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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 3172**

- 03/17/2014 Authored by Carlson and Hausman  
The bill was read for the first time and referred to the Committee on Ways and Means
- 04/01/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time
- 04/03/2014 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
- 04/09/2014 Returned to the House as Amended by the Senate  
Refused to concur and Conference Committee appointed
- 05/16/2014 Third Reading as Amended by Conference  
Repassed by the House

A bill for an act

- 1.1
- 1.2 relating to state government; providing supplemental appropriations for Office
- 1.3 of Higher Education, Board of Trustees of the Minnesota State Colleges and
- 1.4 Universities, Board of Regents of the University of Minnesota; jobs, economic
- 1.5 development, labor, commerce and housing finance; state government and
- 1.6 veterans; public safety and corrections; transportation; agriculture, environment,
- 1.7 natural resources and clean water; early childhood education; kindergarten
- 1.8 through grade 12; community and adult education including general education;
- 1.9 education excellence; special education; education facilities; nutrition; state
- 1.10 education agencies; health and human services; making certain appropriations
- 1.11 adjustments; modifying disposition of certain revenues; providing a grant
- 1.12 to College Possible; providing funding for regenerative medicine research;
- 1.13 regulating study abroad programs; providing resident tuition rates for certain
- 1.14 military veterans; authorizing participation in the interstate reciprocity
- 1.15 agreement; authorizing student loan refinancing; requiring a transfer from the
- 1.16 assigned risk plan in the event of surplus; establishing broadband development
- 1.17 grants; modifying workforce development outcomes; requiring workers'
- 1.18 compensation reform; modifying an energy loan program; establishing deaf,
- 1.19 deafblind, and hard-of-hearing grants; modifying distribution of a taconite tax;
- 1.20 implementing an innovation voucher pilot program; establishing competency
- 1.21 standards for certain industries; creating the Legislative Water Commission;
- 1.22 making changes to the Compensation Council; expediting professional
- 1.23 licensure for members of the military; transferring funds to a disaster assistance
- 1.24 contingency account; modifying certain provisions pertaining to victims of
- 1.25 domestic violence; permitting the court to continue a juvenile case without a
- 1.26 finding of delinquency; continuing the fire safety advisory committee; lowering
- 1.27 the penalty for the performance of acts prohibited by statutes for which no penalty
- 1.28 is specified; extending University of Minnesota service of alcohol; providing
- 1.29 for disaster assistance for public entities with and without federal assistance;
- 1.30 providing for railroad and railroad yard safety and emergency preparedness;
- 1.31 designating the Trooper Glen Skolman Memorial Highway; modifying various
- 1.32 provisions governing fund use, driver's licenses and permits, license plates, speed
- 1.33 limits, work zones, gross vehicle weights and permits, products and services
- 1.34 billing, safety oversight, light rail vehicle design, transit shelters and stops,
- 1.35 highway turnbacks, and watercraft decontamination sites; providing for federal
- 1.36 conformity; establishing a community destination sign pilot program; providing
- 1.37 for transit service on election day; modifying off-highway motorcycle provisions;
- 1.38 creating accounts; providing for certain grants; providing for protection
- 1.39 of pollinators; modifying the Water Law; modifying recycling provisions;

2.1 providing for state parks and trails license plates; providing for establishment of  
2.2 Invasive Terrestrial Plants and Pests Center; providing for licensing commercial  
2.3 breeders of dogs and cats; providing for adoption of research dogs and cats;  
2.4 modifying provisions governing Health Department, Department of Human  
2.5 Services, health care, children and family services, Northstar Care for Children  
2.6 program, community first services and supports, continuing care, home and  
2.7 community-based services standards, public assistance programs simplification,  
2.8 and chemical and mental health services; making changes to hospital payment  
2.9 system; providing rate and grant increases for nursing facilities, ICFs/DD,  
2.10 and home and community-based services; requiring studies and reports;  
2.11 requiring rulemaking; amending Minnesota Statutes 2012, sections 12.03,  
2.12 by adding subdivisions; 12.221, subdivision 4, by adding a subdivision;  
2.13 12A.02, subdivision 2, by adding subdivisions; 12A.03, subdivision 3; 12A.15,  
2.14 subdivision 1; 13.43, subdivision 16; 13.46, subdivision 4; 13.643, subdivision 6;  
2.15 13.681, by adding a subdivision; 13.84, subdivisions 5, 6; 15A.082, subdivision  
2.16 4; 16A.125, subdivision 5; 16A.28, by adding a subdivision; 16C.16, subdivision  
2.17 6a; 16C.19; 18B.01, by adding subdivisions; 18B.03, by adding a subdivision;  
2.18 18B.04; 84.788, subdivision 2; 85.053, subdivision 2; 85.34, subdivision 7;  
2.19 85A.02, subdivision 2; 103G.251; 103G.271, subdivisions 5, 6; 103G.281, by  
2.20 adding a subdivision; 115A.151, as amended; 115A.55, subdivision 4; 115A.551,  
2.21 subdivisions 1, 2a; 115A.557, subdivisions 2, 3; 115E.01, by adding subdivisions;  
2.22 115E.08, by adding subdivisions; 116J.423, subdivision 2; 116J.8731, subdivision  
2.23 5; 116L.98; 119B.09, subdivision 9a; 122A.18, by adding a subdivision;  
2.24 122A.40, subdivision 13; 122A.41, subdivision 6; 122A.414, subdivision 2, as  
2.25 amended if enacted; 122A.415, subdivision 1; 123A.05, subdivision 2; 123A.64;  
2.26 123B.57, subdivision 6; 123B.71, subdivisions 8, 9; 123B.72, subdivisions 1, 3;  
2.27 124D.09, subdivisions 9, 13; 124D.111, by adding a subdivision; 124D.1158,  
2.28 subdivisions 3, 4; 124D.13, subdivisions 2, as amended, 4, 9, 13, by adding  
2.29 subdivisions; 124D.135, subdivisions 1, 3; 124D.16, subdivision 2; 124D.522;  
2.30 124D.531, subdivision 3; 124D.59, subdivision 2; 125A.76, subdivision 2;  
2.31 126C.10, subdivisions 25, 26; 127A.45, subdivisions 2, 3; 127A.49, subdivisions  
2.32 2, 3; 129C.10, subdivision 3, by adding a subdivision; 136A.01, subdivision  
2.33 2; 136A.1702; 136A.1785; 144.0724, as amended; 144.1501, subdivision  
2.34 1; 144.551, subdivision 1; 144A.073, by adding a subdivision; 144A.33,  
2.35 subdivision 2; 148.624, by adding a subdivision; 148B.53, subdivision 3;  
2.36 150A.091, by adding a subdivision; 153.16, by adding a subdivision; 154.11, as  
2.37 amended; 155A.27, by adding a subdivision; 161.14, by adding a subdivision;  
2.38 165.15, subdivision 2; 169.011, by adding a subdivision; 169.06, subdivision  
2.39 4, by adding a subdivision; 169.14, subdivision 5d, by adding a subdivision;  
2.40 169.305, subdivision 1; 169.826, by adding a subdivision; 169.8261, by adding a  
2.41 subdivision; 169.86, subdivision 5; 169.863, by adding a subdivision; 169.865,  
2.42 subdivisions 1, 2, by adding a subdivision; 169.866, subdivision 3, by adding a  
2.43 subdivision; 171.02, subdivision 3; 171.06, subdivision 2; 171.13, subdivision  
2.44 1; 174.02, by adding a subdivision; 174.56, subdivision 1; 179.02, by adding  
2.45 a subdivision; 181A.07, by adding a subdivision; 216B.241, subdivision 1d;  
2.46 216C.145; 216C.146; 219.015, subdivisions 1, 2; 222.50, subdivision 7;  
2.47 245.466, by adding a subdivision; 245A.03, subdivision 2c; 245A.04, by  
2.48 adding a subdivision; 245C.03, by adding a subdivision; 245C.04, by adding  
2.49 a subdivision; 245C.05, subdivision 5; 245C.10, by adding a subdivision;  
2.50 245C.33, subdivisions 1, 4; 252.451, subdivision 2; 253B.066, subdivision 1;  
2.51 254B.04, subdivision 3; 254B.12; 256.01, by adding a subdivision; 256.9685,  
2.52 subdivisions 1, 1a; 256.9686, subdivision 2; 256.969, subdivisions 1, 2, 2b, 3a,  
2.53 3b, 3c, 6a, 8, 8a, 9, 10, 12, 14, 17, 18, 25, 30, by adding subdivisions; 256.9752,  
2.54 subdivision 2; 256B.04, by adding a subdivision; 256B.0615, subdivision 3;  
2.55 256B.0624, subdivisions 2, 5, 6, 10; 256B.0625, subdivisions 18b, 18c, 18d, 18g,  
2.56 30, by adding a subdivision; 256B.0751, by adding a subdivision; 256B.199;  
2.57 256B.35, subdivision 1; 256B.441, by adding a subdivision; 256B.5012, by  
2.58 adding a subdivision; 256D.02, subdivisions 8, 12; 256D.05, subdivision 5;

3.1 256D.06, subdivision 1; 256D.08, subdivision 1, by adding a subdivision;  
 3.2 256D.10; 256D.405, subdivisions 1, 3; 256D.425, subdivision 2; 256I.03, by  
 3.3 adding a subdivision; 256I.04, subdivision 1; 256I.05, subdivision 2; 256J.08,  
 3.4 subdivisions 47, 57, 83, by adding a subdivision; 256J.10; 256J.21, subdivision 4;  
 3.5 256J.30, subdivision 4; 256J.32, subdivision 1; 256J.33, subdivision 2; 256J.37,  
 3.6 as amended; 256J.425, subdivisions 1, 7; 256J.49, subdivision 13; 256J.53,  
 3.7 subdivisions 1, 2, 5; 256J.531; 256J.95, subdivisions 8, 9, 10; 257.85, subdivision  
 3.8 11; 260B.198, subdivision 7; 260C.212, subdivision 1; 260C.515, subdivision  
 3.9 4; 260C.611; 268A.01, subdivision 14; 298.28, subdivisions 2, 7a, as added;  
 3.10 299F.012, subdivision 2; 326.04, as amended; 326.10, by adding a subdivision;  
 3.11 326.3382, by adding a subdivision; 326A.04, by adding a subdivision; 363A.44,  
 3.12 subdivision 1, as added; 611A.06, by adding a subdivision; 645.241; Minnesota  
 3.13 Statutes 2013 Supplement, sections 15A.082, subdivisions 1, 3; 16A.724,  
 3.14 subdivision 3; 103I.205, subdivision 4; 116V.03; 123B.53, subdivisions 1, 5;  
 3.15 123B.54; 123B.75, subdivision 5; 124D.11, subdivision 1; 124D.111, subdivision  
 3.16 1; 124D.165, subdivisions 3, 4, 5; 124D.531, subdivision 1; 124D.862,  
 3.17 subdivisions 1, 2; 125A.0942; 125A.11, subdivision 1; 125A.76, subdivisions  
 3.18 1, 2a, 2b, 2c; 125A.79, subdivisions 1, 5, 8; 126C.05, subdivision 15; 126C.10,  
 3.19 subdivisions 2, 2a, 2c, 2d, 24, 31; 126C.17, subdivisions 6, 7b, 9, 9a; 126C.40,  
 3.20 subdivision 1; 126C.44; 126C.48, subdivision 8; 127A.47, subdivision 7;  
 3.21 145.4716, subdivision 2; 148B.17, subdivision 2; 174.12, subdivision 2; 174.42,  
 3.22 subdivision 2; 245.8251; 245A.03, subdivision 7; 245A.042, subdivision 3;  
 3.23 245A.16, subdivision 1; 245C.08, subdivision 1; 245D.02, subdivisions 3, 4b,  
 3.24 8b, 11, 15b, 23, 29, 34, 34a, by adding a subdivision; 245D.03, subdivisions 1,  
 3.25 2, 3, by adding a subdivision; 245D.04, subdivision 3; 245D.05, subdivisions  
 3.26 1, 1a, 1b, 2, 4, 5; 245D.051; 245D.06, subdivisions 1, 2, 4, 6, 7, 8; 245D.071,  
 3.27 subdivisions 3, 4, 5; 245D.081, subdivision 2; 245D.09, subdivisions 3, 4a;  
 3.28 245D.091, subdivisions 2, 3, 4; 245D.10, subdivisions 3, 4; 245D.11, subdivision  
 3.29 2; 252.27, subdivision 2a; 256B.04, subdivision 21; 256B.055, subdivision  
 3.30 1; 256B.06, subdivision 4; 256B.0625, subdivisions 17, 18e; 256B.0949,  
 3.31 subdivisions 4, 5, 11, by adding a subdivision; 256B.439, subdivisions 1, 7;  
 3.32 256B.441, subdivision 63; 256B.4912, subdivision 1; 256B.4913, subdivision 4a;  
 3.33 256B.4914, subdivisions 2, 4, 5, 6, 7, 9, 10, 15; 256B.492; 256B.69, subdivision  
 3.34 34; 256B.766; 256B.767; 256B.85, subdivisions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
 3.35 15, 16, 17, 18, 23, 24, by adding subdivisions; 256J.21, subdivision 3; 256J.30,  
 3.36 subdivision 9; 256N.02, by adding a subdivision; 256N.21, subdivision 2, by  
 3.37 adding a subdivision; 256N.22, subdivisions 1, 2, 4, 6; 256N.23, subdivisions 1,  
 3.38 4; 256N.24, subdivisions 9, 10; 256N.25, subdivisions 2, 3; 256N.26, subdivision  
 3.39 1; 256N.27, subdivision 4; 297A.815, subdivision 3; 326A.04, subdivision 5;  
 3.40 Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; Laws  
 3.41 2009, chapter 83, article 1, section 10, subdivision 7; Laws 2010, chapter 189,  
 3.42 sections 15, subdivision 12; 26, subdivision 4; Laws 2012, chapter 247, article 4,  
 3.43 section 47; Laws 2012, chapter 263, section 1; Laws 2012, chapter 287, article 2,  
 3.44 sections 1; 3; Laws 2012, First Special Session chapter 1, article 1, section 28;  
 3.45 Laws 2013, chapter 1, section 6, as amended; Laws 2013, chapter 85, article 1,  
 3.46 sections 3, subdivisions 2, 5, 6; 4, subdivisions 1, 2; 5; 13, subdivision 5; Laws  
 3.47 2013, chapter 86, article 1, sections 12, subdivisions 1, 3, as amended; 13; Laws  
 3.48 2013, chapter 108, article 1, section 24; article 7, sections 14; 49; article 14,  
 3.49 sections 2, subdivisions 1, 3, 4, as amended, 6, as amended; 3, subdivisions 1, 4;  
 3.50 4, subdivision 8; 12; Laws 2013, chapter 114, article 3, sections 3, subdivision 6;  
 3.51 4, subdivision 3; article 4, section 47; Laws 2013, chapter 116, article 1, section  
 3.52 58, subdivisions 2, 3, 4, 5, 6, 7, 11; article 3, section 37, subdivisions 3, 4, 5, 6, 8,  
 3.53 15, 18, 20; article 4, section 9, subdivision 2; article 5, section 31, subdivisions  
 3.54 2, 3, 4, 5, 8; article 6, section 12, subdivisions 2, 3, 4, 6; article 7, section 21,  
 3.55 subdivisions 2, 3, 4, 6, 7, 9; article 8, section 5, subdivisions 2, 3, 4, 8, 9, 10,  
 3.56 11, 14; article 9, sections 1, subdivision 2; 2; Laws 2013, chapter 117, article 1,  
 3.57 sections 3, subdivisions 2, 3, 6; 4; 5, subdivisions 2, 3, 4; Laws 2013, chapter  
 3.58 143, article 11, section 10; Laws 2014, chapter 235, section 43; Laws 2014,

4.1 chapter 240, section 26; 2014 H.F. No. 2180, section 11, if enacted; proposing  
 4.2 coding for new law in Minnesota Statutes, chapters 3; 5; 18B; 84; 85; 87A;  
 4.3 103G; 115E; 116J; 123A; 123B; 124D; 129C; 135A; 136A; 144; 144A; 145;  
 4.4 148; 168; 171; 197; 219; 268A; 299A; 347; 473; proposing coding for new law  
 4.5 as Minnesota Statutes, chapters 12B; 256P; repealing Minnesota Statutes 2012,  
 4.6 sections 115A.551, subdivision 2; 116J.997; 123B.71, subdivisions 1, 4; 256.969,  
 4.7 subdivisions 2c, 8b, 9a, 9b, 11, 13, 20, 21, 22, 26, 27, 28; 256.9695, subdivisions  
 4.8 3, 4; 256D.06, subdivision 1b; 256D.08, subdivision 2; 256D.405, subdivisions  
 4.9 1a, 2; 256J.08, subdivisions 42, 55a, 82a; 256J.20; 256J.24, subdivision 9;  
 4.10 256J.32, subdivisions 2, 3, 4, 5a, 6, 7, 7a, 8; Minnesota Statutes 2013 Supplement,  
 4.11 sections 256B.0625, subdivision 18f; 256J.08, subdivision 24; 256N.26,  
 4.12 subdivision 7; Laws 2014, chapter 272, article 1, section 22; article 3, section 32.

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

4.14 **ARTICLE 1**

4.15 **HIGHER EDUCATION**

4.16 Section 1. **APPROPRIATIONS.**

4.17 The sums shown in the columns marked "Appropriations" are added to the  
 4.18 appropriations in Laws 2013, chapter 99, article 1, unless otherwise specified, to the  
 4.19 agencies and for the purposes specified in this article. The appropriations are from the  
 4.20 general fund, or another named fund, and are available for the fiscal year indicated for  
 4.21 each purpose. The figure "2015" used in this article means that the appropriation listed  
 4.22 under it is available for the fiscal year ending June 30, 2015.

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2014</u></b>	<b><u>2015</u></b>

4.27 Sec. 2. **OFFICE OF HIGHER EDUCATION** **\$** **750,000**

4.28 This appropriation is for immediate transfer  
 4.29 to College Possible for the purpose of  
 4.30 expanding College Possible coaching and  
 4.31 mentoring programs in Minnesota schools.

4.32 The appropriation shall be used for:

4.33 (1) increasing the number of low-income  
 4.34 high school students served by College  
 4.35 Possible by adding at least 150 students and  
 4.36 partnering with at least three additional high  
 4.37 schools in 2015;

5.1 (2) expenses related to direct support  
 5.2 for low-income high school students in  
 5.3 after-school programming led by College  
 5.4 Possible; and  
 5.5 (3) coaching and support of low-income  
 5.6 college students through the completion of  
 5.7 their college degree.  
 5.8 College Possible must, by February 1, 2015,  
 5.9 report to the chairs and ranking minority  
 5.10 members of the legislative committees  
 5.11 and divisions with jurisdiction over higher  
 5.12 education and E-12 education on activities  
 5.13 funded by this appropriation. The report must  
 5.14 include, but is not limited to, information  
 5.15 about the expansion of College Possible in  
 5.16 Minnesota, the number of College Possible  
 5.17 coaches hired, the expansion within existing  
 5.18 partner high schools, the expansion of high  
 5.19 school partnerships, the number of high  
 5.20 school and college students served, the  
 5.21 total hours of community service by high  
 5.22 school and college students, and a list of  
 5.23 communities and organizations benefitting  
 5.24 from student service hours.  
 5.25 This appropriation must not be used for the  
 5.26 expansion and support of College Possible  
 5.27 outside of Minnesota.  
 5.28 This is a onetime appropriation.

5.29 **Sec. 3. BOARD OF TRUSTEES OF THE**  
 5.30 **MINNESOTA STATE COLLEGES AND**  
 5.31 **UNIVERSITIES**

**\$ 17,000,000**

5.32 \$17,000,000 in fiscal year 2015 is  
 5.33 appropriated from the general fund to the  
 5.34 Board of Trustees of the Minnesota State  
 5.35 Colleges and Universities for compensation

6.1 costs associated with the settlement of  
 6.2 employment contracts for fiscal year 2014.  
 6.3 The board's appropriation base is increased  
 6.4 by \$17,000,000 in fiscal years 2016 and 2017.

6.5 **Sec. 4. BOARD OF REGENTS OF THE**  
 6.6 **UNIVERSITY OF MINNESOTA**

6.7 **Subdivision 1. Total Appropriation** **\$ 4,500,000**

6.8 **Subd. 2. Health Sciences Special** **4,500,000**

6.9 (a) This appropriation is from the general  
 6.10 fund for the direct and indirect expenses  
 6.11 of the collaborative partnership between  
 6.12 the University of Minnesota and the Mayo  
 6.13 Clinic for regenerative medicine research,  
 6.14 clinical translation, and commercialization.  
 6.15 In addition to representatives from the  
 6.16 University of Minnesota and the Mayo  
 6.17 Clinic, the collaborative partnership must  
 6.18 include representatives of private industry  
 6.19 and others with expertise in regenerative  
 6.20 medicine research, clinical translation,  
 6.21 commercialization, and medical venture  
 6.22 financing who are not affiliated with either the  
 6.23 University of Minnesota or the Mayo Clinic.

6.24 (b) By January 15 of each odd-numbered  
 6.25 year beginning in 2017, the partnership must  
 6.26 submit an independent financial audit to the  
 6.27 chairs and ranking minority members of the  
 6.28 committees of the house of representatives  
 6.29 and senate having jurisdiction over higher  
 6.30 education and economic development. The  
 6.31 audit must include the names of all recipients  
 6.32 of grants awarded by the partnership and  
 6.33 their affiliation, if any, with the University of  
 6.34 Minnesota or the Mayo Clinic.

7.1 (c) The full amount of this appropriation  
7.2 is for the partnership and may not be  
7.3 used by the University of Minnesota for  
7.4 administrative or monitoring expenses.

7.5 (d) For fiscal year 2016 and thereafter, the  
7.6 base for this program is \$4,350,000.

7.7 **Sec. 5. [5.39] STUDY ABROAD PROGRAMS.**

7.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this  
7.9 subdivision have the meanings given them.

7.10 (b) "Postsecondary institution" means an institution that meets the eligibility  
7.11 requirements under section 136A.103 to participate in state financial aid programs.

7.12 (c) "Program" means a study abroad program offered or approved for credit by a  
7.13 postsecondary institution in which program participants travel outside of the United States  
7.14 in connection with an educational experience.

7.15 Subd. 2. **Report.** (a) A postsecondary institution, must file by November 1 of each  
7.16 year a report on its programs with the secretary of state. The report must contain the  
7.17 following information from the previous academic year, including summer terms:

7.18 (1) deaths of program participants that occurred during program participation as a  
7.19 result of program participation; and

7.20 (2) accidents and illnesses that occurred during program participation as a result of  
7.21 program participation and that required hospitalization.

7.22 Information reported under clause (1) may be supplemented by a brief explanatory  
7.23 statement.

7.24 (b) A postsecondary institution must report to the secretary of state annually by  
7.25 November 1 whether its program complies with health and safety standards set by the  
7.26 Forum on Education Abroad or a similar study abroad program standard setting agency.

7.27 Subd. 3. **Secretary of state; publication of program information.** (a) The secretary  
7.28 of state must publish the reports required by subdivision 2, on its Web site in a format that  
7.29 facilitates identifying information related to a particular postsecondary institution.

7.30 (b) The secretary of state shall publish on its Web site the best available information  
7.31 by country on sexual assaults and other criminal acts affecting study abroad program  
7.32 participants during program participation. This information shall not be limited to  
7.33 programs subject to this section.

7.34 Subd. 4. **Office of Higher Education.** The secretary of state shall provide the  
7.35 information it posts on its Web site under subdivision 3 to the Office of Higher Education,

8.1 in electronic format, at the time it posts the information. The Office of Higher Education  
 8.2 shall post the information on its Web site and may otherwise distribute the information. In  
 8.3 materials distributed or posted, the Office of Higher Education must reference this section.

8.4 Subd. 5. **Program material.** A postsecondary institution must include in its written  
 8.5 materials provided to prospective program participants a link to the secretary of state Web  
 8.6 site stating that program health and safety information is available at the Web site.

8.7 **EFFECTIVE DATE.** This section is effective August 1, 2014, provided that the  
 8.8 initial reports under subdivision 2 are due November 1, 2015.

8.9 Sec. 6. **[135A.0431] MILITARY VETERANS; RESIDENT TUITION.**

8.10 (a) A person who is honorably discharged from the armed forces of the United States  
 8.11 is entitled to the resident tuition rate at Minnesota public postsecondary institutions.

8.12 (b) This section is in addition to any other statute, rule, or higher education  
 8.13 institution regulation or policy providing eligibility for a resident tuition rate or its  
 8.14 equivalent to a student.

8.15 **EFFECTIVE DATE.** This section is effective for academic terms beginning after  
 8.16 August 1, 2014.

8.17 Sec. 7. Minnesota Statutes 2012, section 136A.01, subdivision 2, is amended to read:

8.18 Subd. 2. **Responsibilities.** (a) The Minnesota Office of Higher Education is  
 8.19 responsible for:

8.20 (1) necessary state level administration of financial aid programs, including  
 8.21 accounting, auditing, and disbursing state and federal financial aid funds, and reporting on  
 8.22 financial aid programs to the governor and the legislature;

8.23 (2) approval, registration, licensing, and financial aid eligibility of private collegiate  
 8.24 and career schools, under sections 136A.61 to 136A.71 and chapter 141;

8.25 (3) determining whether to enter into an interstate reciprocity agreement regarding  
 8.26 postsecondary distance education;

8.27 ~~(3)~~ (4) negotiating and administering reciprocity agreements;

8.28 ~~(4)~~ (5) publishing and distributing financial aid information and materials, and other  
 8.29 information and materials under section 136A.87, to students and parents;

8.30 ~~(5)~~ (6) collecting and maintaining student enrollment and financial aid data and  
 8.31 reporting data on students and postsecondary institutions to develop and implement a  
 8.32 process to measure and report on the effectiveness of postsecondary institutions;



9.1           ~~(6)~~ (7) administering the federal programs that affect students and institutions on a  
9.2 statewide basis; and

9.3           ~~(7)~~ (8) prescribing policies, procedures, and rules under chapter 14 necessary to  
9.4 administer the programs under its supervision.

9.5           (b) The office may match individual student data from the student record enrollment  
9.6 database with individual student financial aid data collected and maintained by the office  
9.7 in order to audit or evaluate federal or state supported education programs as permitted by  
9.8 United States Code, title 20, section 1232g(b)(3), and Code of Federal Regulations, title  
9.9 34, section 99.35. The office shall not release data that personally identifies parents or  
9.10 students other than to employees and contractors of the office.

9.11           Sec. 8. Minnesota Statutes 2012, section 136A.1702, is amended to read:

9.12           **136A.1702 LEGISLATIVE OVERSIGHT.**

9.13           The office shall notify the chairs of the legislative committees with primary  
9.14 jurisdiction over higher education finance of any proposed material change to any of its  
9.15 student loan programs, including loan refinancing under section 136A.1704, prior to  
9.16 making the change.

9.17           Sec. 9. **[136A.1704] STUDENT LOAN REFINANCING.**

9.18           The office may refinance student and parent loans as provided by this section and  
9.19 on other terms and conditions the office prescribes. The office may establish credit  
9.20 requirements for borrowers and determine what types of student and parent loans will be  
9.21 eligible for refinancing. The refinanced loan need not have been made through a loan  
9.22 program administered by the office. Loans shall be made with available funds in the  
9.23 loan capital fund under section 136A.1785. The maximum amount of outstanding loans  
9.24 refinanced under this section may not exceed \$100,000,000. The maximum loan under  
9.25 this section may not exceed \$70,000.

9.26           **EFFECTIVE DATE.** This section is effective the day following final enactment,  
9.27 provided no loans may be refinanced prior to June 1, 2015.

9.28           Sec. 10. Minnesota Statutes 2012, section 136A.1785, is amended to read:

9.29           **136A.1785 LOAN CAPITAL FUND.**

9.30           The office may deposit and hold assets derived from the operation of its student loan  
9.31 programs and refinanced education loans authorized by this chapter in a fund known as  
9.32 the loan capital fund. Assets in the loan capital fund are available to the office solely

10.1 for carrying out the purposes and terms of sections 136A.15 to ~~136A.1703~~ 136A.1704,  
10.2 including, but not limited to, making student loans authorized by this chapter, refinancing  
10.3 education loans authorized by this chapter, paying administrative expenses associated with  
10.4 the operation of its student loan programs, repurchasing defaulted student loans, and  
10.5 paying expenses in connection with the issuance of revenue bonds authorized under this  
10.6 chapter. Assets in the loan capital fund may be invested as provided in sections 11A.24  
10.7 and 136A.16, subdivision 8. All interest and earnings from the investment of the loan  
10.8 capital fund inure to the benefit of the fund and are deposited into the fund.

10.9 Sec. 11. **[136A.658] EXEMPTION; STATE AUTHORIZATION RECIPROCIITY**  
10.10 **AGREEMENT SCHOOLS.**

10.11 (a) The office may participate in an interstate reciprocity agreement regarding  
10.12 postsecondary distance education if it determines that participation is in the best interest of  
10.13 Minnesota postsecondary students.

10.14 (b) If the office decides to participate in an interstate reciprocity agreement, an  
10.15 institution that meets the following requirements is exempt from the provisions of sections  
10.16 136A.61 to 136A.71:

10.17 (1) the institution is situated in a state which is also participating in the interstate  
10.18 reciprocity agreement;

10.19 (2) the institution has been approved to participate in the interstate reciprocity  
10.20 agreement by the institution's home state and other entities with oversight of the interstate  
10.21 reciprocity agreement; and

10.22 (3) the institution has elected to participate in and operate in compliance with the  
10.23 terms of the interstate reciprocity agreement.

10.24 Sec. 12. **MINNESOTA STATE COLLEGES AND UNIVERSITIES**  
10.25 **BACCALAUREATE DEGREE COMPLETION PLAN.**

10.26 The Board of Trustees of the Minnesota State Colleges and Universities shall develop  
10.27 a plan to implement multi-campus articulation agreements that lead to baccalaureate  
10.28 degree completion upon earning the number of credits required for the degree minus 60  
10.29 credits at a system university after transfer to the system university by a student with an  
10.30 associate in arts degree, associate of science degree, or an associate of fine arts (AFA)  
10.31 degree from a system college. The board shall assign the task of developing the plan to  
10.32 the appropriate committee formed under the board's "Charting the Future" initiative. The  
10.33 board shall report on this plan to the legislative committees with primary jurisdiction over  
10.34 higher education finance and policy by March 15, 2015.

11.1 Sec. 13. **REPORT; OFFICE OF HIGHER EDUCATION.**

11.2 The Office of Higher Education shall, by February 1, 2015, report to the committees  
 11.3 of the legislature with primary jurisdiction over higher education policy and finance, its  
 11.4 plans and proposed terms and conditions for operating a student loan refinancing program  
 11.5 under section 136A.1704, along with any recommended legislation.

11.6 Sec. 14. **STUDY ABROAD PROGRAM; ASSESSMENT OF APPROPRIATE**  
 11.7 **REGULATION.**

11.8 The Office of Higher Education shall, using existing staff and budget, assess the  
 11.9 appropriate state regulation of postsecondary study abroad programs. The assessment  
 11.10 must be based on a balanced approach of protecting the health and safety of program  
 11.11 participants and maintaining the opportunity of students to study abroad. The office shall  
 11.12 report the results of its assessment with any legislative recommendation by February 1,  
 11.13 2015, to the committees of the legislature with primary jurisdiction over higher education.

