

**SENATE**  
**STATE OF MINNESOTA**  
**SPECIAL SESSION**

**S.F. No. 2**

(SENATE AUTHORS: KIFFMEYER)

DATE	D-PG	OFFICIAL STATUS
06/14/2021	5	Introduction and first reading Referred to Finance
06/24/2021	554a	Comm report: To pass as amended
06/25/2021	605	Second reading Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to state government operation; appropriating money for certain

1.3 constitutional offices, legislature, certain state agencies, offices, departments,

1.4 boards, commissions, certain retirement accounts, general contingent accounts,

1.5 tort claims, state lottery, Minnesota Historical Society, Minnesota Humanities

1.6 Center, and military and veterans affairs; canceling certain fiscal year

1.7 appropriations; making changes to policy provisions in state government operations;

1.8 changing military and veterans affairs policy provisions; modifying election policy

1.9 provisions; establishing provisions for federal funds; amending Minnesota Statutes

1.10 2020, sections 10.578; 14.389, subdivision 5; 15.057, as amended; 16A.06, by

1.11 adding a subdivision; 16B.24, by adding a subdivision; 138.38; 155A.23,

1.12 subdivision 16; 190.07; 197.791, subdivisions 4, 5, 5a, 5b; 198.006; 198.03,

1.13 subdivision 2; 201.071, subdivision 2; 201.121, subdivision 3; 203B.08,

1.14 subdivisions 1, 3; 203B.121, subdivision 1; 204B.14, subdivision 3; 204B.16,

1.15 subdivision 1; 204B.18, subdivision 1; 204B.40; 204C.13, subdivision 3; 204C.35,

1.16 subdivision 3, by adding a subdivision; 240.01, subdivision 18; 240.06, subdivision

1.17 7; 240.11; 240.131, subdivision 7; 240.24, subdivisions 2a, 3; 240.30, subdivision

1.18 5; 270C.21; 477A.03, subdivision 2b; 609.095; 645.071; Laws 2019, First Special

1.19 Session chapter 10, article 1, section 40; Laws 2020, chapter 77, section 3,

1.20 subdivision 6; Laws 2020, Fifth Special Session chapter 3, article 9, section 13;

1.21 proposing coding for new law in Minnesota Statutes, chapters 3; 10; 16A; 43A;

1.22 196; 198; 203B; 609.

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

1.24 style="text-align:center">**ARTICLE 1**

1.25 style="text-align:center">**APPROPRIATIONS**

1.26 Section 1. STATE GOVERNMENT APPROPRIATIONS.

1.27 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.28 and for the purposes specified in this article. The appropriations are from the general fund,

1.29 or another named fund, and are available for the fiscal years indicated for each purpose.

1.30 The figures "2022" and "2023" used in this article mean that the appropriations listed under

1.31 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

2.1 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"  
 2.2 is fiscal years 2022 and 2023.

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2022</u></b>	<b><u>2023</u></b>

2.7 **Sec. 2. LEGISLATURE**

2.8 <b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>98,819,000</u></b>	<b><u>\$</u></b>	<b><u>99,738,000</u></b>
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2.9 The amounts that may be spent for each  
 2.10 purpose are specified in the following  
 2.11 subdivisions.

2.12 <b><u>Subd. 2. Senate</u></b>	<b><u>37,430,000</u></b>	<b><u>37,545,000</u></b>
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2.13 <b><u>Subd. 3. House of Representatives</u></b>	<b><u>39,932,000</u></b>	<b><u>40,431,000</u></b>
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2.14 <b><u>Subd. 4. Legislative Coordinating Commission</u></b>	<b><u>21,457,000</u></b>	<b><u>21,762,000</u></b>
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2.15 The base for this appropriation in fiscal year  
 2.16 2024 and each year thereafter is \$21,737,000.

2.17 From its funds, \$10,000 each year is for  
 2.18 purposes of the legislators' forum, through  
 2.19 which Minnesota legislators meet with  
 2.20 counterparts from South Dakota, North  
 2.21 Dakota, and Manitoba to discuss issues of  
 2.22 mutual concern.

2.23 **Legislative Auditor.** \$7,689,000 the first year  
 2.24 and \$7,817,000 the second year are for the  
 2.25 Office of the Legislative Auditor.

2.26 The legislative auditor may use any unspent  
 2.27 amounts appropriated under Laws 2017, First  
 2.28 Special Session chapter 6, article 18, section  
 2.29 2, subdivision 3, paragraph (b), and  
 2.30 subdivision 5, paragraph (b); and Laws 2019,  
 2.31 First Special Session chapter 9, article 14,  
 2.32 section 2, subdivision 3, paragraphs (i) and  
 2.33 (j), to conduct audits required by Minnesota

3.1 Statutes, section 3.972, subdivision 2a, in  
3.2 fiscal years 2022 and 2023.

3.3 **Revisor of Statutes.** \$7,298,000 the first year  
3.4 and \$7,419,000 the second year are for the  
3.5 Office of the Revisor of Statutes.

3.6 **Legislative Reference Library.** \$1,793,000  
3.7 the first year and \$1,822,000 the second year  
3.8 are for the Legislative Reference Library.

3.9 **Legislative Budget Office.** \$1,536,000 the  
3.10 first year and \$1,570,000 the second year are  
3.11 for the Legislative Budget Office.

3.12 Sec. 3. **GOVERNOR AND LIEUTENANT**  
3.13 **GOVERNOR**

\$      3,622,000   \$      3,622,000

3.14 (a) This appropriation is to fund the Office of  
3.15 the Governor and Lieutenant Governor.

3.16 (b) \$19,000 each year is for necessary  
3.17 expenses in the normal performance of the  
3.18 governor's and lieutenant governor's duties for  
3.19 which no other reimbursement is provided.

3.20 (c) By September 1 of each year, the  
3.21 commissioner of management and budget shall  
3.22 report to the chairs and ranking minority  
3.23 members of the legislative committees with  
3.24 jurisdiction over state government finance any  
3.25 personnel costs incurred by the Offices of the  
3.26 Governor and Lieutenant Governor that were  
3.27 supported by appropriations to other agencies  
3.28 during the previous fiscal year. The Office of  
3.29 the Governor shall inform the chairs and  
3.30 ranking minority members of the committees  
3.31 before initiating any interagency agreements.

3.32 Sec. 4. **STATE AUDITOR**

\$      11,955,000   \$      12,051,000

3.33 The base for this appropriation in fiscal year  
3.34 2024 is \$12,061,000. The base for this

4.1 appropriation in fiscal year 2025 and each year  
 4.2 thereafter is \$12,067,000.

4.3 Of these amounts, \$743,000 the first year and  
 4.4 \$744,000 the second year are for a school  
 4.5 finance accountability team in the audit  
 4.6 practice division to allow for the audits of  
 4.7 school districts that have volunteered with and  
 4.8 been selected by the state auditor to have their  
 4.9 annual audit performed by the state auditor at  
 4.10 no cost to the district. The state auditor must  
 4.11 establish a selection process. Notwithstanding  
 4.12 Minnesota Statutes, section 6.56, the state  
 4.13 auditor may not bill a school district for any  
 4.14 work conducted by the school finance  
 4.15 accountability team prior to July 1, 2025.

4.16 **Sec. 5. ATTORNEY GENERAL** **\$ 31,614,000 \$ 29,104,000**

4.17 Appropriations by Fund

	<u>2022</u>	<u>2023</u>
4.18 <u>General</u>	<u>28,698,0000</u>	<u>26,188,000</u>
4.19 <u>State Government</u>		
4.20 <u>Special Revenue</u>	<u>2,521,000</u>	<u>2,521,000</u>
4.21 <u>Environmental</u>	<u>145,000</u>	<u>145,000</u>
4.22 <u>Remediation</u>	<u>250,000</u>	<u>250,000</u>

4.24 **Sec. 6. SECRETARY OF STATE** **\$ 9,684,000 \$ 9,152,000**

4.25 \$750,000 each year is for transfer to the voting  
 4.26 equipment grant account under Minnesota  
 4.27 Statutes, section 206.95.

4.28 \$1,000,000 each year is for grants to local  
 4.29 units of government to implement the  
 4.30 provisions of Minnesota Statutes, section  
 4.31 203B.082.

4.32 **Sec. 7. CAMPAIGN FINANCE AND PUBLIC**  
 4.33 **DISCLOSURE BOARD** **\$ 1,145,000 \$ 1,167,000**

4.34 **Sec. 8. STATE BOARD OF INVESTMENT** **\$ 139,000 \$ 139,000**

5.1	Sec. 9. <u>ADMINISTRATIVE HEARINGS</u>	\$	<u>8,236,000</u>	\$	<u>8,240,000</u>
5.2	<u>Appropriations by Fund</u>				
5.3			<u>2022</u>		<u>2023</u>
5.4	<u>General</u>		<u>405,000</u>		<u>409,000</u>
5.5	<u>Workers'</u>				
5.6	<u>Compensation</u>		<u>7,831,000</u>		<u>7,831,000</u>
5.7	<u>\$268,000 the first year and \$272,000 the</u>				
5.8	<u>second year are for municipal boundary</u>				
5.9	<u>adjustments.</u>				
5.10	Sec. 10. <u>OFFICE OF MN.IT SERVICES</u>	\$	<u>9,855,000</u>	\$	<u>9,882,000</u>
5.11	<u>(a) \$2,100,000 the first year and \$2,050,000</u>				
5.12	<u>the second year are to implement</u>				
5.13	<u>recommendations from the Governor's Blue</u>				
5.14	<u>Ribbon Council on Information Technology,</u>				
5.15	<u>established by Executive Order 19-02 and</u>				
5.16	<u>re-established by Executive Order 20-77. The</u>				
5.17	<u>base for this appropriation is \$1,400,000 in</u>				
5.18	<u>fiscal years 2024 and 2025.</u>				
5.19	<u>(b) The commissioner of management and</u>				
5.20	<u>budget is authorized to provide cash flow</u>				
5.21	<u>assistance of up to \$50,000,000 from the</u>				
5.22	<u>special revenue fund or other statutory general</u>				
5.23	<u>funds as defined in Minnesota Statutes, section</u>				
5.24	<u>16A.671, subdivision 3, paragraph (a), to the</u>				
5.25	<u>Office of MN.IT Services for the purpose of</u>				
5.26	<u>managing revenue and expenditure</u>				
5.27	<u>differences. These funds shall be repaid with</u>				
5.28	<u>interest by the end of the fiscal year 2023</u>				
5.29	<u>closing period.</u>				
5.30	<u>(c) During the biennium ending June 30, 2023,</u>				
5.31	<u>the Office of MN.IT Services must not charge</u>				
5.32	<u>fees to a public noncommercial educational</u>				
5.33	<u>television broadcast station eligible for funding</u>				
5.34	<u>under Minnesota Statutes, chapter 129D, for</u>				
5.35	<u>access to the state broadcast infrastructure. If</u>				



7.1 (b) \$250,000 each year is for public television  
7.2 equipment grants under Minnesota Statutes,  
7.3 section 129D.13.

7.4 (c) The commissioner of administration must  
7.5 consider the recommendations of the  
7.6 Minnesota Public Television Association  
7.7 before allocating the amounts appropriated in  
7.8 paragraphs (a) and (b) for equipment or  
7.9 matching grants.

7.10 **Public Radio.** (a) \$492,000 each year is for  
7.11 community service grants to public  
7.12 educational radio stations. This appropriation  
7.13 may be used to disseminate emergency  
7.14 information in foreign languages.

7.15 (b) \$142,000 each year is for equipment grants  
7.16 to public educational radio stations. This  
7.17 appropriation may be used for the repair,  
7.18 rental, and purchase of equipment including  
7.19 equipment under \$500.

7.20 (c) \$510,000 each year is for equipment grants  
7.21 to Minnesota Public Radio, Inc., including  
7.22 upgrades to Minnesota's Emergency Alert and  
7.23 AMBER Alert Systems.

7.24 (d) The appropriations in paragraphs (a) to (c)  
7.25 may not be used for indirect costs claimed by  
7.26 an institution or governing body.

7.27 (e) The commissioner of administration must  
7.28 consider the recommendations of the  
7.29 Association of Minnesota Public Educational  
7.30 Radio Stations before awarding grants under  
7.31 Minnesota Statutes, section 129D.14, using  
7.32 the appropriations in paragraphs (a) and (b).  
7.33 No grantee is eligible for a grant unless they  
7.34 are a member of the Association of Minnesota



9.1 unencumbered balance in the first year does  
 9.2 not cancel but is available for the second year.

9.3 (b) For purposes of this section, "taxpayer  
 9.4 assistance services" means accounting and tax  
 9.5 preparation services provided by volunteers  
 9.6 to low-income, elderly, and disadvantaged  
 9.7 Minnesota residents to help them file federal  
 9.8 and state income tax returns and Minnesota  
 9.9 property tax refund claims and to provide  
 9.10 personal representation before the Department  
 9.11 of Revenue and Internal Revenue Service.

9.12 **Subd. 3. Debt Collection Management** 29,873,000 30,390,000

9.13 **Sec. 15. GAMBLING CONTROL** \$ 5,728,000 \$ 5,123,000

9.14 These appropriations are from the lawful  
 9.15 gambling regulation account in the special  
 9.16 revenue fund. The base for this appropriation  
 9.17 in fiscal year 2024 is \$5,093,000. The base for  
 9.18 this appropriation in fiscal year 2025 and each  
 9.19 year thereafter is \$4,923,000.

9.20 \$865,000 the first year and \$260,000 the  
 9.21 second year are to create an information  
 9.22 system and to update the board's website. The  
 9.23 base for this appropriation in fiscal year 2024  
 9.24 is \$230,000. The base for this appropriation  
 9.25 in fiscal year 2025 and each year thereafter is  
 9.26 \$60,000.

9.27 **Sec. 16. RACING COMMISSION** \$ 913,000 \$ 913,000

9.28 These appropriations are from the racing and  
 9.29 card playing regulation accounts in the special  
 9.30 revenue fund.

9.31 **Sec. 17. STATE LOTTERY**

9.32 Notwithstanding Minnesota Statutes, section  
 9.33 349A.10, subdivision 3, the State Lottery's

10.1 operating budget must not exceed \$36,500,000  
 10.2 in fiscal year 2022 and \$36,500,000 in fiscal  
 10.3 year 2023.

10.4 Sec. 18. AMATEUR SPORTS COMMISSION \$ 311,000 \$ 317,000

10.5 Sec. 19. COUNCIL FOR MINNESOTANS OF  
 10.6 AFRICAN HERITAGE \$ 544,000 \$ 552,000

10.7 Sec. 20. COUNCIL ON LATINO AFFAIRS \$ 534,000 \$ 544,000

10.8 Sec. 21. COUNCIL ON ASIAN-PACIFIC  
 10.9 MINNESOTANS \$ 525,000 \$ 534,000

10.10 Sec. 22. INDIAN AFFAIRS COUNCIL \$ 855,000 \$ 864,000

10.11 Sec. 23. MINNESOTA HISTORICAL  
 10.12 SOCIETY

10.13 Subdivision 1. Total Appropriation \$ 23,968,000 \$ 23,918,000

10.14 The amounts that may be spent for each  
 10.15 purpose are specified in the following  
 10.16 subdivisions.

10.17 Subd. 2. Operations and Programs 23,397,000 23,597,000

10.18 Notwithstanding Minnesota Statutes, section  
 10.19 138.668, the Minnesota Historical Society may  
 10.20 not charge a fee for its general tours at the  
 10.21 Capitol, but may charge fees for special  
 10.22 programs other than general tours.

