
50.2 West 208 feet to the point of beginning.

50.3 (d) The Department of Natural Resources has determined that the land is not needed for
50.4 natural resource purposes and that the state's land management interests would best be
50.5 served if the land were conveyed to a local unit of government.

50.6 **Sec. 9. PRIVATE SALE OF TAX-FORFEITED LANDS; ST. LOUIS COUNTY.**

50.7 (a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or
50.8 other law to the contrary, St. Louis County may sell by private sale the tax-forfeited lands
50.9 described in paragraph (c).

50.10 (b) The conveyances must be in a form approved by the attorney general. The attorney
50.11 general may make changes to the land descriptions to correct errors and ensure accuracy.

50.12 (c) The lands to be sold are located in St. Louis County and are described as:

50.13 (1) Lot 5, Block 9, including part of vacated Seafield Street adjacent, Bristol Beach 1st
50.14 Division, Duluth (parcel 010-0300-01030); and

50.15 (2) that part of the Southeast Quarter of the Northwest Quarter, Township 58, Range
50.16 15, Section 5, lying northerly of the northerly right-of-way line of the town of White road
50.17 running in an east-west direction connecting County Road No. 138 with State Highway No.
50.18 135 and lying westerly of the following described line: commencing at the northeast corner
50.19 of Government Lot 3; thence South 89 degrees 46 minutes 22 seconds West along the north
50.20 line of Government Lot 3 558.28 feet; thence South 27 degrees 50 minutes 01 second West
50.21 102.75 feet; thence South 41 degrees 51 minutes 46 seconds West 452.29 feet; thence South
50.22 28 degrees 19 minutes 22 seconds West 422.74 feet; thence South 30 degrees 55 minutes
50.23 42 seconds West 133.79 feet; thence southwesterly 210.75 feet along a tangential curve
50.24 concave to the southeast having a radius of 300 feet and a central angle of 40 degrees 15
50.25 minutes 00 seconds; thence South 09 degrees 19 minutes 19 seconds East tangent to said
50.26 curve 100.30 feet, more or less, to the north line of said Southeast Quarter of the Northwest
50.27 Quarter; thence North 89 degrees 09 minutes 31 seconds East along said north line 40.44
50.28 feet to the point of beginning of the line; thence South 09 degrees 19 minutes 19 seconds
50.29 East 148 feet, more or less, to said right-of-way line and said line there terminating. Surface
50.30 only (parcel 570-0021-00112).

50.31 (d) The county has determined that the county's land management interests would best
50.32 be served if the lands were returned to private ownership.

51.1 Sec. 10. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC
51.2 WATER; WADENA COUNTY.

51.3 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
51.4 resources may sell by public sale the surplus land bordering public water that is described
51.5 in paragraph (c).

51.6 (b) The commissioner may make necessary changes to the legal description to correct
51.7 errors and ensure accuracy.

51.8 (c) The land that may be sold is located in Wadena County and is described as: the
51.9 Northeast Quarter of the Southwest Quarter of Section 26, Township 136 North, Range 34
51.10 West, Wadena County, Minnesota, except that part described as follows:

51.11 Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter;
51.12 thence West 10 rods; thence South 8 rods; thence East 10 rods; thence North 8 rods to
51.13 the point of beginning and there terminating.

51.14 (d) The land borders the Redeye River. The Department of Natural Resources has
51.15 determined that the land is not needed for natural resource purposes and that the state's land
51.16 management interests would best be served if the land were returned to private ownership.

119B.125 PROVIDER REQUIREMENTS.

Subd. 5. **Provisional payment.** After a county receives a completed application from a provider, the county may issue provisional authorization and payment to the provider during the time needed to determine whether to give final authorization to the provider.