11.14 Sec. 15. **UNIVERSITY OF MINNESOTA BASE ADJUSTMENT.**

11.15 For fiscal years 2016 to 2041, \$3,500,000 is added to the base operations and  
 11.16 maintenance appropriation to the Board of Regents of the University of Minnesota in  
 11.17 Laws 2013, chapter 99, article 1, section 5.

11.18 Sec. 16. **JAMES FORD BELL NATURAL HISTORY MUSEUM AND**  
 11.19 **PLANETARIUM.**

11.20 The Board of Regents of the University of Minnesota is requested to complete the  
 11.21 design of and to construct, furnish, and equip a new James Ford Bell Natural History  
 11.22 Museum and Planetarium on the St. Paul campus.

11.23 **ARTICLE 2**

11.24 **APPROPRIATIONS FOR DEPARTMENT OF EMPLOYMENT AND**  
 11.25 **ECONOMIC DEVELOPMENT, DEPARTMENT OF LABOR AND INDUSTRY,**  
 11.26 **DEPARTMENT OF COMMERCE, AND HOUSING FINANCE**

11.27 Section 1. **APPROPRIATIONS.**

11.28 The sums shown in the columns under "Appropriations" are added to or, if shown  
 11.29 in parentheses, subtracted from the appropriations in Laws 2013, chapter 85, article 1,  
 11.30 or other law to the specified agencies. The appropriations are from the general fund, or  
 11.31 another named fund, and are available for the fiscal years indicated for each purpose. The  
 11.32 figures "2014" and "2015" used in this article mean that the appropriations listed under  
 11.33 them are available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively.



- 13.1 (A) collect broadband deployment data from  
13.2 Minnesota providers, verify its accuracy  
13.3 through on-the-ground testing, and create  
13.4 state and county maps available to the public  
13.5 showing the availability of broadband service  
13.6 at various upload and download speeds  
13.7 throughout Minnesota, in order to measure  
13.8 progress in achieving the state's broadband  
13.9 goals established in Minnesota Statutes,  
13.10 section 237.012;
- 13.11 (B) analyze the deployment data collected to  
13.12 help inform future investments in broadband  
13.13 infrastructure; and
- 13.14 (C) conduct business and residential surveys  
13.15 that measure broadband adoption and use in  
13.16 the state.
- 13.17 Data provided by a broadband provider to the  
13.18 contractor under this paragraph is nonpublic  
13.19 data under Minnesota Statutes, section 13.02,  
13.20 subdivision 9. Maps produced under this  
13.21 paragraph are public data under Minnesota  
13.22 Statutes, section 13.03.
- 13.23 (b) \$475,000 in fiscal year 2015 is from the  
13.24 general fund for a grant to the Southwest  
13.25 Initiative Foundation for business revolving  
13.26 loans or other lending programs at below  
13.27 market interest rates. This is a onetime  
13.28 appropriation.
- 13.29 (c) \$475,000 in fiscal year 2015 is from the  
13.30 general fund for a grant to the West Central  
13.31 Initiative Foundation for business revolving  
13.32 loans or other lending programs at below  
13.33 market interest rates. This is a onetime  
13.34 appropriation.

14.1 (d) \$475,000 in fiscal year 2015 is from the  
14.2 general fund for a grant to the Southern  
14.3 Minnesota Initiative Foundation for business  
14.4 revolving loans or other lending programs at  
14.5 below market interest rates. This is a onetime  
14.6 appropriation.

14.7 (e) \$475,000 in fiscal year 2015 is from the  
14.8 general fund for a grant to the Northwest  
14.9 Minnesota Foundation for business revolving  
14.10 loans or other lending programs at below  
14.11 market interest rates. This is a onetime  
14.12 appropriation.

14.13 (f) \$475,000 in fiscal year 2015 is from the  
14.14 general fund for a grant to the Initiative  
14.15 Foundation for business revolving loans or  
14.16 other lending programs at below market  
14.17 interest rates. This is a onetime appropriation.

14.18 (g) \$475,000 in fiscal year 2015 is from the  
14.19 general fund for a grant to the Northland  
14.20 Foundation for business revolving loans or  
14.21 other lending programs at below market  
14.22 interest rates. This is a onetime appropriation.

14.23 (h) \$650,000 in fiscal year 2015 is from  
14.24 the general fund for a grant to the Urban  
14.25 Initiative Board under Minnesota Statutes,  
14.26 chapter 116M, for loans at below market  
14.27 interest rates, business technical assistance,  
14.28 or organizational capacity building. Funds  
14.29 available under this paragraph must be  
14.30 allocated as follows: (1) 50 percent of  
14.31 the funds must be allocated for projects  
14.32 in the counties of Dakota, Ramsey, and  
14.33 Washington; and (2) 50 percent of the funds  
14.34 must be allocated for projects in the counties

15.1 of Anoka, Carver, Hennepin, and Scott. This  
15.2 is a onetime appropriation.

15.3 (i) \$500,000 in fiscal year 2015 is from the  
15.4 general fund for grants to small business  
15.5 development centers under Minnesota  
15.6 Statutes, section 116J.68. Funds made  
15.7 available under this paragraph may be used to  
15.8 match funds under the federal Small Business  
15.9 Development Center (SBDC) program under  
15.10 United States Code, title 15, section 648, to  
15.11 provide consulting and technical services, or  
15.12 to build additional SBDC network capacity  
15.13 to serve entrepreneurs and small businesses.

15.14 The commissioner shall allocate funds  
15.15 equally among the nine regional centers and  
15.16 lead center. This is a onetime appropriation.

15.17 (j) \$400,000 in fiscal year 2015 is from the  
15.18 general fund for the innovation voucher pilot  
15.19 program. This is a onetime appropriation  
15.20 and is available until June 30, 2017. Of  
15.21 this amount, up to five percent may be used  
15.22 for administration. Vouchers require a 50  
15.23 percent match by recipients.

15.24 (k) \$475,000 in fiscal year 2015 is from  
15.25 the general fund for the Minnesota Jobs  
15.26 Skills Partnership program under Minnesota  
15.27 Statutes, section 116L.02. This is a onetime  
15.28 appropriation.

15.29 (l) \$2,200,000 in fiscal year 2015 is from  
15.30 the general fund for the greater Minnesota  
15.31 business development public infrastructure  
15.32 grant program under Minnesota Statutes,  
15.33 section 116J.431, for grants to design,  
15.34 construct, prepare, and improve infrastructure  
15.35 for economic development. This is a onetime

16.1 appropriation and is available until June 30,  
 16.2 2017.

16.3 (m) \$150,000 in fiscal year 2015 is from  
 16.4 the general fund for a grant to the city of  
 16.5 Proctor to design and construct a sand and  
 16.6 salt storage facility to prevent runoff into  
 16.7 surface water. This appropriation is not  
 16.8 available until the commissioner determines  
 16.9 that at least an equal amount is committed to  
 16.10 the project from nonstate sources. This is a  
 16.11 onetime appropriation.

16.12 Subd. 3. **Workforce Development** 0 1,050,000

16.13 (a) \$300,000 in fiscal year 2015 is from the  
 16.14 workforce development fund for workforce  
 16.15 program outcome activities under Minnesota  
 16.16 Statutes, section 116L.98. This is a onetime  
 16.17 appropriation.

16.18 (b) \$250,000 in fiscal year 2015 is from  
 16.19 the workforce development fund for a  
 16.20 grant to the Northwest Indian Opportunities  
 16.21 Industrialization Center and may be used for  
 16.22 a green jobs deconstruction pilot program in  
 16.23 collaboration with a research institute and  
 16.24 a nonprofit organization with experience  
 16.25 developing deconstruction jobs, new  
 16.26 products from reclaimed materials, and reuse  
 16.27 of materials. This is a onetime appropriation.

16.28 (c) \$250,000 in fiscal year 2015 is from the  
 16.29 workforce development fund for a grant  
 16.30 to the Northeast Minnesota Office of Job  
 16.31 Training. This is a onetime appropriation.

16.32 (d) \$250,000 in fiscal year 2015 is from the  
 16.33 workforce development fund for a grant to  
 16.34 Twin Cities RISE! to provide job training.  
 16.35 This is a onetime appropriation.



17.1 **Subd. 4. General Support Services** 0 500,000

17.2 \$500,000 in fiscal year 2015 is from the  
 17.3 general fund for establishing and operating  
 17.4 the interagency Olmstead Implementation  
 17.5 Office. The base appropriation for the office  
 17.6 is \$875,000 each year for fiscal years 2016  
 17.7 and 2017. The state recognizes its obligations  
 17.8 under Jensen, et al. v. Minnesota Department  
 17.9 of Human Services, et al. During the 2015  
 17.10 legislative session, the legislature intends to  
 17.11 review the funding levels provided for the  
 17.12 Olmstead Implementation Office to ensure  
 17.13 that amounts sufficient to comply with the  
 17.14 obligations imposed by the court's order are  
 17.15 appropriated in fiscal years 2016 and 2017.

17.16 **Subd. 5. Vocational Rehabilitation** -0- 700,000

17.17	<u>Appropriations by Fund</u>		
17.18	<u>General</u>	<u>-0-</u>	<u>450,000</u>
17.19	<u>Workforce</u>		
17.20	<u>Development</u>	<u>-0-</u>	<u>250,000</u>

17.21 (a) \$250,000 in fiscal year 2015 is from  
 17.22 the workforce development fund for  
 17.23 rate increases to providers of extended  
 17.24 employment services for persons with severe  
 17.25 disabilities under Minnesota Statutes, section  
 17.26 268A.15. This is a onetime appropriation.

17.27 (b) \$450,000 in fiscal year 2015 is from the  
 17.28 general fund for grants to the eight Minnesota  
 17.29 Centers for Independent Living. This is a  
 17.30 onetime appropriation.

17.31 **Subd. 6. Transfer**

17.32 The commissioner shall transfer \$7,100,000  
 17.33 from the Minnesota minerals 21st century  
 17.34 fund to the commissioner of the Iron Range  
 17.35 Resources and Rehabilitation Board for

18.1 a grant or forgivable loan to the city of  
 18.2 Hoyt Lakes for building and municipal  
 18.3 infrastructure in support of a biochemical  
 18.4 manufacturing project to be located in the  
 18.5 city. This transfer is available until June 30,  
 18.6 2018.

18.7 **Sec. 3. DEPARTMENT OF LABOR AND**  
 18.8 **INDUSTRY**

**\$ 250,000**

18.9 For the purpose of establishing competency  
 18.10 standards for programs in advanced  
 18.11 manufacturing, health care services,  
 18.12 information technology, and agriculture.  
 18.13 This is a onetime appropriation.

18.14 **Sec. 4. DEPARTMENT OF COMMERCE**

**\$ (350,000) \$ -0-**

18.15 \$350,000 in fiscal year 2014 is a onetime  
 18.16 reduction to the appropriation for the gold  
 18.17 bullion dealer registration program.

18.18 **Sec. 5. HOUSING FINANCE AGENCY**

**\$ -0- \$ 2,200,000**

18.19 \$2,200,000 in fiscal year 2015 is from the  
 18.20 general fund for up to two grants for housing  
 18.21 projects, not to exceed \$1,100,000 per grant  
 18.22 or 50 percent of the total development costs  
 18.23 of the housing project, whichever is less, in  
 18.24 communities that have:  
 18.25 (1) low housing vacancy rates; and  
 18.26 (2) education and training centers for jobs in  
 18.27 the natural resources or aviation maintenance  
 18.28 fields, or other fields with anticipated  
 18.29 significant job growth potential.  
 18.30 Funds must be used for grants for housing  
 18.31 projects with financial and in-kind  
 18.32 contributions from nonagency resources  
 18.33 that, when combined with a grant under this

19.1 section, are sufficient to complete the housing  
 19.2 project. This is a onetime appropriation. If  
 19.3 funds remain uncommitted by the end of  
 19.4 calendar year 2015, the agency may transfer  
 19.5 the uncommitted funds to the economic  
 19.6 development and housing challenge program  
 19.7 under Minnesota Statutes, section 462A.33.

19.8 Sec. 6. Laws 2013, chapter 85, article 1, section 3, subdivision 2, is amended to read:

19.9 Subd. 2. **Business and Community**  
 19.10 **Development**

53,642,000 45,407,000

19.11	Appropriations by Fund		
19.12	General	52,942,000	44,707,000
19.13	Remediation	700,000	700,000

19.14 (a)(1) \$15,000,000 each year is for the  
 19.15 Minnesota investment fund under Minnesota  
 19.16 Statutes, section 116J.8731. Of this amount,  
 19.17 the commissioner of employment and  
 19.18 economic development may use up to three  
 19.19 percent for administrative expenses and  
 19.20 technology upgrades. This appropriation is  
 19.21 available until spent.

19.22 (2) Of the amount available under clause  
 19.23 (1), up to \$3,000,000 in fiscal year 2014  
 19.24 is for a loan to facilitate initial investment  
 19.25 in the purchase and operation of a  
 19.26 biopharmaceutical manufacturing facility.  
 19.27 This loan is not subject to the loan limitations  
 19.28 under Minnesota Statutes, section 116J.8731,  
 19.29 and shall be forgiven by the commissioner  
 19.30 of employment and economic development  
 19.31 upon verification of meeting performance  
 19.32 goals. Purchases related to and for the  
 19.33 purposes of this loan award must be made  
 19.34 between January 1, 2013, and June 30, 2015.

20.1 The amount under this clause is available  
20.2 until expended.

20.3 (3) Of the amount available under clause (1),  
20.4 up to \$2,000,000 is available for subsequent  
20.5 investment in the biopharmaceutical facility  
20.6 project in clause (2). The amount under this  
20.7 clause is available until expended. Loan  
20.8 thresholds under clause (2) must be achieved  
20.9 and maintained to receive funding. Loans  
20.10 are not subject to the loan limitations under  
20.11 Minnesota Statutes, section 116J.8731, and  
20.12 shall be forgiven by the commissioner of  
20.13 employment and economic development  
20.14 upon verification of meeting performance  
20.15 goals. Purchases related to and for the  
20.16 purposes of loan awards must be made during  
20.17 the biennium the loan was received.

20.18 (4) Notwithstanding any law to the contrary,  
20.19 the biopharmaceutical manufacturing facility  
20.20 in this paragraph shall be deemed eligible  
20.21 for the Minnesota job creation fund under  
20.22 Minnesota Statutes, section 116J.8748,  
20.23 by having at least \$25,000,000 in capital  
20.24 investment and 190 retained employees.

20.25 (5) For purposes of clauses (1) to (4),  
20.26 "biopharmaceutical" and "biologics" are  
20.27 interchangeable and mean medical drugs  
20.28 or medicinal preparations produced using  
20.29 technology that uses biological systems,  
20.30 living organisms, or derivatives of living  
20.31 organisms, to make or modify products or  
20.32 processes for specific use. The medical drugs  
20.33 or medicinal preparations include but are not  
20.34 limited to proteins, antibodies, nucleic acids,  
20.35 and vaccines.

21.1 (b) \$12,000,000 each year is for the  
21.2 Minnesota job creation fund under Minnesota  
21.3 Statutes, section 116J.8748. Of this amount,  
21.4 the commissioner of employment and  
21.5 economic development may use up to three  
21.6 percent for administrative expenses. This  
21.7 appropriation is available until spent. The  
21.8 base funding for this program shall be  
21.9 \$12,500,000 each year in the fiscal year  
21.10 2016-2017 biennium.

21.11 (c) \$1,272,000 each year is from the  
21.12 general fund for contaminated site cleanup  
21.13 and development grants under Minnesota  
21.14 Statutes, sections 116J.551 to 116J.558. This  
21.15 appropriation is available until expended.

21.16 (d) \$700,000 each year is from the  
21.17 remediation fund for contaminated site  
21.18 cleanup and development grants under  
21.19 Minnesota Statutes, sections 116J.551 to  
21.20 116J.558. This appropriation is available  
21.21 until expended.

21.22 (e) \$1,425,000 the first year and \$1,425,000  
21.23 the second year are from the general fund for  
21.24 the business development competitive grant  
21.25 program. Of this amount, up to five percent  
21.26 is for administration and monitoring of the  
21.27 business development competitive grant  
21.28 program. All grant awards shall be for two  
21.29 consecutive years. Grants shall be awarded  
21.30 in the first year.

21.31 (f) \$4,195,000 each year is from the general  
21.32 fund for the Minnesota job skills partnership  
21.33 program under Minnesota Statutes, sections  
21.34 116L.01 to 116L.17. If the appropriation for  
21.35 either year is insufficient, the appropriation

22.1 for the other year is available. This  
22.2 appropriation is available until spent.

22.3 (g) \$6,000,000 the first year is from the  
22.4 general fund for the redevelopment program  
22.5 under Minnesota Statutes, section 116J.571.  
22.6 This is a onetime appropriation and is  
22.7 available until spent.

22.8 (h) \$12,000 each year is from the general  
22.9 fund for a grant to the Upper Minnesota Film  
22.10 Office.

22.11 (i) \$325,000 each year is from the general  
22.12 fund for the Minnesota Film and TV Board.  
22.13 The appropriation in each year is available  
22.14 only upon receipt by the board of \$1 in  
22.15 matching contributions of money or in-kind  
22.16 contributions from nonstate sources for every  
22.17 \$3 provided by this appropriation, except that  
22.18 each year up to \$50,000 is available on July  
22.19 1 even if the required matching contribution  
22.20 has not been received by that date.

22.21 (j) \$100,000 each year is for a grant to the  
22.22 Northern Lights International Music Festival.

22.23 (k) \$5,000,000 each year is from the general  
22.24 fund for a grant to the Minnesota Film  
22.25 and TV Board for the film production jobs  
22.26 program under Minnesota Statutes, section  
22.27 116U.26. This appropriation is available  
22.28 until expended. The base funding for this  
22.29 program shall be \$1,500,000 each year in the  
22.30 fiscal year 2016-2017 biennium.

22.31 (l) \$375,000 each year is from the general  
22.32 fund for a grant to Enterprise Minnesota, Inc.,  
22.33 for the small business growth acceleration  
22.34 program under Minnesota Statutes, section  
22.35 116O.115. This is a onetime appropriation.

23.1 (m) \$160,000 each year is from the general  
23.2 fund for a grant to develop and implement  
23.3 a southern and southwestern Minnesota  
23.4 initiative foundation collaborative pilot  
23.5 project. Funds available under this paragraph  
23.6 must be used to support and develop  
23.7 entrepreneurs in diverse populations in  
23.8 southern and southwestern Minnesota. This  
23.9 is a onetime appropriation and is available  
23.10 until expended.

23.11 (n) \$100,000 each year is from the general  
23.12 fund for the Center for Rural Policy  
23.13 and Development. This is a onetime  
23.14 appropriation.

23.15 (o) \$250,000 each year is from the general  
23.16 fund for the Broadband Development Office.

23.17 (p) \$250,000 the first year is from the  
23.18 general fund for a onetime grant to the St.  
23.19 Paul Planning and Economic Development  
23.20 Department for neighborhood stabilization  
23.21 use in NSP3.

23.22 (q) \$1,235,000 the first year is from the  
23.23 general fund for a onetime grant to a city  
23.24 of the second class that is designated as an  
23.25 economically depressed area by the United  
23.26 States Department of Commerce. The  
23.27 appropriation is for economic development,  
23.28 redevelopment, and job creation programs  
23.29 and projects. This appropriation is available  
23.30 until expended.

23.31 (r) \$875,000 each year is from the general  
23.32 fund for the Host Community Economic  
23.33 Development Program established in  
23.34 Minnesota Statutes, section 116J.548.

24.1 (s) \$750,000 the first year is from the general  
 24.2 fund for a onetime grant to the city of Morris  
 24.3 for loans or grants to agricultural processing  
 24.4 facilities for energy efficiency improvements.  
 24.5 Funds available under this section shall be  
 24.6 used to increase conservation and promote  
 24.7 energy efficiency through retrofitting existing  
 24.8 systems and installing new systems to  
 24.9 recover waste heat from industrial processes  
 24.10 and reuse energy. This appropriation is not  
 24.11 available until the commissioner determines  
 24.12 that ~~at least \$1,250,000~~ a match of \$750,000  
 24.13 is committed to the project from nonpublic  
 24.14 sources. This appropriation is available until  
 24.15 expended.

24.16 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

24.17 Sec. 7. Laws 2013, chapter 85, article 1, section 3, subdivision 5, is amended to read:

24.18	Subd. 5. <b>Minnesota Trade Office</b>	2,322,000	2,292,000
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24.19 (a) \$330,000 in fiscal year 2014 and \$300,000  
 24.20 in fiscal year 2015 are for the STEP grants  
 24.21 in Minnesota Statutes, section 116J.979. Of  
 24.22 the fiscal year 2014 appropriation, \$30,000  
 24.23 is available for expenditure until June 30,  
 24.24 2015, for establishing trade, export, and  
 24.25 cultural exchange relations between the state  
 24.26 of Minnesota and east African nations.

24.27 (b) \$180,000 in fiscal year 2014 and  
 24.28 \$180,000 in fiscal year 2015 are for the Invest  
 24.29 Minnesota marketing initiative in Minnesota  
 24.30 Statutes, section 116J.9781. Notwithstanding  
 24.31 any other law, this provision does not expire.

24.32 (c) \$270,000 each year is from the general  
 24.33 fund for the expansion of Minnesota Trade



25.1 Offices under Minnesota Statutes, section  
 25.2 116J.978.  
 25.3 (d) \$50,000 each year is from the general  
 25.4 fund for the trade policy advisory group  
 25.5 under Minnesota Statutes, section 116J.9661.  
 25.6 (e) The commissioner of employment and  
 25.7 economic development, in consultation  
 25.8 with the commissioner of agriculture, shall  
 25.9 identify and increase export opportunities for  
 25.10 Minnesota agricultural products.

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

25.12 Sec. 8. Laws 2013, chapter 85, article 1, section 3, subdivision 6, is amended to read:

25.13 Subd. 6. **Vocational Rehabilitation** 27,691,000 27,691,000

25.14	Appropriations by Fund		
25.15	General	20,861,000	20,861,000
25.16	Workforce		
25.17	Development	6,830,000	6,830,000

25.18 (a) \$10,800,000 each year is from the general  
 25.19 fund for the state's vocational rehabilitation  
 25.20 program under Minnesota Statutes, chapter  
 25.21 268A.

25.22 (b) \$2,261,000 each year is from the general  
 25.23 fund for grants to centers for independent  
 25.24 living under Minnesota Statutes, section  
 25.25 268A.11.

25.26 (c) \$5,745,000 each year from the general  
 25.27 fund and \$6,830,000 each year from the  
 25.28 workforce development fund is for extended  
 25.29 employment services for persons with  
 25.30 severe disabilities under Minnesota Statutes,  
 25.31 section 268A.15. The allocation of extended  
 25.32 employment funds to Courage Center from  
 25.33 July 1, 2012 to June 30, 2013 must be  
 25.34 contracted to Allina Health systems from

26.1 July 1, 2013 to June 30, ~~2014~~ 2015 to provide  
 26.2 extended employment services in accordance  
 26.3 with Minnesota Rules, parts 3300.2005 to  
 26.4 3300.2055.

26.5 (d) \$2,055,000 each year is from the general  
 26.6 fund for grants to programs that provide  
 26.7 employment support services to persons with  
 26.8 mental illness under Minnesota Statutes,  
 26.9 sections 268A.13 and 268A.14. The base  
 26.10 appropriation for this program is \$1,555,000  
 26.11 each year in the fiscal year 2016-2017  
 26.12 biennium.

26.13 Sec. 9. Laws 2013, chapter 85, article 1, section 4, subdivision 1, is amended to read:

26.14 Subdivision 1. <b>Total Appropriation</b>	<b>\$</b>	<b>58,748,000</b>	<b>\$</b>	<b>42,748,000</b>
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26.15 The amounts that may be spent for each  
 26.16 purpose are specified in the following  
 26.17 subdivisions.

26.18 Unless otherwise specified, this appropriation  
 26.19 is for transfer to the housing development  
 26.20 fund for the programs specified in this  
 26.21 section. Except as otherwise indicated, this  
 26.22 transfer is part of the agency's permanent  
 26.23 budget base.

26.24 The Housing Finance Agency must make  
 26.25 continuous improvements to its ongoing  
 26.26 efforts to reduce the racial and ethnic  
 26.27 inequalities in homeownership rates and  
 26.28 must seek opportunities to deploy increasing  
 26.29 levels of resources toward these efforts.

26.30 Sec. 10. Laws 2013, chapter 85, article 1, section 4, subdivision 2, is amended to read:

26.31 Subd. 2. <b>Challenge Program</b>		19,203,000		9,203,000
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27.1 (a) This appropriation is for the economic  
27.2 development and housing challenge program  
27.3 under Minnesota Statutes, section 462A.33.  
27.4 The agency must continue to strengthen its  
27.5 efforts to address the disparity rate between  
27.6 white households and indigenous American  
27.7 Indians and communities of color. Of this  
27.8 amount, \$1,208,000 each year shall be made  
27.9 available during the first 11 months of the  
27.10 fiscal year exclusively for housing projects  
27.11 for American Indians. Any funds not  
27.12 committed to housing projects for American  
27.13 Indians in the first 11 months of the fiscal year  
27.14 shall be available for any eligible activity  
27.15 under Minnesota Statutes, section 462A.33.

27.16 (b) Of this amount, \$10,000,000 is a onetime  
27.17 appropriation and is targeted for housing in  
27.18 communities and regions that have:

27.19 (1)(i) low housing vacancy rates; and  
27.20 (ii) cooperatively developed a plan that  
27.21 identifies current and future housing needs;  
27.22 and

27.23 (2)(i) experienced job growth since 2005 and  
27.24 have at least 2,000 jobs within the commuter  
27.25 shed;  
27.26 (ii) evidence of anticipated job expansion; or  
27.27 (iii) a significant portion of area employees  
27.28 who commute more than 30 miles between  
27.29 their residence and their employment.

27.30 (c) Priority shall be given to programs and  
27.31 projects that are land trust programs and  
27.32 programs that work in coordination with a  
27.33 land trust program.

28.1 (d) Of this amount, \$500,000 is for  
 28.2 homeownership opportunities for families  
 28.3 who have been evicted or been given  
 28.4 notice of an eviction due to a disabled  
 28.5 child in the home, including adjustments  
 28.6 for the incremental increase in costs of  
 28.7 addressing the unique housing needs of those  
 28.8 households. Any funds not expended for this  
 28.9 purpose may be returned to the challenge  
 28.10 fund after October 31, 2014.

28.11 ~~(d)~~ (e) The base funding for this program in  
 28.12 the 2016-2017 biennium is \$12,925,000 each  
 28.13 year.

28.14 Sec. 11. Laws 2013, chapter 85, article 1, section 5, is amended to read:

28.15 Sec. 5. **EXPLORE MINNESOTA TOURISM \$ 13,988,000 \$ 13,988,000**

28.16 (a) To develop maximum private sector  
 28.17 involvement in tourism, \$500,000 in fiscal  
 28.18 year 2014 and \$500,000 in fiscal year 2015  
 28.19 must be matched by Explore Minnesota  
 28.20 Tourism from nonstate sources. Each \$1 of  
 28.21 state incentive must be matched with \$6 of  
 28.22 private sector funding. Cash match is defined  
 28.23 as revenue to the state or documented cash  
 28.24 expenditures directly expended to support  
 28.25 Explore Minnesota Tourism programs. Up  
 28.26 to one-half of the private sector contribution  
 28.27 may be in-kind or soft match. The incentive  
 28.28 in fiscal year 2014 shall be based on fiscal  
 28.29 year 2013 private sector contributions. The  
 28.30 incentive in fiscal year 2015 shall be based on  
 28.31 fiscal year 2014 private sector contributions.  
 28.32 This incentive is ongoing.  
 28.33 Funding for the marketing grants is available  
 28.34 either year of the biennium. Unexpended

29.1 grant funds from the first year are available  
 29.2 in the second year.  
 29.3 (b) \$100,000 of the second year appropriation  
 29.4 is for a grant to the Mille Lacs Tourism  
 29.5 Council to enhance marketing activities  
 29.6 related to tourism promotion in the Mille  
 29.7 Lacs Lake area.  
 29.8 (c) \$100,000 of the second year appropriation  
 29.9 is for additional marketing activities.

29.10 Sec. 12. Laws 2013, chapter 85, article 1, section 13, subdivision 5, is amended to read:

29.11	Subd. 5. <b>Telecommunications</b>	1,949,000	2,249,000
29.12	Appropriations by Fund		
29.13	General	1,009,000	1,009,000
29.14	Special Revenue	940,000	1,240,000

29.15 \$940,000 in fiscal year 2014 and \$1,240,000  
 29.16 in fiscal year 2015 are appropriated to the  
 29.17 commissioner from the telecommunication  
 29.18 access fund for the following transfers. This  
 29.19 appropriation is added to the department's  
 29.20 base.

29.21 (1) \$500,000 in fiscal year 2014 and \$800,000  
 29.22 in fiscal year 2015 to the commissioner of  
 29.23 human services to supplement the ongoing  
 29.24 operational expenses of the Commission  
 29.25 of Deaf, DeafBlind, and Hard-of-Hearing  
 29.26 Minnesotans;

29.27 (2) \$290,000 in fiscal year 2014 and \$290,000  
 29.28 in fiscal year 2015 to the chief information  
 29.29 officer for the purpose of coordinating  
 29.30 technology accessibility and usability; and

29.31 (3) \$150,000 in fiscal year 2014 and \$150,000  
 29.32 in fiscal year 2015 to the Legislative  
 29.33 Coordinating Commission for captioning of

30.1 legislative coverage and for a consolidated  
30.2 access fund for other state agencies. These  
30.3 transfers are subject to Minnesota Statutes,  
30.4 section 16A.281.

30.5 Sec. 13. **EXTENDED EMPLOYMENT CARRYFORWARD.**

30.6 Notwithstanding Minnesota Statutes, section 268A.15, subdivision 8, appropriations  
30.7 from the general fund and workforce development fund in fiscal years 2014 and 2015  
30.8 to the commissioner of employment and economic development for the purposes of  
30.9 Minnesota Statutes, sections 268A.13 and 268A.14, are available until June 30, 2015.

30.10 Sec. 14. **ASSIGNED RISK TRANSFER.**

30.11 (a) By June 30, 2015, if the commissioner of commerce determines on the basis of  
30.12 an audit that there is an excess surplus in the assigned risk plan created under Minnesota  
30.13 Statutes, section 79.252, the commissioner of management and budget shall transfer  
30.14 the amount of the excess surplus, not to exceed \$10,500,000, to the general fund. This  
30.15 transfer occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision  
30.16 1, paragraph (a), clause (1). This is a onetime transfer.

30.17 (b) By June 30, 2015, and each year thereafter, if the commissioner of commerce  
30.18 determines on the basis of an audit that there is an excess surplus in the assigned risk plan  
30.19 created under Minnesota Statutes, section 79.252, the commissioner of management and  
30.20 budget shall transfer the amount of the excess surplus, not to exceed \$4,820,000 each  
30.21 year, to the Minnesota minerals 21st century fund under Minnesota Statutes, section  
30.22 116J.423. This transfer occurs prior to any transfer under Minnesota Statutes, section  
30.23 79.251, subdivision 1, paragraph (a), clause (1), but after the transfer authorized in  
30.24 paragraph (a). The total amount authorized for all transfers under this paragraph must not  
30.25 exceed \$24,100,000. This paragraph expires the day following the transfer in which the  
30.26 total amount transferred under this paragraph to the Minnesota minerals 21st century  
30.27 fund equals \$24,100,000.