10.23 Subd. 3. Fiscal Agent

10.24 (a) Global Minnesota 39,000 39,000

10.25 (b) Minnesota Air National Guard Museum 17,000 17,000

10.26 (c) Hockey Hall of Fame 100,000 100,000

10.27 (d) Farmamerica 365,000 115,000

10.28 \$250,000 the first year is for site  
 10.29 improvements, including classroom, upgrades,  
 10.30 visitor center remodeling, and expanded  
 10.31 agricultural literacy programming.

10.32 (e) Minnesota Military Museum 50,000 50,000



12.1	Sec. 26. <u>BOARD OF ACCOUNTANCY</u>	\$	<u>688,000</u>	\$	<u>698,000</u>
12.2	Sec. 27. <u>BOARD OF ARCHITECTURE</u>				
12.3	<u>ENGINEERING, LAND SURVEYING,</u>				
12.4	<u>LANDSCAPE ARCHITECTURE,</u>				
12.5	<u>GEOSCIENCE, AND INTERIOR DESIGN</u>	\$	<u>863,000</u>	\$	<u>874,000</u>
12.6	Sec. 28. <u>BOARD OF COSMETOLOGIST</u>				
12.7	<u>EXAMINERS</u>	\$	<u>2,923,000</u>	\$	<u>2,923,000</u>
12.8	Sec. 29. <u>BOARD OF BARBER EXAMINERS</u>	\$	<u>348,000</u>	\$	<u>353,000</u>
12.9	Sec. 30. <u>GENERAL CONTINGENT</u>				
12.10	<u>ACCOUNTS</u>	\$	<u>1,000,000</u>	\$	<u>500,000</u>
12.11	<u>Appropriations by Fund</u>				
12.12		<u>2022</u>		<u>2023</u>	
12.13	<u>General</u>	<u>500,000</u>		<u>-0-</u>	
12.14	<u>State Government</u>				
12.15	<u>Special Revenue</u>	<u>400,000</u>		<u>400,000</u>	
12.16	<u>Workers'</u>				
12.17	<u>Compensation</u>	<u>100,000</u>		<u>100,000</u>	
12.18	<u>(a) The appropriations in this section may only</u>				
12.19	<u>be spent with the approval of the governor</u>				
12.20	<u>after consultation with the Legislative</u>				
12.21	<u>Advisory Commission pursuant to Minnesota</u>				
12.22	<u>Statutes, section 3.30.</u>				
12.23	<u>(b) If an appropriation in this section for either</u>				
12.24	<u>year is insufficient, the appropriation for the</u>				
12.25	<u>other year is available for it.</u>				
12.26	<u>(c) If a contingent account appropriation is</u>				
12.27	<u>made in one fiscal year, it should be</u>				
12.28	<u>considered a biennial appropriation.</u>				
12.29	Sec. 31. <u>TORT CLAIMS</u>	\$	<u>161,000</u>	\$	<u>161,000</u>
12.30	<u>These appropriations are to be spent by the</u>				
12.31	<u>commissioner of management and budget</u>				
12.32	<u>according to Minnesota Statutes, section</u>				
12.33	<u>3.736, subdivision 7. If the appropriation for</u>				
12.34	<u>either year is insufficient, the appropriation</u>				
12.35	<u>for the other year is available for it.</u>				



14.1 needed under Minnesota Statutes, section

14.2 353.505.

14.3 **Sec. 34. TEACHERS RETIREMENT**

14.4 **ASSOCIATION**

**\$ 29,831,000 \$ 29,831,000**

14.5 The amounts estimated to be needed are as

14.6 follows:

14.7 **Special Direct State Aid.** \$27,331,000 each

14.8 year is for special direct state aid authorized

14.9 under Minnesota Statutes, section 354.436.

14.10 **Special Direct State Matching Aid.**

14.11 \$2,500,000 each year is for special direct state

14.12 matching aid authorized under Minnesota

14.13 Statutes, section 354.435.

14.14 **Sec. 35. ST. PAUL TEACHERS RETIREMENT**

14.15 **FUND**

**\$ 14,827,000 \$ 14,827,000**

14.16 The amounts estimated to be needed for

14.17 special direct state aid to the first class city

14.18 teachers retirement fund association authorized

14.19 under Minnesota Statutes, section 354A.12,

14.20 subdivisions 3a and 3c.

14.21 **Sec. 36. MILITARY AFFAIRS**

14.22 **Subdivision 1. Total Appropriation**

**\$ 24,393,000 \$ 24,589,000**

14.23 The amounts that may be spent for each

14.24 purpose are specified in the following

14.25 subdivisions.

14.26 **Subd. 2. Maintenance of Training Facilities**

9,772,000 9,842,000

14.27 **Subd. 3. General Support**

3,507,000 3,633,000

14.28 **Subd. 4. Enlistment Incentives**

11,114,000 11,114,000

14.29 The appropriations in this subdivision are

14.30 available until June 30, 2025, except that any

14.31 unspent amounts allocated to a program

14.32 otherwise supported by this appropriation are

14.33 canceled to the general fund upon receipt of



- 16.1 are homeless or in danger of homelessness,  
16.2 including assistance with the following:
- 16.3 (1) utilities;  
16.4 (2) employment; and  
16.5 (3) legal issues.
- 16.6 The assistance authorized under this paragraph  
16.7 must be made only to veterans who have  
16.8 resided in Minnesota for 30 days prior to  
16.9 application for assistance and according to  
16.10 other guidelines established by the  
16.11 commissioner. In order to avoid duplication  
16.12 of services, the commissioner must ensure that  
16.13 this assistance is coordinated with all other  
16.14 available programs for veterans.
- 16.15 **(d) State's Veterans Cemeteries.** \$6,172,000  
16.16 the first year and \$1,672,000 the second year  
16.17 are for the state's veterans cemeteries. Of these  
16.18 amounts, \$4,500,000 the first year is to  
16.19 construct and equip the new veterans cemetery  
16.20 in Redwood Falls.
- 16.21 **(e) Honor Guards.** \$200,000 each year is for  
16.22 compensation for honor guards at the funerals  
16.23 of veterans under Minnesota Statutes, section  
16.24 197.231.
- 16.25 **(f) Minnesota GI Bill.** \$200,000 each year is  
16.26 for the costs of administering the Minnesota  
16.27 GI Bill postsecondary educational benefits,  
16.28 on-the-job training, and apprenticeship  
16.29 program under Minnesota Statutes, section  
16.30 197.791.
- 16.31 **(g) Gold Star Program.** \$100,000 each year  
16.32 is for administering the Gold Star Program for

- 17.1 surviving family members of deceased  
17.2 veterans.
- 17.3 **(h) County Veterans Service Office.**  
17.4 \$1,100,000 each year is for funding the  
17.5 County Veterans Service Office grant program  
17.6 under Minnesota Statutes, section 197.608.
- 17.7 **(i) Veteran Homelessness Initiative.**  
17.8 \$3,165,000 each year is for an initiative to  
17.9 prevent and end veteran homelessness. The  
17.10 commissioner of veterans affairs may provide  
17.11 housing vouchers and other services to  
17.12 alleviate homelessness among veterans and  
17.13 former service members in Minnesota. The  
17.14 commissioner may contract for program  
17.15 administration and may establish a vacancy  
17.16 reserve fund. The base for this appropriation  
17.17 in fiscal year 2024 and each year thereafter is  
17.18 \$1,311,000.
- 17.19 **(j) Camp Bliss.** \$75,000 each year is for a  
17.20 grant to Independent Lifestyles, Inc. for  
17.21 expenses related to retreats for veterans at  
17.22 Camp Bliss in Walker, Minnesota, including  
17.23 therapy, transportation, and activities  
17.24 customized for veterans.
- 17.25 **(k) Veterans On The Lake.** \$50,000 in the  
17.26 first year is for a grant to Veterans on the Lake  
17.27 for expenses related to retreats for veterans,  
17.28 including therapy, transportation, and activities  
17.29 customized for veterans.
- 17.30 **(l) Veterans Resilience Project.** \$400,000  
17.31 each year is for a grant to the veterans  
17.32 resilience project. Grant funds must be used  
17.33 to make eye movement desensitization and  
17.34 reprocessing therapy available to veterans and

18.1 current military service members who are  
 18.2 suffering from posttraumatic stress disorder  
 18.3 and trauma. The base for this appropriation in  
 18.4 fiscal year 2024 and each year thereafter is  
 18.5 \$200,000.

18.6 The veterans resilience project must report to  
 18.7 the commissioner of veterans affairs and the  
 18.8 chairs and ranking minority members of the  
 18.9 legislative committees with jurisdiction over  
 18.10 veterans affairs policy and finance by January  
 18.11 15 of each year on the program. The report  
 18.12 must include an overview of the program's  
 18.13 budget, a detailed explanation of program  
 18.14 expenditures, the number of veterans and  
 18.15 service members served by the program, and  
 18.16 a list and explanation of the services provided  
 18.17 to program participants.

18.18 (m) 9/11 Task Force. \$500,000 the first year  
 18.19 is for the Advisory Task Force on 9/11 and  
 18.20 Global War on Terrorism Remembrance. The  
 18.21 task force must collect, memorialize, and  
 18.22 publish stories of Minnesotans' service in the  
 18.23 Global War on Terrorism and impacts on their  
 18.24 dependents. The task force must host a  
 18.25 remembrance program in September 2021.  
 18.26 This is a onetime appropriation.

18.27 Subd. 3. Veterans Health Care 62,457,000 71,033,000

18.28 The base for this appropriation in fiscal year  
 18.29 2024 and each year thereafter is \$70,086,000.

18.30 (a) \$61,457,000 the first year and \$70,383,000  
 18.31 the second year may be transferred to a  
 18.32 veterans homes special revenue account in the  
 18.33 special revenue fund in the same manner as  
 18.34 other receipts are deposited according to

19.1 Minnesota Statutes, section 198.34, and are  
19.2 appropriated to the commissioner of veterans  
19.3 affairs for the operation of veterans homes  
19.4 facilities and programs. The base for this  
19.5 transfer in fiscal year 2024 and each year  
19.6 thereafter is \$69,536,000.

19.7 Of the amounts transferred under this  
19.8 paragraph, \$337,000 the first year and  
19.9 \$8,347,000 the second year are for the  
19.10 operation of the new veterans homes in  
19.11 Bemidji, Montevideo, and Preston.

19.12 The department shall seek opportunities to  
19.13 maximize federal reimbursements of  
19.14 Medicare-eligible expenses and provide annual  
19.15 reports to the commissioner of management  
19.16 and budget on the federal Medicare  
19.17 reimbursements received. Contingent upon  
19.18 future federal Medicare receipts, reductions  
19.19 to the homes' general fund appropriation may  
19.20 be made.

19.21 (b) \$1,000,000 the first year and \$650,000 the  
19.22 second year are to address the problem of  
19.23 death by suicide among veterans in Minnesota.

19.24 The commissioner of veterans affairs may use  
19.25 funds for personnel, training, research,  
19.26 marketing, and professional or technical  
19.27 contracts. The base for this appropriation in  
19.28 fiscal year 2024 and each year thereafter is  
19.29 \$550,000.

19.30 **Sec. 38. CANCELLATIONS; FISCAL YEAR 2021.**

19.31 (a) \$379,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First  
19.32 Special Session chapter 10, article 1, section 10, is canceled.

20.1 (b) \$300,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First  
20.2 Special Session chapter 10, article 1, section 11, subdivision 1, is canceled. This amount is  
20.3 from the fiscal year 2021 appropriation for government and citizen services.

20.4 (c) \$1,367,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First  
20.5 Special Session chapter 10, article 1, section 13, is canceled.

20.6 (d) \$8,274,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First  
20.7 Special Session chapter 10, article 1, section 14, subdivision 1, is canceled. Of this amount,  
20.8 \$7,305,000 is from the fiscal year 2021 appropriation for tax system management and  
20.9 \$969,000 is from the fiscal year 2021 appropriation for debt collection management.

20.10 (e) \$86,000 of the fiscal year 2021 general fund appropriation for moving and relocation  
20.11 expenses under Laws 2019, First Special Session chapter 10, article 1, section 24, subdivision  
20.12 2, as amended by Laws 2020, chapter 104, article 2, section 4, is canceled.

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

20.14 Sec. 39. **CANCELLATIONS; ITA ACCOUNT.**

20.15 (a) \$179,000 from the information and telecommunications technology systems and  
20.16 services account established under Minnesota Statutes, section 16E.21, is canceled to the  
20.17 general fund.

20.18 (b) \$14,000 from the information and telecommunications technology systems and  
20.19 services account established under Minnesota Statutes, section 16E.21, is canceled to the  
20.20 workers' compensation fund.

20.21 (c) \$5,000 from the information and telecommunications technology systems and services  
20.22 account established under Minnesota Statutes, section 16E.21, is canceled to the state  
20.23 government special revenue fund.

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

20.25 Sec. 40. **CANCELLATION; DATA SECURITY ACCOUNT.**

20.26 On July 1, 2023, \$1,200,000 from the data security account established under Minnesota  
20.27 Statutes, section 3.9741, subdivision 5, is canceled to the general fund.

21.1 Sec. 41. **HELP AMERICA VOTE ACT ACCOUNT; LOCAL GOVERNMENT**  
21.2 **GRANTS.**

21.3 \$3,000,000 of the total amount appropriated to the secretary of state by Laws 2019, First  
21.4 Special Session chapter 10, article 1, section 40, and Laws 2020, chapter 77, section 3, must  
21.5 be distributed as grants to political subdivisions for activities authorized by those laws.

21.6 Sec. 42. Laws 2019, First Special Session chapter 10, article 1, section 40, is amended to  
21.7 read:

21.8 Sec. 40. **HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS;**  
21.9 **SECRETARY OF STATE.**

21.10 (a) \$6,595,610 is appropriated in fiscal year 2019 from the HAVA account established  
21.11 in Minnesota Statutes, section 5.30, to the secretary of state for the purposes of improving  
21.12 the administration and security of elections as authorized by federal law. Use of the  
21.13 appropriation is limited to the following activities:

21.14 (1) modernizing, securing, and updating the statewide voter registration system and for  
21.15 cybersecurity upgrades as authorized by federal law;

21.16 (2) improving accessibility;

21.17 (3) preparing training materials and training local election officials; and

21.18 (4) implementing security improvements for election systems.

21.19 (b) Any amount earned in interest on the amount appropriated under paragraph (a) is  
21.20 appropriated from the HAVA account to the secretary of state for purposes of improving  
21.21 the administration and security of elections as authorized by federal law.

21.22 (c) The appropriations under paragraphs (a) and (b) are onetime and available until  
21.23 March 23, ~~2023~~ 2027.

21.24 (d) \$167,000 expended by the secretary of state in fiscal years 2018 and 2019 for  
21.25 increasing secure access to the statewide voter registration system is deemed:

21.26 (1) to be money used for carrying out the purposes authorized under the Omnibus  
21.27 Appropriations Act of 2018, Public Law 115-1410, and the Help America Vote Act of 2002,  
21.28 Public Law 107-252, section 101; and

21.29 (2) to be credited toward any match required by those laws.

22.1 Sec. 43. Laws 2020, chapter 77, section 3, subdivision 6, is amended to read:

22.2 Subd. 6. **Availability of appropriations.** The appropriations provided in this section  
22.3 are onetime and available until December 21, ~~2024~~ 2028.