30.28 (c) By June 30, 2015, if the commissioner of commerce determines on the basis of  
30.29 an audit that there is an excess surplus in the assigned risk plan created under Minnesota  
30.30 Statutes, section 79.252, the commissioner of management and budget shall transfer the  
30.31 amount of the excess surplus, not to exceed \$4,820,000, to the general fund. This transfer  
30.32 occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision 1,  
30.33 paragraph (a), clause (1), but after any transfers authorized in paragraphs (a) and (b). If  
30.34 a transfer occurs under this paragraph, the amount transferred is appropriated from the

31.1 general fund in fiscal year 2015 to the commissioner of labor and industry for the purposes  
31.2 of section 15. Both the transfer and appropriation under this paragraph are onetime.

31.3 (d) By June 30, 2016, if the commissioner of commerce determines on the basis of  
31.4 an audit that there is an excess surplus in the assigned risk plan created under Minnesota  
31.5 Statutes, section 79.252, the commissioner of management and budget shall transfer the  
31.6 amount of the excess surplus, not to exceed \$4,820,000, to the general fund. This transfer  
31.7 occurs prior to any transfer under Minnesota Statutes, section 79.251, subdivision 1,  
31.8 paragraph (a), clause (1), but after the transfers authorized in paragraphs (a) and (b). If  
31.9 a transfer occurs under this paragraph, the amount transferred is appropriated from the  
31.10 general fund in fiscal year 2016 to the commissioner of labor and industry for the purposes  
31.11 of section 15. Both the transfer and appropriation under this paragraph are onetime.

31.12 (e) Notwithstanding Minnesota Statutes, section 16A.28, the commissioner of  
31.13 management and budget shall transfer to the assigned risk plan under Minnesota Statutes,  
31.14 section 79.252, any unencumbered or unexpended balance of the appropriations under  
31.15 paragraphs (c) and (d) remaining on June 30, 2017, or the date the commissioner of  
31.16 commerce determines that an excess surplus in the assigned risk plan does not exist,  
31.17 whichever occurs earlier.

31.18 **Sec. 15. WORKERS' COMPENSATION SYSTEM REFORM; USE OF FUNDS.**

31.19 (a) The appropriations under section 14 to the commissioner of labor and industry  
31.20 are for reform of the workers' compensation system. Funds appropriated under section  
31.21 14, paragraphs (c) and (d), may be expended by the commissioner only after the advisory  
31.22 council on workers' compensation created under Minnesota Statutes, section 175.007, has  
31.23 approved a new system including, but not limited to: a Medicare-based diagnosis-related  
31.24 group (MS-DRG) or similar system for payment of workers' compensation inpatient  
31.25 hospital services. Of the amount appropriated under section 14, paragraphs (c) and (d), up  
31.26 to \$100,000 may be used by the commissioner to develop and implement the new system  
31.27 approved by the advisory council on workers' compensation.

31.28 (b) Funds available for expenditure under paragraph (a) may be used by the  
31.29 commissioner for reimbursement of expenditures that are reasonable and necessary to  
31.30 defray the costs of the implementation by hospitals, insurers, and self-insured employers  
31.31 of the new system including, but not limited to: a Medicare-based diagnosis-related group  
31.32 (MS-DRG) or similar system for payment of workers' compensation inpatient hospital  
31.33 services, litigation expense reform, worker safety training, administrative costs, or other  
31.34 related system reform.

32.1 (c) For the purposes of this section, reasonable and necessary system reform and  
 32.2 implementation costs include, but are not limited to:

32.3 (1) the cost of analyzing data to determine the anticipated costs and savings of  
 32.4 implementing the new system;

32.5 (2) the cost of analyzing system or organizational changes necessary for  
 32.6 implementation;

32.7 (3) the cost of determining how an organization would implement group or other  
 32.8 software;

32.9 (4) the cost of upgrading existing software or purchasing new software and other  
 32.10 technology upgrades needed for implementation;

32.11 (5) the cost of educating and training staff about the new system as applied to  
 32.12 workers' compensation; and

32.13 (6) the cost of integrating the new system with electronic billing and remittance  
 32.14 systems.

32.15 **Sec. 16. AFFORDABLE HOUSING PLAN; DISPARITIES REPORT.**

32.16 (a) The Housing Finance Agency shall provide the chairs and ranking minority  
 32.17 members of the house of representatives and senate committees with jurisdiction over the  
 32.18 agency with the draft and final versions of its affordable housing plan before and after it  
 32.19 has been submitted to the agency board for consideration.

32.20 (b) The Housing Finance Agency shall annually report to the chairs and ranking  
 32.21 minority members of the house of representatives and senate committees with jurisdiction  
 32.22 over the agency on the progress, if any, the agency has made in closing the racial disparity  
 32.23 gap and low-income concentrated housing disparities.

32.24 **ARTICLE 3**

32.25 **JOBS, ECONOMIC DEVELOPMENT, ENERGY, AND LABOR**

32.26 Section 1. Minnesota Statutes 2012, section 13.681, is amended by adding a  
 32.27 subdivision to read:

32.28 Subd. 9. **Community energy efficiency and renewable energy loan.** Energy  
 32.29 usage data provided by an industrial, commercial, or health care facility customer for  
 32.30 community energy efficiency and renewable energy loans are governed by section  
 32.31 216C.145, subdivision 3.

32.32 **Sec. 2. [116J.394] DEFINITIONS.**



33.1 (a) For the purposes of sections 116J.394 to 116J.396, the following terms have  
33.2 the meanings given them.

33.3 (b) "Broadband" or "broadband service" has the meaning given in section 116J.39,  
33.4 subdivision 1, paragraph (b).

33.5 (c) "Broadband infrastructure" means networks of deployed telecommunications  
33.6 equipment and technologies necessary to provide high-speed Internet access and other  
33.7 advanced telecommunications services for end users.

33.8 (d) "Commissioner" means the commissioner of employment and economic  
33.9 development.

33.10 (e) "Last-mile infrastructure" means broadband infrastructure that serves as the  
33.11 final leg connecting the broadband service provider's network to the end-use customer's  
33.12 on-premises telecommunications equipment.

33.13 (f) "Middle-mile infrastructure" means broadband infrastructure that links a  
33.14 broadband service provider's core network infrastructure to last-mile infrastructure.

33.15 (g) "Political subdivision" means any county, city, town, school district, special  
33.16 district or other political subdivision, or public corporation.

33.17 (h) "Underserved areas" means areas of Minnesota in which households or businesses  
33.18 lack access to wire-line broadband service at speeds that meet the state broadband goals of  
33.19 ten to 20 megabits per second download and five to ten megabits per second upload.

33.20 (i) "Unserved areas" means areas of Minnesota in which households or businesses  
33.21 lack access to wire-line broadband service at speeds that meet a Federal Communications  
33.22 Commission threshold of four megabits per second download and one megabit per second  
33.23 upload.

33.24 **Sec. 3. [116J.395] BORDER-TO-BORDER BROADBAND DEVELOPMENT**  
33.25 **GRANT PROGRAM.**

33.26 Subdivision 1. **Establishment.** A grant program is established under the Department  
33.27 of Employment and Economic Development to award grants to eligible applicants in order  
33.28 to promote the expansion of access to broadband service in unserved or underserved  
33.29 areas of the state.

33.30 Subd. 2. **Eligible expenditures.** Grants may be awarded under this section to fund  
33.31 the acquisition and installation of middle-mile and last-mile infrastructure that support  
33.32 broadband service scalable to speeds of at least 100 megabits per second download and  
33.33 100 megabits per second upload.

33.34 Subd. 3. **Eligible applicants.** Eligible applicants for grants awarded under this  
33.35 section include:

- 34.1 (1) an incorporated business or a partnership;  
34.2 (2) a political subdivision;  
34.3 (3) an Indian tribe;  
34.4 (4) a Minnesota nonprofit organization organized under chapter 317A;  
34.5 (5) a Minnesota cooperative association organized under chapter 308A or 308B; and  
34.6 (6) a Minnesota limited liability corporation organized under chapter 322B for the  
34.7 purpose of expanding broadband access.

34.8 Subd. 4. **Application process.** An eligible applicant must submit an application  
34.9 to the commissioner on a form prescribed by the commissioner. The commissioner shall  
34.10 develop administrative procedures governing the application and grant award process.  
34.11 The commissioner shall act as fiscal agent for the grant program and shall be responsible  
34.12 for receiving and reviewing grant applications and awarding grants under this section.

34.13 Subd. 5. **Application contents.** An applicant for a grant under this section shall  
34.14 provide the following information on the application:

- 34.15 (1) the location of the project;  
34.16 (2) the kind and amount of broadband infrastructure to be purchased for the project;  
34.17 (3) evidence regarding the unserved or underserved nature of the community in  
34.18 which the project is to be located;  
34.19 (4) the number of households passed that will have access to broadband service as a  
34.20 result of the project, or whose broadband service will be upgraded as a result of the project;  
34.21 (5) significant community institutions that will benefit from the proposed project;  
34.22 (6) evidence of community support for the project;  
34.23 (7) the total cost of the project;  
34.24 (8) sources of funding or in-kind contributions for the project that will supplement  
34.25 any grant award; and  
34.26 (9) any additional information requested by the commissioner.

34.27 Subd. 6. **Awarding grants.** (a) In evaluating applications and awarding grants, the  
34.28 commissioner shall give priority to applications that are constructed in areas identified by  
34.29 the director of the Office of Broadband Development as unserved.

34.30 (b) In evaluating applications and awarding grants, the commissioner may give  
34.31 priority to applications that:

- 34.32 (1) are constructed in areas identified by the director of the Office of Broadband  
34.33 Development as underserved;  
34.34 (2) offer new or substantially upgraded broadband service to important community  
34.35 institutions including, but not limited to, libraries, educational institutions, public safety  
34.36 facilities, and healthcare facilities;

- 35.1 (3) facilitate the use of telemedicine and electronic health records;  
 35.2 (4) serve economically distressed areas of the state, as measured by indices of  
 35.3 unemployment, poverty, or population loss that are significantly greater than the statewide  
 35.4 average;  
 35.5 (5) provide technical support and train residents, businesses, and institutions in the  
 35.6 community served by the project to utilize broadband service;  
 35.7 (6) include a component to actively promote the adoption of the newly available  
 35.8 broadband services in the community;  
 35.9 (7) provide evidence of strong support for the project from citizens, government,  
 35.10 businesses, and institutions in the community;  
 35.11 (8) provide access to broadband service to a greater number of unserved or  
 35.12 underserved households and businesses; or  
 35.13 (9) leverage greater amounts of funding for the project from other private and  
 35.14 public sources.  
 35.15 (c) The commissioner shall endeavor to award grants under this section to qualified  
 35.16 applicants in all regions of the state.  
 35.17 Subd. 7. **Limitation.** (a) No grant awarded under this section may fund more than  
 35.18 50 percent of the total cost of a project.  
 35.19 (b) Grants awarded to a single project under this section must not exceed \$5,000,000.  
 35.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.21 **Sec. 4. [116J.396] BORDER-TO-BORDER BROADBAND FUND.**

35.22 Subdivision 1. **Account established.** The border-to-border broadband fund account  
 35.23 is established as a separate account in the special revenue fund in the state treasury. The  
 35.24 commissioner shall credit to the account appropriations and transfers to the account.  
 35.25 Earnings, such as interest, dividends, and any other earnings arising from assets of the  
 35.26 account, must be credited to the account. Funds remaining in the account at the end of a  
 35.27 fiscal year are not canceled to the general fund, but remain in the account until expended.  
 35.28 The commissioner shall manage the account.

35.29 Subd. 2. **Expenditures.** Money in the account may be used only:

- 35.30 (1) for grant awards made under section 116J.395, including costs incurred by the  
 35.31 Department of Employment and Economic Development to administer that section;  
 35.32 (2) to supplement revenues raised by bonds sold by local units of government for  
 35.33 broadband infrastructure development; or  
 35.34 (3) to contract for the collection of broadband deployment data from providers and  
 35.35 the creation of maps showing the availability of broadband service.

36.1            Subd. 3. **Appropriation.** Money in the account is appropriated to the commissioner  
36.2 for the purposes of subdivision 2.

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

36.4            Sec. 5. Minnesota Statutes 2012, section 116J.423, subdivision 2, is amended to read:

36.5            Subd. 2. **Use of fund.** The commissioner shall use money in the fund to make  
36.6 loans or equity investments in mineral or taconite processing facilities including, but  
36.7 not limited to, taconite processing, direct reduction processing, and, steel production  
36.8 facilities, facilities for the manufacturing of renewable energy products, or facilities for the  
36.9 manufacturing of biobased or biomass products, and that are located within the taconite  
36.10 relief tax area as defined under section 273.134. The commissioner must, prior to making  
36.11 any loans or equity investments and after consultation with industry and public officials,  
36.12 develop a strategy for making loans and equity investments that assists the Minnesota  
36.13 mineral industry in becoming globally competitive. Money in the fund may also be used to  
36.14 pay for the costs of carrying out the commissioner's due diligence duties under this section.

36.15            Sec. 6. Minnesota Statutes 2012, section 116J.8731, subdivision 5, is amended to read:

36.16            Subd. 5. **Grant limits.** A Minnesota investment fund grant may not be approved for  
36.17 an amount in excess of \$1,000,000. This limit covers all money paid to complete the same  
36.18 project, whether paid to one or more grant recipients and whether paid in one or more  
36.19 fiscal years. A local community or recognized Indian tribal government may retain ~~20~~  
36.20 40 percent, but not more than \$100,000<sub>2</sub> of a Minnesota investment fund grant when it is  
36.21 repaid to the local community or recognized Indian tribal government by the person or  
36.22 entity to which it was loaned by the local community or Indian tribal government. Money  
36.23 repaid to the state must be credited to a Minnesota investment revolving loan account in  
36.24 the state treasury. Funds in the account are appropriated to the commissioner and must  
36.25 be used in the same manner as are funds appropriated to the Minnesota investment fund.  
36.26 Funds repaid to the state through existing Minnesota investment fund agreements must be  
36.27 credited to the Minnesota investment revolving loan account effective July 1, 2005. A  
36.28 grant or loan may not be made to a person or entity for the operation or expansion of a  
36.29 casino or a store which is used solely or principally for retail sales. Persons or entities  
36.30 receiving grants or loans must pay each employee total compensation, including benefits  
36.31 not mandated by law, that on an annualized basis is equal to at least 110 percent of the  
36.32 federal poverty level for a family of four.

37.1 Sec. 7. Minnesota Statutes 2012, section 116L.98, is amended to read:

37.2 **116L.98 WORKFORCE PROGRAM OUTCOMES.**

37.3 Subdivision 1. **Requirements.** The commissioner shall develop and implement a  
 37.4 set of standard approaches for assessing the outcomes of workforce programs under this  
 37.5 chapter. The outcomes assessed must include, but are not limited to, periodic comparisons  
 37.6 of workforce program participants and nonparticipants uniform outcome measurement  
 37.7 and reporting system for adult workforce-related programs funded in whole or in part by  
 37.8 the workforce development fund.

37.9 ~~The commissioner shall also monitor the activities and outcomes of programs and~~  
 37.10 ~~services funded by legislative appropriations and administered by the department on a~~  
 37.11 ~~pass-through basis and develop a consistent and equitable method of assessing recipients~~  
 37.12 ~~for the costs of its monitoring activities.~~

37.13 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in  
 37.14 this subdivision have the meanings given.

37.15 (b) "Credential" means postsecondary degrees, diplomas, licenses, and certificates  
 37.16 awarded in recognition of an individual's attainment of measurable technical or  
 37.17 occupational skills necessary to obtain employment or advance with an occupation.  
 37.18 This definition does not include certificates awarded by workforce investment boards or  
 37.19 work-readiness certificates.

37.20 (c) "Exit" means to have not received service under a workforce program for 90  
 37.21 consecutive calendar days. The exit date is the last date of service.

37.22 (d) "Net impact" means the use of matched control groups and regression analysis to  
 37.23 estimate the impacts attributable to program participation net of other factors, including  
 37.24 observable personal characteristics and economic conditions.

37.25 (e) "Pre-enrollment" means the period of time before an individual was enrolled  
 37.26 in a workforce program.

37.27 Subd. 3. **Uniform outcome report card; reporting by commissioner.** (a) By  
 37.28 December 31 of each even-numbered year, the commissioner must report to the chairs  
 37.29 and ranking minority members of the committees of the house of representatives and the  
 37.30 senate having jurisdiction over economic development and workforce policy and finance  
 37.31 the following information separately for each of the previous two fiscal or calendar years,  
 37.32 for each program subject to the requirements of subdivision 1:

37.33 (1) the total number of participants enrolled;

37.34 (2) the median pre-enrollment wages based on participant wages for the second  
 37.35 through the fifth calendar quarters immediately preceding the quarter of enrollment  
 37.36 excluding those with zero income;

38.1 (3) the total number of participants with zero income in the second through fifth  
38.2 calendar quarters immediately preceding the quarter of enrollment;

38.3 (4) the total number of participants enrolled in training;

38.4 (5) the total number of participants enrolled in training by occupational group;

38.5 (6) the total number of participants that exited the program and the average  
38.6 enrollment duration of participants that have exited the program during the year;

38.7 (7) the total number of exited participants who completed training;

38.8 (8) the total number of exited participants who attained a credential;

38.9 (9) the total number of participants employed during three consecutive quarters  
38.10 immediately following the quarter of exit, by industry;

38.11 (10) the median wages of participants employed during three consecutive quarters  
38.12 immediately following the quarter of exit;

38.13 (11) the total number of participants employed during eight consecutive quarters  
38.14 immediately following the quarter of exit, by industry; and

38.15 (12) the median wages of participants employed during eight consecutive quarters  
38.16 immediately following the quarter of exit.

38.17 (b) The report to the legislature must contain participant information by education  
38.18 level, race and ethnicity, gender, and geography, and a comparison of exited participants  
38.19 who completed training and those who did not.

38.20 (c) The requirements of this section apply to programs administered directly by the  
38.21 commissioner or administered by other organizations under a grant made by the department.

38.22 Subd. 4. **Data to commissioner; uniform report card.** (a) A recipient of a future  
38.23 or past grant or direct appropriation made by or through the department must report data  
38.24 to the commissioner by September 1 of each even-numbered year on each of the items in  
38.25 subdivision 3 for each program it administers except wages and number employed, which  
38.26 the department shall provide. The data must be in a format prescribed by the commissioner.

38.27 (b) Beginning July 1, 2014, the commissioner shall provide notice to grant applicants  
38.28 and recipients regarding the data collection and reporting requirements under this  
38.29 subdivision and must provide technical assistance to applicants and recipients to assist  
38.30 in complying with the requirements of this subdivision.

38.31 Subd. 5. **Information.** The information collected and reported under subdivisions 3  
38.32 and 4 shall be made available on the department's Web site.

38.33 Subd. 6. **Limitations on future appropriations.** (a) A program that is a recipient  
38.34 of public funds and subject to the requirements of this section as of May 1, 2014, is not  
38.35 eligible for additional state appropriations for any fiscal year beginning after June 30,  
38.36 2015, unless all of the reporting requirements under subdivision 4 have been satisfied.

39.1 (b) A program with an initial request for funds on or after the effective date of this  
39.2 section may be considered for receipt of public funds for the first two fiscal years only  
39.3 if a plan that demonstrates how the data collection and reporting requirements under  
39.4 subdivision 4 will be met has been submitted and approved by the commissioner. Any  
39.5 subsequent request for funds after an initial request is subject to the requirements of  
39.6 paragraph (a).

39.7 Subd. 7. **Workforce program net impact analysis.** (a) By January 15, 2015, the  
39.8 commissioner must report to the committees of the house of representatives and the senate  
39.9 having jurisdiction over economic development and workforce policy and finance on  
39.10 the results of the net impact pilot project already underway as of the date of enactment  
39.11 of this section.

39.12 (b) The commissioner shall contract with an independent entity to conduct an ongoing  
39.13 net impact analysis of the programs included in the net impact pilot project under paragraph  
39.14 (a) and any other programs deemed appropriate by the commissioner. The net impact  
39.15 methodology used by the independent entity under this paragraph must be based on the  
39.16 methodology and evaluation design used in the net impact pilot project under paragraph (a).

39.17 (c) By January 15, 2017, and every four years thereafter, the commissioner must  
39.18 report to the committees of the house of representatives and the senate having jurisdiction  
39.19 over economic development and workforce policy and finance the following information  
39.20 for each program subject to paragraph (b):

39.21 (1) the net impact of workforce services on individual employment, earnings, and  
39.22 public benefit usage outcomes; and

39.23 (2) a cost-benefit analysis for understanding the monetary impacts of workforce  
39.24 services from the participant and taxpayer points of view.

39.25 The report under this paragraph must be made available to the public in an electronic  
39.26 format on the Department of Employment and Economic Development's Web site.

39.27 (d) The department is authorized to create and maintain data-sharing agreements  
39.28 with other departments, including corrections, human services, and any other department  
39.29 that are necessary to complete the analysis. The department shall supply the information  
39.30 collected for use by the independent entity conducting net impact analysis pursuant to the  
39.31 data practices requirements under chapters 13, 13A, 13B, and 13C.

39.32 Sec. 8. Minnesota Statutes 2012, section 179.02, is amended by adding a subdivision  
39.33 to read:

40.1 Subd. 6. **Receipt of gifts, money; appropriation.** (a) The commissioner may apply  
40.2 for, accept, and disburse gifts, bequests, grants, or payments for services from the United  
40.3 States, the state, private foundations, or any other source.

40.4 (b) Money received by the commissioner under this subdivision must be deposited in  
40.5 a separate account in the state treasury and invested by the State Board of Investment. The  
40.6 amount deposited, including investment earnings, is appropriated to the commissioner  
40.7 to carry out duties of the commissioner.

40.8 (c) The commissioner must post and maintain, on the Bureau of Mediation Services  
40.9 Web site, a list of the sources of funds and amounts received under this subdivision.

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

40.11 Sec. 9. Minnesota Statutes 2012, section 181A.07, is amended by adding a subdivision  
40.12 to read:

40.13 Subd. 7. **Approved training programs.** The commissioner may grant exemptions  
40.14 from any provisions of sections 181A.01 to 181A.12 for minors participating in training  
40.15 programs approved by the commissioner; or students in a valid apprenticeship program  
40.16 taught by or required by a trade union, the commissioner of education, the commissioner  
40.17 of employment and economic development, the Board of Trustees of the Minnesota State  
40.18 Colleges and Universities, or the Board of Regents of the University of Minnesota.

40.19 Sec. 10. Minnesota Statutes 2012, section 216B.241, subdivision 1d, is amended to read:

40.20 Subd. 1d. **Technical assistance.** (a) The commissioner shall evaluate energy  
40.21 conservation improvement programs on the basis of cost-effectiveness and the reliability  
40.22 of the technologies employed. The commissioner shall, by order, establish, maintain, and  
40.23 update energy-savings assumptions that must be used when filing energy conservation  
40.24 improvement programs. The commissioner shall establish an inventory of the most  
40.25 effective energy conservation programs, techniques, and technologies, and encourage all  
40.26 Minnesota utilities to implement them, where appropriate, in their service territories.  
40.27 The commissioner shall describe these programs in sufficient detail to provide a utility  
40.28 reasonable guidance concerning implementation. The commissioner shall prioritize the  
40.29 opportunities in order of potential energy savings and in order of cost-effectiveness. The  
40.30 commissioner may contract with a third party to carry out any of the commissioner's duties  
40.31 under this subdivision, and to obtain technical assistance to evaluate the effectiveness of  
40.32 any conservation improvement program. The commissioner may assess up to ~~\$800,000~~  
40.33 ~~annually until June 30, 2009, and \$450,000~~ \$850,000 annually thereafter for the purposes  
40.34 of this subdivision. The assessments must be deposited in the state treasury and credited



41.1 to the energy and conservation account created under subdivision 2a. An assessment  
 41.2 made under this subdivision is not subject to the cap on assessments provided by section  
 41.3 216B.62, or any other law.

41.4 (b) Of the assessment authorized under paragraph (a), the commissioner may expend  
 41.5 up to \$400,000 annually for the purpose of developing, operating, maintaining, and  
 41.6 providing technical support for a uniform electronic data reporting and tracking system  
 41.7 available to all utilities subject to this section, in order to enable accurate measurement of  
 41.8 the cost and energy savings of the energy conservation improvements required by this  
 41.9 section. This paragraph expires June 30, 2017, and may be used for no more than three  
 41.10 annual assessments occurring prior to that date.

41.11 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 41.12 and applies to assessments made after June 30, 2014.

41.13 Sec. 11. Minnesota Statutes 2012, section 216C.145, is amended to read:

41.14 **216C.145 MICROENERGY COMMUNITY ENERGY EFFICIENCY AND**  
 41.15 **RENEWABLE ENERGY LOAN PROGRAM.**

41.16 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
 41.17 section.

41.18 (b) "~~Small-scale~~ Community energy efficiency and renewable energy projects"  
 41.19 ~~projects include~~ means solar thermal water heating, solar electric or photovoltaic  
 41.20 equipment, small wind energy conversion systems of less than 250 kW, anaerobic digester  
 41.21 gas systems, microhydro systems up to 100 kW, ~~and~~ heating and cooling applications  
 41.22 using ~~geothermal energy~~ solar thermal or ground source technology, and cost-effective  
 41.23 energy efficiency projects installed in industrial, commercial or public buildings, or health  
 41.24 care facilities.

41.25 (c) "Health care facilities" means a hospital licensed under sections 144.50 to  
 41.26 144.56, or a nursing home licensed under chapter 144A.

41.27 (d) "Industrial customer" means a business that is classified under the North  
 41.28 American Industrial Classification System under codes 21, 31 to 33, 48, 49, or 562.

41.29 (e) "Small business" means a business that employs 50 or fewer employees.

41.30 ~~(e)~~ (f) "Unit of local government" means any home rule charter or statutory city,  
 41.31 county, commission, district, authority, or other political subdivision or instrumentality  
 41.32 of this state, including a sanitary district, park district, the Metropolitan Council, a port  
 41.33 authority, an economic development authority, or a housing and redevelopment authority.

42.1 Subd. 2. **Program established.** The commissioner of commerce shall develop,  
42.2 implement, and administer a ~~microenergy~~ community energy efficiency and renewable  
42.3 energy loan program under this section.

42.4 Subd. 3. **Loan purposes.** (a) The commissioner may issue low-interest, long-term  
42.5 loans to units of local government to:

42.6 (1) finance community-owned or publicly owned small-scale renewable energy  
42.7 systems or to cost-effective energy efficiency improvements to public buildings; or  
42.8 ~~provide loans or other aids to small businesses to install small-scale renewable~~  
42.9 ~~energy systems~~

42.10 (2) provide loans or other aids to industrial or commercial businesses or health care  
42.11 facilities for cost-effective energy efficiency projects or to install renewable energy systems.

42.12 (b) The commissioner may participate in loans made by the Housing Finance  
42.13 Agency to residential property owners, private developers, nonprofit organizations,  
42.14 or units of local government under sections 462A.05, subdivisions 14 and 18; and  
42.15 462A.33 for the construction, purchase, or rehabilitation of residential housing to facilitate  
42.16 the installation of ~~small-scale~~ renewable energy systems in residential housing and  
42.17 cost-effective energy conservation improvements identified in an energy efficiency audit.  
42.18 The commissioner shall assist the Housing Finance Agency in assessing the technical  
42.19 qualifications of loan applicants.

42.20 (c) If an industrial, commercial, or health care facility customer seeks a loan  
42.21 under paragraph (a), clause (2), the commissioner may require an individual industrial,  
42.22 commercial, or health care facility customer to provide its energy usage data for the  
42.23 limited purpose of assessing the energy and cost savings of the project that is subject to  
42.24 the loan. Industrial, commercial, or health care facility customer's energy usage data  
42.25 may only be released upon the express, written consent of the individual industrial,  
42.26 commercial, or health care facility customer. The commissioner shall not require an  
42.27 industrial, commercial, or health care facility customer to provide energy usage data  
42.28 or aggregation of energy usage data that includes an industrial, commercial, or health  
42.29 care facility customer for any other loan under this section. Any individual industrial,  
42.30 commercial, or health care facility customer's energy usage data provided under this  
42.31 section shall be classified as nonpublic data as defined in section 13.02, subdivision 9.

42.32 Subd. 4. **Technical standards.** The commissioner shall determine technical  
42.33 standards for ~~small-scale renewable energy systems~~ community energy efficiency and  
42.34 renewable energy projects to qualify for loans under this section.

42.35 Subd. 5. **Loan proposals.** (a) At least once a year, the commissioner shall publish in  
42.36 the State Register a request for proposals from units of local government for a loan under

43.1 this section. Within 45 days after the deadline for receipt of proposals, the commissioner  
43.2 shall select proposals based on the following criteria:

43.3 (1) the reliability and cost-effectiveness of the renewable or energy efficiency  
43.4 technology to be installed under the proposal;

43.5 (2) the extent to which the proposal effectively integrates with the conservation and  
43.6 energy efficiency programs or goals of the energy utilities serving the proposer;

43.7 (3) the total life cycle energy use and greenhouse gas emissions reductions per  
43.8 dollar of installed cost;

43.9 (4) the diversity of the renewable energy or energy efficiency technology installed  
43.10 under the proposal;

43.11 (5) the geographic distribution of projects throughout the state;

43.12 (6) the percentage of total project cost requested;

43.13 (7) the proposed security for payback of the loan; and

43.14 (8) other criteria the commissioner may determine to be necessary and appropriate.

43.15 Subd. 6. **Loan terms.** A loan under this section must be issued at the lowest interest  
43.16 rate required to recover principal and interest plus the costs of issuing the loan, and must  
43.17 be for a minimum of 15 years, unless the commissioner determines that a shorter loan  
43.18 period of no less than ~~ten~~ five years is necessary and feasible.

43.19 Subd. 7. **Account.** A ~~microenergy~~ community energy efficiency and renewable  
43.20 energy loan account is established in the state treasury. Money in the account consists of  
43.21 the proceeds of revenue bonds issued under section 216C.146, interest and other earnings  
43.22 on money in the account, money received in repayment of loans from the account,  
43.23 legislative appropriations, and money from any other source credited to the account.

43.24 Subd. 8. **Appropriation.** Money in the account is appropriated to the commissioner  
43.25 of commerce to make ~~microenergy~~ community energy efficiency and renewable energy  
43.26 loans under this section and to the commissioner of management and budget to pay debt  
43.27 service and other costs under section 216C.146. Payment of debt service costs and funding  
43.28 reserves take priority over use of money in the account for any other purpose.

43.29 Sec. 12. Minnesota Statutes 2012, section 216C.146, is amended to read:

43.30 **216C.146 MICROENERGY COMMUNITY ENERGY EFFICIENCY AND**  
43.31 **RENEWABLE ENERGY LOAN REVENUE BONDS.**

43.32 Subdivision 1. **Bonding authority; definition.** (a) The commissioner of  
43.33 management and budget, if requested by the commissioner of commerce, shall sell and  
43.34 issue state revenue bonds for the following purposes:

44.1 (1) to make microenergy community energy efficiency and renewable energy loans  
44.2 under section 216C.145;

44.3 (2) to pay the costs of issuance, debt service, including capitalized interest, and  
44.4 bond insurance or other credit enhancements, and to fund reserves, and make payments  
44.5 under other agreements entered into under subdivision 2, but excludes refunding bonds  
44.6 sold and issued under this subdivision; and

44.7 (3) to refund bonds issued under this section.

44.8 (b) The aggregate principal amount of bonds for the purposes of paragraph (a),  
44.9 clause (1), that may be outstanding at any time may not exceed \$100,000,000, of which  
44.10 up to \$20,000,000 shall be reserved for community energy efficiency and renewable  
44.11 energy projects taking place in small businesses and public buildings; the principal  
44.12 amount of bonds that may be issued for the purposes of paragraph (a), clauses (2) and  
44.13 (3), is not limited.

44.14 (c) For the purpose of this section, "commissioner" means the commissioner of  
44.15 management and budget.

44.16 (d) Revenue bonds may be issued from time to time in one or more series on the  
44.17 terms and conditions the commissioner determines to be in the best interests of the state at  
44.18 any price or percentages of par value, but the term on any series of revenue bonds may  
44.19 not exceed 25 years. The revenue bonds of each issue and series thereof shall be dated  
44.20 and bear interest, and may be includable in or excludable from the gross income of the  
44.21 owners for federal income tax purposes.

44.22 (e) Revenue bonds may be sold at either public or private sale. Any bid received  
44.23 may be rejected.

44.24 (f) The revenue bonds are not subject to chapter 16C.

44.25 (g) Notwithstanding any other law, revenue bonds issued under this section shall  
44.26 be fully negotiable.

44.27 (h) Revenue bond terms must be no longer than the term of any corresponding  
44.28 loan made under section 216C.145.

44.29 Subd. 2. **Procedure.** The commissioner may sell and issue the bonds on the terms  
44.30 and conditions the commissioner determines to be in the best interests of the state. The  
44.31 bonds may be sold at public or private sale. The commissioner may enter into any  
44.32 agreements or pledges the commissioner determines necessary or useful to sell the bonds  
44.33 that are not inconsistent with section 216C.145. Sections 16A.672 to 16A.675 apply to  
44.34 the bonds. The proceeds of the bonds issued under this section must be credited to the  
44.35 microenergy community energy efficiency and renewable energy loan account created  
44.36 under section 216C.145.

45.1 Subd. 3. **Revenue sources.** The debt service on the bonds is payable only from the  
45.2 following sources:

45.3 (1) revenue credited to the microenergy community energy efficiency and renewable  
45.4 energy loan account from the sources identified in section 216C.145 or from any other  
45.5 source; and

45.6 (2) other revenues pledged to the payment of the bonds, including reserves  
45.7 established by a local government unit.

45.8 Subd. 4. **Refunding bonds.** The commissioner may issue bonds to refund  
45.9 outstanding bonds issued under subdivision 1, including the payment of any redemption  
45.10 premiums on the bonds and any interest accrued or to accrue to the first redemption date  
45.11 after delivery of the refunding bonds. The proceeds of the refunding bonds may, at the  
45.12 discretion of the commissioner, be applied to the purchases or payment at maturity of the  
45.13 bonds to be refunded, or the redemption of the outstanding bonds on the first redemption  
45.14 date after delivery of the refunding bonds and may, until so used, be placed in escrow to  
45.15 be applied to the purchase, retirement, or redemption. Refunding bonds issued under this  
45.16 subdivision must be issued and secured in the manner provided by the commissioner.

45.17 Subd. 5. **Not a general or moral obligation.** Bonds issued under this section are  
45.18 not public debt, and the full faith, credit, and taxing powers of the state are not pledged  
45.19 for their payment. The bonds may not be paid, directly in whole or in part from a tax of  
45.20 statewide application on any class of property, income, transaction, or privilege. Payment  
45.21 of the bonds is limited to the revenues explicitly authorized to be pledged under this  
45.22 section. The state neither makes nor has a moral obligation to pay the bonds if the pledged  
45.23 revenues and other legal security for them is insufficient.

45.24 Subd. 6. **Trustee.** The commissioner may contract with and appoint a trustee for  
45.25 bondholders. The trustee has the powers and authority vested in it by the commissioner  
45.26 under the bond and trust indentures.

45.27 Subd. 7. **Pledges.** A pledge made by the commissioner is valid and binding from  
45.28 the time the pledge is made. The money or property pledged and later received by the  
45.29 commissioner is immediately subject to the lien of the pledge without any physical  
45.30 delivery of the property or money or further act, and the lien of the pledge is valid and  
45.31 binding as against all parties having claims of any kind in tort, contract, or otherwise  
45.32 against the commissioner, whether or not those parties have notice of the lien or pledge.  
45.33 Neither the order nor any other instrument by which a pledge is created need be recorded.

45.34 Subd. 8. **Bonds; purchase and cancellation.** The commissioner, subject to  
45.35 agreements with bondholders that may then exist, may, out of any money available for the  
45.36 purpose, purchase bonds of the commissioner at a price not exceeding (1) if the bonds are

46.1 then redeemable, the redemption price then applicable plus accrued interest to the next  
46.2 interest payment date thereon, or (2) if the bonds are not redeemable, the redemption price  
46.3 applicable on the first date after the purchase upon which the bonds become subject to  
46.4 redemption plus accrued interest to that date.

46.5 Subd. 9. **State pledge against impairment of contracts.** The state pledges and  
46.6 agrees with the holders of any bonds that the state will not limit or alter the rights vested in  
46.7 the commissioner to fulfill the terms of any agreements made with the bondholders, or  
46.8 in any way impair the rights and remedies of the holders until the bonds, together with  
46.9 interest on them, with interest on any unpaid installments of interest, and all costs and  
46.10 expenses in connection with any action or proceeding by or on behalf of the bondholders,  
46.11 are fully met and discharged. The commissioner may include this pledge and agreement  
46.12 of the state in any agreement with the holders of bonds issued under this section.

46.13 Subd. 10. **Revenue bonds as legal investments.** Any of the following entities may  
46.14 legally invest any sinking funds, money, or other funds belonging to them or under their  
46.15 control in any revenue bonds issued under this section:

46.16 (1) the state, the investment board, public officers, municipal corporations, political  
46.17 subdivisions, and public bodies;

46.18 (2) banks and bankers, savings and loan associations, credit unions, trust companies,  
46.19 savings banks and institutions, investment companies, insurance companies, insurance  
46.20 associations, and other persons carrying on a banking or insurance business; and

46.21 (3) personal representatives, guardians, trustees, and other fiduciaries.

46.22 Subd. 11. **Waiver of immunity.** The waiver of immunity by the state provided for  
46.23 by section 3.751, subdivision 1, shall be applicable to the revenue bonds and any ancillary  
46.24 contracts to which the commissioner is a party.

46.25 Sec. 13. Minnesota Statutes 2012, section 268A.01, subdivision 14, is amended to read:

46.26 Subd. 14. **Affirmative business enterprise employment.** "Affirmative business  
46.27 enterprise employment" means employment which provides paid work on the premises of  
46.28 an affirmative business enterprise as certified by the commissioner.

46.29 Affirmative business enterprise employment is considered community employment  
46.30 for purposes of funding under Minnesota Rules, parts 3300.1000 to 3300.2055, provided  
46.31 that the wages for individuals reported must be at or above customary wages for the same  
46.32 employer. The employer must also provide one benefit package that is available to all  
46.33 employees at the specific site certified as an affirmative business enterprise.

47.1 Sec. 14. **[268A.16] EMPLOYMENT SERVICES FOR PERSONS WHO ARE**  
47.2 **DEAF, DEAFBLIND, OR HARD-OF-HEARING.**

47.3 Subdivision 1. **Deaf, deafblind, and hard-of-hearing grants.** (a) The  
47.4 commissioner shall develop and implement a specialized statewide grant program to  
47.5 provide long-term supported employment services for persons who are deaf, deafblind,  
47.6 and hard-of-hearing. Programs and services eligible for grants under this section must:

47.7 (1) assist persons who are deaf, deafblind, and hard-of-hearing in retaining and  
47.8 advancing in employment;

47.9 (2) provide services with staff who must possess fluency in all forms of manual  
47.10 communication, including American Sign Language; knowledge of hearing loss and  
47.11 psychosocial implications; sensitivity to cultural issues; familiarity with community  
47.12 services and communication strategies for people who are hard-of-hearing and do not sign;  
47.13 and awareness of adaptive technology options;

47.14 (3) provide specialized employment support services for individuals who have  
47.15 a combined hearing and vision loss that address the individual's unique ongoing visual  
47.16 and auditory communication needs; and

47.17 (4) involve clients in the planning, development, oversight, and delivery of  
47.18 long-term ongoing support services.

47.19 (b) Priority for funding shall be given to organizations with experience in developing  
47.20 innovative employment support services for persons who are deaf, deafblind, and  
47.21 hard-of-hearing. Each applicant for funds under this section shall submit an evaluation  
47.22 protocol as part of the grant application.

47.23 Subd. 2. **Employment services for transition-aged youth who are deaf,**  
47.24 **deafblind, and hard-of-hearing.** (a) The commissioner shall develop statewide or  
47.25 regional grant programs to provide school-based communication, access, and employment  
47.26 services for youth who are deaf, deafblind, and hard-of-hearing. Services must include  
47.27 staff who have the skills addressed in subdivision 1, clauses (2) and (3), and expertise  
47.28 in serving transition-aged youth.

47.29 (b) Priority for funding shall be given to organizations with experience in providing  
47.30 innovative employment support services and readiness for postsecondary training for  
47.31 transition-aged youths who are deaf, deafblind, and hard-of-hearing. Each applicant for  
47.32 funds under this section shall submit an evaluation protocol as part of the grant application.

47.33 Subd. 3. **Administration.** Up to five percent of the biennial appropriation for the  
47.34 purpose of this section is available to the commissioner for administration of the program.

47.35 **EFFECTIVE DATE.** This section is effective upon enactment of a direct  
47.36 appropriation for grants under this section.

48.1 Sec. 15. Minnesota Statutes 2012, section 298.28, subdivision 2, is amended to read:

48.2 Subd. 2. **City or town where quarried or produced.** (a) 4.5 cents per gross ton of  
48.3 merchantable iron ore concentrate, hereinafter referred to as "taxable ton," plus the amount  
48.4 provided in paragraph (c), must be allocated to the city or town in the county in which  
48.5 the lands from which taconite was mined or quarried were located or within which the  
48.6 concentrate was produced. If the mining, quarrying, and concentration, or different steps  
48.7 in either thereof are carried on in more than one taxing district, the commissioner shall  
48.8 apportion equitably the proceeds of the part of the tax going to cities and towns among  
48.9 such subdivisions upon the basis of attributing 50 percent of the proceeds of the tax to  
48.10 the operation of mining or quarrying the taconite, and the remainder to the concentrating  
48.11 plant and to the processes of concentration, and with respect to each thereof giving due  
48.12 consideration to the relative extent of such operations performed in each such taxing  
48.13 district. The commissioner's order making such apportionment shall be subject to review  
48.14 by the Tax Court at the instance of any of the interested taxing districts, in the same  
48.15 manner as other orders of the commissioner.

48.16 (b) Four cents per taxable ton shall be allocated to cities and organized townships  
48.17 affected by mining because their boundaries are within three miles of a taconite mine pit  
48.18 that has been actively mined in at least one of the prior three years. If a city or town is  
48.19 located near more than one mine meeting these criteria, the city or town is eligible to  
48.20 receive aid calculated from only the mine producing the largest taxable tonnage. When  
48.21 more than one municipality qualifies for aid based on one company's production, the aid  
48.22 must be apportioned among the municipalities in proportion to their populations. ~~Of The~~  
48.23 ~~amounts distributed under this paragraph to each municipality, one-half must be used for~~  
48.24 ~~infrastructure improvement projects, and one-half must be used for projects in which two~~  
48.25 ~~or more municipalities cooperate. Each municipality that receives a distribution under this~~  
48.26 ~~paragraph must report annually to the Iron Range Resources and Rehabilitation Board and~~  
48.27 ~~the commissioner of Iron Range resources and rehabilitation on the projects involving~~  
48.28 ~~cooperation with other municipalities.~~

48.29 (c) The amount that would have been computed for the current year under Minnesota  
48.30 Statutes 2008, section 126C.21, subdivision 4, for a school district shall be distributed to  
48.31 the cities and townships within the school district in the proportion that their taxable net  
48.32 tax capacity within the school district bears to the taxable net tax capacity of the school  
48.33 district for property taxes payable in the year prior to distribution.

48.34 Sec. 16. Laws 2013, chapter 143, article 11, section 10, is amended to read:

48.35 Sec. 10. **2013 DISTRIBUTION ONLY.**



49.1 For the 2013 distribution, a special fund is established to receive 38.7 cents per ton of  
49.2 any excess of the balance remaining after distribution of amounts required under Minnesota  
49.3 Statutes, section 298.28, subdivision 6. The following amounts are allocated to St. Louis  
49.4 County acting as the fiscal agent for the recipients for the following specific purposes:

49.5 (1) 5.1 cents per ton to the city of Hibbing for improvements to the city's water  
49.6 supply system;

49.7 (2) 4.3 cents per ton to the city of Mountain Iron for the cost of moving utilities  
49.8 required as a result of actions undertaken by United States Steel Corporation;

49.9 (3) 2.5 cents per ton to the city of Biwabik for improvements to the city's water  
49.10 supply system, ~~payable upon agreement with ArcelorMittal to satisfy water permit~~  
49.11 ~~conditions~~ system to further the established collaborative efforts between the city of  
49.12 Biwabik, the city of Aurora, and surrounding communities;

49.13 (4) 2 cents per ton to the city of Tower for the Tower Marina;

49.14 (5) 2.4 cents per ton to the city of Grand Rapids for an eco-friendly heat transfer  
49.15 system to replace aging effluent lines and for parking lot repaving;

49.16 (6) 2.4 cents per ton to the city of Two Harbors for wastewater treatment plant  
49.17 improvements;

49.18 (7) 0.9 cents per ton to the city of Ely for the sanitary sewer replacement project;

49.19 (8) 0.6 cents per ton to the town of Crystal Bay for debt service of the Claire Nelson  
49.20 Intermodal Transportation Center;

49.21 (9) 0.5 cents per ton to the Greenway Joint Recreation Board for the Coleraine  
49.22 hockey arena renovations;

49.23 (10) 1.2 cents per ton for the West Range Regional Fire Hall and Training Center  
49.24 to merge the existing fire services of Coleraine, Bovey, Taconite Marble, Calumet, and  
49.25 Greenway Township;

49.26 (11) 2.5 cents per ton to the city of Hibbing for the Memorial Building;

49.27 (12) 0.7 cents per ton to the city of Chisholm for public works infrastructure;

49.28 (13) 1.8 cents per ton to the Crane Lake Water and Sanitary District for sanitary  
49.29 sewer extension;

49.30 (14) 2.5 cents per ton for the city of Buhl for the roof on the Mesabi Academy;

49.31 (15) 1.2 cents per ton to the city of Gilbert for the New Jersey/Ohio Avenue project;

49.32 (16) ~~1.5~~ 2.0 cents per ton to the city of Cook for street improvements, business park  
49.33 infrastructure, and a maintenance garage;

49.34 ~~(17) 0.5 cents per ton to the city of Cook for a water line project;~~

49.35 ~~(18)~~ (17) 1.8 cents per ton to the city of Eveleth to be used for Jones Street  
49.36 reconstruction and the city auditorium;

50.1 ~~(19)~~ (18) 0.5 cents per ton for the city of Keewatin for an electrical substation and  
 50.2 water line replacements;

50.3 ~~(20)~~ (19) 3.3 cents per ton for the city of Virginia for Fourth Street North  
 50.4 infrastructure and Franklin Park improvement; and

50.5 ~~(21)~~ (20) 0.5 cents per ton to the city of Grand Rapids for an economic development  
 50.6 project.

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

50.8 Sec. 17. **2014 DISTRIBUTION ONLY.**

50.9 For the 2014 distribution, a special fund is established to receive 18.84 cents per ton of  
 50.10 any excess of the balance remaining after distribution of amounts required under Minnesota  
 50.11 Statutes, section 298.28, subdivision 6. The following amounts are allocated to St. Louis  
 50.12 County acting as the fiscal agent for the recipients for the following specific purposes:

50.13 (1) 1.3 cents per ton to the city of Silver Bay for a water project under Highway 61;

50.14 (2) 0.5 cents per ton to the city of Grand Rapids for soil and landscape remediation  
 50.15 at the Reif Center;

50.16 (3) 0.65 cents per ton to the city of LaPrairie for sewer, water, and road improvements  
 50.17 to accommodate business expansion in the city;

50.18 (4) 0.78 cents per ton to the city of Cohasset for an infrastructure project;

50.19 (5) 0.39 cents per ton to Balkan Township for a salt storage building and  
 50.20 energy-efficient cold storage building;

50.21 (6) 3.0 cents per ton to the city of McKinley to construct a water line from the city  
 50.22 of Gilbert or the city of Biwabik to the city of McKinley's distribution center in order to  
 50.23 secure a potable water source for the city, provided that the city of McKinley secures  
 50.24 the remainder of the project costs from other sources, and expires three years following  
 50.25 the date of distribution;

50.26 (7) 6.5 cents per ton to the Iron Range Resources and Rehabilitation Board for  
 50.27 township block grants to be distributed by the board;

50.28 (8) 0.5 cents per ton to the city of Marble for a water main and looping project;

50.29 (9) 0.65 cents per ton to the city of Nashwauk for an infrastructure project;

50.30 (10) 0.35 cents per ton to the city of Babbitt for demolition of a public building;

50.31 (11) 0.65 cents per ton to the city of Hoyt Lakes for a storm water project;

50.32 (12) 0.65 cents per ton to the city of Aurora for an infrastructure project;

50.33 (13) 0.65 cents per ton to the town of Silver Creek for an infrastructure project;

50.34 (14) 0.5 cents per ton to the city of Calumet for an infrastructure project;

50.35 (15) 0.5 cents per ton to Nashwauk Township for the Nashwauk town hall;

51.1 (16) 0.5 cents per ton to the city of Biwabik for emergency repair of a wastewater  
51.2 treatment project;

51.3 (17) 0.47 cents per ton to the city of Cuyuna for improvements to city properties and  
51.4 facilities, including construction, electrical, water, sewer, and site preparation; and

51.5 (18) 0.3 cents per ton to Morse Township for a recreational trail.

51.6 **EFFECTIVE DATE.** This section is effective for the 2014 distribution, and all  
51.7 payments must be made separately and within ten days of the date of the August 2014  
51.8 payment.

51.9 Sec. 18. **CIP ELECTRONIC DATA REPORTING AND TRACKING SYSTEM;**  
51.10 **EVALUATION.**

51.11 The commissioner of commerce may utilize a stakeholder group to annually monitor  
51.12 the usability and product development of systems for electronic data reporting and  
51.13 tracking for the use of utilities under the conservation improvement plan program under  
51.14 Minnesota Statutes, section 216B.241. The initial group may be convened by November  
51.15 1, 2014, and must, among others, include representatives from all sectors of the gas and  
51.16 electric utility industry and providers of energy conservation.

51.17 Sec. 19. **INNOVATION VOUCHER PILOT PROGRAM.**

51.18 (a) The commissioner of employment and economic development shall develop and  
51.19 implement an innovation voucher pilot program to provide financing to small businesses  
51.20 to purchase technical assistance and services from public higher education institutions  
51.21 and nonprofit entities to assist in the development or commercialization of innovative  
51.22 new products or services.

51.23 (b) Funds available under this section may be used by a small business to access  
51.24 technical assistance and other services including, but not limited to: research, technical  
51.25 development, product development, commercialization, market development, technology  
51.26 exploration, and improved business practices including strategies to grow business and  
51.27 create operational efficiencies.

51.28 (c) To be eligible for a voucher under this section, a business must enter into an  
51.29 agreement with the commissioner that includes:

51.30 (1) a list of the technical assistance and services the business proposes to purchase  
51.31 and from whom the services will be purchased; and

51.32 (2) deliverable outcomes in one of the following areas:

51.33 (i) research and development;

51.34 (ii) business model development;

- 52.1 (iii) market feasibility;  
 52.2 (iv) operations; or  
 52.3 (v) other outcomes determined by the commissioner.

52.4 As part of the agreement, the commissioner must approve the technical assistance and  
 52.5 services to be purchased, and the entities from which the services or technical assistance  
 52.6 will be purchased.

52.7 (d) For the purposes of this section, a small business means a business with fewer  
 52.8 than 40 employees.

52.9 (e) A voucher award must not exceed \$25,000 per business.

52.10 (f) The commissioner must report to the chairs of the committees of the house of  
 52.11 representatives and senate having jurisdiction over economic development and workforce  
 52.12 policy and finance issues by December 1, 2014, on the vouchers awarded to date.

52.13 **Sec. 20. COMMISSIONER'S ACCOUNTABILITY PLAN.**

52.14 By December 1, 2014, the commissioner shall report to the committees of the  
 52.15 house of representatives and senate having jurisdiction over workforce development  
 52.16 and economic development policy and finance issues, on the department's plan, and any  
 52.17 request for funding, to design and implement a performance accountability outcome  
 52.18 measurement system for programs under Minnesota Statutes, chapters 116J and 116L.

52.19 **Sec. 21. COMPETENCY STANDARDS: ADVANCED MANUFACTURING,**  
 52.20 **HEALTH CARE SERVICES, INFORMATION TECHNOLOGY, AND**  
 52.21 **AGRICULTURE.**

52.22 (a) The commissioner of labor and industry, in collaboration with the commissioner  
 52.23 of employment and economic development, shall establish competency standards for  
 52.24 programs in advanced manufacturing, health care services, information technology,  
 52.25 and agriculture. This initiative shall be administered by the Department of Labor and  
 52.26 Industry. In establishing the competency standards, the commissioner shall convene  
 52.27 recognized industry experts, representative employers, higher education institutions, and  
 52.28 representatives of labor to assist in defining credible competency standards acceptable to  
 52.29 the advanced manufacturing, health care services, information technology, and agriculture  
 52.30 industries.

52.31 (b) The outcomes expected from the initiatives in this section include:

52.32 (1) establishment of competency standards for entry level and at least two additional  
 52.33 higher skill levels in each industry;

53.1 (2) verification of competency standards and skill levels and their transferability by  
53.2 representatives of each respective industry;

53.3 (3) models of ways for Minnesota educational institutions to engage in providing  
53.4 education and training to meet the competency standards established; and

53.5 (4) participation from the identified industry sectors.

53.6 (c) By January 15, 2015, the commissioner of labor and industry shall report to the  
53.7 legislative committees with jurisdiction over jobs on the progress and success, including  
53.8 outcomes, of the initiatives in this section and recommendations on occupations in which  
53.9 similar competency standards should be developed and implemented.

53.10 **Sec. 22. AGRICULTURAL EMPLOYMENT; REPORT.**

53.11 The commissioner of labor and industry shall report by January 1, 2015, to the chairs  
53.12 and ranking minority members of the standing committees of the house of representatives  
53.13 and senate with jurisdiction over labor policy and finance issues on the number of  
53.14 agricultural employers who are using a 48 hour work week and the number of employees  
53.15 affected. The commissioner shall include recommendations for appropriate compensation  
53.16 for such agricultural employees. For the purposes of this section, "agriculture" has the  
53.17 meaning given in Minnesota Rules, part 5200.0260.

53.18 **Sec. 23. REPEALER.**

53.19 Minnesota Statutes 2012, section 116J.997, is repealed.

53.20 **ARTICLE 4**

53.21 **STATE DEPARTMENTS AND VETERANS**

53.22 **Section 1. STATE DEPARTMENTS AND VETERANS APPROPRIATIONS.**

53.23 The sums shown in the columns marked "Appropriations" are added to the  
53.24 appropriations in Laws 2013, chapter 142, article 1, to the agencies and for the purposes  
53.25 specified in this article. The appropriations are from the general fund, or another named  
53.26 fund, and are available for the fiscal years indicated for each purpose. The figures "2014"  
53.27 and "2015" used in this article mean that the addition to the appropriation listed under  
53.28 them is available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively.  
53.29 Supplemental appropriations for the fiscal year ending June 30, 2014, are effective the  
53.30 day following final enactment.

53.31	<b><u>APPROPRIATIONS</u></b>	
53.32	<b><u>Available for the Year</u></b>	
53.33	<b><u>Ending June 30</u></b>	
53.34	<b><u>2014</u></b>	<b><u>2015</u></b>

54.1	<b>Sec. 2. STATE DEPARTMENTS AND</b>			
54.2	<b><u>VETERANS APPROPRIATIONS</u></b>			
54.3	<b><u>Subdivision 1. Legislative Coordinating</u></b>			
54.4	<b><u>Commission</u></b>	<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$ 380,000</u></b>
54.5	<u>\$225,000 is for operating costs of the joint</u>			
54.6	<u>legislative offices. \$150,000 each year is</u>			
54.7	<u>added to the base.</u>			
54.8	<u>\$155,000 is for the Legislative Water</u>			
54.9	<u>Commission established in section 3.</u>			
54.10	<u>\$145,000 each fiscal year is added to the base</u>			
54.11	<u>through fiscal year 2019.</u>			
54.12	<b><u>Subd. 2. Minnesota Housing Finance Agency</u></b>		<b><u>-0-</u></b>	<b><u>250,000</u></b>
54.13	<u>\$250,000 is for at least five grants of up</u>			
54.14	<u>to \$50,000 each to conduct a housing</u>			
54.15	<u>needs assessment for veterans in any</u>			
54.16	<u>community within the state. No more than</u>			
54.17	<u>five percent may be used by the Minnesota</u>			
54.18	<u>Housing Finance Agency to administer</u>			
54.19	<u>these grants. The grants may be awarded</u>			
54.20	<u>to any government or nongovernmental</u>			
54.21	<u>organization. The assessment, which may be</u>			
54.22	<u>a study or a survey, may examine the need for</u>			
54.23	<u>scattered site housing for veterans and their</u>			
54.24	<u>families who are homeless or in danger of</u>			
54.25	<u>homelessness or for housing that addresses</u>			
54.26	<u>the health care needs of disabled or aging</u>			
54.27	<u>veterans. The assessment must be started by</u>			
54.28	<u>July 30, 2015, and completed by July 30,</u>			
54.29	<u>2016. The commissioner of the Minnesota</u>			
54.30	<u>Housing Finance Agency must provide</u>			
54.31	<u>copies of any completed assessment to the</u>			
54.32	<u>chairs and ranking minority members of</u>			
54.33	<u>the legislative committees with jurisdiction</u>			
54.34	<u>over housing and veterans affairs no later</u>			

55.1 than January 1, 2017. This is a onetime  
 55.2 appropriation.

55.3 Subd. 3. **Racing Commission** 100,000 85,000

55.4 These appropriations are from the racing  
 55.5 and card playing regulation accounts in the  
 55.6 special revenue fund. These appropriations  
 55.7 are onetime and are available in either year  
 55.8 of the biennium.

55.9 Subd. 4. **Amateur Sports Commission** -0- 50,000

55.10 \$50,000 is to develop a pilot program to  
 55.11 prevent and reduce childhood obesity. This  
 55.12 appropriation is onetime and is available  
 55.13 until June 30, 2017.

55.14 Subd. 5. **Minnesota Historical Society** -0- 25,000

55.15 \$25,000 is for a grant to Farm America for  
 55.16 repairs and maintenance of the Minnesota  
 55.17 Agricultural Interpretive Center and for audit  
 55.18 expenses. This is a onetime appropriation  
 55.19 and is available until June 30, 2017.

55.20 Subd. 6. **Board of the Arts** -0- 750,000

55.21 \$750,000 is appropriated from the arts and  
 55.22 cultural heritage fund for arts education in  
 55.23 partnership with the President's Turnaround  
 55.24 Arts Initiative. This appropriation is  
 55.25 contingent on Minnesota being designated  
 55.26 a Turnaround site. This appropriation is  
 55.27 available until June 30, 2015. This is a  
 55.28 onetime appropriation.

55.29 Subd. 7. **Minnesota Humanities Center** -0- 225,000

55.30 \$125,000 is from the arts and cultural heritage  
 55.31 fund for the Veterans' Voices program to  
 55.32 educate and engage the community regarding  
 55.33 veterans' contributions, knowledge, skills,

56.1 and experiences. Of this amount, \$25,000 is  
 56.2 for transfer to the Association of Minnesota  
 56.3 Public Education Radio Stations for statewide  
 56.4 programming to promote the Veterans' Voices  
 56.5 program. This is a onetime appropriation.  
 56.6 \$100,000 is from the arts and cultural  
 56.7 heritage fund for professional development  
 56.8 for kindergarten through grade 12 educators  
 56.9 to better culturally engage their work with  
 56.10 at-risk student populations. This may include  
 56.11 new and original literature that addresses  
 56.12 literacy of emerging cultural communities.  
 56.13 This is a onetime appropriation.

56.14 Subd. 8. **Department of Education** -0- 44,000

56.15 This appropriation is to implement expedited  
 56.16 and temporary licensing provisions of  
 56.17 Minnesota Statutes, section 197.4552. This  
 56.18 is a onetime appropriation.

56.19 Subd. 9. **Board of Accountancy** -0- 44,000

56.20 This appropriation is to implement expedited  
 56.21 and temporary licensing provisions of  
 56.22 Minnesota Statutes, section 197.4552. This  
 56.23 is a onetime appropriation.

56.24 Subd. 10. **Board of Architecture, Engineering,**  
 56.25 **Land Surveying, Landscape, Architecture,**  
 56.26 **Geoscience, and Interior Design** -0- 44,000

56.27 This appropriation is to implement expedited  
 56.28 and temporary licensing provisions of  
 56.29 Minnesota Statutes, section 197.4552. This  
 56.30 is a onetime appropriation.

56.31 Subd. 11. **Board of Cosmetologist Examiners** -0- 20,000

56.32 This appropriation is to implement expedited  
 56.33 and temporary licensing provisions of



57.1	<u>Minnesota Statutes, section 197.4552. This</u>		
57.2	<u>is a onetime appropriation.</u>		
57.3	<b><u>Subd. 12. Board of Barber Examiners</u></b>	<u>-0-</u>	<u>10,000</u>
57.4	<u>This appropriation is to implement expedited</u>		
57.5	<u>and temporary licensing provisions of</u>		
57.6	<u>Minnesota Statutes, section 197.4552. This</u>		
57.7	<u>is a onetime appropriation.</u>		
57.8	<b><u>Subd. 13. Board of Private Detectives</u></b>	<u>-0-</u>	<u>44,000</u>
57.9	<u>This appropriation is to implement expedited</u>		
57.10	<u>and temporary licensing provisions of</u>		
57.11	<u>Minnesota Statutes, section 197.4552. This</u>		
57.12	<u>is a onetime appropriation.</u>		
57.13	<b><u>Subd. 14. Board of Behavioral Health and</u></b>		
57.14	<b><u>Therapy</u></b>	<u>-0-</u>	<u>15,000</u>
57.15	<u>This appropriation is from the state</u>		
57.16	<u>government special revenue fund to</u>		
57.17	<u>implement expedited and temporary licensing</u>		
57.18	<u>provisions of Minnesota Statutes, section</u>		
57.19	<u>197.4552. This is a onetime appropriation.</u>		
57.20	<b><u>Subd. 15. Board of Dentistry</u></b>	<u>-0-</u>	<u>10,000</u>
57.21	<u>This appropriation is from the state</u>		
57.22	<u>government special revenue fund to</u>		
57.23	<u>implement expedited and temporary licensing</u>		
57.24	<u>provisions of Minnesota Statutes, section</u>		
57.25	<u>197.4552. This is a onetime appropriation.</u>		
57.26	<b><u>Subd. 16. Board of Dietetics and Nutrition</u></b>		
57.27	<b><u>Practice</u></b>	<u>-0-</u>	<u>10,000</u>
57.28	<u>This appropriation is from the state</u>		
57.29	<u>government special revenue fund to</u>		
57.30	<u>implement expedited and temporary licensing</u>		
57.31	<u>provisions of Minnesota Statutes, section</u>		
57.32	<u>197.4552. This is a onetime appropriation.</u>		
57.33	<b><u>Subd. 17. Board of Marriage and Family</u></b>		
57.34	<b><u>Therapy</u></b>	<u>-0-</u>	<u>14,000</u>

58.1 This appropriation is from the state  
 58.2 government special revenue fund to  
 58.3 implement expedited and temporary licensing  
 58.4 provisions of Minnesota Statutes, section  
 58.5 197.4552. This is a onetime appropriation.