## 22.4 ARTICLE 2

### 22.5 STATE GOVERNMENT OPERATIONS

22.6 Section 1. **[3.888] LEGISLATIVE COMMISSION ON CYBERSECURITY.**

22.7 Subdivision 1. **Membership.** The Legislative Commission on Cybersecurity consists  
22.8 of the following eight members:

22.9 (1) four senators, including two senators appointed by the senate majority leader and  
22.10 two senators appointed by the senate minority leader; and

22.11 (2) four members of the house of representatives, including two members appointed by  
22.12 the speaker of the house and two members appointed by the minority leader of the house.

22.13 Subd. 2. **Terms; vacancies.** Members of the commission serve for a two-year term  
22.14 beginning on appointment and expiring on appointment of a successor after the opening of  
22.15 the next regular session of the legislature in the odd-numbered year. A vacancy in the  
22.16 membership of the commission must be filled for the unexpired term in a manner that will  
22.17 preserve the representation established by this section.

22.18 Subd. 3. **Duties.** The commission shall provide oversight of the state's cybersecurity  
22.19 measures. The commission shall review the policies and practices of state agencies with  
22.20 regard to cybersecurity and may recommend changes in policy to adequately protect the  
22.21 state from cybersecurity threats. The commission may develop recommendations and draft  
22.22 legislation to support and strengthen the state's cybersecurity infrastructure.

22.23 Subd. 4. **Chair.** The commission shall elect a chair by a majority vote of members  
22.24 present. If the commission is unable to elect a chair by a majority vote at its first meeting  
22.25 of a biennium, the ranking member of the majority party shall serve as chair. The officers  
22.26 shall alternate between a member of the senate and a member of the house of representatives.  
22.27 A chair shall serve a two-year term expiring upon election of a new chair after the opening  
22.28 of the next regular session of the legislature in the odd-numbered year.

22.29 Subd. 5. **Meetings.** The commission must meet at least three times per calendar year.  
22.30 The meetings of the commission are subject to section 3.055, except that the commission  
22.31 may close a meeting when necessary to safeguard the state's cybersecurity. The minutes,  
22.32 recordings, and documents from a closed meeting under this subdivision shall be maintained

23.1 by the Legislative Coordinating Commission and shall not be made available to the public  
 23.2 until eight years after the date of the meeting.

23.3 Subd. 6. **Administration.** The Legislative Coordinating Commission shall provide  
 23.4 administrative services for the commission.

23.5 Subd. 7. **Expiration.** The commission expires December 31, 2028.

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

23.7 Sec. 2. [10.551] INDIA DAY.

23.8 (a) August 15 of each year is designated India Day to commemorate and celebrate the  
 23.9 diverse culture, heritage, traditions, and contributions of Minnesotans of Indian ancestry.

23.10 (b) The diverse culture, traditions, and values of this community have contributed to the  
 23.11 vitality of Minnesota. Each year, the governor shall issue a proclamation honoring the  
 23.12 observance of India Day and shall encourage Minnesotans to take the opportunity to learn  
 23.13 about and appreciate the community and its contributions.

23.14 Sec. 3. Minnesota Statutes 2020, section 14.389, subdivision 5, is amended to read:

23.15 Subd. 5. **Option.** A law authorizing or requiring rules to be adopted under this section  
 23.16 may refer specifically to this subdivision. If the law contains a specific reference to this  
 23.17 subdivision, as opposed to a general reference to this section:

23.18 (1) the notice required in subdivision 2 must include a statement that a public hearing  
 23.19 will be held if ~~100~~ 50 or more people request a hearing. The request must be in the manner  
 23.20 specified in section 14.25; and

23.21 (2) if ~~100~~ 50 or more people submit a written request for a public hearing, the agency  
 23.22 may adopt the rule only after complying with all of the requirements of chapter 14 for rules  
 23.23 adopted after a public hearing.

23.24 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies to rules proposed  
 23.25 on or after that date.

23.26 Sec. 4. Minnesota Statutes 2020, section 16A.06, is amended by adding a subdivision to  
 23.27 read:

23.28 Subd. 12. **Audit of state's use of federal funds.** The commissioner shall contract with  
 23.29 a qualified auditor to conduct the annual audit required by the Single Audit Act of 1984,  
 23.30 Public Law 98-502; the Single Audit Act Amendments of 1996, Public Law 104-156; and

24.1 Code of Federal Regulations, title 2, part 200, Uniform Administrative Requirements, Cost  
 24.2 Principles, and Audit Requirements for Federal Awards (Uniform Guidance). The cost of  
 24.3 the audit shall be billed to the agencies audited during the subsequent fiscal year. Amounts  
 24.4 paid by state agencies shall be deposited in the general fund.

24.5 **Sec. 5. [16A.401] VIRTUAL PAYMENTS AUTHORIZED.**

24.6 Subdivision 1. **Virtual payments.** The commissioner may establish a program to issue  
 24.7 virtual payments from the state treasury. Any rebate to the state generated by the program  
 24.8 must be deposited in the general fund unless retained under subdivision 3.

24.9 Subd. 2. **Rebates.** Notwithstanding subdivision 1, rebates attributable to expenditures  
 24.10 in funds established in the state constitution or protected by federal law must be returned  
 24.11 to the account from which the expenditure originated.

24.12 Subd. 3. **Rebates retained.** The commissioner may retain a portion of rebates for the  
 24.13 administration of this section. Money retained under this subdivision must be deposited in  
 24.14 an account in the special revenue fund and is appropriated to the commissioner for the  
 24.15 purposes of this section.

24.16 **Sec. 6.** Minnesota Statutes 2020, section 16B.24, is amended by adding a subdivision to  
 24.17 read:

24.18 Subd. 13. **Electric vehicle charging.** The commissioner shall require that a user of a  
 24.19 charging station located on the State Capitol complex used to charge a private electric  
 24.20 vehicle pay an electric service fee. The commissioner shall set the electric service fee rate  
 24.21 to cover electricity costs for charging an electric vehicle and for the administrative costs  
 24.22 associated with providing electric charging stations.

24.23 **Sec. 7. [43A.231] PROCUREMENT OF A PHARMACY BENEFIT MANAGER**  
 24.24 **AND A PLATFORM TECHNOLOGY VENDOR.**

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

24.27 (b) "Market check" means a technology-driven evaluation of prescription drug pricing  
 24.28 based on benchmarks derived from reverse auction processes conducted in the United States  
 24.29 over the immediately preceding 12 months.

24.30 (c) "Pharmacy benefit management services" means:

25.1 (1) the procurement of prescription drugs at a negotiated rate for dispensation within  
25.2 the State Employees Group Insurance Program (SEGIP) to enrollees;

25.3 (2) the administration and management of the prescription drug benefit under SEGIP;  
25.4 and

25.5 (3) any services defined in section 62W.02, subdivisions 8, 12, and 15, paragraph (a).

25.6 (d) "Pharmacy benefit manager" has the meaning given in section 62W.02, subdivision  
25.7 15, paragraph (a).

25.8 (e) "Price" means the projected cost of a bid for providing pharmacy benefit management  
25.9 services over the duration of the contract.

25.10 (f) "Reverse auction" means an automated bidding process conducted online that starts  
25.11 with an opening price and allows qualified bidders to counteroffer a lower price for multiple  
25.12 rounds of bidding.

25.13 (g) "SEGIP" means the State Employees Group Insurance Program under sections 43A.22  
25.14 to 43A.31.

25.15 Subd. 2. **Purpose.** The purpose of this section is to optimize prescription drug savings  
25.16 in SEGIP through:

25.17 (1) contracting with a pharmacy benefit manager to manage and administer the  
25.18 prescription drug benefit for SEGIP;

25.19 (2) the adoption of a reverse auction process for the selection of a pharmacy benefit  
25.20 manager;

25.21 (3) providing a process for the electronic review and validation of pharmacy benefit  
25.22 manager claims invoices for the purpose of reconciling pharmacy bills;

25.23 (4) market checks of the pharmacy benefit manager's prescription drug pricing; and

25.24 (5) limiting independent pharmacies from unsustainable reimbursement practices.

25.25 Subd. 3. **Procurement of a pharmacy benefit manager.** (a) Notwithstanding any law  
25.26 to the contrary, the commissioner of management and budget shall procure a contract for  
25.27 the services of a pharmacy benefit manager to administer the prescription drug benefit and  
25.28 pharmacy benefit management services, effective January 1, 2023.

25.29 (b) For the contract effective January 1, 2023, the commissioner shall conduct a reverse  
25.30 auction as described in this section to select the pharmacy benefit manager and use a reverse

26.1 auction for procurement of subsequent pharmacy benefit manager contracts as provided in  
26.2 subdivision 5, paragraph (b).

26.3 (c) In consultation with the technology platform vendor selected under subdivision 4,  
26.4 the commissioner shall specify the terms of a participant bidding agreement that all bidders  
26.5 must accept as a prerequisite for participation in the reverse auction process, including:

26.6 (1) common definitions;

26.7 (2) prescription drug classifications;

26.8 (3) retail pricing rules, including maximum allowable cost price lists and dispensing  
26.9 fees; and

26.10 (4) any other contract terms the commissioner deems necessary to further the purpose  
26.11 of this section as specified under subdivision 2.

26.12 (d) A pharmacy benefit manager who submits a bid under this subdivision must provide  
26.13 the commissioner access to complete pharmacy claims data necessary for the commissioner  
26.14 to conduct the reverse auction and to carry out administrative and management duties.

26.15 (e) The terms of a contract entered into under this subdivision shall not be modified by  
26.16 the pharmacy benefit manager except with the approval of the commissioner.

26.17 (f) The commissioner may structure the contract awarded under this subdivision to pay  
26.18 the cost of the technology platform and the associated professional services contracted for  
26.19 under this subdivision by assessing a fee per prescription to be paid directly by the pharmacy  
26.20 benefit manager to the technology platform vendor.

26.21 (g) The commissioner must perform annual market checks on pharmacy benefit manager  
26.22 services performed by the pharmacy benefit manager during the term of the contract. A  
26.23 market check performed under this paragraph may include an evaluation of the effect of  
26.24 alternative drug pricing metrics, such as the national average drug acquisition cost and  
26.25 average wholesale price, on the cost of prescription drugs and savings to the state.

26.26 (h) The commissioner shall make regular, periodic payment of invoices within the time  
26.27 periods specified in the contract based on the automated adjudication of invoiced claims  
26.28 using the technology platform to validate that claims payments comply with the terms of  
26.29 the contract.

26.30 (i) The joint labor-management committee on health plans shall assist in the process  
26.31 through which the commissioner conducts the reverse auction, evaluation, and comparison  
26.32 of the competing pharmacy benefit manager bids for award of the contract.

27.1 Subd. 4. **Technology platform.** (a) At least three months before the reverse auction  
27.2 process is scheduled to be completed, the commissioner shall procure through a competitive  
27.3 bidding process a contract with a professional services vendor for a technology platform  
27.4 and any associated professional services necessary to operate the platform to:

27.5 (1) evaluate the qualifications of prospective pharmacy benefit manager bidders for the  
27.6 pharmacy benefit manager procurement;

27.7 (2) automatically adjudicate prescription drug claims; and

27.8 (3) collect data on pharmacy reimbursement.

27.9 (b) The platform procured under paragraph (a) must have the following capabilities to  
27.10 ensure optimal performance of the reverse auction and security of data:

27.11 (1) host and conduct an online automated reverse auction:

27.12 (i) using a software application and high-performance data infrastructure to intake,  
27.13 cleanse, and normalize pharmacy benefit manager data; and

27.14 (ii) with development methods and information security standards that have been validated  
27.15 by receiving Service Organization Control 2 (SOC 2) and National Institute of Standards  
27.16 and Technology certification;

27.17 (2) automate repricing of diverse and complex pharmacy benefit manager prescription  
27.18 drug pricing proposals to enable direct comparisons of the price of bids using all annual  
27.19 claims data available for the program using code-based classification or prescription drugs  
27.20 from nationally accepted drug sources;

27.21 (3) simultaneously evaluate, within six hours, diverse and complex multiple proposals  
27.22 from full-service pharmacy benefit managers that shall include at least guaranteed net cost,  
27.23 Average Wholesale Price and National Average Drug Acquisition Cost (NADAC) pricing  
27.24 models, as well as proposals from pharmacy benefit administrators and specialty drug and  
27.25 rebate carve-out services providers;

27.26 (4) produce an automated report and analysis of bids, including ranking of bids on the  
27.27 comparative costs and qualitative aspects of the costs within six hours after the close of  
27.28 each round of reverse auction bidding; and

27.29 (5) after the close of the reverse auction process, perform an electronic, line-by-line,  
27.30 claim-by-claim review of all invoiced pharmacy benefit manager claims within six hours  
27.31 of receipt that allows for an online comparison of pharmacy benefit manager invoices and

28.1 identifies all deviations from the specific terms of the services contract resulting from the  
28.2 reverse auction.

28.3 (c) The commissioner may require additional capabilities or more rigorous standards  
28.4 than those specified in paragraph (b).

28.5 (d) The commissioner shall not award the platform technology vendor contract under  
28.6 this subdivision to:

28.7 (1) a pharmacy benefit manager;

28.8 (2) a subsidiary or affiliate of a pharmacy benefit manager; or

28.9 (3) a vendor who is managed by a pharmacy benefit manager or who receives, directly  
28.10 or indirectly, remuneration from a pharmacy benefit manager for aggregating clients into  
28.11 a contractual relationship with a pharmacy benefit manager.

28.12 (e) The vendor who is awarded the contract under this subdivision must not subcontract  
28.13 any part of the reverse auction process or the review described under paragraph (b), clause  
28.14 (5).

28.15 Subd. 5. **Report; savings determination; process for selecting successor pharmacy**  
28.16 **benefit manager.** (a) The commissioner of management and budget, with the assistance of  
28.17 an actuarial consultant, shall compare the following: (1) actual, electronically adjudicated  
28.18 prescription drug costs under the first two years of the contract that begins on January 1,  
28.19 2023, with a pharmacy benefit manager that was selected by the reverse auction; and (2) a  
28.20 projection of what prescription drug costs would have been for those same two years under  
28.21 the pharmacy benefit manager contract in effect from 2018 to 2022, with appropriate  
28.22 adjustment for any adopted formulary or beneficiary utilization changes. The projection  
28.23 must use industry-recognized data sources. The commissioner of management and budget  
28.24 shall report the results of the comparison to the legislative auditor and to the chairs and  
28.25 ranking minority members of the committees in the senate and house of representatives  
28.26 with jurisdiction over state government finance and policy by March 1, 2025.

28.27 (b) The commissioner of management and budget must require the actuarial consultant  
28.28 to take appropriate measures to ensure that the consultant's work is not compromised by a  
28.29 conflict of interest.

28.30 (c) By April 1, 2025, the legislative auditor shall provide a report to the commissioner  
28.31 of management and budget and to the chairs and ranking minority members of the committees  
28.32 in the senate and house of representatives with jurisdiction over state government finance

29.1 and policy. The legislative auditor's report must make a determination as to whether the  
29.2 commissioner's report accurately performs the comparison required under paragraph (a).

29.3 (d) The technology platform vendor shall provide to the commissioner of management  
29.4 and budget and to the legislative auditor the electronically adjudicated prescription drug  
29.5 data and any other support or assistance required by the commissioner of management and  
29.6 budget to prepare a report and for the legislative auditor to validate the accuracy of the  
29.7 commissioner's results of the comparison, by deadlines established by the commissioner of  
29.8 management and budget and the legislative auditor. Individual-identifying data received  
29.9 from the technology platform vendor is private data on individuals, as defined by section  
29.10 13.02, subdivision 12.