58.6 **Subd. 18. Board of Nursing Home**  
 58.7 **Administrators** -0- 1,000

58.8 This appropriation is from the state  
 58.9 government special revenue fund to  
 58.10 implement expedited and temporary licensing  
 58.11 provisions of Minnesota Statutes, section  
 58.12 197.4552. This is a onetime appropriation.

58.13 **Subd. 19. Board of Optometry** -0- 10,000

58.14 This appropriation is from the state  
 58.15 government special revenue fund to  
 58.16 implement expedited and temporary licensing  
 58.17 provisions of Minnesota Statutes, section  
 58.18 197.4552. This is a onetime appropriation.

58.19 **Subd. 20. Board of Podiatric Medicine** -0- 10,000

58.20 This appropriation is from the state  
 58.21 government special revenue fund to  
 58.22 implement expedited and temporary licensing  
 58.23 provisions of Minnesota Statutes, section  
 58.24 197.4552. This is a onetime appropriation.

58.25 **Subd. 21. Board of Social Work** -0- 3,000

58.26 This appropriation is from the state  
 58.27 government special revenue fund to  
 58.28 implement expedited and temporary licensing  
 58.29 provisions of Minnesota Statutes, section  
 58.30 197.4552. This is a onetime appropriation.

58.31 **Sec. 3. [3.886] LEGISLATIVE WATER COMMISSION.**  
 58.32 **Subdivision 1. Establishment.** A Legislative Water Commission is established.

59.1 Subd. 2. **Membership.** (a) The Legislative Water Commission consists of 12  
59.2 members appointed as follows:

59.3 (1) six members of the senate, including three majority party members appointed by  
59.4 the majority leader and three minority party members appointed by the minority leader; and

59.5 (2) six members of the house of representatives, including three majority party  
59.6 members appointed by the speaker of the house and three minority party members  
59.7 appointed by the minority leader.

59.8 (b) Members serve at the pleasure of the appointing authority and continue to serve  
59.9 until their successors are appointed or until a member is no longer a member of the  
59.10 legislative body that appointed the member to the commission. Vacancies shall be filled in  
59.11 the same manner as the original positions. Vacancies occurring on the commission do not  
59.12 affect the authority of the remaining members of the Legislative Water Commission to  
59.13 carry out the function of the commission.

59.14 (c) Members shall elect a chair, vice chair, and other officers as determined by  
59.15 the commission. The chair may convene meetings as necessary to conduct the duties  
59.16 prescribed by this section.

59.17 Subd. 3. **Commission staffing.** The Legislative Coordinating Commission must  
59.18 employ staff and contract with consultants as necessary to enable the Legislative Water  
59.19 Commission to carry out its duties and functions.

59.20 Subd. 4. **Powers and duties.** (a) The Legislative Water Commission shall review  
59.21 water policy reports and recommendations of the Environmental Quality Board, the Board  
59.22 of Water and Soil Resources, the Pollution Control Agency, the Department of Natural  
59.23 Resources, the Metropolitan Council, and other water-related reports as may be required  
59.24 by law or the legislature.

59.25 (b) The commission may conduct public hearings and otherwise secure data and  
59.26 comments.

59.27 (c) The commission shall make recommendations as it deems proper to assist the  
59.28 legislature in formulating legislation.

59.29 (d) Data or information compiled by the Legislative Water Commission or its  
59.30 subcommittees shall be made available to the Legislative-Citizen Commission on  
59.31 Minnesota Resources, the Clean Water Council, and standing and interim committees of  
59.32 the legislature on request of the chair of the respective commission, council, or committee.

59.33 (e) The commission shall coordinate with the Clean Water Council.

59.34 Subd. 5. **Compensation.** Members of the commission may receive per diem and  
59.35 expense reimbursement incurred doing the work of the commission in the manner and  
59.36 amount prescribed for per diem and expense payments by the senate Committee on Rules

60.1 and Administration and the house of representatives Committee on Rules and Legislative  
60.2 Administration.

60.3 Subd. 6. **Expiration.** This section expires July 1, 2019.

60.4 Sec. 4. Minnesota Statutes 2013 Supplement, section 15A.082, subdivision 1, is  
60.5 amended to read:

60.6 Subdivision 1. **Creation.** A Compensation Council is created each odd-numbered  
60.7 year to assist the legislature in establishing the compensation of constitutional officers,  
60.8 ~~members of the legislature,~~ justices of the Supreme Court, judges of the Court of Appeals  
60.9 and district court, and the heads of state and metropolitan agencies included in section  
60.10 15A.0815.

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

60.12 Sec. 5. Minnesota Statutes 2013 Supplement, section 15A.082, subdivision 3, is  
60.13 amended to read:

60.14 Subd. 3. **Submission of recommendations.** (a) By ~~March~~ April 15 in each  
60.15 odd-numbered year, the Compensation Council shall submit to the speaker of the house  
60.16 and the president of the senate salary recommendations for constitutional officers,  
60.17 ~~legislators,~~ justices of the Supreme Court, and judges of the Court of Appeals and district  
60.18 court. The recommended salary for each other office must take effect on the first Monday  
60.19 in January of the next odd-numbered year, with no more than one adjustment, to take  
60.20 effect on January 1 of the year after that. The salary recommendations for ~~legislators,~~  
60.21 ~~judges,~~ and constitutional officers take effect if an appropriation of money to pay the  
60.22 recommended salaries is enacted after the recommendations are submitted and before  
60.23 their effective date. Recommendations may be expressly modified or rejected. ~~The salary~~  
60.24 ~~recommendations for legislators are subject to additional terms that may be adopted~~  
60.25 ~~according to section 3.099, subdivisions 1 and 3.~~

60.26 (b) The council shall also submit to the speaker of the house and the president of  
60.27 the senate recommendations for the salary ranges of the heads of state and metropolitan  
60.28 agencies, to be effective retroactively from January 1 of that year if enacted into law. The  
60.29 recommendations shall include the appropriate group in section 15A.0815 to which each  
60.30 agency head should be assigned and the appropriate limitation on the maximum range of  
60.31 the salaries of the agency heads in each group, expressed as a percentage of the salary of  
60.32 the governor.

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

61.1 Sec. 6. Minnesota Statutes 2012, section 15A.082, subdivision 4, is amended to read:

61.2 Subd. 4. **Criteria.** In making compensation recommendations, the council shall  
61.3 consider the amount of compensation paid in government service and the private sector  
61.4 to persons with similar qualifications, the amount of compensation needed to attract  
61.5 and retain experienced and competent persons, and the ability of the state to pay the  
61.6 recommended compensation. ~~In making recommendations for legislative compensation,~~  
61.7 ~~the council shall also consider the average length of a legislative session, the amount of~~  
61.8 ~~work required of legislators during interim periods, and opportunities to earn income from~~  
61.9 ~~other sources without neglecting legislative duties.~~

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

61.11 Sec. 7. Minnesota Statutes 2012, section 16C.16, subdivision 6a, is amended to read:

61.12 Subd. 6a. **Veteran-owned small businesses.** (a) Except when mandated by the  
61.13 federal government as a condition of receiving federal funds, the commissioner shall  
61.14 award up to a six percent preference, but no less than the percentage awarded to any  
61.15 other group under this section, in the amount bid on state procurement to certified small  
61.16 businesses that are majority-owned and operated by: veterans.

61.17 ~~(1) recently separated veterans who have served in active military service, at any~~  
61.18 ~~time on or after September 11, 2001, and who have been discharged under honorable~~  
61.19 ~~conditions from active service, as indicated by the person's United States Department of~~  
61.20 ~~Defense form DD-214 or by the commissioner of veterans affairs;~~

61.21 ~~(2) veterans with service-connected disabilities, as determined at any time by the~~  
61.22 ~~United States Department of Veterans Affairs; or~~

61.23 ~~(3) any other veteran-owned small businesses certified under section 16C.19,~~  
61.24 ~~paragraph (d).~~

61.25 (b) The purpose of this designation is to facilitate the transition of veterans from  
61.26 military to civilian life, and to help compensate veterans for their sacrifices, including but  
61.27 not limited to their sacrifice of health and time, to the state and nation during their military  
61.28 service, as well as to enhance economic development within Minnesota.

61.29 Sec. 8. Minnesota Statutes 2012, section 16C.19, is amended to read:

61.30 **16C.19 ELIGIBILITY; RULES.**

61.31 (a) A small business wishing to participate in the programs under section 16C.16,  
61.32 subdivisions 4 to 7, must be certified by the commissioner. The commissioner shall adopt  
61.33 by rule standards and procedures for certifying that ~~small businesses,~~ small targeted

62.1 group businesses, ~~and~~ small businesses located in economically disadvantaged areas,  
62.2 and veteran-owned small businesses are eligible to participate under the requirements  
62.3 of sections 16C.16 to 16C.21. The commissioner shall adopt by rule standards and  
62.4 procedures for hearing appeals and grievances and other rules necessary to carry out the  
62.5 duties set forth in sections 16C.16 to 16C.21.

62.6 (b) The commissioner may make rules which exclude or limit the participation of  
62.7 nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers,  
62.8 manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21.

62.9 (c) The commissioner may make rules that set time limits and other eligibility limits  
62.10 on business participation in programs under sections 16C.16 to 16C.21.

62.11 (d) Notwithstanding paragraph (c), for purposes of sections 16C.16 to 16C.21, a  
62.12 veteran-owned small business, the principal place of business of which is in Minnesota, is  
62.13 certified if it has been verified by the United States Department of Veterans Affairs as being  
62.14 either a veteran-owned small business or a service-disabled veteran-owned small business,  
62.15 in accordance with Public Law 109-461 and Code of Federal Regulations, title 38, part 74.

62.16 (e) Until rules are adopted pursuant to paragraph (a) for the purpose of certifying  
62.17 veteran-owned small businesses, the provisions of Minnesota Rules, part 1230.1700, may  
62.18 be read to include veteran-owned small businesses. In addition to the documentation  
62.19 required in Minnesota Rules, part 1230.1700, the veteran owner must have been  
62.20 discharged under honorable conditions from active service, as indicated by the veteran  
62.21 owner's most current United States Department of Defense form DD-214.

62.22 Sec. 9. Minnesota Statutes 2012, section 122A.18, is amended by adding a subdivision  
62.23 to read:

62.24 Subd. 7c. **Temporary military license.** The Board of Teaching shall establish  
62.25 a temporary license in accordance with section 197.4552 for teaching. The fee for a  
62.26 temporary license under this subdivision shall be \$87.90 for an online application or  
62.27 \$86.40 for a paper application.

62.28 Sec. 10. [148.595] **TEMPORARY MILITARY PERMIT; FEE.**

62.29 The Board of Optometry shall establish a temporary permit in accordance with  
62.30 section 197.4552. The fee for the temporary military permit is \$250.

62.31 Sec. 11. Minnesota Statutes 2012, section 148.624, is amended by adding a subdivision  
62.32 to read:

63.1            Subd. 5. **Temporary military permit.** The board shall issue a temporary permit to  
63.2 members of the military in accordance with section 197.4552. The fee for the temporary  
63.3 permit is \$250.

63.4            Sec. 12. Minnesota Statutes 2013 Supplement, section 148B.17, subdivision 2, is  
63.5 amended to read:

63.6            Subd. 2. **Licensure and application fees.** Nonrefundable licensure and application  
63.7 fees established by the board shall not exceed the following amounts:

63.8            (1) application fee for national examination is \$110;

63.9            (2) application fee for Licensed Marriage and Family Therapist (LMFT) state  
63.10 examination is \$110;

63.11            (3) initial LMFT license fee is prorated, but cannot exceed \$125;

63.12            (4) annual renewal fee for LMFT license is \$125;

63.13            (5) late fee for LMFT license renewal is \$50;

63.14            (6) application fee for LMFT licensure by reciprocity is \$220;

63.15            (7) fee for initial Licensed Associate Marriage and Family Therapist (LAMFT)  
63.16 license is \$75;

63.17            (8) annual renewal fee for LAMFT license is \$75;

63.18            (9) late fee for LAMFT renewal is \$25;

63.19            (10) fee for reinstatement of license is \$150; ~~and~~

63.20            (11) fee for emeritus status is \$125; and

63.21            (12) fee for temporary license for members of the military is \$100.

63.22            Sec. 13. Minnesota Statutes 2012, section 148B.53, subdivision 3, is amended to read:

63.23            Subd. 3. **Fee.** Nonrefundable fees are as follows:

63.24            (1) initial license application fee for licensed professional counseling (LPC) - \$150;

63.25            (2) initial license fee for LPC - \$250;

63.26            (3) annual active license renewal fee for LPC - \$250 or equivalent;

63.27            (4) annual inactive license renewal fee for LPC - \$125;

63.28            (5) initial license application fee for licensed professional clinical counseling  
63.29 (LPCC) - \$150;

63.30            (6) initial license fee for LPCC - \$250;

63.31            (7) annual active license renewal fee for LPCC - \$250 or equivalent;

63.32            (8) annual inactive license renewal fee for LPCC - \$125;

63.33            (9) license renewal late fee - \$100 per month or portion thereof;

63.34            (10) copy of board order or stipulation - \$10;

- 64.1 (11) certificate of good standing or license verification - \$25;
- 64.2 (12) duplicate certificate fee - \$25;
- 64.3 (13) professional firm renewal fee - \$25;
- 64.4 (14) sponsor application for approval of a continuing education course - \$60;
- 64.5 (15) initial registration fee - \$50;
- 64.6 (16) annual registration renewal fee - \$25; ~~and~~
- 64.7 (17) approved supervisor application processing fee - \$30; and
- 64.8 (18) temporary license for members of the military - \$250.

64.9 Sec. 14. Minnesota Statutes 2012, section 150A.091, is amended by adding a  
64.10 subdivision to read:

64.11 Subd. 9c. **Temporary permit.** Applications for a temporary military permit in  
64.12 accordance with section 197.4552 shall submit a fee not to exceed the amount of \$250.

64.13 Sec. 15. Minnesota Statutes 2012, section 153.16, is amended by adding a subdivision  
64.14 to read:

64.15 Subd. 4. **Temporary military permit.** The board shall establish a temporary permit  
64.16 in accordance with section 197.4552. The fee for the temporary military permit is \$250.

64.17 Sec. 16. Minnesota Statutes 2012, section 154.11, as amended by Laws 2013, chapter  
64.18 85, article 5, section 12, is amended to read:

64.19 **154.11 EXAMINATION OF NONRESIDENT BARBERS AND**  
64.20 **INSTRUCTORS OF BARBERING; TEMPORARY APPRENTICE PERMITS;**  
64.21 **TEMPORARY MILITARY LICENSE AND APPRENTICE PERMITS.**

64.22 Subdivision 1. **Examination of nonresidents.** A person who meets all of the  
64.23 requirements for barber registration in sections 154.001, 154.002, 154.003, 154.01 to  
64.24 154.161, 154.19 to 154.21, and 154.24 to 154.26 and either has a license, certificate of  
64.25 registration, or an equivalent as a practicing barber or instructor of barbering from another  
64.26 state or country which in the discretion of the board has substantially the same requirements  
64.27 for registering barbers and instructors of barbering as required by sections 154.001,  
64.28 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 or can prove  
64.29 by sworn affidavits practice as a barber or instructor of barbering in another state or country  
64.30 for at least five years immediately prior to making application in this state, shall, upon  
64.31 payment of the required fee, be issued a certificate of registration without examination.

64.32 Subd. 2. **Temporary apprentice permits for nonresidents.** Any person who  
64.33 qualifies for examination as a registered barber under this section may apply for a



65.1 temporary apprentice permit which is effective no longer than six months. All persons  
 65.2 holding a temporary apprentice permit are subject to all provisions of sections 154.001,  
 65.3 154.002, 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26 and the  
 65.4 rules adopted by the board under those sections concerning the conduct and obligations  
 65.5 of registered apprentices.

65.6 Subd. 3. **Temporary military license.** The board shall establish a temporary license  
 65.7 for barbers and master barbers and a temporary permit for apprentices in accordance with  
 65.8 section 197.4552. The fee for a temporary license under this subdivision for a master  
 65.9 barber is \$85. The fee for a temporary license under this subdivision for a barber is \$180.  
 65.10 The fee for a temporary permit under this subdivision for an apprentice is \$80.

65.11 Sec. 17. Minnesota Statutes 2012, section 155A.27, is amended by adding a  
 65.12 subdivision to read:

65.13 Subd. 5a. **Temporary military license.** The board shall establish temporary  
 65.14 licenses for a cosmetologist, nail technician, and esthetician, in accordance with section  
 65.15 197.4552. The fee for a temporary license under this subdivision for a cosmetologist, nail  
 65.16 technician, or esthetician is \$100.

65.17 Sec. 18. [197.4552] **EXPEDITED AND TEMPORARY LICENSING FOR**  
 65.18 **FORMER AND CURRENT MEMBERS OF THE MILITARY.**

65.19 Subdivision 1. **Expedited licensing processing.** Notwithstanding any other law to  
 65.20 the contrary, each professional licensing board defined in section 214.01, subdivisions 2  
 65.21 and 3, shall establish a procedure to expedite the issuance of a license or certification to  
 65.22 perform professional services regulated by each board to a qualified individual who is:

- 65.23 (1) an active duty military member;  
 65.24 (2) the spouse of an active duty military member; or  
 65.25 (3) a veteran who has left service in the two years preceding the date of license or  
 65.26 certification application, and has confirmation of an honorable or general discharge status.

65.27 Subd. 2. **Temporary licenses.** (a) Notwithstanding any other law to the contrary,  
 65.28 each professional licensing board defined in section 214.01, subdivisions 2 and 3, shall  
 65.29 establish a procedure to issue a temporary license or certification to perform professional  
 65.30 services regulated by each board to a qualified individual who is:

- 65.31 (1) an active duty military member;  
 65.32 (2) the spouse of an active duty military member; or  
 65.33 (3) a veteran who has left service in the two years preceding the date of license or  
 65.34 certification application, and has confirmation of an honorable or general discharge status.

66.1 (b) A qualified individual under paragraph (a) must provide evidence of:

66.2 (1) a current, valid license, certificate, or permit in another state without history of  
 66.3 disciplinary action by a regulatory authority in the other state; and

66.4 (2) a current criminal background study without a criminal conviction that is  
 66.5 determined by the board to adversely affect the applicants' ability to become licensed.

66.6 (c) A temporary license or certificate issued under this subdivision shall allow a  
 66.7 qualified individual to perform regulated professional services for a limited length of time  
 66.8 as determined by the licensing board. During the temporary license period, the individual  
 66.9 shall complete the full application procedure as required by applicable law.

66.10 Subd. 3. **Rulemaking.** Each licensing board may adopt rules to carry out the  
 66.11 provisions of this section.

66.12 Sec. 19. Minnesota Statutes 2012, section 326.04, as amended by Laws 2014, chapter  
 66.13 236, section 3, is amended to read:

66.14 **326.04 BOARD ESTABLISHED.**

66.15 Subdivision 1. **Board composition.** To carry out the provisions of sections 326.02  
 66.16 to 326.15 there is hereby created a Board of Architecture, Engineering, Land Surveying,  
 66.17 Landscape Architecture, Geoscience, and Interior Design consisting of 21 members, who  
 66.18 shall be appointed by the governor. Three members shall be licensed architects, five  
 66.19 members shall be licensed engineers, two members shall be licensed landscape architects,  
 66.20 two members shall be licensed land surveyors, two members shall be certified interior  
 66.21 designers, two members shall be licensed geoscientists, and five members shall be public  
 66.22 members. Not more than one member of the board shall be from the same branch of the  
 66.23 profession of engineering. Membership terms, compensation of members, removal of  
 66.24 members, the filling of membership vacancies, and fiscal year and reporting requirements  
 66.25 shall be as provided in sections 214.07 to 214.09. Members shall be limited to two terms.  
 66.26 The provision of staff, administrative services and office space; the review and processing  
 66.27 of complaints; the setting of board fees; and other provisions relating to board operations  
 66.28 shall be as provided in chapter 214.

66.29 Subd. 2. **Temporary military certificate.** The board shall establish a temporary  
 66.30 military certificate in accordance with section 197.4552.

66.31 Sec. 20. Minnesota Statutes 2012, section 326.10, is amended by adding a subdivision  
 66.32 to read:

66.33 Subd. 10. **Temporary military license.** The board shall establish a temporary  
 66.34 license in accordance with section 197.4552 for the practice of architecture, professional

67.1 engineering, geosciences, land surveying, landscape architecture, and interior design.  
67.2 The fee for the temporary license under this subdivision for the practice of architecture,  
67.3 professional engineering, geosciences, land surveying, landscape architecture, or interior  
67.4 design is \$132.

67.5 Sec. 21. Minnesota Statutes 2012, section 326.3382, is amended by adding a  
67.6 subdivision to read:

67.7 Subd. 6. **Temporary military license.** The board shall establish a temporary  
67.8 license to engage in the business of private detective or protective agent in accordance  
67.9 with section 197.4552. The fee for the temporary license under this subdivision for a  
67.10 private detective is \$1,000. The fee for a temporary license under this subdivision for a  
67.11 protective agent is \$800.

67.12 Sec. 22. Minnesota Statutes 2012, section 326A.04, is amended by adding a  
67.13 subdivision to read:

67.14 Subd. 1a. **Temporary military certificate.** The board shall establish a temporary  
67.15 military certificate in accordance with section 197.4552.

67.16 Sec. 23. Minnesota Statutes 2013 Supplement, section 326A.04, subdivision 5, is  
67.17 amended to read:

67.18 Subd. 5. **Fee.** (a) The board shall charge a fee for each application for initial  
67.19 issuance or renewal of a certificate or temporary military certificate under this section as  
67.20 provided in paragraph (b). The fee for the temporary military certificate is \$100.

67.21 (b) The board shall charge the following fees:

67.22 (1) initial issuance of certificate, \$150;

67.23 (2) renewal of certificate with an active status, \$100 per year;

67.24 (3) initial CPA firm permits, except for sole practitioners, \$100;

67.25 (4) renewal of CPA firm permits, except for sole practitioners and those firms  
67.26 specified in clause (17), \$35 per year;

67.27 (5) initial issuance and renewal of CPA firm permits for sole practitioners, except for  
67.28 those firms specified in clause (17), \$35 per year;

67.29 (6) annual late processing delinquency fee for permit, certificate, or registration  
67.30 renewal applications not received prior to expiration date, \$50;

67.31 (7) copies of records, per page, 25 cents;

67.32 (8) registration of noncertificate holders, nonlicensees, and nonregistrants in  
67.33 connection with renewal of firm permits, \$45 per year;

- 68.1 (9) applications for reinstatement, \$20;
- 68.2 (10) initial registration of a registered accounting practitioner, \$50;
- 68.3 (11) initial registered accounting practitioner firm permits, \$100;
- 68.4 (12) renewal of registered accounting practitioner firm permits, except for sole  
68.5 practitioners, \$100 per year;
- 68.6 (13) renewal of registered accounting practitioner firm permits for sole practitioners,  
68.7 \$35 per year;
- 68.8 (14) CPA examination application, \$40;
- 68.9 (15) CPA examination, fee determined by third-party examination administrator;
- 68.10 (16) renewal of certificates with an inactive status, \$25 per year; and
- 68.11 (17) renewal of CPA firm permits for firms that have one or more offices located in  
68.12 another state, \$68 per year.

68.13 Sec. 24. Minnesota Statutes 2012, section 363A.44, subdivision 1, as added by Laws  
68.14 2014, chapter 239, article 2, section 6, is amended to read:

68.15 Subdivision 1. **Scope.** (a) No department, agency of the state, the Metropolitan  
68.16 Council, or an agency subject to section 473.143, subdivision 1, shall execute a contract  
68.17 for goods or services or an agreement for goods or services in excess of \$500,000 with a  
68.18 business that has 40 or more full-time employees in this state or a state where the business  
68.19 has its primary place of business on a single day during the prior 12 months, unless the  
68.20 business has an equal pay certificate or it has certified in writing that it is exempt. A  
68.21 certificate is valid for four years.

68.22 (b) This section does not apply to a business with respect to a specific contract if  
68.23 the commissioner of administration determines that application of this section would  
68.24 cause undue hardship to the contracting entity. This section does not apply to a contract  
68.25 to provide goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E,  
68.26 256B, 256I, 256L, and 268A, with a business that has a license, certification, registration,  
68.27 provider agreement, or provider enrollment contract that is prerequisite to providing those  
68.28 goods and services. This section does not apply to contracts entered into by the State  
68.29 Board of Investment for investment options under section 352.965, subdivision 4.

68.30 **EFFECTIVE DATE.** This section is effective August 1, 2014.

68.31 Sec. 25. **LEGISLATIVE WATER COMMISSION INITIAL APPOINTMENTS**  
68.32 **AND FIRST MEETING.**

68.33 Initial appointments to the Legislative Water Commission established in section  
68.34 3 must be made by September 1, 2014. The first meeting of the Legislative Water

69.1 Commission shall be convened by the chair or a designee of the Legislative Coordinating  
 69.2 Commission by October 15, 2014. The Legislative Water Commission shall select a chair  
 69.3 from its membership at its first meeting.

69.4 Sec. 26. **STUDY OF SPECIAL REVENUE ACCOUNT FOR CENTRAL**  
 69.5 **ACCOMMODATION.**

69.6 The commissioner of management and budget, in consultation with the Commission  
 69.7 of Deaf, DeafBlind and Hard-of-Hearing Minnesotans, must report to the chairs and  
 69.8 ranking minority members of the senate Finance Committee, the house of representatives  
 69.9 Ways and Means Committee, the house of representatives State Government Finance  
 69.10 Committee, the senate State Departments and Veterans Budget Division, and the governor  
 69.11 by January 5, 2015, on advantages and disadvantages of creating an account for the  
 69.12 special revenue fund in the state treasury to pay for costs of providing accommodations to  
 69.13 executive branch state employees with disabilities. The report must include:

69.14 (1) a summary of money spent by executive branch state agencies in fiscal years  
 69.15 2012 and 2013 for providing accommodations to executive branch state employees, to  
 69.16 the extent that such expenditures can be determined; and

69.17 (2) recommendations for laws and policies needed to implement an account in the  
 69.18 special revenue fund, if one is recommended under this section; or other recommendations  
 69.19 related to best practices in provision of accommodations for employees with disabilities  
 69.20 in the executive branch.

69.21 **ARTICLE 5**

69.22 **PUBLIC SAFETY AND CORRECTIONS APPROPRIATIONS**

69.23 Section 1. **SUMMARY OF APPROPRIATIONS.**

69.24 The amounts shown in this section summarize direct appropriations, by fund, made  
 69.25 in this article.

		<b><u>2014</u></b>		<b><u>2015</u></b>		<b><u>Total</u></b>
69.26						
69.27	<u>General</u>	\$	-0-	\$	35,057,000	\$ 35,057,000
69.28	<u>State Government Special</u>					
69.29	<u>Revenue</u>		12,361,000		6,865,000	19,226,000
69.30	<b><u>Total</u></b>	<b>\$</b>	<b>12,361,000</b>	<b>\$</b>	<b>41,922,000</b>	<b>\$ 54,283,000</b>

69.31 Sec. 2. **APPROPRIATIONS.**

69.32 The sums shown in the columns marked "Appropriations" are added to the  
 69.33 appropriations in Laws 2013, chapter 86, article 1, to the agencies and for the purposes  
 69.34 specified in this article. The appropriations are from the general fund, or another named

70.1 fund, and are available for the fiscal years indicated for each purpose. The figures "2014"  
 70.2 and "2015" used in this article mean that the addition to the appropriation listed under  
 70.3 them is available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively.  
 70.4 Supplemental appropriations for the fiscal year ending June 30, 2014, are effective the  
 70.5 day following final enactment.

**APPROPRIATIONS**  
**Available for the Year**  
**Ending June 30**  
**2014**                      **2015**

70.10 **Sec. 3. PUBLIC SAFETY**

70.11 **Subdivision 1. Total Appropriation**                      \$            **12,361,000** \$            **8,638,000**

Appropriations by Fund

70.12					
70.13	<u>General</u>	<u>-0-</u>		<u>1,773,000</u>	
70.14	<u>State Government</u>				
70.15	<u>Special Revenue</u>	<u>12,361,000</u>		<u>6,865,000</u>	

70.16 The amounts that may be spent for each  
 70.17 purpose are specified in the following  
 70.18 subdivisions.

70.19 **Subd. 2. Emergency Communication Networks**                      5,059,000                      6,865,000

70.20 This onetime appropriation is from the state  
 70.21 government special revenue fund for 911  
 70.22 emergency telecommunications services.

70.23 **Subd. 3. Office of Justice Programs**    -0-                      1,300,000

70.24 (a) \$500,000 in fiscal year 2015 is for youth  
 70.25 intervention programs under Minnesota  
 70.26 Statutes, section 299A.73. The appropriation  
 70.27 must be used to create new programs  
 70.28 statewide in underserved areas and to help  
 70.29 existing programs serve unmet needs in  
 70.30 program communities. Of this amount,  
 70.31 \$100,000 in fiscal year 2015 is for a youth  
 70.32 intervention program targeted toward  
 70.33 East African youth. This is a onetime  
 70.34 appropriation and is available until expended.

71.1 (b) \$500,000 in fiscal year 2015 is for a grant  
 71.2 to provide emergency shelter programming  
 71.3 for victims of domestic abuse and trafficking.  
 71.4 The program shall provide shelter to  
 71.5 East African women and children. The  
 71.6 appropriation must be used for the operating  
 71.7 expenses of a shelter. This is a onetime  
 71.8 appropriation, and is available until June 30,  
 71.9 2017.

71.10 (c) \$300,000 in fiscal year 2015 is for  
 71.11 grants to sexual assault advocacy programs  
 71.12 for sexual violence community prevention  
 71.13 networks. For purposes of this section,  
 71.14 "sexual assault" means a violation of  
 71.15 Minnesota Statutes, sections 609.342 to  
 71.16 609.3453. \$300,000 in each of fiscal years  
 71.17 2016 and 2017 is added to the base.

71.18	<u>Subd. 4. <b>Fire Safety Account</b></u>	<u>1,300,000</u>	<u>-0-</u>
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71.19 \$1,300,000 in fiscal year 2014 is from the fire  
 71.20 safety account in the special revenue fund  
 71.21 for activities and programs under Minnesota  
 71.22 Statutes, section 299F.012. This is a onetime  
 71.23 appropriation. By January 15, 2015, the  
 71.24 commissioner shall report to the chairs and  
 71.25 ranking minority members of the legislative  
 71.26 committees with jurisdiction over the fire  
 71.27 safety account regarding the balances and  
 71.28 uses of the account.

71.29 Subd. 5. **Criminal Apprehension**

71.30 \$473,000 in fiscal year 2015 is to implement  
 71.31 the expungement law changes in Laws 2014,  
 71.32 chapter 246. The base for this activity shall  
 71.33 be \$583,000 in each of fiscal years 2016 and  
 71.34 2017.

72.1	<b>Sec. 4. <u>CORRECTIONS</u></b>		
72.2	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>-0-</u> <b><u>\$</u></b> <b><u>30,139,000</u></b></b>
72.3	<u>The amounts that may be spent for each</u>		
72.4	<u>purpose are specified in the following</u>		
72.5	<u>subdivisions.</u>		
72.6	<b><u>Subd. 2. Correctional Institutions</u></b>		<b><u>-0-</u></b> <b><u>27,289,000</u></b>
72.7	<u>This includes a onetime appropriation of</u>		
72.8	<u>\$11,089,000.</u>		
72.9	<b><u>Subd. 3. Community Services</u></b>		<b><u>-0-</u></b> <b><u>1,950,000</u></b>
72.10	<u>\$50,000 in fiscal year 2015 is a onetime</u>		
72.11	<u>appropriation to implement the victim</u>		
72.12	<u>notification provisions in article 6, sections</u>		
72.13	<u>1, 2, and 5.</u>		
72.14	<b><u>Subd. 4. Operations Support</u></b>		<b><u>-0-</u></b> <b><u>900,000</u></b>
72.15	<b><u>Sec. 5. PEACE OFFICER STANDARDS AND</u></b>		
72.16	<b><u>TRAINING (POST) BOARD</u></b>		<b><u>-0-</u></b> <b><u>50,000</u></b>
72.17	<u>\$50,000 in fiscal year 2015 is for training</u>		
72.18	<u>state and local community safety personnel</u>		
72.19	<u>in the use of crisis de-escalation techniques</u>		
72.20	<u>for use with Minnesota veterans following</u>		
72.21	<u>their return from active military service in</u>		
72.22	<u>a combat zone. The director may consult</u>		
72.23	<u>with any other state or local governmental</u>		
72.24	<u>official or nongovernmental authority that the</u>		
72.25	<u>director determines to be relevant, to include</u>		
72.26	<u>postsecondary institutions, when selecting</u>		
72.27	<u>a service provider for this training. The</u>		
72.28	<u>training provider must have a demonstrated</u>		
72.29	<u>understanding of the transitions and</u>		
72.30	<u>challenges that veterans may experience</u>		
72.31	<u>during their re-entry into society following</u>		
72.32	<u>combat service. The training opportunities</u>		



73.1 provided must be reasonably distributed  
 73.2 statewide. This is a onetime appropriation.

73.3 Sec. 6. **HUMAN RIGHTS** **\$** **0** **\$** **50,000**

73.4 For outreach to the community regarding  
 73.5 the role and duties of the Council on Black  
 73.6 Minnesotans, the Council on Asian Pacific  
 73.7 Minnesotans, the Chicano Latino Affairs  
 73.8 Council, and the Minnesota Indian Affairs  
 73.9 Council. This is a onetime appropriation.

73.10 Sec. 7. **HUMAN SERVICES** **\$** **0** **\$** **45,000**

73.11 \$45,000 in fiscal year 2015 is to implement  
 73.12 the expungement law changes in Laws 2014,  
 73.13 chapter 246. The base for this activity shall  
 73.14 be \$90,000 in each of fiscal years 2016 and  
 73.15 2017.

73.16 Sec. 8. Laws 2009, chapter 83, article 1, section 10, subdivision 7, is amended to read:

73.17 Subd. 7. **Emergency Communication Networks** 66,470,000 70,233,000

73.18 This appropriation is from the state  
 73.19 government special revenue fund for 911  
 73.20 emergency telecommunications services.

73.21 **(a) Public Safety Answering Points.**  
 73.22 \$13,664,000 each year is to be distributed  
 73.23 as provided in Minnesota Statutes, section  
 73.24 403.113, subdivision 2.

73.25 **(b) Medical Resource Communication**  
 73.26 **Centers.** \$683,000 each year is for grants  
 73.27 to the Minnesota Emergency Medical  
 73.28 Services Regulatory Board for the Metro  
 73.29 East and Metro West Medical Resource  
 73.30 Communication Centers that were in  
 73.31 operation before January 1, 2000.

74.1 (c) **ARMER Debt Service.** \$17,557,000 the  
74.2 first year and \$23,261,000 the second year  
74.3 are to the commissioner of finance to pay  
74.4 debt service on revenue bonds issued under  
74.5 Minnesota Statutes, section 403.275.

74.6 Any portion of this appropriation not needed  
74.7 to pay debt service in a fiscal year may be  
74.8 used by the commissioner of public safety to  
74.9 pay cash for any of the capital improvements  
74.10 for which bond proceeds were appropriated  
74.11 by Laws 2005, chapter 136, article 1, section  
74.12 9, subdivision 8, or Laws 2007, chapter 54,  
74.13 article 1, section 10, subdivision 8.

74.14 (d) **Metropolitan Council Debt Service.**  
74.15 \$1,410,000 each year is to the commissioner  
74.16 of finance for payment to the Metropolitan  
74.17 Council for debt service on bonds issued  
74.18 under Minnesota Statutes, section 403.27.

74.19 (e) **ARMER State Backbone Operating**  
74.20 **Costs.** \$5,060,000 each year is to the  
74.21 commissioner of transportation for costs  
74.22 of maintaining and operating the statewide  
74.23 radio system backbone.

74.24 (f) **ARMER Improvements.** \$1,000,000  
74.25 each year is for the Statewide Radio Board for  
74.26 costs of design, construction, maintenance  
74.27 of, and improvements to those elements  
74.28 of the statewide public safety radio and  
74.29 communication system that support mutual  
74.30 aid communications and emergency medical  
74.31 services or provide enhancement of public  
74.32 safety communication interoperability.

74.33 (g) **Next Generation 911.** \$3,431,000 the  
74.34 first year and \$6,490,000 the second year  
74.35 are to replace the current system with the

75.1 Next Generation Internet Protocol (IP) based  
 75.2 network. This appropriation is available until  
 75.3 expended. The base level of funding for  
 75.4 fiscal year 2012 shall be \$2,965,000.

75.5 **(h) Grants to Local Government.**  
 75.6 \$5,000,000 the first year is for grants to  
 75.7 local units of government to assist with  
 75.8 the transition to the ARMER system. This  
 75.9 appropriation is available until June 30, 2012.

75.10 **EFFECTIVE DATE.** This section is effective retroactively from June 29, 2011.

75.11 Sec. 9. Laws 2013, chapter 86, article 1, section 12, subdivision 1, is amended to read:

75.12				<b>161,191,000</b>
75.13	Subdivision 1. <b>Total Appropriation</b>	<b>\$</b>	<b>157,851,000</b>	<b>\$</b>
				<b><u>161,911,000</u></b>

75.14	Appropriations by Fund		
75.15		2014	2015
75.16	General	82,213,000	82,772,000
75.17	Special Revenue	14,062,000	13,062,000
75.18	State Government		
75.19	Special Revenue	59,241,000	63,742,000
75.20	Environmental	69,000	69,000
75.21	Trunk Highway	2,266,000	2,266,000

75.22 The amounts that may be spent for each  
 75.23 purpose are specified in the following  
 75.24 subdivisions.

75.25 Sec. 10. Laws 2013, chapter 86, article 1, section 12, subdivision 3, as amended by  
 75.26 Laws 2013, chapter 140, section 2, is amended to read:

75.27	Subd. 3. <b>Criminal Apprehension</b>	47,588,000	47,197,000
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75.28	Appropriations by Fund		
75.29	General	42,315,000	42,924,000
75.30	Special Revenue	3,000,000	2,000,000
75.31	State Government		
75.32	Special Revenue	7,000	7,000
75.33	Trunk Highway	2,266,000	2,266,000

75.34 **(a) DWI Lab Analysis; Trunk Highway Fund**

76.1 Notwithstanding Minnesota Statutes, section  
76.2 161.20, subdivision 3, \$1,941,000 each year  
76.3 is from the trunk highway fund for laboratory  
76.4 analysis related to driving-while-impaired  
76.5 cases.

76.6 **(b) Criminal History System**

76.7 \$50,000 the first year and \$580,000 the  
76.8 second year from the general fund and,  
76.9 notwithstanding Minnesota Statutes, section  
76.10 299A.705, subdivision 4, \$3,000,000 the  
76.11 first year and \$2,000,000 the second year  
76.12 from the vehicle services account in the  
76.13 special revenue fund are to replace the state  
76.14 criminal history system. This appropriation  
76.15 is available until expended. Of this amount,  
76.16 \$2,980,000 the first year and \$2,580,000  
76.17 the second year are for a onetime transfer  
76.18 to the Office of Enterprise Technology for  
76.19 start-up costs. Service level agreements  
76.20 must document all project-related transfers  
76.21 under this paragraph. Ongoing operating  
76.22 and support costs for this system shall  
76.23 be identified and incorporated into future  
76.24 service level agreements.

76.25 The commissioner is authorized to use funds  
76.26 appropriated under this paragraph for the  
76.27 purposes specified in paragraph (c).

76.28 The general fund base for this program is  
76.29 \$4,930,000 in fiscal year 2016 and \$417,000  
76.30 in fiscal year 2017.

76.31 **(c) Criminal Reporting System**

76.32 \$1,360,000 the first year and \$1,360,000 the  
76.33 second year from the general fund are to  
76.34 replace the state's crime reporting system  
76.35 and include one full-time equivalent business

77.1 analyst. This appropriation is available until  
77.2 expended. Of these amounts, \$1,360,000  
77.3 the first year and ~~\$1,360,000~~ \$1,290,000  
77.4 the second year are for a onetime transfer  
77.5 to the Office of Enterprise Technology for  
77.6 start-up costs. Service level agreements  
77.7 must document all project-related transfers  
77.8 under this paragraph. Ongoing operating  
77.9 and support costs for this system shall  
77.10 be identified and incorporated into future  
77.11 service level agreements.

77.12 The commissioner is authorized to use funds  
77.13 appropriated under this paragraph for the  
77.14 purposes specified in paragraph (b).

77.15 The base funding for this program is  
77.16 \$1,360,000 in fiscal year 2016 and \$380,000  
77.17 in fiscal year 2017.

77.18 **(d) Forensic Laboratory**

77.19 \$125,000 the first year and \$125,000 the  
77.20 second year from the general fund and,  
77.21 notwithstanding Minnesota Statutes, section  
77.22 161.20, subdivision 3, \$125,000 the first  
77.23 year and \$125,000 the second year from the  
77.24 trunk highway fund are to replace forensic  
77.25 laboratory equipment at the Bureau of  
77.26 Criminal Apprehension.

77.27 \$200,000 the first year and \$200,000 the  
77.28 second year from the general fund and,  
77.29 notwithstanding Minnesota Statutes, section  
77.30 161.20, subdivision 3, \$200,000 the first  
77.31 year and \$200,000 the second year from the  
77.32 trunk highway fund are to improve forensic  
77.33 laboratory staffing at the Bureau of Criminal  
77.34 Apprehension.

77.35 **(e) Livescan Fingerprinting**

78.1 \$310,000 the first year and \$389,000 the  
 78.2 second year from the general fund are to  
 78.3 maintain Livescan fingerprinting machines.

78.4 **(f) Report**

78.5 If the vehicle services special revenue account  
 78.6 accrues an unallocated balance in excess  
 78.7 of 50 percent of the previous fiscal year's  
 78.8 expenditures, the commissioner of public  
 78.9 safety shall submit a report to the chairs  
 78.10 and ranking minority members of the house  
 78.11 of representatives and senate committees  
 78.12 with jurisdiction over transportation and  
 78.13 public safety policy and finance. The report  
 78.14 must contain specific policy and legislative  
 78.15 recommendations for reducing the fund  
 78.16 balance and avoiding future excessive fund  
 78.17 balances. The report is due within three  
 78.18 months of the fund balance exceeding the  
 78.19 threshold established in this paragraph.

78.20 Sec. 11. Laws 2013, chapter 86, article 1, section 13, is amended to read:

78.21	<b>Sec. 13. PEACE OFFICER STANDARDS</b>			
78.22	<b>AND TRAINING (POST) BOARD</b>	<b>\$</b>	<b>3,870,000</b>	<b>\$ 3,870,000</b>

78.23 **(a) Excess Amounts Transferred**

78.24 This appropriation is from the peace officer  
 78.25 training account in the special revenue fund.  
 78.26 Any new receipts credited to that account in  
 78.27 the first year in excess of \$3,870,000 must be  
 78.28 transferred and credited to the general fund.  
 78.29 Any new receipts credited to that account in  
 78.30 the second year in excess of \$3,870,000 must  
 78.31 be transferred and credited to the general  
 78.32 fund.

78.33 **(b) Peace Officer Training**  
 78.34 **Reimbursements**

79.1 \$2,734,000 each year is for reimbursements  
 79.2 to local governments for peace officer  
 79.3 training costs.

79.4 **(c) Training; Sexually Exploited and**  
 79.5 **Trafficked Youth**

79.6 Of the appropriation in paragraph (b),  
 79.7 \$100,000 the first year is for reimbursements  
 79.8 to local governments for peace officer  
 79.9 training costs on sexually exploited and  
 79.10 trafficked youth, including effectively  
 79.11 identifying sex trafficked victims and  
 79.12 traffickers, investigation techniques, and  
 79.13 assisting sexually exploited youth. These  
 79.14 funds are available until June 30, 2016.

79.15 Reimbursement shall be provided on a flat  
 79.16 fee basis of \$100 per diem per officer.

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

79.18 Sec. 12. **TRANSFER; EMERGENCY MANAGEMENT.**

79.19 On July 1, 2014, the commissioner of management and budget shall transfer  
 79.20 \$3,000,000 from the general fund to the disaster assistance contingency account created in  
 79.21 article 7, section 4.

79.22 **ARTICLE 6**

79.23 **PUBLIC SAFETY AND CORRECTIONS**

79.24 Section 1. Minnesota Statutes 2012, section 13.84, subdivision 5, is amended to read:

79.25 Subd. 5. **Disclosure.** Private or confidential court services data shall not be  
 79.26 disclosed except:

- 79.27 (a) pursuant to section 13.05;
- 79.28 (b) pursuant to a statute specifically authorizing disclosure of court services data;
- 79.29 (c) with the written permission of the source of confidential data;
- 79.30 (d) to the court services department, parole or probation authority or state or local
- 79.31 correctional agency or facility having statutorily granted supervision over the individual
- 79.32 subject of the data;

- 80.1 (e) pursuant to subdivision 6; ~~or~~  
80.2 (f) pursuant to a valid court order; or  
80.3 (g) pursuant to section 611A.06, subdivision 6.

80.4 **EFFECTIVE DATE.** This section is effective January 1, 2015.

80.5 Sec. 2. Minnesota Statutes 2012, section 13.84, subdivision 6, is amended to read:

80.6 Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a  
80.7 parole or probation authority or correctional agency may release private or confidential  
80.8 court services data related to:

80.9 (1) criminal acts to any law enforcement agency, if necessary for law enforcement  
80.10 purposes; and

80.11 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the  
80.12 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

80.13 (b) A parole or probation authority, a correctional agency, or agencies that provide  
80.14 correctional services under contract to a correctional agency may release to a law  
80.15 enforcement agency the following data on defendants, parolees, or probationers: current  
80.16 address, dates of entrance to and departure from agency programs, and dates and times of  
80.17 any absences, both authorized and unauthorized, from a correctional program.

80.18 (c) The responsible authority or its designee of a juvenile correctional agency may  
80.19 release private or confidential court services data to a victim of a delinquent act to the  
80.20 extent the data are necessary to enable the victim to assert the victim's right to request  
80.21 notice of release under section 611A.06. The data that may be released include only the  
80.22 name, home address, and placement site of a juvenile who has been placed in a juvenile  
80.23 correctional facility as a result of a delinquent act.

80.24 (d) Upon the victim's written or electronic request and, if the victim and offender have  
80.25 been household or family members as defined in section 518B.01, subdivision 2, paragraph  
80.26 (b), the commissioner of corrections or the commissioner's designee may disclose to the  
80.27 victim of an offender convicted of a qualified domestic violence-related offense as defined  
80.28 in section 609.02, subdivision 16, notification of the city and five-digit zip code of the  
80.29 offender's residency upon or after release from a Department of Corrections facility, unless:

80.30 (1) the offender is not under correctional supervision at the time of the victim's  
80.31 request;

80.32 (2) the commissioner or the commissioner's designee does not have the city or zip  
80.33 code; or



81.1 (3) the commissioner or the commissioner's designee reasonably believes that  
81.2 disclosure of the city or zip code of the offender's residency creates a risk to the victim,  
81.3 offender, or public safety.

81.4 (e) Paragraph (d) applies only where the offender is serving a prison term for  
81.5 a qualified domestic violence-related offense committed against the victim seeking  
81.6 notification.

81.7 **EFFECTIVE DATE.** This section is effective January 1, 2015.

81.8 Sec. 3. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to read:

81.9 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and  
81.10 not inimical to public safety and when the child has admitted the allegations contained in  
81.11 the petition before the judge or referee, or when a hearing has been held as provided for in  
81.12 section 260B.163 and the allegations contained in the petition have been duly proven but,  
81.13 in either case, before a finding of delinquency has been entered, the court may continue  
81.14 the case for a period not to exceed 90 ~~180~~ days on any one order. ~~Such a continuance may~~  
81.15 ~~be extended for one additional successive period not to exceed 90 days and only after the~~  
81.16 ~~court has reviewed the case and entered its order for an additional continuance without a~~  
81.17 ~~finding of delinquency.~~ The continuance may be extended for one additional successive  
81.18 period not to exceed 180 days, but only with the consent of the prosecutor and only after  
81.19 the court has reviewed the case and entered its order for the additional continuance  
81.20 without a finding of delinquency. During ~~this~~ a continuance the court may enter an order  
81.21 in accordance with the provisions of subdivision 1, ~~clause (1) or (2)~~ except clause (4), or  
81.22 enter an order to hold the child in detention for a period not to exceed 15 days on any one  
81.23 order for the purpose of completing any consideration, or any investigation or examination  
81.24 ordered in accordance with the provisions of section 260B.157.

81.25 (b) A prosecutor may appeal a continuance ordered in contravention of this  
81.26 subdivision. This subdivision does not extend the court's jurisdiction under section  
81.27 260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

81.28 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
81.29 offenses committed on or after that date.

81.30 Sec. 4. Minnesota Statutes 2012, section 299F.012, subdivision 2, is amended to read:

81.31 Subd. 2. **Fire Service Advisory Committee.** (a) The Fire Service Advisory  
81.32 Committee shall provide recommendations to the commissioner of public safety on  
81.33 fire service-related issues and shall consist of representatives of each of the following

82.1 organizations: two appointed by the president of the Minnesota State Fire Chiefs  
 82.2 Association, two appointed by the president of the Minnesota State Fire Department  
 82.3 Association, two appointed by the president of the Minnesota Professional Fire Fighters,  
 82.4 two appointed by the president of the League of Minnesota Cities, one appointed by the  
 82.5 president of the Minnesota Association of Townships, one appointed by the president  
 82.6 of the Insurance Federation of Minnesota, one appointed jointly by the presidents of  
 82.7 the Minnesota Chapter of the International Association of Arson Investigators and the  
 82.8 Fire Marshals Association of Minnesota, and the commissioner of public safety or the  
 82.9 commissioner's designee. The commissioner of public safety must ensure that at least  
 82.10 three of the members of the advisory committee work and reside in counties outside of the  
 82.11 seven-county metropolitan area. The committee shall provide funding recommendations  
 82.12 to the commissioner of public safety from the fire safety fund for the following purposes:  
 82.13 (1) for the Minnesota Board of Firefighter Training and Education;  
 82.14 (2) for programs and staffing for the State Fire Marshal Division; and  
 82.15 (3) for fire-related regional response team programs and any other fire service  
 82.16 programs that have the potential for statewide impact.  
 82.17 (b) The committee under paragraph (a) does not expire.

82.18 Sec. 5. Minnesota Statutes 2012, section 611A.06, is amended by adding a subdivision  
 82.19 to read:

82.20 Subd. 6. **Offender location.** (a) Upon the victim's written or electronic request  
 82.21 and if the victim and offender have been household or family members as defined in  
 82.22 section 518B.01, subdivision 2, paragraph (b), the commissioner of corrections or  
 82.23 the commissioner's designee shall disclose to the victim of an offender convicted of a  
 82.24 qualified domestic violence-related offense as defined in section 609.02, subdivision 16,  
 82.25 notification of the city and five-digit zip code of the offender's residency upon release from  
 82.26 a Department of Corrections facility, unless:

82.27 (1) the offender is not under correctional supervision at the time of the victim's  
 82.28 request;

82.29 (2) the commissioner or the commissioner's designee does not have the city or zip  
 82.30 code; or

82.31 (3) the commissioner or the commissioner's designee reasonably believes that  
 82.32 disclosure of the city or zip code of the offender's residency creates a risk to the victim,  
 82.33 offender, or public safety.

82.34 (b) All identifying information regarding the victim including, but not limited to, the  
 82.35 notification provided by the commissioner or the commissioner's designee is classified as

83.1 private data on individuals as defined in section 13.02, subdivision 12, and is accessible  
83.2 only to the victim.

83.3 (c) This subdivision applies only where the offender is serving a prison term  
83.4 for a qualified domestic violence-related offense committed against the victim seeking  
83.5 notification.

83.6 **EFFECTIVE DATE.** This section is effective January 15, 2015.

83.7 Sec. 6. Minnesota Statutes 2012, section 645.241, is amended to read:

83.8 **645.241 PUNISHMENT FOR PROHIBITED ACTS.**

83.9 (a) Except as provided in paragraph (b), when the performance of any act is  
83.10 prohibited by a statute, and no penalty for the violation of the same shall be imposed in  
83.11 any statute, the doing of such act shall be a misdemeanor.

83.12 (b) When the performance of any act is prohibited by a statute enacted or amended  
83.13 after September 1, 2014, and no penalty for the violation of the same shall be imposed in  
83.14 any statute, the doing of such act shall be a petty misdemeanor.

83.15 Sec. 7. Laws 2014, chapter 240, section 26, is amended to read:

83.16 Sec. 26. **REPEALER.**

83.17 Laws 2012, chapter 235, section 11, is repealed.

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

83.19 **ARTICLE 7**

83.20 **DISASTER ASSISTANCE FOR PUBLIC ENTITIES; FEDERAL AID GRANTED**

83.21 Section 1. Minnesota Statutes 2012, section 12.03, is amended by adding a subdivision  
83.22 to read:

83.23 Subd. 5d. **Local government.** "Local government" has the meaning given in Code  
83.24 of Federal Regulations, title 44, section 206.2 (2012).

83.25 Sec. 2. Minnesota Statutes 2012, section 12.03, is amended by adding a subdivision to  
83.26 read:

83.27 Subd. 6b. **Nonfederal share.** "Nonfederal share" has the meaning given in section  
83.28 12A.02, subdivision 7.

83.29 Sec. 3. Minnesota Statutes 2012, section 12.221, subdivision 4, is amended to read:

84.1 Subd. 4. **Subgrant agreements; state share.** (a) The state director, serving as the  
84.2 governor's authorized representative, may enter into subgrant agreements with eligible  
84.3 applicants to provide federal and state financial assistance made available as a result  
84.4 of a disaster declaration.

84.5 (b) When state funds are used to provide the FEMA Public Assistance Program  
84.6 cost-share requirement for a local government, the state director must award a local  
84.7 government 100 percent of the nonfederal share of the local government's FEMA Public  
84.8 Assistance Program costs.

84.9 Sec. 4. Minnesota Statutes 2012, section 12.221, is amended by adding a subdivision  
84.10 to read:

84.11 Subd. 6. **Disaster assistance contingency account; appropriation.** (a) A disaster  
84.12 assistance contingency account is created in the special revenue fund in the state treasury.  
84.13 Money in the disaster assistance contingency account is appropriated to the commissioner  
84.14 of public safety to provide:

84.15 (1) cost-share for federal assistance under section 12A.15, subdivision 1; and

84.16 (2) state public disaster assistance to eligible applicants under chapter 12B.

84.17 (b) For appropriations under paragraph (a), clause (1), the amount appropriated is  
84.18 100 percent of any nonfederal share for state agencies and local governments. Money  
84.19 appropriated under paragraph (a), clause (1), may be used to pay all or a portion of the  
84.20 nonfederal share for publicly owned capital improvement projects.

84.21 (c) For appropriations under paragraph (a), clause (2), the amount appropriated  
84.22 is the amount required to pay eligible claims under chapter 12B, as certified by the  
84.23 commissioner of public safety.

84.24 (d) By January 15 of each year, the commissioner of management and budget shall  
84.25 submit a report to the chairs and ranking minority members of the house of representatives  
84.26 Ways and Means Committee and the senate Finance Committee detailing state disaster  
84.27 assistance appropriations and expenditures under this subdivision during the previous  
84.28 calendar year.

84.29 (e) The governor's budget proposal submitted to the legislature under section 16A.11  
84.30 must include recommended appropriations to the disaster assistance contingency account.  
84.31 The governor's appropriation recommendations must be informed by the commissioner of  
84.32 public safety's estimate of the amount of money that will be necessary to:

84.33 (1) provide 100 percent of the nonfederal share for state agencies and local  
84.34 governments that will receive federal financial assistance from FEMA during the next  
84.35 biennium; and

85.1 (2) fully pay all eligible claims under chapter 12B.

85.2 (f) Notwithstanding section 16A.28:

85.3 (1) funds appropriated or transferred to the disaster assistance contingency account  
85.4 do not lapse but remain in the account until appropriated; and

85.5 (2) funds appropriated from the disaster assistance contingency account do not lapse  
85.6 and are available until expended.

85.7 Sec. 5. Minnesota Statutes 2012, section 12A.02, subdivision 2, is amended to read:

85.8 Subd. 2. **Appropriation.** "Appropriation" means an appropriation provided in law  
85.9 specifically to implement this chapter, including but not limited to a statutory appropriation  
85.10 to provide the required cost-share for federal disaster assistance under section 12.221.

85.11 Sec. 6. Minnesota Statutes 2012, section 12A.02, is amended by adding a subdivision  
85.12 to read:

85.13 Subd. 6. **Local government.** "Local government" has the meaning given in section  
85.14 12.03, subdivision 5d.

85.15 Sec. 7. Minnesota Statutes 2012, section 12A.02, is amended by adding a subdivision  
85.16 to read:

85.17 Subd. 7. **Nonfederal share.** "Nonfederal share" means that portion of total FEMA  
85.18 Public Assistance Program costs that is no more than 25 percent and is not eligible for  
85.19 FEMA reimbursement.

85.20 Sec. 8. Minnesota Statutes 2012, section 12A.03, subdivision 3, is amended to read:

85.21 Subd. 3. **Nonduplication of federal assistance.** State assistance may not duplicate  
85.22 or supplement eligible FEMA Public Assistance Program assistance. For eligible Public  
85.23 Assistance Program costs, any state ~~matching cost-share~~ money made available for  
85.24 that assistance must be disbursed by the Department of Public Safety to a state agency,  
85.25 local ~~political subdivision, Indian tribe~~ government, or other applicant. State assistance  
85.26 distributed by a state agency, other than the Department of Public Safety, to a ~~political~~  
85.27 ~~subdivision~~ local government or other applicant for disaster costs that are eligible for  
85.28 FEMA Public Assistance Program assistance constitutes an advance of funds. Such  
85.29 advances must be repaid to the applicable state agency when the applicant has received  
85.30 the FEMA Public Assistance Program assistance, and whatever state ~~matching cost-share~~  
85.31 money may be made available for that assistance, from the Department of Public Safety.

86.1 Sec. 9. Minnesota Statutes 2012, section 12A.15, subdivision 1, is amended to read:

86.2 Subdivision 1. **State match cost-share for federal assistance.** State appropriations  
86.3 may be used for ~~payment of the state match for federal disaster assistance to pay 100~~  
86.4 ~~percent of the nonfederal share for state agencies. If authorized in law, state appropriations~~  
86.5 ~~may be used to pay all or a portion of the local share of the match for federal funds for~~  
86.6 ~~political subdivisions and local governments~~ under section 12.221. An appropriation from  
86.7 the bond proceeds fund may be used to ~~fund federal match obligations~~ as cost-share for  
86.8 federal disaster assistance for publicly owned capital improvement projects ~~resulting from~~  
86.9 ~~the receipt of federal disaster assistance.~~

86.10 Sec. 10. Minnesota Statutes 2012, section 16A.28, is amended by adding a subdivision  
86.11 to read:

86.12 Subd. 9. **Disaster assistance.** (a) The commissioner of management and budget  
86.13 must transfer the unexpended and unencumbered balance of a general fund disaster  
86.14 assistance appropriation that expires as provided under this section or as otherwise provided  
86.15 by law to the disaster assistance contingency account in section 12.221, subdivision 6.

86.16 (b) Expired disaster assistance transferred to the disaster assistance contingency  
86.17 account is appropriated as provided under section 12.221, subdivision 6, regardless of the  
86.18 specific disaster event or purpose for which the expired disaster assistance was originally  
86.19 appropriated.

86.20 (c) The commissioner must report each transfer to the chairs of the house of  
86.21 representatives Ways and Means Committee and the senate Finance Committee.

86.22 (d) For the purposes of this subdivision, "disaster assistance appropriation" means  
86.23 an appropriation from the general fund to provide cost-share required for federal disaster  
86.24 assistance or to provide other state disaster assistance under chapter 12A or 12B.

86.25 Sec. 11. **EFFECTIVE DATE.**

86.26 This article is effective the day following final enactment.

## 86.27 **ARTICLE 8**

### 86.28 **DISASTER ASSISTANCE FOR PUBLIC ENTITIES; ABSENT FEDERAL AID**

86.29 Section 1. **[12B.10] PUBLIC DISASTER ASSISTANCE; ABSENT FEDERAL**  
86.30 **AID.**

86.31 This chapter establishes a state public assistance program to provide cost-share  
86.32 assistance to local governments that sustain significant damage on a per capita basis but

87.1 are not eligible for federal disaster assistance or corresponding state assistance under  
87.2 chapter 12A.

87.3 Sec. 2. **[12B.15] DEFINITIONS.**

87.4 Subdivision 1. **Application.** The definitions in this section apply to this chapter.

87.5 Subd. 2. **Applicant.** "Applicant" means a local government that applies for state  
87.6 disaster assistance under this chapter.

87.7 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

87.8 Subd. 4. **Director.** "Director" means the director of the Division of Homeland  
87.9 Security and Emergency Management in the Department of Public Safety.