29.11 (e) If the commissioner of management and budget determines that savings on  
29.12 prescription drug costs were not achieved, based on the comparison required under paragraph  
29.13 (a), with appropriate adjustment for any adopted formulary or beneficiary utilization changes,  
29.14 the commissioner may forego the use of a reverse auction for procurement of a successor  
29.15 pharmacy benefit manager contract. If the commissioner of management and budget  
29.16 determines that savings have been achieved, the commissioner must select the successor  
29.17 pharmacy benefit manager contract using the reverse auction process described in this  
29.18 section. If the commissioner's comparison in paragraph (a) finds that savings are not achieved,  
29.19 the commissioner's report under paragraph (a) must include the commissioner's findings  
29.20 that support a determination that savings were not achieved, analysis of the factors that  
29.21 caused a failure to achieve savings, and recommendations for how savings could be achieved  
29.22 in the next contract with a pharmacy benefit manager.

29.23 Subd. 6. **Data protections.** The commissioner of management and budget may only  
29.24 enter into an agreement with a technology platform vendor if the agreement provides privacy  
29.25 protections for data collected and maintained by the technology platform vendor, including:

29.26 (1) procedures for the prevention of unauthorized access or use;

29.27 (2) a prohibition on the sale of data collected and maintained as provided in the  
29.28 agreement; and

29.29 (3) a prohibition on dissemination of data unless authorized by state or federal law or  
29.30 the agreement.

30.1 Sec. 8. Minnesota Statutes 2020, section 138.38, is amended to read:

30.2 **138.38 REPORTS OF STATE ARCHAEOLOGIST.**

30.3 The state archaeologist shall consult with and keep the Indian Affairs Council ~~and~~ the  
30.4 director of the historical society, and the State Historic Preservation Office informed as to  
30.5 significant field archaeology, projected or in progress, and as to significant discoveries  
30.6 made. Annually, and also upon leaving office, the state archaeologist shall file with the  
30.7 commissioner a full report of the office's activities including a summary of the activities of  
30.8 licensees, from the date of the last full report of the state archaeologist. Copies of the report  
30.9 must be sent upon completion to the Minnesota Historical Society ~~and~~ the Indian Affairs  
30.10 Council, and the State Historic Preservation Office, and made available to other interested  
30.11 parties.

30.12 Sec. 9. Minnesota Statutes 2020, section 155A.23, subdivision 16, is amended to read:

30.13 Subd. 16. **School manager.** A "school manager" is ~~a cosmetologist who is a salon~~  
30.14 manager ~~and~~ who has a school manager license. A school manager must maintain an active  
30.15 salon manager's license.

30.16 Sec. 10. Minnesota Statutes 2020, section 240.01, subdivision 18, is amended to read:

30.17 Subd. 18. **Racing meeting.** "Racing meeting" is a series of days in which racing days  
30.18 are not separated by more than five nonracing days unless approved in advance by the  
30.19 commission.

30.20 Sec. 11. Minnesota Statutes 2020, section 240.06, subdivision 7, is amended to read:

30.21 Subd. 7. **License suspension and revocation.** The commission:

30.22 (1) may revoke a class A license for (i) a violation of law, order, or rule which in the  
30.23 commission's opinion adversely affects the integrity of horse racing in Minnesota, or for  
30.24 an intentional false statement made in a license application, or (ii) a willful failure to pay  
30.25 any money required to be paid by Laws 1983, chapter 214;

30.26 (2) may revoke a class A license for failure to perform material covenants or  
30.27 representations made in a license application; and

30.28 (3) shall revoke a class A license if live racing has not been conducted on at least 50  
30.29 racing days assigned by the commission during any period of 12 consecutive months, unless  
30.30 the commission authorizes a shorter period because of circumstances beyond the licensee's  
30.31 control pursuant to section 240.30, subdivision 5.

31.1 The commission may suspend a class A license for up to one year for a violation of law,  
31.2 order, or rule which in the commission's opinion adversely affects the integrity of horse  
31.3 racing in Minnesota, and may suspend a class A license indefinitely if it determines that  
31.4 the licensee has as an officer, director, shareholder, or other person with a direct, indirect,  
31.5 or beneficial interest a person who is in the commission's opinion inimical to the integrity  
31.6 of horse racing in Minnesota or who cannot be certified under subdivision 1, clause (4).

31.7 A license revocation or suspension under this subdivision is a contested case under  
31.8 sections 14.57 to 14.69 of the Administrative Procedure Act, and is in addition to criminal  
31.9 penalties imposed for a violation of law or rule.

31.10 Sec. 12. Minnesota Statutes 2020, section 240.11, is amended to read:

31.11 **240.11 LICENSES NONTRANSFERABLE.**

31.12 (a) Except as provided in paragraph (b), a license issued under this chapter may not be  
31.13 transferred.

31.14 (b) A class A, class B, class C, or class D license to provide advance deposit wagering  
31.15 may be transferred with prior approval by the commission.

31.16 Sec. 13. Minnesota Statutes 2020, section 240.131, subdivision 7, is amended to read:

31.17 Subd. 7. **Payments to state.** (a) A regulatory fee is imposed at the rate of two percent  
31.18 of all amounts wagered by Minnesota residents with an authorized advance deposit wagering  
31.19 provider. The fee shall be declared on a form prescribed by the commission. The ADW  
31.20 provider must pay the fee to the commission no more than 15 days after the end of the month  
31.21 in which the wager was made. Fees collected under this paragraph must be deposited in the  
31.22 state treasury and credited to a racing and card-playing regulation account in the special  
31.23 revenue fund and are appropriated to the commission to offset the costs incurred by the  
31.24 commission as described in section 240.30, subdivision 9, or the costs associated with  
31.25 regulating horse racing and pari-mutuel wagering in Minnesota.

31.26 (b) A breeders fund fee is imposed in the amount of one-quarter of one percent of all  
31.27 amounts wagered by Minnesota residents with an authorized advance deposit wagering  
31.28 provider. The fee shall be declared on a form prescribed by the commission. The ADW  
31.29 provider must pay the fee to the commission no more than 15 days after the end of the month  
31.30 in which the wager was made. Fees collected under this paragraph must be deposited in the  
31.31 state treasury and credited to a racing and card-playing regulation account in the special

32.1 revenue fund and are appropriated to the commission to offset the cost of administering the  
 32.2 breeders fund and promote horse breeding in Minnesota.

32.3 Sec. 14. Minnesota Statutes 2020, section 240.24, subdivision 2a, is amended to read:

32.4 Subd. 2a. **Reimbursement.** Increased expenses related to the use of upgraded drug  
 32.5 testing technologies and procedures are deemed to be necessary costs within the meaning  
 32.6 of section 240.155 and the commission ~~shall~~ may be reimbursed for these expenses from  
 32.7 receipts from card playing activities regulated by the commission.

32.8 Sec. 15. Minnesota Statutes 2020, section 240.24, subdivision 3, is amended to read:

32.9 Subd. 3. **Fees.** The commission shall establish by rule a fee or schedule of fees that may  
 32.10 be used to recover the costs of medical testing of horses running at racetracks licensed by  
 32.11 the commission. Fees charged for the testing of horses shall cover the cost of the medical  
 32.12 testing laboratory. Fee receipts shall be deposited in the state treasury and credited to the  
 32.13 racing reimbursement account.

32.14 Sec. 16. Minnesota Statutes 2020, section 240.30, subdivision 5, is amended to read:

32.15 Subd. 5. **Limitation.** (a) The commission shall not authorize a licensee to operate a card  
 32.16 club if the licensee has not conducted at least 50 days of live racing at a class A facility  
 32.17 within the past 12 months or during the preceding calendar year unless the commission  
 32.18 authorizes a shorter period ~~because of~~ as a result of an epidemic, natural disaster, flood,  
 32.19 war, or other circumstances beyond the licensee's control that made conducting 50 days of  
 32.20 live racing untenable for either public or equine health, welfare, or safety.

32.21 (b) Any authorization by the commission for a shorter period under paragraph (a), must  
 32.22 be approved in writing by the horsepersons' organization representing the majority of  
 32.23 horsepersons racing the breed racing the majority of races at the licensee's class A facility  
 32.24 during the preceding 12 months.

32.25 Sec. 17. Minnesota Statutes 2020, section 270C.21, is amended to read:

32.26 **270C.21 TAXPAYER ASSISTANCE GRANTS.**

32.27 Subdivision 1. **Taxpayer assistance.** When the commissioner awards grants to ~~nonprofit~~  
 32.28 eligible organizations to coordinate, facilitate, encourage, and aid in the provision of taxpayer  
 32.29 assistance services, the commissioner must provide public notice of the grants in a timely  
 32.30 manner so that the grant process is completed and grants are awarded by October 1, in order  
 32.31 for recipient eligible organizations to adequately plan expenditures for the filing season. At

33.1 the time the commissioner provides public notice, the commissioner must also notify  
 33.2 ~~nonprofit~~ eligible organizations that received grants in the previous biennium.

33.3 Subd. 2. Eligible organization. "Eligible organization" means an organization that meets  
 33.4 the definition of eligible organization provided in section 7526A(e)(2)(B) of the Internal  
 33.5 Revenue Code.

33.6 EFFECTIVE DATE. This section is effective for grants awarded after June 30, 2021.

33.7 Sec. 18. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

33.8 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under  
 33.9 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated  
 33.10 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,  
 33.11 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which  
 33.12 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section  
 33.13 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,  
 33.14 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under  
 33.15 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the  
 33.16 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. Each calendar  
 33.17 year, \$500,000 of this appropriation shall be retained by the commissioner of revenue to  
 33.18 make reimbursements to the commissioner of management and budget for payments made  
 33.19 under section 611.27. The reimbursements shall be to defray the additional costs associated  
 33.20 with court-ordered counsel under section 611.27. Any retained amounts not used for  
 33.21 reimbursement in a year shall be included in the next distribution of county need aid that  
 33.22 is certified to the county auditors for the purpose of property tax reduction for the next taxes  
 33.23 payable year.

33.24 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision  
 33.25 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,  
 33.26 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under  
 33.27 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall  
 33.28 transfer to the ~~commissioner of management and budget~~ Legislative Budget Office \$207,000  
 33.29 annually for the cost of preparation of local impact notes as required by section 3.987, and  
 33.30 other local government activities. The commissioner of revenue shall transfer to the  
 33.31 commissioner of education \$7,000 annually for the cost of preparation of local impact notes  
 33.32 for school districts as required by section 3.987. The commissioner of revenue shall deduct  
 33.33 the amounts transferred under this paragraph from the appropriation under this paragraph.

34.1 The amounts transferred are appropriated to the ~~commissioner of management and budget~~  
 34.2 Legislative Coordinating Commission and the commissioner of education respectively.

34.3 **EFFECTIVE DATE.** This section is effective June 30, 2021.

34.4 Sec. 19. Minnesota Statutes 2020, section 645.071, is amended to read:

34.5 **645.071 STANDARD OF TIME.**

34.6 Every mention of, or reference to, any hour or time in any law, during any period of the  
 34.7 year, is to be construed with reference to and in accordance with the ~~standard time or~~  
 34.8 advanced standard time provided by federal law. No department of the state government  
 34.9 and no county, city or town shall employ, during any period of the year, any other time, or  
 34.10 adopt any ordinance or order providing for the use, during any period of the year, of any  
 34.11 other time than the federal ~~standard time or~~ advanced standard time.

34.12 **EFFECTIVE DATE.** This section is effective upon the first commencement of advanced  
 34.13 standard time, also known as daylight saving time, following enactment of an amendment  
 34.14 to United States Code, title 15, section 260a, or another applicable law, which authorizes  
 34.15 states to observe advanced standard time year-round.

34.16 Sec. 20. **LEGISLATIVE AUDITOR; COMPREHENSIVE REVIEW OF COVID-19**  
 34.17 **RESPONSE.**

34.18 The legislative auditor is requested to conduct a special review of the state's response  
 34.19 to the infectious disease known as COVID-19. If conducted, the review must be designed  
 34.20 as a comprehensive analysis of all major aspects of the state's response, including programs  
 34.21 to provide testing, vaccination, and public outreach; contracting and other state purchasing  
 34.22 necessary to facilitate the response or to provide public services; and the methodology used  
 34.23 in modeling and forecasting the course of the outbreak. For each program, service, or activity,  
 34.24 the review must consider whether it was efficiently and successfully implemented to achieve  
 34.25 its intended outcome. If a program, service, or activity was not efficiently or successfully  
 34.26 implemented, the review may make recommendations for process improvements to facilitate  
 34.27 the state's response to future infectious disease outbreaks.

34.28 Sec. 21. **FIRST APPOINTMENTS AND FIRST MEETING OF LEGISLATIVE**  
 34.29 **COMMISSION ON CYBERSECURITY.**

34.30 Subdivision 1. **First appointments.** Appointing authorities must make initial  
 34.31 appointments to the Legislative Commission on Cybersecurity within 60 days after final

35.1 enactment. These members serve a term that expires on appointment of a successor after  
 35.2 the start of the next regular session of the legislature in 2023.

35.3 Subd. 2. **First meeting.** The majority leader of the senate shall designate one senate  
 35.4 member of the Legislative Commission on Cybersecurity under Minnesota Statutes, section  
 35.5 3.888, to convene the first meeting within 105 days after final enactment. The commission  
 35.6 must select a chair from among the senate members at the first meeting.

35.7 Subd. 3. **Meetings in 2021.** Notwithstanding Minnesota Statutes, section 3.888,  
 35.8 subdivision 5, the commission must meet at least twice in 2021.

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

### 35.10 **ARTICLE 3**

### 35.11 **MILITARY AND VETERANS POLICY**

35.12 Section 1. Minnesota Statutes 2020, section 10.578, is amended to read:

#### 35.13 **10.578 VETERANS SUICIDE PREVENTION AND AWARENESS DAY.**

35.14 The first Saturday of every October is designated Veterans Suicide Prevention and  
 35.15 Awareness Day. Each year, the governor shall issue a proclamation honoring this observance.  
 35.16 Each year in conjunction with this observance, the commissioner of veterans affairs shall  
 35.17 coordinate activities that raise awareness of, and promote the prevention of, veteran suicides.

35.18 Sec. 2. Minnesota Statutes 2020, section 15.057, as amended by Laws 2021, chapter 28,  
 35.19 section 2, is amended to read:

#### 35.20 **15.057 PUBLICITY REPRESENTATIVES.**

35.21 No state department, bureau, or division, whether the same operates on funds appropriated  
 35.22 or receipts or fees of any nature whatsoever, except the Department of Veterans Affairs,  
 35.23 the Department of Transportation, the Department of Employment and Economic  
 35.24 Development, the Department of Agriculture, the Game and Fish Division, State Agricultural  
 35.25 Society, and Explore Minnesota Tourism shall use any of such funds for the payment of  
 35.26 the salary or expenses of a publicity representative. The publicity representative for the  
 35.27 Department of Agriculture must not be an elected official or candidate for public office.  
 35.28 The head of any such department, bureau, or division shall be personally liable for funds  
 35.29 used contrary to this provision. This section shall not be construed, however, as preventing  
 35.30 any such department, bureau, or division from sending out any bulletins or other publicity  
 35.31 required by any state law or necessary for the satisfactory conduct of the business for which  
 35.32 such department, bureau, or division was created.

36.1 Sec. 3. Minnesota Statutes 2020, section 190.07, is amended to read:

36.2 **190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.**

36.3 **Subdivision 1. Qualifications.** There shall be an adjutant general of the state who shall  
 36.4 be appointed by the governor within 120 days of a vacancy of the position. The adjutant  
 36.5 general shall be a staff officer, who at the time of appointment shall be a commissioned  
 36.6 officer of the National Guard ~~of this state, with not less than ten years military service in~~  
 36.7 ~~the National Guard of this state or the armed forces of the United States, at least three of~~  
 36.8 ~~which shall have been commissioned~~ and who shall have reached, at a minimum, the grade  
 36.9 ~~of a field officer~~ rank of colonel (O-6).

36.10 **Subd. 2. Rank.** The adjutant general shall be promoted, if necessary, directly to and  
 36.11 shall hold at least the rank of major general and may be promoted to and including the  
 36.12 ~~highest rank authorized under federal law. However, the adjutant general may not be~~  
 36.13 ~~promoted to the rank of major general without having at least 20 years service in the~~  
 36.14 ~~Minnesota National Guard, at least one of which has been in the rank of brigadier general.~~  
 36.15 If not already a major general, the adjutant general's promotion is effective beginning on  
 36.16 the date the governor appoints the adjutant general. At the time of appointment and in  
 36.17 accordance with the authorities governing federal recognition of officers, the adjutant general  
 36.18 is authorized to wear the rank of major general.

36.19 **Subd. 3. Term.** The term of the adjutant general is for a single term of seven years from  
 36.20 the date of appointment. ~~Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies~~  
 36.21 ~~in the Office of Adjutant General.~~ The adjutant general shall not be removed from office  
 36.22 during a term except upon withdrawal of federal recognition or as otherwise provided by  
 36.23 the military laws of this state.

36.24 **Subd. 4. Vacancy; acting or temporary adjutant general.** In the event of a vacancy  
 36.25 of the adjutant general, the governor may appoint a person qualified under subdivision 1 as  
 36.26 an acting adjutant general. If the governor does not appoint an acting adjutant general, the  
 36.27 deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary  
 36.28 adjutant general without further official action. Upon taking office, the acting or temporary  
 36.29 adjutant general shall have all the powers and emoluments and perform all the duties of the  
 36.30 office of adjutant general until a permanent adjutant general is appointed.

36.31 Sec. 4. **[196.081] VETERANS STABLE HOUSING INITIATIVE; DATA.**

36.32 **(a) The commissioner may establish a veterans stable housing initiative. If the**  
 36.33 **commissioner establishes a veterans stable housing initiative under this section, the**

37.1 commissioner must provide resources and support to assist veterans experiencing  
 37.2 homelessness in obtaining or maintaining stable housing.

37.3 (b) Data on individuals maintained by the commissioner in the Homeless Veteran Registry  
 37.4 for purposes of the veterans stable housing initiative is private data on individuals as defined  
 37.5 in section 13.02, subdivision 12, and must not be disclosed or shared except for coordinating  
 37.6 homelessness prevention efforts with:

37.7 (1) members of the Minnesota Interagency Council on Homelessness; and

37.8 (2) Homeless Veteran Registry partners to address a veteran's episode of homelessness  
 37.9 or maintain a veteran's housing plan through Department of Veterans Affairs funded  
 37.10 programs.

37.11 (c) For purposes of this section, "homelessness" means that a veteran lacks a fixed,  
 37.12 nighttime residence.

37.13 Sec. 5. Minnesota Statutes 2020, section 197.791, subdivision 4, is amended to read:

37.14 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under ~~subdivisions~~  
 37.15 subdivision 5 and 5a if:

37.16 (1) the person is:

37.17 (i) a veteran who is serving or has served honorably in any branch or unit of the United  
 37.18 States armed forces at any time;

37.19 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively  
 37.20 as a member of the Minnesota National Guard or any other active or reserve component of  
 37.21 the United States armed forces, and any part of that service occurred on or after September  
 37.22 11, 2001;

37.23 (iii) the surviving spouse or child of a person who has served in the military and who  
 37.24 has died as a direct result of that military service, only if the surviving spouse or child is  
 37.25 eligible to receive federal education benefits under United States Code, title 38, chapter 33,  
 37.26 as amended, or United States Code, title 38, chapter 35, as amended; or

37.27 (iv) the spouse or child of a person who has served in the military at any time and who  
 37.28 has a total and permanent service-connected disability as rated by the United States Veterans  
 37.29 Administration, only if the spouse or child is eligible to receive federal education benefits  
 37.30 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,  
 37.31 chapter 35, as amended; and

38.1 (2) the person receiving the educational assistance is a Minnesota resident, as defined  
38.2 in section 136A.101, subdivision 8; and

38.3 (3) the person receiving the educational assistance:

38.4 (i) is an undergraduate or graduate student at an eligible institution;

38.5 (ii) is maintaining satisfactory academic progress as defined by the institution for students  
38.6 participating in federal Title IV programs;

38.7 (iii) is enrolled in an education program leading to a certificate, diploma, or degree at  
38.8 an eligible institution;

38.9 (iv) has applied for educational assistance under this section prior to the end of the  
38.10 academic term for which the assistance is being requested;

38.11 (v) is in compliance with child support payment requirements under section 136A.121,  
38.12 subdivision 2, clause (5); and

38.13 (vi) has completed the Free Application for Federal Student Aid (FAFSA).

38.14 (b) A person's eligibility terminates when the person becomes eligible for benefits under  
38.15 section 135A.52.

38.16 (c) To determine eligibility, the commissioner may require official documentation,  
38.17 including the person's federal form DD-214 or other official military discharge papers;  
38.18 correspondence from the United States Veterans Administration; birth certificate; marriage  
38.19 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency;  
38.20 proof of identity; or any other official documentation the commissioner considers necessary  
38.21 to determine eligibility.

38.22 (d) The commissioner may deny eligibility or terminate benefits under this section to  
38.23 any person who has not provided sufficient documentation to determine eligibility for the  
38.24 program. An applicant may appeal the commissioner's eligibility determination or termination  
38.25 of benefits in writing to the commissioner at any time. The commissioner must rule on any  
38.26 application or appeal within 30 days of receipt of all documentation that the commissioner  
38.27 requires. The decision of the commissioner regarding an appeal is final. However, an  
38.28 applicant whose appeal of an eligibility determination has been rejected by the commissioner  
38.29 may submit an additional appeal of that determination in writing to the commissioner at  
38.30 any time that the applicant is able to provide substantively significant additional information  
38.31 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility  
38.32 by the commissioner following an appeal by the applicant is not retroactively effective for  
38.33 more than one year or the semester of the person's original application, whichever is later.

39.1 (e) Upon receiving an application with insufficient documentation to determine eligibility,  
39.2 the commissioner must notify the applicant within 30 days of receipt of the application that  
39.3 the application is being suspended pending receipt by the commissioner of sufficient  
39.4 documentation from the applicant to determine eligibility.

39.5 Sec. 6. Minnesota Statutes 2020, section 197.791, subdivision 5, is amended to read:

39.6 Subd. 5. **Educational assistance amount.** (a) On approval by the commissioner of  
39.7 eligibility for the program, the applicant shall be awarded, on a funds-available basis, the  
39.8 educational assistance under the program for use at any time according to program rules at  
39.9 any eligible institution.

39.10 (b) The amount of educational assistance in any semester or term for an eligible person  
39.11 must be determined by subtracting from the eligible person's cost of attendance the amount  
39.12 the person received or was eligible to receive in that semester or term from:

39.13 (1) the federal Pell Grant;

39.14 (2) the state grant program under section 136A.121; and

39.15 (3) any federal military or veterans educational benefits including but not limited to the  
39.16 Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational  
39.17 rehabilitation benefits, and any other federal benefits associated with the person's status as  
39.18 a veteran, except veterans disability payments from the United States Department of Veterans  
39.19 ~~Administration and payments made under the Veterans Retraining Assistance Program~~  
39.20 ~~(VRAP)~~ Affairs.

39.21 (c) The amount of educational assistance for any eligible person who is a full-time  
39.22 student must not exceed the following:

39.23 (1) \$3,000 per state fiscal year; and

39.24 (2) \$10,000 in a lifetime.

39.25 (d) For a part-time student, the amount of educational assistance must not exceed \$500  
39.26 per semester or term of enrollment. For the purpose of this paragraph, a part-time  
39.27 undergraduate student is a student taking fewer than 12 credits or the equivalent for a  
39.28 semester or term of enrollment and a part-time graduate student is a student considered part  
39.29 time by the eligible institution the graduate student is attending. The minimum award for  
39.30 undergraduate and graduate students is \$50 per term.

40.1 Sec. 7. Minnesota Statutes 2020, section 197.791, subdivision 5a, is amended to read:

40.2 Subd. 5a. **Apprenticeship and on-the-job training.** (a) The commissioner, in  
 40.3 consultation with the commissioners of employment and economic development and labor  
 40.4 and industry, shall develop and implement an apprenticeship and on-the-job training program  
 40.5 to administer a portion of the Minnesota GI Bill program to pay benefit amounts to eligible  
 40.6 persons, as provided in this subdivision.

40.7 (b) An "eligible employer" means an employer operating a qualifying apprenticeship or  
 40.8 on-the-job training program that has been approved by the commissioner.

40.9 ~~(c) A person is eligible for apprenticeship and on-the-job training assistance under this~~  
 40.10 ~~subdivision if the person meets the criteria established under subdivision 4, paragraph (a).~~  
 40.11 ~~The commissioner may determine eligibility as provided in subdivision 4, paragraph (e);~~  
 40.12 ~~and may deny or terminate benefits as prescribed under subdivision 4, paragraphs (d) and~~  
 40.13 ~~(e). The amount of assistance paid to or on behalf of an eligible individual under this~~  
 40.14 ~~subdivision must not exceed the following:~~

40.15 (c) A person is eligible for apprenticeship and on-the-job training assistance under this  
 40.16 subdivision if the person is:

40.17 (1) a veteran who is serving or has served honorably in any branch or unit of the United  
 40.18 States armed forces at any time;

40.19 (2) a nonveteran who has served honorably for a total of five years or more cumulatively  
 40.20 as a member of the Minnesota National Guard or any other active or reserve component of  
 40.21 the United States armed forces, and any part of that service occurred on or after September  
 40.22 11, 2001;

40.23 (3) the surviving spouse or child of a person who has served in the military and who has  
 40.24 died as a direct result of that military service, only if the surviving spouse or child is eligible  
 40.25 to receive federal education benefits under United States Code, title 38, chapter 33, as  
 40.26 amended, or United States Code, title 38, chapter 35, as amended; or

40.27 (4) the spouse or child of a person who has served in the military at any time and who  
 40.28 has a total and permanent service-connected disability as rated by the United States Veterans  
 40.29 Administration, only if the spouse or child is eligible to receive federal education benefits  
 40.30 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,  
 40.31 chapter 35, as amended.

40.32 (d) The amount of assistance paid to or on behalf of an eligible individual under this  
 40.33 subdivision must not exceed the following:

41.1 (1) \$3,000 per fiscal year for apprenticeship expenses;

41.2 (2) \$3,000 per fiscal year for on-the-job training;

41.3 (3) \$1,000 for a job placement credit payable to an eligible employer upon hiring and  
41.4 completion of six consecutive months' employment of a person receiving assistance under  
41.5 this subdivision; and

41.6 (4) \$1,000 for a job placement credit payable to an eligible employer after a person  
41.7 receiving assistance under this subdivision has been employed by the eligible employer for  
41.8 at least 12 consecutive months as a full-time employee.

41.9 (e) No more than \$5,000 in aggregate benefits under this ~~paragraph~~ subdivision may be  
41.10 paid to or on behalf of an individual in one fiscal year; ~~and not more than \$10,000 in~~  
41.11 ~~aggregate benefits under this paragraph may be paid to or on behalf of an individual over~~  
41.12 ~~any period of time.~~

41.13 (f) If an eligible person receives benefits under subdivision 5 or 5b, the eligible person's  
41.14 aggregate benefits under this subdivision, subdivisions 5, and 5b, must not exceed \$10,000  
41.15 in the eligible person's lifetime.

41.16 ~~(d)~~ (g) Assistance for apprenticeship expenses and on-the-job training is available for  
41.17 qualifying programs, which must, at a minimum, meet the following criteria:

41.18 (1) the training must be with an eligible employer;

41.19 (2) the training must be documented and reported;

41.20 (3) the training must reasonably be expected to lead to an entry-level position; and

41.21 (4) the position must require at least six months of training to become fully trained.

41.22 Sec. 8. Minnesota Statutes 2020, section 197.791, subdivision 5b, is amended to read:

41.23 Subd. 5b. **Additional professional or educational benefits.** (a) The commissioner shall  
41.24 develop and implement a program to administer a portion of the Minnesota GI Bill program  
41.25 to pay additional benefit amounts to eligible persons as provided under this subdivision.

41.26 ~~(b) A person is eligible for additional benefits under this subdivision if the person meets~~  
41.27 ~~the criteria established under subdivision 4, paragraph (a), clause (1). The commissioner~~  
41.28 ~~may determine eligibility as provided in subdivision 4, paragraph (c), and may deny or~~  
41.29 ~~terminate benefits as prescribed under subdivision 4, paragraphs (d) and (e). The amount~~  
41.30 ~~of assistance paid to or on behalf of an eligible individual under this subdivision must not~~  
41.31 ~~exceed the following amounts:~~

42.1 (b) A person is eligible for additional benefits under this subdivision if the person is:

42.2 (1) a veteran who is serving or has served honorably in any branch or unit of the United  
42.3 States armed forces at any time;

42.4 (2) a nonveteran who has served honorably for a total of five years or more cumulatively  
42.5 as a member of the Minnesota National Guard or any other active or reserve component of  
42.6 the United States armed forces, and any part of that service occurred on or after September  
42.7 11, 2001;

42.8 (3) the surviving spouse or child of a person who has served in the military and who has  
42.9 died as a direct result of that military service, only if the surviving spouse or child is eligible  
42.10 to receive federal education benefits under United States Code, title 38, chapter 33, as  
42.11 amended, or United States Code, title 38, chapter 35, as amended; or

42.12 (4) the spouse or child of a person who has served in the military at any time and who  
42.13 has a total and permanent service-connected disability as rated by the United States Veterans  
42.14 Administration, only if the spouse or child is eligible to receive federal education benefits  
42.15 under United States Code, title 38, chapter 33, as amended, or United States Code, title 38,  
42.16 chapter 35, as amended.

42.17 (c) The amount of assistance paid to or on behalf of an eligible individual under this  
42.18 subdivision must not exceed the following amounts:

42.19 (1) \$3,000 per state fiscal year; and

42.20 (2) \$10,000 in a lifetime.

42.21 (d) If an eligible person receives benefits under subdivision 5 or 5a, the eligible person's  
42.22 aggregate benefits under this subdivision, subdivisions 5, and 5a, must not exceed \$10,000  
42.23 in the eligible person's lifetime.

42.24 ~~(e)~~ (e) A person eligible under this subdivision may use the benefit amounts for the  
42.25 following purposes:

42.26 (1) licensing or certification tests, the successful completion of which demonstrates an  
42.27 individual's possession of the knowledge or skill required to enter into, maintain, or advance  
42.28 in employment in a predetermined and identified vocation or profession, provided that the  
42.29 tests and the licensing or credentialing organizations or entities that offer the tests are  
42.30 approved by the commissioner;

42.31 (2) tests for admission to institutions of higher learning or graduate schools;

43.1 (3) national tests providing an opportunity for course credit at institutions of higher  
43.2 learning;

43.3 (4) a preparatory course for a test that is required or used for admission to an institution  
43.4 of higher education or a graduate program; and

43.5 (5) any fee associated with the pursuit of a professional or educational objective specified  
43.6 in clauses (1) to (4).