87.10 Subd. 5. **Disaster.** "Disaster" means any catastrophe, including but not limited  
87.11 to a tornado, storm, high water, wind-driven water, tidal wave, earthquake, volcanic  
87.12 eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, any fire,  
87.13 flood, or explosion.

87.14 Subd. 6. **FEMA.** "FEMA" means the Federal Emergency Management Agency.

87.15 Subd. 7. **Incident period.** "Incident period" means the time interval of a disaster as  
87.16 delineated by specific start and end dates.

87.17 Subd. 8. **Local government.** "Local government" has the meaning given in section  
87.18 12.03, subdivision 5d.

87.19 Sec. 3. **[12B.25] ELIGIBILITY CRITERIA; CONSIDERATIONS.**

87.20 Subdivision 1. **Payment required; eligibility criteria.** The director, serving as  
87.21 the governor's authorized representative, may enter into grant agreements with eligible  
87.22 applicants to provide state financial assistance made available as a result of a disaster  
87.23 that satisfies all of the following criteria:

87.24 (1) the state or applicable local government declares a disaster or emergency during  
87.25 the incident period;

87.26 (2) damages suffered and eligible costs incurred are the direct result of the disaster;

87.27 (3) federal disaster assistance is not available to the applicant because the governor  
87.28 did not request a presidential declaration of major disaster, the president denied the  
87.29 governor's request, or the applicant is not eligible for federal disaster assistance because  
87.30 the state or county did not meet the per capita impact indicator under FEMA's Public  
87.31 Assistance Program;

87.32 (4) the applicant incurred eligible damages that, on a per capita basis, equal or  
87.33 exceed 50 percent of the countywide per capita impact indicator under FEMA's Public  
87.34 Assistance Program;

88.1 (5) the applicant assumes responsibility for 25 percent of the applicant's total  
88.2 eligible costs; and

88.3 (6) the applicant satisfies all requirements in this chapter.

88.4 Subd. 2. **Considerations; other resources available.** When evaluating applicant  
88.5 eligibility under subdivision 1, the director must consider:

88.6 (1) the availability of other resources from federal, state, local, private, or other  
88.7 sources; and

88.8 (2) the availability or existence of insurance.

88.9 Sec. 4. **[12B.30] ELIGIBLE COSTS.**

88.10 Subdivision 1. **Eligible costs.** Costs eligible for payment under this chapter are  
88.11 those costs that would be eligible for federal financial assistance under FEMA's Public  
88.12 Assistance Program.

88.13 Subd. 2. **Ineligible costs.** Ineligible costs are all costs not included in subdivision  
88.14 1, including but not limited to:

88.15 (1) ordinary operating expenses, including salaries and expenses of employees and  
88.16 public officials that are not directly related to the disaster response;

88.17 (2) costs for which payment has been or will be received from any other funding  
88.18 source;

88.19 (3) disaster-related costs that should, in the determination of the director, be covered  
88.20 and compensated by insurance; and

88.21 (4) projects and claims totaling less than the minimum FEMA project threshold.

88.22 Sec. 5. **[12B.35] APPLICANT'S SHARE.**

88.23 An applicant's share of eligible costs incurred must not be less than 25 percent. The  
88.24 substantiated value of donated materials, equipment, services, and labor may be used as  
88.25 all or part of the applicant's share of eligible costs, subject to the following:

88.26 (1) all items and sources of donation must be indicated on the application and any  
88.27 supporting documentation submitted to the commissioner;

88.28 (2) the rate for calculating the value of donated, nonprofessional labor is the  
88.29 prevailing federal minimum wage;

88.30 (3) the value of donated equipment may not exceed the highway equipment rates  
88.31 approved by the commissioner of transportation; and

88.32 (4) the value of donated materials and professional services must conform to market  
88.33 rates and be established by invoice.



89.1       Sec. 6. [12B.40] APPLICATION PROCESS.

89.2           (a) The director must develop application materials and may update the materials as  
89.3 needed. Application materials must include instructions and requirements for assistance  
89.4 under this chapter.

89.5           (b) An applicant has 30 days from the end of the incident period or the president's  
89.6 official denial of the governor's request for a declaration of a major disaster to provide the  
89.7 director with written notice of intent to apply. The director may deny an application due to  
89.8 a late notice of intent to apply.

89.9           (c) Within 60 days after the end of the incident period or the president's official denial  
89.10 of the governor's request for a declaration of a major disaster, the applicant must submit a  
89.11 complete application to the director. A complete application includes the following:

89.12           (1) the cause, location of damage, and incident period;

89.13           (2) documentation of a local, tribal, county, or state disaster or emergency  
89.14 declaration in response to the disaster;

89.15           (3) a description of damages, an initial damage assessment, and the amount of  
89.16 eligible costs incurred by the applicant;

89.17           (4) a statement or evidence that the applicant has the ability to pay for at least 25  
89.18 percent of total eligible costs incurred from the disaster; and

89.19           (5) a statement or evidence that the local government has incurred damages equal to  
89.20 or exceeding 50 percent of the federal countywide threshold in effect during the incident  
89.21 period.

89.22           (d) The director must review the application and supporting documentation for  
89.23 completeness and may return the application with a request for more detailed information.  
89.24 The director may consult with local public officials to ensure the application reflects the  
89.25 extent and magnitude of the damage and to reconcile any differences. The application is  
89.26 not complete until the director receives all requested information.

89.27           (e) If the director returns an application with a request for more detailed information  
89.28 or for correction of deficiencies, the applicant must submit all required information within  
89.29 30 days of the applicant's receipt of the director's request. The applicant's failure to  
89.30 provide the requested information in a timely manner without a reasonable explanation  
89.31 may be cause for denial of the application.

89.32           (f) The director has no more than 60 days from the receipt of a complete application  
89.33 to approve or deny the application, or the application is deemed approved. If the director  
89.34 denies an application, the director must send a denial letter. If the director approves an  
89.35 application or the application is automatically deemed approved after 60 days, the director  
89.36 must notify the applicant of the steps necessary to obtain reimbursement of eligible

90.1 costs, including submission of invoices or other documentation substantiating the costs  
90.2 submitted for reimbursement.

90.3 Sec. 7. **[12B.45] CLAIMS PROCESS.**

90.4 Subdivision 1. **Claims; appeal.** (a) An applicant must submit to the director  
90.5 completed claims for payment of actual and eligible costs on forms provided by the  
90.6 director. All eligible costs claimed for payment must be documented and consistent with  
90.7 the eligibility provisions of this chapter.

90.8 (b) If the director denies an applicant's claim for payment, the applicant has 30 days  
90.9 from receipt of the director's determination to appeal in writing to the commissioner. The  
90.10 appeal must include the applicant's rationale for reversing the director's determination. The  
90.11 commissioner has 30 days from receipt of the appeal to uphold or modify the director's  
90.12 determination and formally respond to the applicant. If, within 30 days of receiving  
90.13 the commissioner's decision, the applicant notifies the commissioner that the applicant  
90.14 intends to contest the commissioner's decision, the Office of Administrative Hearings shall  
90.15 conduct a hearing under the contested case provisions of chapter 14.

90.16 Subd. 2. **Final inspection.** Upon completion of all work by an applicant, the  
90.17 director may inspect all work claimed by the applicant. The applicant must provide the  
90.18 director with access to records pertaining to all claimed work and must permit the director  
90.19 to review all records relating to the work.

90.20 Subd. 3. **Closeout.** The director must close out an applicant's disaster assistance  
90.21 application after all of the following occur:

90.22 (1) eligible work is complete;

90.23 (2) the applicant receives the final amount due or pays any amount owed under  
90.24 section 12B.50; and

90.25 (3) any extant or scheduled audits are complete.

90.26 Subd. 4. **Audit.** (a) An applicant must account for all funds received under this  
90.27 chapter in conformance with generally accepted accounting principles and practices. The  
90.28 applicant must maintain detailed records of expenditures to show that grants received under  
90.29 this chapter were used for the purpose for which the payment was made. The applicant  
90.30 must maintain records for five years and make the records available for inspection and  
90.31 audit by the director or the state auditor. The applicant must keep all financial records for  
90.32 five years after the final payment, including but not limited to all invoices and canceled  
90.33 checks or bank statements that support all eligible costs claimed by the applicant.

90.34 (b) The director or state auditor may audit all applicant records pertaining to an  
90.35 application or payment under this chapter.

91.1 Subd. 5. **Reporting payments.** The director must post on the division Web site a  
91.2 list of the recipients and amounts of the payments made under this chapter.

91.3 Sec. 8. **[12B.50] FUNDING FROM OTHER SOURCES; REPAYMENT**  
91.4 **REQUIRED.**

91.5 If an applicant subsequently recovers eligible costs from another source after  
91.6 receiving payment under this chapter, the applicant must pay the commissioner an amount  
91.7 equal to the corresponding state funds received within 30 days. The commissioner must  
91.8 deposit any repayment in the disaster response contingency account in section 12.221,  
91.9 subdivision 6.

91.10 Sec. 9. **EFFECTIVE DATE.**

91.11 This article is effective the day following final enactment.

91.12 **ARTICLE 9**

91.13 **TRANSPORTATION APPROPRIATIONS**

91.14 Section 1. Laws 2010, chapter 189, section 15, subdivision 12, is amended to read:

91.15 26,430,000  
91.16 Subd. 12. **Rochester Maintenance Facility** 24,937,000

91.17 This appropriation is from the bond proceeds  
91.18 account in the trunk highway fund.

91.19 To prepare a site for and design, construct,  
91.20 furnish, and equip a new maintenance facility  
91.21 in Rochester.

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

91.23 Sec. 2. Laws 2010, chapter 189, section 26, subdivision 4, is amended to read:

91.24 Subd. 4. **Trunk highway fund bond proceeds account.** To provide the money  
91.25 appropriated in this act from the bond proceeds account in the trunk highway fund, the  
91.26 commissioner of management and budget shall sell and issue bonds of the state in an  
91.27 amount up to ~~\$32,945,000~~ \$31,452,000 in the manner, upon the terms, and with the effect  
91.28 prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota  
91.29 Constitution, article XIV, section 11, at the times and in the amounts requested by the  
91.30 commissioner of transportation. The proceeds of the bonds, except accrued interest and

92.1 any premium received from the sale of the bonds, must be credited to the bond proceeds  
92.2 account in the trunk highway fund.

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

92.4 Sec. 3. Laws 2012, chapter 287, article 2, section 1, is amended to read:

92.5 Section 1. **ROCHESTER MAINTENANCE FACILITY.**

92.6 ~~\$16,100,000~~ \$17,593,000 is appropriated to the commissioner of transportation  
92.7 to design, construct, furnish, and equip the maintenance facility in Rochester and  
92.8 corresponding remodeling of the existing district headquarters building. This appropriation  
92.9 is from the bond proceeds account in the trunk highway fund.

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

92.11 Sec. 4. Laws 2012, chapter 287, article 2, section 3, is amended to read:

92.12 Sec. 3. **TRUNK HIGHWAY FUND BOND PROCEEDS ACCOUNT.**

92.13 To provide the money appropriated in this article from the bond proceeds account in  
92.14 the trunk highway fund, the commissioner of management and budget shall sell and issue  
92.15 bonds of the state in an amount up to ~~\$16,120,000~~ \$17,613,000 in the manner, upon the  
92.16 terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52,  
92.17 and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts  
92.18 requested by the commissioner of transportation. The proceeds of the bonds, except  
92.19 accrued interest and any premium received from the sale of the bonds, must be credited  
92.20 to the bond proceeds account in the trunk highway fund.

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

92.22 Sec. 5. Laws 2012, First Special Session chapter 1, article 1, section 28, is amended to  
92.23 read:

92.24 Sec. 28. **TRANSFERS, REDUCTIONS, CANCELLATIONS, AND BOND**  
92.25 **SALE AUTHORIZATIONS REDUCED.**

92.26 (a) The remaining balance of the appropriation in Laws 2010, Second Special  
92.27 Session chapter 1, article 1, section 7, for the economic development and housing  
92.28 challenge program, estimated to be \$450,000, is transferred to the general fund.

92.29 (b) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
92.30 section 5, for Minnesota investment fund grants pursuant to Minnesota Statutes, section  
92.31 12A.07, is reduced by \$1,358,000.

93.1 (c) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
93.2 section 12, subdivision 2, for disaster enrollment impact aid pursuant to Minnesota  
93.3 Statutes, section 12A.06, is reduced by \$30,000.

93.4 (d) The appropriation in Laws 2010, Second Special Session chapter 1, article  
93.5 1, section 12, subdivision 3, for disaster relief facilities grants pursuant to Minnesota  
93.6 Statutes, section 12A.06, is reduced by \$392,000.

93.7 (e) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
93.8 section 12, subdivision 4, for disaster relief operating grants pursuant to Minnesota  
93.9 Statutes, section 12A.06, is reduced by \$2,000.

93.10 (f) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
93.11 section 12, subdivision 5, for pupil transportation aid pursuant to Minnesota Statutes,  
93.12 section 12A.06, is reduced by \$5,000.

93.13 (g) The appropriation in Laws 2010, Second Special Session chapter 1, article 2,  
93.14 section 5, subdivision 3, for pupil transportation aid pursuant to Minnesota Statutes,  
93.15 section 12A.06, is reduced by \$271,000.

93.16 (h) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
93.17 section 13, for public health activities pursuant to Minnesota Statutes, section 12A.08,  
93.18 is reduced by \$103,000.

93.19 (i) ~~\$1,428,000~~ \$534,000 of the appropriation in Laws 2007, First Special Session  
93.20 chapter 2, article 1, section 4, subdivision 3, for reconstruction and repair of trunk  
93.21 highways and trunk highway bridges is canceled. The bond sale authorization in Laws  
93.22 2007, First Special Session chapter 2, article 1, section 15, subdivision 2, is reduced  
93.23 by ~~\$1,428,000~~ \$534,000.

93.24 (j) \$5,680,000 of the appropriation in Laws 2007, First Special Session chapter 2,  
93.25 article 1, section 4, subdivision 4, as amended by Laws 2008, chapter 289, section 2, for  
93.26 grants to local governments for capital costs related to rehabilitation and replacement of  
93.27 local roads and bridges damaged or destroyed by flooding pursuant to Minnesota Statutes,  
93.28 section 174.50, is canceled. The bond sale authorization in Laws 2007, First Special  
93.29 Session chapter 2, article 1, section 15, subdivision 3, is reduced by \$5,680,000.

93.30 (k) \$2,133,000 of the appropriation in Laws 2010, Second Special Session chapter 1,  
93.31 article 1, section 4, subdivision 3, for local road and bridge rehabilitation and replacement  
93.32 pursuant to Minnesota Statutes, section 12A.16, subdivision 3, is canceled. The bond  
93.33 sale authorization in Laws 2010, Second Special Session chapter 1, article 1, section 17,  
93.34 subdivision 2, is reduced by \$2,133,000.

94.1 (l) The appropriation in Laws 2010, Second Special Session chapter 1, article 1,  
 94.2 section 4, subdivision 2, for state road infrastructure operations and maintenance pursuant  
 94.3 to Minnesota Statutes, section 12A.16, subdivision 1, is reduced by \$819,000.

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

94.5 Sec. 6. Laws 2013, chapter 117, article 1, section 3, subdivision 2, is amended to read:

94.6 Subd. 2. **Multimodal Systems**

94.7 (a) **Aeronautics**

94.8		<del>13,648,000</del>	<del>13,648,000</del>
94.9	<b>(1) Airport Development and Assistance</b>	<u>14,648,000</u>	<u>16,648,000</u>

94.10 This appropriation is from the state  
 94.11 airports fund and must be spent according  
 94.12 to Minnesota Statutes, section 360.305,  
 94.13 subdivision 4.

94.14 The base appropriation for fiscal years 2016  
 94.15 and 2017 is \$14,298,000 for each year.

94.16 Notwithstanding Minnesota Statutes, section  
 94.17 16A.28, subdivision 6, this appropriation is  
 94.18 available for five years after appropriation.

94.19 If the appropriation for either year is  
 94.20 insufficient, the appropriation for the other  
 94.21 year is available for it.

94.22 For the current biennium, the commissioner  
 94.23 of transportation may establish different  
 94.24 local contribution rates for airport projects  
 94.25 than those established in Minnesota Statutes,  
 94.26 section 360.305, subdivision 4.

94.27	<b>(2) Aviation Support and Services</b>	6,386,000	6,386,000
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94.28	Appropriations by Fund		
94.29	Airports	5,286,000	5,286,000
94.30	Trunk Highway	1,100,000	1,100,000

94.31 \$65,000 in each year is from the state airports  
 94.32 fund for the Civil Air Patrol.

95.1				17,245,000
95.2	<b>(b) Transit</b>		17,226,000	<u>23,777,000</u>

95.3	Appropriations by Fund			
95.4				16,470,000
95.5	General	16,451,000	<u>23,002,000</u>	
95.6	Trunk Highway	775,000	775,000	

95.7 \$100,000 in each year is from the general  
 95.8 fund for the administrative expenses of the  
 95.9 Minnesota Council on Transportation Access  
 95.10 under Minnesota Statutes, section 174.285.

95.11 \$78,000 in each year is from the general  
 95.12 fund for grants to greater Minnesota transit  
 95.13 providers as reimbursement for the costs of  
 95.14 providing fixed route public transit rides free  
 95.15 of charge under Minnesota Statutes, section  
 95.16 174.24, subdivision 7, for veterans certified  
 95.17 as disabled.

95.18 \$32,000 in the second year is from the  
 95.19 general fund for allocation to public transit  
 95.20 systems under Minnesota Statutes, section  
 95.21 174.24, in amounts that reflect the respective  
 95.22 foregone fare revenues from transit service  
 95.23 under article 11, section 39.

95.24 The base appropriation from the general fund  
 95.25 for fiscal years 2016 and 2017 is \$17,245,000  
 95.26 in each year.

95.27	<b>(c) Passenger Rail</b>		500,000	500,000
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95.28 This appropriation is from the general  
 95.29 fund for passenger rail system planning,  
 95.30 alternatives analysis, environmental analysis,  
 95.31 design, and preliminary engineering under  
 95.32 Minnesota Statutes, sections 174.632 to  
 95.33 174.636.

95.34				5,153,000
95.35	<b>(d) Freight</b>		5,653,000	<u>7,153,000</u>

96.1	Appropriations by Fund		
96.2			<del>256,000</del>
96.3	General	756,000	<u>2,256,000</u>
96.4	Trunk Highway	4,897,000	4,897,000

96.5 \$500,000 in the first year is from the general  
 96.6 fund to pay for the department's share of costs  
 96.7 associated with the cleanup of contaminated  
 96.8 state rail bank property. This appropriation is  
 96.9 available until expended.

96.10 \$2,000,000 in the second year is from  
 96.11 the general fund for development and  
 96.12 implementation of safety improvements  
 96.13 at highway-rail grade crossings along rail  
 96.14 corridors in which oil or other hazardous  
 96.15 materials are transported. The commissioner  
 96.16 shall identify highway-rail grade crossing  
 96.17 locations and improvements in consultation  
 96.18 with railroads and relevant road authorities.  
 96.19 This is a onetime appropriation and is  
 96.20 available until expended.

96.21			250,000
96.22	<b>(e) Safe Routes to School</b>	250,000	<u>500,000</u>

96.23 This appropriation is from the general fund  
 96.24 for non-infrastructure activities in the safe  
 96.25 routes to school program under Minnesota  
 96.26 Statutes, section 174.40, subdivision 7a.

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

96.28 Sec. 7. Laws 2013, chapter 117, article 1, section 3, subdivision 3, is amended to read:

96.29 Subd. 3. **State Roads**

96.30		262,395,000	262,395,000
96.31	<b>(a) Operations and Maintenance</b>	<u>297,395,000</u>	<u>280,395,000</u>

96.32 \$5,000,000 in each year is for accelerated  
 96.33 replacement of snow plowing equipment.



97.1 \$10,000,000 in the first year is for expenses  
 97.2 related to pavement repairs necessitated by  
 97.3 the effects of the 2013-2014 winter season.

97.4 The base appropriation for operations and  
 97.5 maintenance for fiscal years 2016 and 2017  
 97.6 is \$267,395,000 in each year.

97.7			<u>206,720,000</u>
97.8	<b>(b) Program Planning and Delivery</b>	206,795,000	<u>209,840,000</u>

97.9	Appropriations by Fund		
97.10		2014	2015
97.11	H.U.T.D.	75,000	0
97.12			<u>206,720,000</u>
97.13	Trunk Highway	206,720,000	<u>209,840,000</u>

97.14 The base appropriation for program planning  
 97.15 and delivery for fiscal years 2016 and 2017  
 97.16 is \$206,720,000 in each year.

97.17 \$250,000 in each year is for the department's  
 97.18 administrative costs for creation and  
 97.19 operation of the Joint Program Office for  
 97.20 Economic Development and Alternative  
 97.21 Finance, including costs of hiring a  
 97.22 consultant and preparing required reports.

97.23 \$130,000 in each year is available for  
 97.24 administrative costs of the targeted group  
 97.25 business program.

97.26 \$266,000 in each year is available for grants  
 97.27 to metropolitan planning organizations  
 97.28 outside the seven-county metropolitan area.

97.29 \$75,000 in each year is available for a  
 97.30 transportation research contingent account  
 97.31 to finance research projects that are  
 97.32 reimbursable from the federal government or  
 97.33 from other sources. If the appropriation for  
 97.34 either year is insufficient, the appropriation  
 97.35 for the other year is available for it.

98.1 \$900,000 in each year is available for  
 98.2 grants for transportation studies outside  
 98.3 the metropolitan area to identify critical  
 98.4 concerns, problems, and issues. These  
 98.5 grants are available: (1) to regional  
 98.6 development commissions; (2) in regions  
 98.7 where no regional development commission  
 98.8 is functioning, to joint powers boards  
 98.9 established under agreement of two or  
 98.10 more political subdivisions in the region to  
 98.11 exercise the planning functions of a regional  
 98.12 development commission; and (3) in regions  
 98.13 where no regional development commission  
 98.14 or joint powers board is functioning, to the  
 98.15 department's district office for that region.

98.16 \$75,000 in the first year is from the highway  
 98.17 user tax distribution fund to the commissioner  
 98.18 for a grant to the Humphrey School of Public  
 98.19 Affairs at the University of Minnesota for  
 98.20 WorkPlace Telework program congestion  
 98.21 relief efforts consisting of maintenance of  
 98.22 Web site tools and content. This is a onetime  
 98.23 appropriation and is available in the second  
 98.24 year.

98.25 \$120,000 in the second year is from the trunk  
 98.26 highway fund for the purpose of education  
 98.27 and outreach related to highway work  
 98.28 zone safety initiatives. This is a onetime  
 98.29 appropriation.

98.30 **(c) State Road Construction Activity**

98.31 **(1) Economic Recovery Funds - Federal**  
 98.32 **Highway Aid**

1,000,000

1,000,000

98.33 This appropriation is to complete projects  
 98.34 using funds made available to the  
 98.35 commissioner of transportation under

99.1 title XII of the American Recovery and  
 99.2 Reinvestment Act of 2009, Public Law  
 99.3 111-5, and implemented under Minnesota  
 99.4 Statutes, section 161.36, subdivision 7. The  
 99.5 base appropriation is \$1,000,000 in fiscal  
 99.6 year 2016 and \$0 in fiscal year 2017.

99.7		909,400,000	815,600,000
99.8	<b>(2) State Road Construction</b>	<u>929,900,000</u>	<u>862,105,000</u>

99.9 It is estimated that these appropriations will  
 99.10 be funded as follows:

99.11	Appropriations by Fund		
99.12	Federal Highway		
99.13	Aid	489,200,000	482,200,000
99.14		<del>420,200,000</del>	<del>333,400,000</del>
99.15	Highway User Taxes	<u>440,700,000</u>	<u>379,905,000</u>

99.16 The commissioner of transportation shall  
 99.17 notify the chairs and ranking minority  
 99.18 members of the legislative committees with  
 99.19 jurisdiction over transportation finance of  
 99.20 any significant events that should cause these  
 99.21 estimates to change.

99.22 This appropriation is for the actual  
 99.23 construction, reconstruction, and  
 99.24 improvement of trunk highways, including  
 99.25 design-build contracts and consultant usage  
 99.26 to support these activities. This includes the  
 99.27 cost of actual payment to landowners for  
 99.28 lands acquired for highway rights-of-way,  
 99.29 payment to lessees, interest subsidies, and  
 99.30 relocation expenses.

99.31 The base appropriation for state road  
 99.32 construction for fiscal years 2016 and 2017  
 99.33 is ~~\$645,000,000~~ \$645,505,000 in each year.

99.34 \$10,000,000 in each year is for the  
 99.35 transportation economic development  
 99.36 program under Minnesota Statutes, section

100.1 174.12. This appropriation is available until  
100.2 expended.

100.3 The commissioner may expend up to one-half  
100.4 of one percent of the federal appropriations  
100.5 under this clause as grants to opportunity  
100.6 industrialization centers and other nonprofit  
100.7 job training centers for job training programs  
100.8 related to highway construction.

100.9 The commissioner may transfer up to  
100.10 \$15,000,000 each year to the transportation  
100.11 revolving loan fund.

100.12 The commissioner may receive money  
100.13 covering other shares of the cost of  
100.14 partnership projects. These receipts are  
100.15 appropriated to the commissioner for these  
100.16 projects.

100.17 Notwithstanding subdivision 6 and the  
100.18 restrictions on the use of trunk highway  
100.19 funds in Minnesota Statutes, section 165.15,  
100.20 the commissioner may transfer up to  
100.21 \$6,000,000 from the trunk highway fund  
100.22 under this appropriation to the Stillwater lift  
100.23 bridge endowment account under Minnesota  
100.24 Statutes, section 165.15.

100.25 \$6,500,000 in the first year and \$25,000,000  
100.26 in the second year are for the corridors  
100.27 of commerce program under Minnesota  
100.28 Statutes, section 161.088, and may include  
100.29 right-of-way acquisition for projects included  
100.30 in the program. The amount appropriated  
100.31 in the first year is for projects located  
100.32 outside of a metropolitan county, as defined  
100.33 in Minnesota Statutes, section 473.121,  
100.34 subdivision 4. The commissioner may  
100.35 identify projects based on the most recent

101.1 selection process or may perform a new  
 101.2 selection. These are onetime appropriations  
 101.3 and are available until expended.  
 101.4 \$14,000,000 in the first year and \$21,000,000  
 101.5 in the second year are for the specific  
 101.6 improvements to "Old Highway 14"  
 101.7 described in the settlement agreement and  
 101.8 release executed January 7, 2014, between  
 101.9 the state and Steele and Waseca Counties.  
 101.10 These are onetime appropriations and are  
 101.11 available until expended.  
 101.12 \$505,000 in the second year is for costs of  
 101.13 implementing highway work zone safety  
 101.14 initiatives. The base appropriation for this  
 101.15 purpose is \$505,000 in each of fiscal years  
 101.16 2016 and 2017.

101.17	(d) <b>Highway Debt Service</b>	158,417,000	189,821,000
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101.18 \$148,917,000 in the first year and  
 101.19 \$180,321,000 in the second year are for  
 101.20 transfer to the state bond fund. If an  
 101.21 appropriation is insufficient to make all  
 101.22 transfers required in the year for which it is  
 101.23 made, the commissioner of management and  
 101.24 budget shall notify the senate Committee  
 101.25 on Finance and the house of representatives  
 101.26 Committee on Ways and Means of the  
 101.27 amount of the deficiency and shall then  
 101.28 transfer that amount under the statutory open  
 101.29 appropriation. Any excess appropriation  
 101.30 cancels to the trunk highway fund.

101.31	(e) <b>Electronic Communications</b>	5,171,000	5,171,000
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101.32	Appropriations by Fund		
101.33	General	3,000	3,000
101.34	Trunk Highway	5,168,000	5,168,000

102.1 The general fund appropriation is to equip  
102.2 and operate the Roosevelt signal tower for  
102.3 Lake of the Woods weather broadcasting.

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

102.5 Sec. 8. Laws 2013, chapter 117, article 1, section 3, subdivision 6, is amended to read:

102.6 Subd. 6. **Transfers**

102.7 (a) With the approval of the commissioner of  
102.8 management and budget, the commissioner  
102.9 of transportation may transfer unencumbered  
102.10 balances among the appropriations from the  
102.11 trunk highway fund and the state airports  
102.12 fund made in this section. No transfer  
102.13 may be made from the appropriations for  
102.14 state road construction or for debt service.  
102.15 Transfers under this paragraph may not be  
102.16 made between funds. Transfers under this  
102.17 paragraph must be reported immediately to  
102.18 the chairs and ranking minority members of  
102.19 the legislative committees with jurisdiction  
102.20 over transportation finance.

102.21 (b) The commissioner shall transfer from  
102.22 the flexible highway account in the county  
102.23 state-aid highway fund: (1) \$5,700,000 in the  
102.24 first year and \$21,000,000 in the second year  
102.25 to the trunk highway fund; (2) \$13,000,000  
102.26 in the first year to the municipal turnback  
102.27 account in the municipal state-aid street fund;  
102.28 (3) \$10,000,000 in the second year to the  
102.29 municipal turnback account in the municipal  
102.30 state-aid street fund; and (4) the remainder  
102.31 in each year to the county turnback account  
102.32 in the county state-aid highway fund. The  
102.33 funds transferred are for highway turnback

103.1 purposes as provided under Minnesota  
103.2 Statutes, section 161.081, subdivision 3.

103.3 Sec. 9. Laws 2013, chapter 117, article 1, section 4, is amended to read:

103.4			<b>76,970,000</b>
103.5	Sec. 4. <b>METROPOLITAN COUNCIL</b>	<b>\$ 107,889,000</b>	<b><u>79,804,000</u></b>

103.6 This appropriation is from the general fund  
103.7 for transit system operations under Minnesota  
103.8 Statutes, sections 473.371 to 473.449.

103.9 The base appropriation for fiscal years 2016  
103.10 and 2017 is ~~\$76,686,000~~ \$76,626,000 in  
103.11 each year.

103.12 \$37,000,000 in the first year is for the  
103.13 Southwest Corridor light rail transit line  
103.14 from the Hiawatha light rail transit line in  
103.15 downtown Minneapolis to Eden Prairie, to be  
103.16 used for environmental studies, preliminary  
103.17 engineering, acquisition of real property, or  
103.18 interests in real property, and design. This  
103.19 is a onetime appropriation and is available  
103.20 until expended.

103.21 \$500,000 in the second year is for transit  
103.22 shelter improvements under Minnesota  
103.23 Statutes, section 473.41. This is a onetime  
103.24 appropriation.

103.25 \$144,000 in the second year is for foregone  
103.26 fare revenues from transit service under  
103.27 article 11, section 39. The Metropolitan  
103.28 Council shall allocate a portion of the  
103.29 funds under this appropriation to transit  
103.30 providers receiving financial assistance under  
103.31 Minnesota Statutes, section 473.388, based  
103.32 on respective foregone fare revenues. This is  
103.33 a onetime appropriation.

104.1 \$250,000 in the second year is for allocation  
 104.2 to replacement service providers operating  
 104.3 under Minnesota Statutes, section 473.388.

104.4 This is a onetime appropriation.

104.5 \$1,000,000 in the second year is for arterial  
 104.6 bus rapid transit development, which  
 104.7 may include, but is not limited to, design,  
 104.8 engineering, construction, capital costs,  
 104.9 technology, equipment, and rolling stock.