43.7 ~~(d) If an eligible person receives benefits under subdivision 5, the eligible person's~~  
43.8 ~~aggregate benefits under this subdivision and subdivision 5 must not exceed \$10,000 in the~~  
43.9 ~~eligible person's lifetime.~~

43.10 ~~(e) If an eligible person receives benefits under subdivision 5a, the eligible person's~~  
43.11 ~~aggregate benefits under this subdivision and subdivision 5a must not exceed \$10,000 in~~  
43.12 ~~the eligible person's lifetime.~~

43.13 Sec. 9. Minnesota Statutes 2020, section 198.006, is amended to read:

43.14 **198.006 SUPPLEMENTAL PROGRAMS.**

43.15 (a) The commissioner shall must work with federal, state, local, and private agencies to  
43.16 develop alternative institutional and noninstitutional care programs for veterans to supplement  
43.17 the mission of the homes. Veterans shall be afforded the least restrictive, most appropriate  
43.18 level of care available.

43.19 (b) The commissioner may work with federal, state, local, and private entities to make  
43.20 available appropriate dental services for veterans homes residents. The commissioner may  
43.21 engage with the United States Department of Veterans Affairs to support the dental benefits  
43.22 program authorized under this paragraph.

43.23 (c) The commissioner may provide adult day care center programs that offer therapeutic  
43.24 and rehabilitation health care services to veterans and support services for caregivers of  
43.25 veterans. If the commissioner provides adult day care center programs, the commissioner  
43.26 may collect fees from program participants. The commissioner is authorized to apply for  
43.27 and accept federal funding for purposes of this paragraph.

43.28 Sec. 10. Minnesota Statutes 2020, section 198.03, subdivision 2, is amended to read:

43.29 Subd. 2. **Cost of care.** (a) The commissioner shall set out in rules the method of  
43.30 calculating the average cost of care for the domiciliary and nursing care residents. The cost  
43.31 must be determined yearly based upon the average cost per resident taking into account,

44.1 but not limited to, administrative cost of the homes, the cost of service available to the  
 44.2 resident, and food and lodging costs. These average costs must be calculated separately for  
 44.3 domiciliary and nursing care residents. The amount charged each resident for maintenance,  
 44.4 if anything, must be based on the appropriate average cost of care calculation and the assets  
 44.5 and income of the resident but must not exceed the appropriate average cost of care.

44.6 (b) Beginning July 1, 2021, the Personal Needs Allowance (PNA) for domiciliary  
 44.7 residents must be based on the Minnesota Department of Human Services' (DHS) most  
 44.8 recent General Assistance program PNA and is in effect the same date as the DHS PNA is  
 44.9 in effect. Thereafter, the PNA for domiciliary residents must be adjusted and put into effect  
 44.10 each year or each time DHS adjusts the General Assistance program PNA.

44.11 Sec. 11. **[198.45] REPORT ON VETERANS HOMES.**

44.12 No later than January 15, 2022, and biennially on January 15 thereafter, the commissioner  
 44.13 must submit a report to the chairs and ranking minority members of the legislative committees  
 44.14 with jurisdiction over veterans affairs and state government finance on reserve amounts  
 44.15 maintained in the veterans homes special revenue account. The report must detail current  
 44.16 and historical amounts maintained as a reserve and uses of those amounts. The report must  
 44.17 also include data on the use of existing veterans homes, including current and historical bed  
 44.18 capacity and usage, staffing levels and staff vacancy rates, and staff-to-resident ratios.

44.19 Sec. 12. Minnesota Statutes 2020, section 609.095, is amended to read:

44.20 **609.095 LIMITS OF SENTENCES.**

44.21 (a) The legislature has the exclusive authority to define crimes and offenses and the  
 44.22 range of the sentences or punishments for their violation. No other or different sentence or  
 44.23 punishment shall be imposed for the commission of a crime than is authorized by this chapter  
 44.24 or other applicable law.

44.25 (b) Except as provided in section 152.18 ~~or~~, 609.1056, 609.375, or upon agreement of  
 44.26 the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty  
 44.27 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been  
 44.28 found guilty by a court or jury following a trial. A decision by the court to issue a stay of  
 44.29 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,  
 44.30 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and  
 44.31 on the record.

44.32 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

45.1 Sec. 13. [609.1056] MILITARY VETERANS; CRIMES COMMITTED BECAUSE  
 45.2 OF CONDITIONS RESULTING FROM SERVICE; DISCHARGE AND DISMISSAL.

45.3 Subdivision 1. Definitions. As used in this section, the following terms have the meanings  
 45.4 given:

45.5 (1) "applicable condition" means sexual trauma, traumatic brain injury, posttraumatic  
 45.6 stress disorder, substance abuse, or a mental health condition;

45.7 (2) "eligible offense" means any misdemeanor or gross misdemeanor, and any felony  
 45.8 that is ranked at severity level 7 or lower or D7 or lower on the Sentencing Guidelines grid;  
 45.9 and

45.10 (3) "veterans treatment court program" means a program that has the following essential  
 45.11 characteristics:

45.12 (i) the integration of services in the processing of cases in the judicial system;

45.13 (ii) the use of a nonadversarial approach involving prosecutors and defense attorneys to  
 45.14 promote public safety and to protect the due process rights of program participants;

45.15 (iii) early identification and prompt placement of eligible participants in the program;

45.16 (iv) access to a continuum of alcohol, controlled substance, mental health, and other  
 45.17 related treatment and rehabilitative services;

45.18 (v) careful monitoring of treatment and services provided to program participants;

45.19 (vi) a coordinated strategy to govern program responses to participants' compliance;

45.20 (vii) ongoing judicial interaction with program participants;

45.21 (viii) monitoring and evaluation of program goals and effectiveness;

45.22 (ix) continuing interdisciplinary education to promote effective program planning,  
 45.23 implementation, and operations;

45.24 (x) development of partnerships with public agencies and community organizations,  
 45.25 including the United States Department of Veterans Affairs; and

45.26 (xi) inclusion of a participant's family members who agree to be involved in the treatment  
 45.27 and services provided to the participant under the program.

45.28 Subd. 2. Deferred prosecution. (a) The court shall defer prosecution for an eligible  
 45.29 offense committed by a defendant who was, or currently is, a member of the United States  
 45.30 military as provided in this subdivision. The court shall defer prosecution at the request of  
 45.31 the defendant upon a finding of guilty after trial or upon a guilty plea.

46.1 (b) A defendant who requests to be sentenced under this section shall release or authorize  
46.2 access to military service reports and records relating to an alleged applicable condition  
46.3 stemming from service in the United States military. The court must file the records as  
46.4 confidential, and the records must remain sealed, except as provided in this paragraph. The  
46.5 defendant, through existing records or licensed professional evaluation, shall establish the  
46.6 diagnosis of the applicable condition and its connection to military service. The court, on  
46.7 its motion or the prosecutor's motion with notice to defense counsel, may order the defendant  
46.8 to furnish to the court for in-camera review or to the prosecutor copies of all medical and  
46.9 military service reports and records previously or subsequently made concerning the  
46.10 defendant's condition and its connection to service.

46.11 (c) Based on the record, the court shall determine, by clear and convincing evidence,  
46.12 whether the defendant suffers from an applicable condition, whether that condition stems  
46.13 from service in the United States military, and whether the offense was committed as a  
46.14 result of the applicable condition. Within 15 days of the court's findings, either party may  
46.15 file a challenge to the findings and demand a hearing on the defendant's eligibility under  
46.16 this section.

46.17 (d) If the court makes the determination described in paragraph (c), the court shall,  
46.18 without entering a judgment of guilty, defer further proceedings and place the defendant  
46.19 on probation upon such reasonable conditions as it may require and for a period not to  
46.20 exceed the maximum period provided by law. A court may extend a defendant's term of  
46.21 probation pursuant to section 609.135, subdivision 2, paragraphs (g) and (h). Conditions  
46.22 ordered by the court must include treatment, services, rehabilitation, and education sufficient  
46.23 so that if completed, the defendant would be eligible for discharge and dismissal under  
46.24 subdivision 3. If the court determines that a defendant suffers from a substance use disorder,  
46.25 the court shall order a Rule 25 assessment under Minnesota Rules, part 9530.6615, and  
46.26 order the defendant to follow the recommendations contained in the assessment. If the court  
46.27 determines that a defendant suffers from posttraumatic stress disorder, sexual trauma,  
46.28 traumatic brain injury, or other mental health conditions, the court shall order a mental  
46.29 health assessment conducted by a licensed mental health professional and follow the  
46.30 recommendations contained in the examiner's report.

46.31 (e) If the court determines that the defendant is eligible for a deferred sentence but the  
46.32 defendant has previously received a deferred sentence for a felony offense under this  
46.33 subdivision, the court may, but is not required to, impose a deferred sentence. If the court  
46.34 does not impose a deferred sentence, the court may sentence the defendant as otherwise  
46.35 provided in law, including as provided in subdivision 4.

47.1 (f) Upon violation of a condition of probation, the court may enter an adjudication of  
47.2 guilt and proceed as otherwise provided in law, including as provided in subdivision 4.

47.3 (g) As a condition of probation, the court may order the defendant to attend a local, state,  
47.4 federal, or private nonprofit treatment program for a period not to exceed the maximum  
47.5 period for which the defendant could have been incarcerated.

47.6 (h) The court, when issuing an order under this subdivision that a defendant attend an  
47.7 established treatment program, shall give preference to a treatment program that has a history  
47.8 of successfully treating veterans who suffer from applicable conditions caused by military  
47.9 service, including but not limited to programs operated by the United States Department of  
47.10 Defense or Veterans Affairs.

47.11 (i) The court and any assigned treatment program shall collaborate with, when available,  
47.12 the county veterans service officer and the United States Department of Veterans Affairs  
47.13 to maximize benefits and services provided to the defendant. If an appropriate treatment  
47.14 provider is not available in the defendant's county of residence or public funding is not  
47.15 available, the Minnesota Department of Veterans Affairs shall coordinate with the United  
47.16 States Department of Veterans Affairs to locate an appropriate treatment program and  
47.17 sources to fund the cost of the defendant's participation in the program.

47.18 (j) If available in the county or judicial district having jurisdiction over the case, the  
47.19 defendant may be supervised by a veterans treatment court program under subdivision 5.  
47.20 If there is a veterans treatment court that meets the requirements of subdivision 5 in the  
47.21 county in which the defendant resides or works, supervision of the defendant may be  
47.22 transferred to that county or judicial district veterans treatment court program. Upon the  
47.23 defendant's successful or unsuccessful completion of the program, the veterans treatment  
47.24 court program shall communicate this information to the court of original jurisdiction for  
47.25 further action.

47.26 (k) Sentencing pursuant to this subdivision waives any right to administrative review  
47.27 pursuant to section 169A.53, subdivision 1, or judicial review pursuant to section 169A.53,  
47.28 subdivision 2, for a license revocation or cancellation imposed pursuant to section 169A.52,  
47.29 and also waives any right to administrative review pursuant to section 171.177, subdivision  
47.30 10, or judicial review pursuant to section 171.177, subdivision 11, for a license revocation  
47.31 or cancellation imposed pursuant to section 171.177, if that license revocation or cancellation  
47.32 is the result of the same incident for which the defendant is being sentenced.

47.33 Subd. 3. **Discharge and dismissal.** (a) Upon the expiration of the period of the defendant's  
47.34 probation, the court shall hold a hearing to discharge the defendant from probation and

48.1 determine whether to dismiss the proceedings against a defendant who received a deferred  
48.2 sentence under subdivision 2. The hearing shall be scheduled so that the parties have adequate  
48.3 time to prepare and present arguments regarding the issue of dismissal. The parties may  
48.4 submit written arguments to the court prior to the date of the hearing and may make oral  
48.5 arguments before the court at the hearing. The defendant must be present at the hearing  
48.6 unless excused under Minnesota Rules of Criminal Procedure, rule 26.03, subdivision 1,  
48.7 clause (3).

48.8 (b) The court shall provide notice to any identifiable victim of the offense at least 15  
48.9 days before the hearing is held. Notice to victims of the offense under this subdivision must  
48.10 specifically inform the victim of the right to submit an oral or written statement to the court  
48.11 at the time of the hearing describing the harm suffered by the victim as a result of the crime  
48.12 and the victim's recommendation on whether dismissal should be granted or denied. The  
48.13 judge shall consider the victim's statement when making a decision. If a victim notifies the  
48.14 prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall  
48.15 make the objections known to the court.

48.16 (c) The court shall dismiss proceedings against a defendant if the court finds by clear  
48.17 and convincing evidence that the defendant:

48.18 (1) is in compliance with the conditions of probation;

48.19 (2) has successfully completed court-ordered treatment and services to address the  
48.20 applicable condition caused by military service;

48.21 (3) does not represent a danger to the health or safety of victims or others; and

48.22 (4) has demonstrated significant benefit from court-ordered education, treatment, or  
48.23 rehabilitation to clearly show that a discharge and dismissal under this subdivision is in the  
48.24 interests of justice.

48.25 (d) In determining the interests of justice, the court shall consider, among other factors,  
48.26 all of the following:

48.27 (1) the defendant's completion and degree of participation in education, treatment, and  
48.28 rehabilitation as ordered by the court;

48.29 (2) the defendant's progress in formal education;

48.30 (3) the defendant's development of career potential;

48.31 (4) the defendant's leadership and personal responsibility efforts;

48.32 (5) the defendant's contribution of service in support of the community;

49.1 (6) the level of harm to the community from the offense;

49.2 (7) the level of harm to the victim from the offense with the court's determination of  
49.3 harm guided by the factors for evaluating injury and loss contained in the applicable victim's  
49.4 rights provisions of chapter 611A; and

49.5 (8) the statement of the victim, if any.

49.6 (e) If the court finds that the defendant does not qualify for discharge and dismissal  
49.7 under paragraph (c), the court shall enter an adjudication of guilt and proceed as otherwise  
49.8 provided in law, including as provided in subdivision 4.

49.9 (f) Discharge and dismissal under this subdivision shall be without court adjudication  
49.10 of guilt, but a not public record of the discharge and dismissal shall be retained by the Bureau  
49.11 of Criminal Apprehension for the purpose of use by the courts in determining the merits of  
49.12 subsequent proceedings against the defendant. The not public record may also be opened  
49.13 only upon court order for purposes of a criminal investigation, prosecution, or sentencing.  
49.14 Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall  
49.15 notify the requesting party of the existence of the not public record and the right to seek a  
49.16 court order to open the not public record under this paragraph. The court shall forward a  
49.17 record of any discharge and dismissal under this subdivision to the bureau, which shall  
49.18 make and maintain the not public record of the discharge and dismissal. The discharge and  
49.19 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
49.20 imposed by law upon conviction of a crime or for any other purpose. For purposes of this  
49.21 paragraph, "not public" has the meaning given in section 13.02, subdivision 8a.

49.22 Subd. 4. **Sentencing departure; waiver of mandatory sentence.** (a) This subdivision  
49.23 applies to defendants who plead or are found guilty of any criminal offense except one for  
49.24 which registration is required under section 243.166, subdivision 1b.

49.25 (b) Prior to sentencing, a defendant described in paragraph (a) may present proof to the  
49.26 court that the defendant has, since the commission of the offense, engaged in rehabilitative  
49.27 efforts consistent with those described in this section. If the court determines that the  
49.28 defendant has engaged in substantial rehabilitative efforts and the defendant establishes by  
49.29 clear and convincing evidence that:

49.30 (1) the defendant suffered from an applicable condition at the time of the offense;

49.31 (2) the applicable condition was caused by service in the United States military; and

49.32 (3) the offense was committed as a result of the applicable condition;

50.1 the court may determine that the defendant is particularly amenable to probation and order  
50.2 a mitigated durational or dispositional sentencing departure or a waiver of any statutory  
50.3 mandatory minimum sentence applicable to the defendant.

50.4 Subd. 5. **Optional veterans treatment court program; procedures for eligible**  
50.5 **defendants.** A county or judicial district may supervise probation under this section through  
50.6 a veterans treatment court using county veterans service officers appointed under sections  
50.7 197.60 to 197.606, United States Department of Veterans Affairs veterans justice outreach  
50.8 specialists, probation agents, and any other rehabilitative resources available to the court.

50.9 Subd. 6. **Creation of county and city diversion programs; authorization.** Any county  
50.10 or city may establish and operate a veterans pretrial diversion program for defendants eligible  
50.11 under subdivision 1 without penalty under section 477A.0175. "Pretrial diversion" means  
50.12 the decision of a prosecutor to refer a defendant to a diversion program on the condition  
50.13 that the criminal charges against the defendant shall be dismissed after a specified period  
50.14 of time or the case shall not be charged, if the defendant successfully completes the program  
50.15 of treatment recommended by the United States Department of Veterans Affairs or a local,  
50.16 state, federal, or private nonprofit treatment program.

50.17 Subd. 7. **Exception.** This section does not apply to a person charged with an offense for  
50.18 which registration is required under section 243.166, subdivision 1b.

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

50.20 Sec. 14. **COST OF CARE; TEMPORARY SUSPENSION OF RULE.**

50.21 Notwithstanding Minnesota Rules, part 9050.0500, subparts 1, 2 and 3, the commissioner  
50.22 of veterans affairs is not required to perform the annual calculation of costs of care for  
50.23 veterans homes in fiscal year 2022. For fiscal year 2022, the commissioner may apply the  
50.24 cost of care established for fiscal year 2021. The commissioner may only suspend application  
50.25 of Minnesota Rules, part 9050.0500, subparts 1, 2, and 3, in fiscal year 2022. This section  
50.26 expires on June 30, 2022.

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

50.28 Sec. 15. **REVISOR INSTRUCTION.**

50.29 The revisor of statutes must renumber the provisions of Minnesota Statutes listed in  
50.30 column A to the references listed in column B. The revisor must also make necessary  
50.31 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the  
50.32 renumbering.

	<u>Column A</u>	<u>Column B</u>
51.1		
51.2	<u>197.791, subdivision 5a</u>	<u>197.791, subdivision 6</u>
51.3	<u>197.791, subdivision 5b</u>	<u>197.791, subdivision 7</u>
51.4	<u>197.791, subdivision 6</u>	<u>197.791, subdivision 8</u>

51.5 **ARTICLE 4**

51.6 **ELECTIONS**

51.7 Section 1. Minnesota Statutes 2020, section 201.071, subdivision 2, is amended to read:

51.8 Subd. 2. **Instructions.** (a) A registration application shall be accompanied by instructions  
51.9 specifying the manner and method of registration, the qualifications for voting, the penalties  
51.10 for false registration, and the availability of registration and voting assistance for elderly  
51.11 and disabled individuals and residents of health care facilities and hospitals.

51.12 (b) The instructions must indicate that ~~if the voter does not have~~ must provide a valid  
51.13 Minnesota driver's license or identification card number, or the last four digits of the voter's  
51.14 Social Security number ~~must be provided, unless the voter does not have a Social Security~~  
51.15 ~~number~~, unless the voter has not been issued one of those numbers.

51.16 (c) If, prior to election day, a person requests the instructions in Braille, audio format,  
51.17 or in a version printed in 16-point bold type with 24-point leading, the county auditor shall  
51.18 provide them in the form requested. The secretary of state shall prepare Braille and audio  
51.19 copies and make them available.

51.20 Sec. 2. Minnesota Statutes 2020, section 201.121, subdivision 3, is amended to read:

51.21 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor  
51.22 shall send the notice required by subdivision 2 to a random sampling of the individuals  
51.23 registered on election day. The random sampling shall be determined in accordance with  
51.24 the rules of the secretary of state. As soon as practicable after the election, the county auditor  
51.25 shall mail the notice required by subdivision 2 to all other individuals registered on election  
51.26 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine  
51.27 the reason for the return. A county auditor who does not receive or obtain satisfactory proof  
51.28 of an individual's eligibility to vote shall immediately notify the county attorney of all of  
51.29 the relevant information. ~~The~~ By February 15 of each year, the county auditor must notify  
51.30 the secretary of state of the following information for each election held in the previous  
51.31 year by each precinct:

51.32 (1) the total number of all notices that were returned as nondeliverable;

52.1 (2) the total number of nondeliverable notices that the county auditor was able to  
52.2 determine the reason for the return along with the reason for each return; and

52.3 (3) the total number of individuals for whom the county auditor does not receive or  
52.4 obtain satisfactory proof of an individual's eligibility to vote.

52.5 (b) By March 1 of every ~~odd-numbered~~ year, the secretary of state shall report to the  
52.6 chair and ranking minority members of the legislative committees with jurisdiction over  
52.7 elections the following information for each election held in the previous year by each  
52.8 precinct and each county:

52.9 (1) the total number of all notices that were returned as nondeliverable;

52.10 (2) the total number of nondeliverable notices that a county auditor was able to determine  
52.11 the reason for the return along with the reason for each return; and

52.12 (3) the total number of individuals for whom the county auditor does not receive or  
52.13 obtain satisfactory proof of an individual's eligibility to vote.

52.14 Sec. 3. Minnesota Statutes 2020, section 203B.08, subdivision 1, is amended to read:

52.15 Subdivision 1. **Marking and return by voter.** (a) An eligible voter who receives absentee  
52.16 ballots as provided in this chapter shall mark them in the manner specified in the directions  
52.17 for casting the absentee ballots. The return envelope containing marked ballots may be  
52.18 mailed as provided in the directions for casting the absentee ballots ~~or~~ may be left with the  
52.19 county auditor or municipal clerk who transmitted the absentee ballots to the voter, or may  
52.20 be left in a drop box as provided in section 203B.082. If delivered in person, the return  
52.21 envelope must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election  
52.22 day.

52.23 (b) The voter may designate an agent to deliver in person the sealed absentee ballot  
52.24 return envelope to the county auditor or municipal clerk or to deposit the return envelope  
52.25 in the mail. An agent may deliver or mail the return envelopes of not more than three voters  
52.26 in any election. Any person designated as an agent who tampers with either the return  
52.27 envelope or the voted ballots or does not immediately mail or deliver the return envelope  
52.28 to the county auditor or municipal clerk is guilty of a misdemeanor.

52.29 Sec. 4. Minnesota Statutes 2020, section 203B.08, subdivision 3, is amended to read:

52.30 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a  
52.31 county auditor or municipal clerk, that official shall stamp or initial and date the return  
52.32 envelope and place it in a ~~secure location~~ locked ballot container or other secured and locked

53.1 space with other return envelopes received by that office. Within five days after receipt, the  
 53.2 county auditor or municipal clerk shall deliver to the ballot board all ballots received, except  
 53.3 that during the 14 days immediately preceding an election, the county auditor or municipal  
 53.4 clerk shall deliver all ballots received to the ballot board within three days. Ballots received  
 53.5 on election day either (1) after 3:00 p.m., if delivered in person; or (2) after 8:00 p.m., if  
 53.6 delivered by mail or a package delivery service, shall be marked as received late by the  
 53.7 county auditor or municipal clerk, and must not be delivered to the ballot board.

53.8 Sec. 5. [203B.082] ABSENTEE BALLOT DROP BOXES; SECURITY AND  
 53.9 INTEGRITY.

53.10 Subdivision 1. Definition. As used in this section, "drop box" means a secure receptacle  
 53.11 or container established to receive completed absentee ballots 24 hours per day. Drop box  
 53.12 does not include a receptacle or container maintained by the United States Postal Service,  
 53.13 or a location at which a voter or an agent may return a completed absentee ballot by providing  
 53.14 it directly to an employee of the county auditor or municipal clerk.

53.15 Subd. 2. Minimum security and integrity standards. The county auditor or municipal  
 53.16 clerk may provide locations at which a voter may deposit a completed absentee ballot  
 53.17 enclosed in the completed signature envelope in a secure drop box, consistent with the  
 53.18 following security and integrity standards:

53.19 (1) each drop box must be continually recorded during the absentee voting period;

53.20 (2) each drop box must be designed to prevent an unauthorized person from moving,  
 53.21 removing, or tampering with the drop box;

53.22 (3) each drop box placed in an outdoor location must be fastened to a building, bolted  
 53.23 to a concrete pad, or otherwise attached to a similarly secure structure;

53.24 (4) ballots deposited in a drop box must be secured against access by any unauthorized  
 53.25 person, and in the case of a drop box located in an outdoor location, the drop box must be  
 53.26 secured against damage due to weather or other natural conditions;

53.27 (5) each drop box must contain signage or markings that:

53.28 (i) clearly identifies the drop box as an official absentee ballot return location; and

53.29 (ii) include the location and hours where an agent may return an absentee ballot;

53.30 (6) deposited ballots must be collected at least once per business day during the absentee  
 53.31 voting period by the county auditor, municipal clerk, or an elections official trained by the  
 53.32 county auditor or municipal clerk in the proper maintenance and handling of absentee ballots

54.1 and absentee ballot drop boxes, and in the security measures used to protect absentee ballots;  
 54.2 and

54.3 (7) ballots collected from each drop box must be properly date-stamped and stored in a  
 54.4 locked ballot container or other secured and locked space consistent with any applicable  
 54.5 laws governing the collection and storage of absentee ballots.

54.6 Subd. 3. **Publication of locations required.** (a) The county auditor or municipal clerk  
 54.7 must provide a list of designated absentee ballot drop box locations to the secretary of state  
 54.8 no later than 40 days prior to the start of the absentee voting period at every regularly  
 54.9 scheduled primary or general election. The list must be published on the website of the  
 54.10 county or municipality and on the website of the secretary of state at least 35 days prior to  
 54.11 the start of the absentee voting period.

54.12 (b) The county auditor or municipal clerk must provide an updated list of designated  
 54.13 absentee ballot drop box locations to the secretary of state no later than 20 days prior to the  
 54.14 start of the absentee voting period at every regularly scheduled primary or general election,  
 54.15 if any locations have changed or been added since submission of the list under paragraph  
 54.16 (a). The list must be published on the website of the county or municipality and on the  
 54.17 website of the secretary of state at least 15 days prior to the start of the absentee voting  
 54.18 period.

54.19 Subd. 4. **Electioneering prohibited.** Section 211B.11 applies to conduct within 100  
 54.20 feet of an absentee ballot drop box established under this section.

54.21 Sec. 6. Minnesota Statutes 2020, section 203B.121, subdivision 1, is amended to read:

54.22 **Subdivision 1. Establishment; applicable laws.** (a) The governing body of each county,  
 54.23 municipality, and school district with responsibility to accept and reject absentee ballots  
 54.24 must, by ordinance or resolution, establish a ballot board. The board must consist of a  
 54.25 sufficient number of election judges ~~trained in the handling of absentee ballots~~ and appointed  
 54.26 as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors  
 54.27 or deputy city clerks who have received training in the processing and counting of absentee  
 54.28 ballots. Each member of the ballot board must be provided adequate training on the  
 54.29 processing and counting of absentee ballots, including but not limited to instruction on  
 54.30 accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines,  
 54.31 the role of the ballot board, procedures for opening absentee ballot envelopes, procedures  
 54.32 for counting absentee ballots, and procedures for reporting absentee ballot totals.

55.1 (b) Each jurisdiction must pay a reasonable compensation to each member of that  
55.2 jurisdiction's ballot board for services rendered during an election.

55.3 (c) Except as otherwise provided by this section, all provisions of the Minnesota Election  
55.4 Law apply to a ballot board.

55.5 Sec. 7. Minnesota Statutes 2020, section 204B.14, subdivision 3, is amended to read:

55.6 Subd. 3. **Boundary changes; prohibitions; exception.** (a) Notwithstanding other law  
55.7 or charter provisions to the contrary, during the period from January 1 in any year ending  
55.8 in zero to the time when the legislature has been redistricted in a year ending in one or two,  
55.9 no changes may be made in the boundaries of any election precinct except as provided in  
55.10 this subdivision.

55.11 ~~(a)~~ (b) If a city annexes an unincorporated area located in the same county as the city  
55.12 and adjacent to the corporate boundary, the annexed area may be included in an election  
55.13 precinct immediately adjacent to it.

55.14 ~~(b)~~ (c) A municipality or county may establish new election precincts lying entirely  
55.15 within the boundaries of any existing precinct and shall assign names to the new precincts  
55.16 which include the name of the former precinct.

55.17 ~~(c)~~ (d) Precinct boundaries in a city of the first class electing council members by wards  
55.18 may be reestablished within four weeks of the adoption of ward boundaries in a year ending  
55.19 in one, as provided in section 204B.135, subdivision 1. If precinct boundaries are  
55.20 reestablished in a year ending in one, the city council must designate polling places for each  
55.21 election precinct pursuant to section 204B.16, subdivision 1, within 30 days establishing  
55.22 precinct boundaries. The polling place designations are effective for the year ending in one.

55.23 ~~(d)~~ (e) Precinct boundaries must be reestablished within 60 days of the time when the  
55.24 legislature has been redistricted, or at least 19 weeks before the state primary election in a  
55.25 year ending in two, whichever comes first. The governing body of each municipality and  
55.26 of each county with precincts in unorganized territory must designate polling places for  
55.27 each election precinct pursuant to section 204B.16, subdivision 1, within 30 days of  
55.28 establishing precinct boundaries or at least 19 weeks before the state primary election in a  
55.29 year ending in two, whichever comes first. The adoption of reestablished precinct boundaries  
55.30 and polling places becomes effective on the date of the state primary election in the year  
55.31 ending in two.

55.32 (f) Precincts must be arranged so that no precinct lies in more than one legislative or  
55.33 congressional district.

56.1 Sec. 8. Minnesota Statutes 2020, section 204B.16, subdivision 1, is amended to read:

56.2 Subdivision 1. **Authority; location.** By December 31 of each year, the governing body  
56.3 of each municipality and of each county with precincts in unorganized territory must  
56.4 designate by ordinance or resolution a polling place for each election precinct. The polling  
56.5 places designated in the ordinance or resolution are the polling places for the following  
56.6 calendar year, unless a change is made:

56.7 (1) pursuant to section 204B.175;

56.8 (2) because a polling place has become unavailable; ~~or~~

56.9 (3) because a township designates one location for all state and federal elections and  
56.10 one location for all township only elections; and

56.11 (4) pursuant to section 204B.14, subdivision 3.

56.12 (b) Polling places must be designated and ballots must be distributed so that no one is  
56.13 required to go to more than one polling place to vote in a school district and municipal  
56.14 election held on the same day. The polling place for a precinct in a city or in a school district  
56.15 located in whole or in part in the metropolitan area defined by section 200.02, subdivision  
56.16 24, shall be located within the boundaries of the precinct or within one mile of one of those  
56.17 boundaries unless a single polling place is designated for a city pursuant to section 204B.14,  
56.18 subdivision 2, or a school district pursuant to section 205A.11. The polling place for a  
56.19 precinct in unorganized territory may be located outside the precinct at a place which is  
56.20 convenient to the voters of the precinct. If no suitable place is available within a town or  
56.21 within a school district located outside the metropolitan area defined by section 200.02,  
56.22 subdivision 24, then the polling place for a town or school district may be located outside  
56.23 the town or school district within five miles of one of the boundaries of the town or school  
56.24 district.

56.25 Sec. 9. Minnesota Statutes 2020, section 204B.18, subdivision 1, is amended to read:

56.26 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a number  
56.27 of voting booths or voting stations in proportion to the number of individuals eligible to  
56.28 vote in the precinct. The booth or station shall permit the voter to vote privately and  
56.29 independently.

56.30 (b) Each polling place must have at least one accessible voting booth or other accessible  
56.31 voting station and beginning with federal and state elections held after December 31, 2005,  
56.32 and county, municipal, and school district elections held after December 31, 2007, one

57.1 voting system that conforms to section 301(a)(3)(B) of the Help America Vote Act, Public  
57.2 Law 107-252.

57.3 (c) Local jurisdictions must make accessible voting stations purchased with funds  
57.4 provided from the Help America Vote Act account available to other local jurisdictions  
57.5 holding stand-alone elections. The jurisdiction providing the equipment may require the  
57.6 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result of  
57.7 the equipment's use and any prorated indirect costs of maintaining and storing the equipment.  
57.8 A rental or other similar use fee may not be charged.

57.9 Any funds received under this paragraph for expenses incurred by that local jurisdiction  
57.10 as a direct result of making the equipment available that were not paid for in whole or in  
57.11 part with funds from the Help America Vote Act account are not program income under  
57.12 the Help America Vote Act, Public Law 107-252.

57.13 Any funds received by a local jurisdiction making the equipment available as  
57.14 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,  
57.15 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from  
57.16 the Help America Vote Act account must be treated as program income and deposited into  
57.17 the jurisdiction's Help America Vote Act account in the direct proportion that funds from  
57.18 the Help America Vote Act account were used to pay for those "operating costs."

57.19 (d) All booths or stations must be constructed so that a voter is free from observation  
57.20 while marking ballots. During the hours of voting, the booths or stations must have  
57.21 instructions, a ~~pen~~ pen or other marking device suitable for the voting system being used,  
57.22 and other supplies needed to mark the ballots. A chair must be provided for elderly voters  
57.23 and voters with disabilities to use while voting or waiting to vote. Stable flat writing surfaces  
57.24 must also be made available to voters who are completing election-related forms.

57.25 (e) All ballot boxes, voting booths, voting stations, and election judges must be in open  
57.26 public view in the polling place.

57.27 (f) The jurisdiction providing supplies must only provide pens or marking devices suitable  
57.28 for the voting system being used.

57.29 Sec. 10. Minnesota Statutes 2020, section 204B.40, is amended to read:

57.30 **204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS;**  
57.31 **DISPOSITION; INSPECTION OF BALLOTS.**

57.32 The county auditors, municipal clerks, and school district clerks shall retain all election  
57.33 materials returned to them after any election for at least 22 months from the date of that

58.1 election. All records and materials must be stored in a locked container or other secured  
 58.2 and locked space. All election materials involved in a contested election must be retained  
 58.3 for 22 months or until the contest has been finally determined, whichever is later. Abstracts  
 58.4 filed by canvassing boards shall be retained permanently by any officer with whom those  
 58.5 abstracts are filed. Election materials no longer required to be retained pursuant to this  
 58.6 section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes  
 58.7 containing voted ballots must be retained unopened, except as provided in this section, in  
 58.8 a secure location. The county auditor, municipal clerk, or school district clerk shall not  
 58.9 permit any voted ballots to be tampered with or defaced.

58.10 After the time for filing a notice of contest for an election has passed, the secretary of  
 58.11 state may, for the purpose of monitoring and evaluating election procedures: (1) open the  
 58.12 sealed ballot envelopes and inspect the ballots for that election maintained by the county  
 58.13 auditors, municipal clerks, or school district clerks; (2) inspect the polling place rosters and  
 58.14 completed voter registration applications; or (3) examine other forms required in the  
 58.15 Minnesota election laws for use in the polling place. No inspected ballot or document may  
 58.16 be marked or identified in any manner. After inspection, all ballots must be returned to the  
 58.17 ballot envelope and the ballot envelope must be securely resealed. Any other election  
 58.18 materials inspected or examined must be secured or resealed. No polling place roster may  
 58.19 be inspected until the voting history for that precinct has been posted. No voter registration  
 58.20 application may be inspected until the information on it has been entered into the statewide  
 58.21 registration system.

58.22 Sec. 11. Minnesota Statutes 2020, section 204C.13, subdivision 3, is amended to read:

58.23 Subd. 3. **Marking ballots.** (a) The voter shall mark each ballot ~~in the following manner:~~  
 58.24 as provided in this subdivision.

58.25 ~~(a)~~ (b) The voter shall fill in the oval or similar mark if a different target shape is used,  
 58.26 opposite the printed name of each candidate for whom the individual desires to vote, and  
 58.27 in the oval or other target shape before the "Yes" or "No" if the individual desires to vote  
 58.28 for or against a question.

58.29 ~~(b)~~ (c) The voter may write in other names on the lines provided under the printed names  
 58.30 of the candidates, except that no names shall be written in on primary ballots.

58.31 ~~(c)~~ (d) At a state primary an individual may vote for candidates of only one major political  
 58.32 party on the partisan primary ballot. If a partisan primary ballot contains votes for the  
 58.33 candidates of more than one major political party, the ballot is totally defective and no vote  
 58.34 on the partisan section of the ballot shall be counted.

59.1 ~~(d)~~ (e) An individual who spoils a ballot may return it to the election judges and receive  
59.2 another.

59.3 Sec. 12. Minnesota Statutes 2020, section 204C.35, is amended by adding a subdivision  
59.4 to read:

59.5 Subd. 2a. **Constitutional amendment recount.** In a state general election when the  
59.6 difference between the number of "yes" votes cast on ratification of a proposed constitutional  
59.7 amendment is within one-quarter percent of the number of all other ballots cast at the  
59.8 election, the canvassing board shall manually recount the votes on that question, including  
59.9 the number of "yes" or "no" votes on the question, and the number of ballots that did not  
59.10 cast a vote on the question. The results of the recount must be certified by the canvassing  
59.11 board as soon as possible.

59.12 Sec. 13. Minnesota Statutes 2020, section 204C.35, subdivision 3, is amended to read:

59.13 Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited  
59.14 in scope to the determination of the number of votes validly cast for the office or question  
59.15 to be recounted. Only the ballots cast in the election and the summary statements certified  
59.16 by the election judges may be considered in the recount process. Original ballots that have  
59.17 been duplicated under section 206.86, subdivision 5, are not within the scope of a recount  
59.18 and must not be examined except as provided by a court in an election contest under chapter  
59.19 209.

## 59.20 ARTICLE 5

### 59.21 FEDERAL FUNDS

59.22 Section 1. Laws 2020, Fifth Special Session chapter 3, article 9, section 13, is amended  
59.23 to read:

59.24 Sec. 13. **FUND MAXIMIZATION.**

59.25 On or after December 31, 2020, the commissioner of management and budget is  
59.26 authorized to use best efforts to maximize the use of federal CARES Act funding, consistent  
59.27 with applicable federal guidance, ~~and to use any unobligated amounts to fund eligible state~~  
59.28 ~~activities appropriated for.~~ The commissioner may reduce general fund appropriations and  
59.29 transfers in Laws 2020, chapters chapter 66, 70, 71, 74, or 81, or Laws 2020, Seventh Special  
59.30 Session chapter 2, and corresponding funding amounts are appropriated from the federal  
59.31 coronavirus relief fund up to the unobligated balance of the fund.

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

60.2 Sec. 2. **COVID-19 FLEXIBLE RESPONSE ACCOUNT.**

60.3 Subdivision 1. **Account created.** The COVID-19 flexible response account is created  
60.4 within the state fiscal recovery federal fund in the state treasury to pay expenditures eligible  
60.5 under federal guidance for the state fiscal recovery federal fund. \$425,000,000 is transferred  
60.6 from the state fiscal recovery federal fund to the COVID-19 flexible response account and  
60.7 is appropriated to the commissioner of management and budget. The commissioner may  
60.8 transfer funds appropriated under this subdivision to state agencies as necessary. This is a  
60.9 onetime appropriation. Any money in the account that remains unallocated on July 1, 2022,  
60.10 cancels to the state fiscal recovery federal fund. Allocated funds are available until June 30,  
60.11 2023.

60.12 Subd. 2. **Legislative COVID-19 Response Commission review.** (a) The Legislative  
60.13 COVID-19 Response Commission established under Laws 2020, chapter 71, article 1,  
60.14 section 7, will review proposed allocations from the COVID-19 flexible response account.

60.15 (b) The commissioner of management and budget must submit proposed single  
60.16 expenditures from the COVID-19 flexible response account that exceed \$2,500,000 to the  
60.17 Legislative COVID-19 Response Commission for its review and recommendations. The  
60.18 submission must include the total amount of the proposed expenditure, the purpose of the  
60.19 proposed expenditure, the time period of the proposed expenditure, and any additional  
60.20 information the commissioner of management and budget determines necessary to properly  
60.21 document the proposed expenditure. Upon receiving a submission, the commission has  
60.22 three days after the request is submitted to review the proposed expenditures submitted  
60.23 under this subdivision.

60.24 (c) Commission members may make a positive recommendation, a negative  
60.25 recommendation, or no recommendation on a proposed expenditure. If a majority of the  
60.26 commission members from the senate and a majority of the commission members from the  
60.27 house of representatives make a negative recommendation on a proposed expenditure, the  
60.28 commissioner is prohibited from expending the money. If a majority of the commission  
60.29 members from the senate and a majority of the commission members from the house of  
60.30 representatives do not make a negative recommendation, or if the commission makes no  
60.31 recommendation, the commissioner may expend the money.

60.32 (d) The commission may hold a public meeting to approve or disapprove a proposed  
60.33 expenditure from the COVID-19 flexible response account. Notwithstanding Minnesota  
60.34 Statutes, section 3.055, the commission may conduct a public meeting remotely. The

61.1 commission may approve or disapprove proposed expenditures without a public meeting.  
61.2 The commission members may approve or disapprove proposed expenditures via written  
61.3 communication sent to the commissioner of management and budget.

61.4 Subd. 3. **Monthly expenditure report.** The commissioner of management and budget  
61.5 must provide reports on the spending from the COVID-19 flexible response account to the  
61.6 Legislative COVID-19 Response Commission on the last day of each month. The report  
61.7 must include the total amount of each expenditure, the purpose of each expenditure, and  
61.8 any additional information the commissioner of management and budget determines is  
61.9 necessary to properly document each expenditure.

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

61.11 Sec. 3. **REVENUE REPLACEMENT; AMERICAN RESCUE PLAN ACT STATE**  
61.12 **FISCAL RECOVERY FEDERAL FUND.**

61.13 Subdivision 1. **Transfer.** \$633,100,000 in fiscal year 2023 and \$550,000,000 in fiscal  
61.14 year 2024 are transferred from the state fiscal recovery federal fund to the general fund for  
61.15 the provision of government services. The fiscal year 2024 transfer must occur prior to  
61.16 December 15, 2024. The transfers in this subdivision are onetime.

61.17 Subd. 2. **State appropriation alternative.** (a) If the commissioner of management and  
61.18 budget determines that the transfers in subdivision 1 are ineligible uses of the state fiscal  
61.19 recovery federal fund, the transfers in subdivision 1 are canceled, and \$633,100,000 is  
61.20 appropriated from the state fiscal recovery federal fund in fiscal year 2022 to the  
61.21 commissioner of management and budget to replace eligible general fund appropriations  
61.22 in the biennium beginning July 1, 2021. Money appropriated to the commissioner of  
61.23 management and budget is available in either year of the biennium and may be disbursed  
61.24 or transferred to state agencies as necessary. The general fund appropriations being replaced  
61.25 are canceled. The commissioner of management and budget must determine eligible  
61.26 appropriations consistent with Public Law 117-2, and its corresponding guidance for use  
61.27 of the state fiscal recovery federal fund. For purposes of this subdivision, an ineligible use  
61.28 includes one that violates a maintenance of effort requirement.

61.29 (b) If the commissioner of management and budget implements the appropriations in  
61.30 paragraph (a), the commissioner must cancel \$550,000,000 of the forecasted general fund  
61.31 appropriations in the biennium beginning July 1, 2023, that are eligible to be replaced with  
61.32 the state fiscal recovery federal fund, under Public Law 117-2, and its corresponding guidance  
61.33 consistent with the method used in paragraph (a). The commissioner must allocate  
61.34 \$550,000,000 from the state fiscal recovery federal fund from the biennium beginning July

62.1 1, 2023, to replace the canceled general fund appropriations. The allocations made by the  
62.2 commissioner are appropriated in fiscal year 2024 from the state fiscal recovery federal  
62.3 fund and are available in either year of the biennium, but must be obligated by December  
62.4 31, 2024. This is a onetime appropriation.

62.5 (c) Prior to implementing any appropriations or planning estimates under this subdivision,  
62.6 the commissioner of management and budget must submit the proposed appropriation and  
62.7 planning estimate changes to the Legislative Advisory Commission for review. Legislative  
62.8 Advisory Commission members have up to ten days to submit any recommendations  
62.9 regarding the appropriations to the commissioner.

62.10 Subd. 3. **General fund restoration.** If general fund appropriations in subdivisions 2  
62.11 and 3 are reduced or replaced with state fiscal recovery federal fund appropriations, those  
62.12 state fiscal recovery federal fund appropriations are onetime for those years indicated, and  
62.13 the general fund appropriation base amounts are reinstated in subsequent fiscal years.

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

62.15 Sec. 4. **SUSPENSION OF STATUTORY APPROPRIATION; AMERICAN RESCUE**  
62.16 **PLAN ACT STATE FISCAL RECOVERY FEDERAL FUND.**

62.17 (a) Notwithstanding Minnesota Statutes, sections 3.3005 and 4.07, \$1,150,000,000 of  
62.18 the federal funds received by the state of Minnesota from its state fiscal recovery federal  
62.19 fund allocation under Public Law 117-2, must not be spent except pursuant to a direct  
62.20 appropriation by law.

62.21 (b) If the funds in this section are not appropriated by the expiration of paragraph (a),  
62.22 the remaining funds in paragraph (a) are appropriated to the commissioner of management  
62.23 and budget. The commissioner of management and budget may transfer funds appropriated  
62.24 under this paragraph to state agencies as necessary. Before spending federal funds  
62.25 appropriated in this section, the commissioner of management and budget shall report  
62.26 allocations of funds appropriated under this section and their intended purpose to the  
62.27 Legislative Advisory Commission, consistent with the urgent federal funds request procedure  
62.28 under Minnesota Statutes, section 3.3005, subdivisions 4 and 5.

62.29 **EFFECTIVE DATE.** Paragraph (a) is effective the day following final enactment and  
62.30 is retroactive to May 17, 2021. Paragraph (a) expires June 15, 2022. Paragraph (b) is effective  
62.31 the day following final enactment.