104.10 This is a onetime appropriation and is  
 104.11 available until expended.

104.12 \$1,000,000 in the second year is for design  
 104.13 and construction of a bus rapid transit station  
 104.14 on interstate 35W and Lake Street. This is a  
 104.15 onetime appropriation and is available until  
 104.16 expended.

104.17 Sec. 10. Laws 2013, chapter 117, article 1, section 5, subdivision 2, is amended to read:

104.18 Subd. 2. **Administration and Related Services**

104.19	(a) <b>Office of Communications</b>	504,000	504,000
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104.20 Appropriations by Fund

104.21	General	111,000	111,000	
104.22	Trunk Highway	393,000	393,000	

104.23			<u>8,439,000</u>
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104.24	(b) <b>Public Safety Support</b>	8,439,000	<u>8,499,000</u>
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104.25 Appropriations by Fund

104.26			<u>3,467,000</u>	
104.27	General	3,467,000	<u>3,527,000</u>	
104.28	H.U.T.D.	1,366,000	1,366,000	
104.29	Trunk Highway	3,606,000	3,606,000	

104.30 \$380,000 in each year is from the general  
 104.31 fund for payment of public safety officer  
 104.32 survivor benefits under Minnesota Statutes,  
 104.33 section 299A.44. If the appropriation for



105.1 either year is insufficient, the appropriation  
105.2 for the other year is available for it.

105.3 \$1,367,000 in each year is from the general  
105.4 fund to be deposited in the public safety  
105.5 officer's benefit account. This money  
105.6 is available for reimbursements under  
105.7 Minnesota Statutes, section 299A.465.

105.8 \$600,000 in each year is from the general  
105.9 fund and \$100,000 in each year is from the  
105.10 trunk highway fund for soft body armor  
105.11 reimbursements under Minnesota Statutes,  
105.12 section 299A.38.

105.13 \$792,000 in each year is from the general  
105.14 fund for transfer by the commissioner of  
105.15 management and budget to the trunk highway  
105.16 fund on December 31, 2013, and December  
105.17 31, 2014, respectively, in order to reimburse  
105.18 the trunk highway fund for expenses not  
105.19 related to the fund. These represent amounts  
105.20 appropriated out of the trunk highway  
105.21 fund for general fund purposes in the  
105.22 administration and related services program.

105.23 \$610,000 in each year is from the highway  
105.24 user tax distribution fund for transfer by the  
105.25 commissioner of management and budget  
105.26 to the trunk highway fund on December 31,  
105.27 2013, and December 31, 2014, respectively,  
105.28 in order to reimburse the trunk highway  
105.29 fund for expenses not related to the fund.  
105.30 These represent amounts appropriated out  
105.31 of the trunk highway fund for highway  
105.32 user tax distribution fund purposes in the  
105.33 administration and related services program.

105.34 \$716,000 in each year is from the highway  
105.35 user tax distribution fund for transfer by the

106.1 commissioner of management and budget to  
 106.2 the general fund on December 31, 2013, and  
 106.3 December 31, 2014, respectively, in order to  
 106.4 reimburse the general fund for expenses not  
 106.5 related to the fund. These represent amounts  
 106.6 appropriated out of the general fund for  
 106.7 operation of the criminal justice data network  
 106.8 related to driver and motor vehicle licensing.

106.9 Before January 15, 2015, the commissioner  
 106.10 of public safety shall review the amounts and  
 106.11 purposes of the transfers under this paragraph  
 106.12 and shall recommend necessary changes to  
 106.13 the legislative committees with jurisdiction  
 106.14 over transportation finance.

106.15 \$60,000 in the second year is from the  
 106.16 general fund for light rail safety oversight  
 106.17 under Minnesota Statutes, section 299A.017.

106.18 The base appropriation from the general fund  
 106.19 for this purpose in fiscal years 2016 and 2017  
 106.20 is \$60,000 each year.

106.21 **(c) Technology and Support Service** 3,685,000 3,685,000

106.22	Appropriations by Fund		
106.23	General	1,322,000	1,322,000
106.24	H.U.T.D.	19,000	19,000
106.25	Trunk Highway	2,344,000	2,344,000

106.26 Sec. 11. Laws 2013, chapter 117, article 1, section 5, subdivision 3, is amended to read:

106.27 Subd. 3. **State Patrol**

106.28 **(a) Patrolling Highways** 72,522,000 ~~72,522,000~~  
 106.29 78,471,000

106.30	Appropriations by Fund		
106.31	General	37,000	37,000
106.32	H.U.T.D.	92,000	92,000
106.33			<del>72,393,000</del>
106.34	Trunk Highway	72,393,000	<u>78,342,000</u>

107.1 \$5,949,000 in the second year is from the  
 107.2 trunk highway fund to recruit, hire, train at  
 107.3 the State Patrol Academy, equip, and provide  
 107.4 salary for 48 troopers.

107.5 The base appropriation from the trunk  
 107.6 highway fund is \$77,893,000 in each of fiscal  
 107.7 years 2016 and 2017.

107.8 **(b) Commercial Vehicle Enforcement** 7,796,000 7,796,000

107.9 ~~4,355,000~~  
 107.10 **(c) Capitol Security** 4,355,000 6,355,000

107.11 This appropriation is from the general fund.  
 107.12 \$1,250,000 in each year 2014 and \$3,250,000  
 107.13 in 2015 and each subsequent year is to  
 107.14 implement the recommendations of the  
 107.15 advisory committee on Capitol Area Security  
 107.16 under Minnesota Statutes, section 299E.04,  
 107.17 including the creation of an emergency  
 107.18 manager position under Minnesota Statutes,  
 107.19 section 299E.01, subdivision 2, and an  
 107.20 increase in the number of State Patrol  
 107.21 troopers and other security officers assigned  
 107.22 to the Capitol complex.

107.23 The commissioner may not: (1) spend  
 107.24 any money from the trunk highway fund  
 107.25 for capitol security; or (2) permanently  
 107.26 transfer any state trooper from the patrolling  
 107.27 highways activity to capitol security.

107.28 The commissioner may not transfer any  
 107.29 money appropriated to the commissioner  
 107.30 under this section: (1) to capitol security; or  
 107.31 (2) from capitol security.

107.32 **(d) Vehicle Crimes Unit** 693,000 693,000

107.33 This appropriation is from the highway user  
 107.34 tax distribution fund.

108.1 This appropriation is to investigate: (1)  
 108.2 registration tax and motor vehicle sales tax  
 108.3 liabilities from individuals and businesses  
 108.4 that currently do not pay all taxes owed;  
 108.5 and (2) illegal or improper activity related  
 108.6 to sale, transfer, titling, and registration of  
 108.7 motor vehicles.

108.8 Sec. 12. Laws 2013, chapter 117, article 1, section 5, subdivision 4, is amended to read:

108.9 Subd. 4. **Driver and Vehicle Services**

108.10			28,430,000
108.11	(a) <b>Vehicle Services</b>	27,909,000	<u>28,453,000</u>

108.12	Appropriations by Fund		
108.13			<del>19,771,000</del>
108.14	Special Revenue	19,673,000	<u>20,217,000</u>
108.15	H.U.T.D.	8,236,000	8,236,000

108.16 The special revenue fund appropriation is  
 108.17 from the vehicle services operating account.

108.18 \$650,000 in each year is from the special  
 108.19 revenue fund for seven additional positions  
 108.20 to enhance customer service related to  
 108.21 vehicle title issuance.

108.22 \$521,000 in the second year is from  
 108.23 the special revenue fund for the vehicle  
 108.24 services portion of a new telephone  
 108.25 system and is for transfer to the Office of  
 108.26 Enterprise Technology for construction and  
 108.27 development of the system. This is a onetime  
 108.28 appropriation and is available until expended.

108.29 \$23,000 in the second year is from the special  
 108.30 revenue fund for expenses related to the task  
 108.31 force on motor vehicle insurance coverage  
 108.32 verification. This is a onetime appropriation.

108.33 The base appropriation from the special  
 108.34 revenue fund is ~~\$27,909,000~~ \$19,673,000

109.1 for fiscal year 2016 and ~~\$27,909,000~~

109.2 \$19,673,000 for fiscal year 2017.

109.3 29,162,000

109.4 **(b) Driver Services** 28,749,000 30,001,000

109.5 Appropriations by Fund

109.6 29,161,000

109.7 Special Revenue 28,748,000 30,000,000

109.8 Trunk Highway 1,000 1,000

109.9 The special revenue fund appropriation is

109.10 from the driver services operating account.

109.11 \$71,000 in the second year is from the special

109.12 revenue fund for one additional position

109.13 related to facial recognition.

109.14 \$279,000 in the second year is from

109.15 the special revenue fund for the driver

109.16 services portion of a new telephone

109.17 system and is for transfer to the Office of

109.18 Enterprise Technology for construction and

109.19 development of the system. This is a onetime

109.20 appropriation and is available until expended.

109.21 \$37,000 in the first year and \$33,000 in the

109.22 second year are from the special revenue

109.23 fund for one half-time position to assist with

109.24 the Novice Driver Improvement Task Force

109.25 under Minnesota Statutes, section 171.0701,

109.26 subdivision 1a. The base appropriation for

109.27 this position is \$6,000 in fiscal year 2016 and

109.28 \$0 in fiscal year 2017.

109.29 \$67,000 in the second year is from the

109.30 special revenue fund for one new position to

109.31 administer changes to the ignition interlock

109.32 program. The base appropriation for this

109.33 position in fiscal years 2016 and 2017 is

109.34 \$62,000 in each year.

110.1 \$23,000 in the second year is from the special  
 110.2 revenue fund for expenses related to the task  
 110.3 force on motor vehicle insurance coverage  
 110.4 verification. This is a onetime appropriation.

110.5 \$816,000 in the second year is from  
 110.6 the special revenue fund for 12 new  
 110.7 positions to implement improved driving  
 110.8 skill examination scheduling. The base  
 110.9 appropriation for these positions is \$759,000  
 110.10 in fiscal year 2016 and \$774,000 in fiscal  
 110.11 year 2017.

110.12 The base appropriation from the special  
 110.13 revenue fund is ~~\$28,851,000~~ \$29,609,000  
 110.14 for fiscal year 2016 and ~~\$28,845,000~~  
 110.15 \$29,618,000 for fiscal year 2017.

110.16 Sec. 13. **TRANSFER; RAILROAD AND PIPELINE SAFETY.**

110.17 On or before July 31, 2014, the commissioner of management and budget shall  
 110.18 transfer \$1,574,000 from the general fund to the railroad and pipeline safety account in the  
 110.19 special revenue fund under Minnesota Statutes, section 299A.55. This is a onetime transfer.

## 110.20 **ARTICLE 10**

### 110.21 **RAILROAD AND PIPELINE SAFETY**

110.22 Section 1. Minnesota Statutes 2012, section 115E.01, is amended by adding a  
 110.23 subdivision to read:

110.24 Subd. 6a. **Incident commander.** "Incident commander" means the official at the  
 110.25 site of a discharge who has the responsibility for operations at the site, as established  
 110.26 following National Incident Management System guidelines.

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

110.28 Sec. 2. Minnesota Statutes 2012, section 115E.01, is amended by adding a subdivision  
 110.29 to read:

110.30 Subd. 7a. **Listed sensitive area.** "Listed sensitive area" means an area or location  
 110.31 listed as an area of special economic or environmental importance in an Area Contingency

111.1 Plan or a Sub-Area Contingency Plan prepared under the federal Clean Water Act, United  
111.2 States Code, title 33, section 1321(j)(4).

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

111.4 Sec. 3. Minnesota Statutes 2012, section 115E.01, is amended by adding a subdivision  
111.5 to read:

111.6 Subd. 11d. **Unit train.** "Unit train" means a train with more than 25 tanker railcars  
111.7 carrying oil or hazardous substance cargo.

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

111.9 Sec. 4. **[115E.042] PREPAREDNESS AND RESPONSE FOR CERTAIN**  
111.10 **RAILROADS.**

111.11 Subdivision 1. **Application.** In addition to the requirements of section 115E.04,  
111.12 a person who owns or operates railroad car rolling stock transporting a unit train must  
111.13 comply with this section.

111.14 Subd. 2. **Training.** (a) Each railroad must offer training to each fire department  
111.15 having jurisdiction along the route of unit trains. Initial training under this subdivision  
111.16 must be offered to each fire department by June 30, 2016, and refresher training must be  
111.17 offered to each fire department at least once every three years thereafter.

111.18 (b) The training must address the general hazards of oil and hazardous substances,  
111.19 techniques to assess hazards to the environment and to the safety of responders and the  
111.20 public, factors an incident commander must consider in determining whether to attempt to  
111.21 suppress a fire or to evacuate the public and emergency responders from an area, and other  
111.22 strategies for initial response by local emergency responders. The training must include  
111.23 suggested protocol or practices for local responders to safely accomplish these tasks.

111.24 Subd. 3. **Coordination.** Beginning June 30, 2015, each railroad must communicate  
111.25 at least annually with each county or city emergency manager, safety representatives of  
111.26 railroad employees governed by the Railway Labor Act, and a senior fire department  
111.27 officer of each fire department having jurisdiction along the route of a unit train, to ensure  
111.28 coordination of emergency response activities between the railroad and local responders.

111.29 Subd. 4. **Response capabilities; time limits.** (a) Following confirmation of a  
111.30 discharge, a railroad must deliver and deploy sufficient equipment and trained personnel to  
111.31 contain and recover discharged oil or hazardous substances and to protect the environment  
111.32 and public safety.

112.1 (b) Within one hour of confirmation of a discharge, a railroad must provide a  
112.2 qualified company employee to advise the incident commander. The employee may be  
112.3 made available by telephone, and must be authorized to deploy all necessary response  
112.4 resources of the railroad.

112.5 (c) Within three hours of confirmation of a discharge, a railroad must be capable of  
112.6 delivering monitoring equipment and a trained operator to assist in protection of responder  
112.7 and public safety. A plan to ensure delivery of monitoring equipment and an operator to a  
112.8 discharge site must be provided each year to the commissioner of public safety.

112.9 (d) Within three hours of confirmation of a discharge, a railroad must provide qualified  
112.10 personnel at a discharge site to assess the discharge and to advise the incident commander.

112.11 (e) A railroad must be capable of deploying containment boom from land across  
112.12 sewer outfalls, creeks, ditches, and other places where oil or hazardous substances  
112.13 may drain, in order to contain leaked material before it reaches those resources. The  
112.14 arrangement to provide containment boom and staff may be made by:

112.15 (1) training and caching equipment with local jurisdictions;

112.16 (2) training and caching equipment with a fire mutual-aid group;

112.17 (3) means of an industry cooperative or mutual-aid group;

112.18 (4) deployment of a contractor;

112.19 (5) deployment of a response organization under state contract; or

112.20 (6) other dependable means acceptable to the Pollution Control Agency.

112.21 (f) Each arrangement under paragraph (e) must be confirmed each year. Each  
112.22 arrangement must be tested by drill at least once every five years.

112.23 (g) Within eight hours of confirmation of a discharge, a railroad must be capable of  
112.24 delivering and deploying containment boom, boats, oil recovery equipment, trained staff,  
112.25 and all other materials needed to provide:

112.26 (1) on-site containment and recovery of a volume of oil equal to ten percent of the  
112.27 calculated worst case discharge at any location along the route; and

112.28 (2) protection of listed sensitive areas and potable water intakes within one mile of  
112.29 a discharge site and within eight hours of water travel time downstream in any river  
112.30 or stream that the right-of-way intersects.

112.31 (h) Within 60 hours of confirmation of a discharge, a railroad must be capable of  
112.32 delivering and deploying additional containment boom, boats, oil recovery equipment,  
112.33 trained staff, and all other materials needed to provide containment and recovery of a  
112.34 worst case discharge and to protect listed sensitive areas and potable water intakes at any  
112.35 location along the route.



113.1 Subd. 5. **Railroad drills.** Each railroad must conduct at least one oil containment,  
113.2 recovery, and sensitive area protection drill every three years, at a location and time  
113.3 chosen by the Pollution Control Agency, and attended by safety representatives of railroad  
113.4 employees governed by the Railway Labor Act.

113.5 Subd. 6. **Prevention and response plans.** (a) By June 30, 2015, a railroad shall  
113.6 submit the prevention and response plan required under section 115E.04, as necessary to  
113.7 comply with the requirements of this section, to the commissioner of the Pollution Control  
113.8 Agency on a form designated by the commissioner.

113.9 (b) By June 30 of every third year following a plan submission under this subdivision,  
113.10 a railroad must update and resubmit the prevention and response plan to the commissioner.

113.11 **EFFECTIVE DATE.** Subdivisions 1 to 3 and 6 are effective the day following final  
113.12 enactment. Subdivisions 4 and 5 are effective July 1, 2015.

113.13 Sec. 5. Minnesota Statutes 2012, section 115E.08, is amended by adding a subdivision  
113.14 to read:

113.15 Subd. 3a. **Railroad preparedness; pollution control.** The Pollution Control  
113.16 Agency shall carry out environmental protection activities related to railroad discharge  
113.17 preparedness. Duties under this subdivision include, but are not limited to:

113.18 (1) assisting local emergency managers and fire officials in understanding the  
113.19 hazards of oil and hazardous substances, as well as general strategies for containment and  
113.20 environmental protection;

113.21 (2) assisting railroads to identify natural resources and sensitive areas, and to devise  
113.22 strategies to contain and recover oil and hazardous substances from land and waters  
113.23 along routes;

113.24 (3) facilitating cooperation between railroads for mutual aid arrangements that  
113.25 provide training, staff, and equipment as required by this chapter;

113.26 (4) participating in drills and training sessions;

113.27 (5) reviewing each railroad's prevention and response plan for compliance with  
113.28 the requirements of this chapter, and assessing each railroad's readiness to protect the  
113.29 environment;

113.30 (6) conducting inspections and drills as necessary to determine the railroad's  
113.31 compliance with the requirements of this chapter and ability to protect the environment;

113.32 (7) conducting follow-up corrective action directives, orders, and enforcement as  
113.33 necessary based on a finding of inadequate environmental protection preparedness; and

114.1 (8) soliciting involvement and advice concerning preparedness activities and  
114.2 requirements from safety representatives of railroad employees governed by the Railway  
114.3 Labor Act.

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

114.5 Sec. 6. Minnesota Statutes 2012, section 115E.08, is amended by adding a subdivision  
114.6 to read:

114.7 Subd. 3b. **Railroad and pipeline preparedness; public safety.** The commissioner  
114.8 of public safety shall carry out public safety protection activities related to railroad and  
114.9 pipeline spill and discharge preparedness. Duties under this subdivision include, but  
114.10 are not limited to:

114.11 (1) assisting local emergency managers and fire officials to understand the hazards  
114.12 of oil and hazardous substances, as well as general strategies for hazard identification,  
114.13 initial isolation, and other actions necessary to ensure public safety;

114.14 (2) assisting railroads and pipeline companies to develop suggested protocols and  
114.15 practices for local first responder use in protecting the public's safety;

114.16 (3) facilitating cooperation between railroads, pipeline companies, county and city  
114.17 emergency managers, and other public safety organizations;

114.18 (4) participating in major exercises and training sessions;

114.19 (5) assisting local units of government to incorporate railroad and pipeline hazard  
114.20 and response information into local emergency operations plans;

114.21 (6) monitoring the public safety-related training and planning requirements of  
114.22 section 115E.03; and

114.23 (7) referring noncompliance with section 115E.03 to the Pollution Control Agency.

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

114.25 Sec. 7. Minnesota Statutes 2012, section 219.015, subdivision 1, is amended to read:

114.26 Subdivision 1. **Position Positions established; duties.** (a) The commissioner of  
114.27 transportation shall establish a ~~position of~~ three state rail safety inspector positions in  
114.28 the Office of Freight and Commercial Vehicle Operations of the Minnesota Department  
114.29 of Transportation. On or after July 1, 2015, the commissioner may establish a fourth  
114.30 state rail safety inspector position following consultation with railroad companies.

114.31 The commissioner shall apply to and enter into agreements with the Federal Railroad  
114.32 Administration (FRA) of the United States Department of Transportation to participate  
114.33 in the federal State Rail Safety ~~Partnership~~ Participation Program for training and

115.1 certification of an inspector under authority of United States Code, title 49, sections 20103,  
115.2 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212.

115.3 The (b) A state rail safety inspector shall inspect mainline track, secondary track, and  
115.4 yard and industry track; inspect railroad right-of-way, including adjacent or intersecting  
115.5 drainage, culverts, bridges, overhead structures, and traffic and other public crossings;  
115.6 inspect yards and physical plants; review and enforce safety requirements; review  
115.7 maintenance and repair records; and review railroad security measures.

115.8 (c) A state rail safety inspector may perform, but is not limited to, the duties  
115.9 described in the federal State Rail Safety Participation Program. An inspector may train,  
115.10 be certified, and participate in any of the federal State Rail Safety Participation Program  
115.11 disciplines, including: track, signal and train control, motive power and equipment,  
115.12 operating practices compliance, hazardous materials, and highway-rail grade crossings.

115.13 (d) To the extent delegated by the Federal Railroad Administration and authorized  
115.14 by the commissioner, the an inspector may issue citations for violations of this chapter, or  
115.15 to ensure railroad employee and public safety and welfare.

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

115.17 Sec. 8. Minnesota Statutes 2012, section 219.015, subdivision 2, is amended to read:

115.18 Subd. 2. **Railroad company assessment; account; appropriation.** (a) As provided  
115.19 in this subdivision, the commissioner shall annually assess railroad companies that are  
115.20 (1) defined as common carriers under section 218.011<sub>2</sub>; (2) classified by federal law or  
115.21 regulation as Class I Railroads<sub>2</sub> or Class I Rail Carriers, Class II Railroads, or Class II  
115.22 Carriers; and (3) operating in this state<sub>2</sub>.

115.23 (b) The assessment must be by a division of state rail safety inspector program costs  
115.24 in equal proportion between carriers based on route miles operated in Minnesota, assessed  
115.25 in equal amounts for 365 days of the calendar year. The commissioner shall assess all  
115.26 start-up or re-establishment costs, and all related costs of initiating the state rail safety  
115.27 inspector program beginning July 1, 2008. The, and ongoing state rail inspector duties  
115.28 must begin and be assessed on January 1, 2009.

115.29 (c) The assessments must be deposited in a special account in the special revenue  
115.30 fund, to be known as the state rail safety inspection account. Money in the account is  
115.31 appropriated to the commissioner and may be expended to cover the costs incurred for the  
115.32 establishment and ongoing responsibilities of the state rail safety inspector program.

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

116.1 Sec. 9. [299A.55] RAILROAD AND PIPELINE SAFETY; OIL AND OTHER  
116.2 HAZARDOUS MATERIALS.

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

116.5 (b) "Applicable rail carrier" means a railroad company that is subject to an  
116.6 assessment under section 219.015, subdivision 2.

116.7 (c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

116.8 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

116.9 (e) "Pipeline company" means any individual, partnership, association, or public  
116.10 or private corporation who owns and operates pipeline facilities and is required to show  
116.11 specific preparedness under section 115E.03, subdivision 2.

116.12 Subd. 2. Railroad and pipeline safety account. (a) A railroad and pipeline safety  
116.13 account is created in the special revenue fund. The account consists of funds collected  
116.14 under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the  
116.15 account.

116.16 (b) \$104,000 is annually appropriated from the railroad and pipeline safety account  
116.17 to the commissioner of the Pollution Control Agency for environmental protection  
116.18 activities related to railroad discharge preparedness under chapter 115E.

116.19 (c) Following the appropriation in paragraph (b), the remaining money in the  
116.20 account is annually appropriated to the commissioner of public safety for the purposes  
116.21 specified in subdivision 3.

116.22 Subd. 3. Allocation of funds. (a) Subject to funding appropriated for this  
116.23 subdivision, the commissioner shall provide funds for training and response preparedness  
116.24 related to (1) derailments, discharge incidents, or spills involving trains carrying oil or  
116.25 other hazardous substances, and (2) pipeline discharge incidents or spills involving oil  
116.26 or other hazardous substances.

116.27 (b) The commissioner shall allocate available funds as follows:

116.28 (1) \$100,000 annually for emergency response teams; and

116.29 (2) the remaining amount to the Board of Firefighter Training and Education under  
116.30 section 299N.02 and the Division of Homeland Security and Emergency Management.

116.31 (c) Prior to making allocations under paragraph (b), the commissioner shall consult  
116.32 with the Fire Service Advisory Committee under section 299F.012, subdivision 2.

116.33 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall  
116.34 prioritize uses of funds based on:

116.35 (1) firefighter training needs;

116.36 (2) community risk from discharge incidents or spills;

117.1 (3) geographic balance; and

117.2 (4) recommendations of the Fire Service Advisory Committee.

117.3 (e) The following are permissible uses of funds provided under this subdivision:

117.4 (1) training costs, which may include, but are not limited to, training curriculum,  
117.5 trainers, trainee overtime salary, other personnel overtime salary, and tuition;

117.6 (2) costs of gear and equipment related to hazardous materials readiness, response,  
117.7 and management, which may include, but are not limited to, original purchase,  
117.8 maintenance, and replacement;

117.9 (3) supplies related to the uses under clauses (1) and (2); and

117.10 (4) emergency preparedness planning and coordination.

117.11 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline  
117.12 safety account provided for the purposes under this subdivision, the commissioner may  
117.13 retain a balance in the account for budgeting in subsequent fiscal years.

117.14 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess  
117.15 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph  
117.16 (b). The commissioner shall deposit funds collected under this subdivision in the railroad  
117.17 and pipeline safety account under subdivision 2.

117.18 (b) The assessment for each railroad is 50 percent of the total annual assessment  
117.19 amount, divided in equal proportion between applicable rail carriers based on route miles  
117.20 operated in Minnesota. The assessment for each pipeline company is 50 percent of the  
117.21 total annual assessment amount, divided in equal proportion between companies based  
117.22 on the yearly aggregate gallons of oil and hazardous substance transported by pipeline  
117.23 in Minnesota.

117.24 (c) The assessments under this subdivision expire July 1, 2017.

117.25 **Sec. 10. IMPROVEMENTS STUDY ON GRADE CROSSINGS AND**  
117.26 **RAIL SAFETY FOR OIL AND OTHER HAZARDOUS MATERIALS**  
117.27 **TRANSPORTATION.**

117.28 (a) The commissioner of transportation shall conduct a study on highway-rail grade  
117.29 crossing improvement for oil and other hazardous materials transported by rail, and on  
117.30 rail safety. At a minimum, the study must:

117.31 (1) provide information that assists in risk management associated with  
117.32 transportation of oil and other hazardous materials by rail;

117.33 (2) develop criteria to prioritize needs and improvements at highway-rail grade  
117.34 crossings;

118.1 (3) consider alternatives for safety improvements, including but not limited to active  
118.2 warning devices such as gates and signals, closings, and grade separation;

118.3 (4) provide findings and recommendations that serve to direct accelerated  
118.4 investments in highway-rail grade crossing safety improvements; and

118.5 (5) analyze state inspection activities and staffing for track and hazardous materials  
118.6 under Minnesota Statutes, section 219.015.

118.7 (b) The commissioner shall submit an interim update on the study by August 31,  
118.8 2014, and a final report by October 31, 2014, to the chairs and ranking minority members  
118.9 of the legislative committees with jurisdiction over transportation policy and finance.

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

118.11 Sec. 11. **REPORTS ON INCIDENT PREPAREDNESS FOR OIL**  
118.12 **TRANSPORTATION.**

118.13 Subdivision 1. **Report on response preparedness.** By January 15, 2015, the  
118.14 commissioner of public safety shall submit a report on emergency response preparedness  
118.15 in the public and private sectors for incidents involving transportation of oil to the chairs  
118.16 and ranking minority members of the legislative committees with jurisdiction over  
118.17 transportation and public safety policy and finance. At a minimum, the report must:

118.18 (1) summarize the preparedness and emergency response framework in the state;

118.19 (2) provide an assessment of costs and needs of fire departments and other  
118.20 emergency first responders for training and equipment to respond to discharge or spill  
118.21 incidents involving transportation of oil;

118.22 (3) develop a comprehensive public and private response capacity inventory that,  
118.23 to the extent feasible, includes statewide identification of major emergency response  
118.24 equipment, equipment staging locations, mutual aid agreements, and capacities across  
118.25 industries involved in transportation and storage of oil;

118.26 (4) provide information and analysis that forms the basis for allocation of funds  
118.27 under Minnesota Statutes, section 299A.55;

118.28 (5) develop benchmarks or assessment criteria for the evaluation under subdivision 2;

118.29 (6) assist in long-range oil transportation incident preparedness planning; and

118.30 (7) make recommendations for any legislative changes.

118.31 Subd. 2. **Evaluation of response preparedness and funding.** By January 15,  
118.32 2017, the commissioner of public safety shall submit an evaluation of safety preparedness  
118.33 and funding related to incidents involving transportation of oil to the chairs and ranking  
118.34 minority members of the legislative committees with jurisdiction over transportation and  
118.35 public safety policy and finance. At a minimum, the evaluation must:

- 119.1 (1) provide an update to the report under subdivision 1 that identifies notable  
 119.2 changes and provides updated information as appropriate;
- 119.3 (2) evaluate the effectiveness of training and response preparedness activities under  
 119.4 Minnesota Statutes, section 299A.55, using the criteria established under subdivision  
 119.5 1, clause (5);
- 119.6 (3) identify current sources of funds, funding levels, and any unfunded needs for  
 119.7 preparedness activities;
- 119.8 (4) analyze equity in the distribution of funding sources for preparedness activities,  
 119.9 which must include but is not limited to (i) examination of the public-private partnership  
 119.10 financing model, and (ii) review of balance across industries involved in storage and  
 119.11 distribution of oil; and
- 119.12 (5) make recommendations for any programmatic or legislative changes.

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

## 119.14 **ARTICLE 11**

### 119.15 **TRANSPORTATION FINANCE PROVISIONS**

119.16 Section 1. Minnesota Statutes 2012, section 161.14, is amended by adding a  
 119.17 subdivision to read:

119.18 Subd. 78. **Trooper Glen Skalman Memorial Highway.** That segment of signed  
 119.19 U.S. Highway 61 from the intersection with signed U.S. Highway 8 in Forest Lake to  
 119.20 the intersection with 260th Street in Wyoming is designated as "Trooper Glen Skalman  
 119.21 Memorial Highway." Subject to section 161.139, the commissioner shall adopt a suitable  
 119.22 design to mark this highway and erect appropriate signs in the vicinity of the location  
 119.23 where Trooper Skalman died.

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

119.25 Sec. 2. Minnesota Statutes 2012, section 165.15, subdivision 2, is amended to read:

119.26 Subd. 2. **Use of funds.** (a) Income derived from the investment of principal in the  
 119.27 account may be used by the commissioner of transportation for operations and routine  
 119.28 maintenance of the Stillwater lift bridge, including bridge safety inspections and reactive  
 119.29 repairs. No money from this account may be used for any purposes except those described  
 119.30 in this section, and no money from this account may be transferred to any other account  
 119.31 in the state treasury without specific legislative authorization. Any money transferred  
 119.32 from the trunk highway fund may only be used for trunk highway purposes. For the  
 119.33 purposes of this section:

120.1 (1) "Income" is the amount of interest on debt securities and dividends on equity  
120.2 securities. Any gains or losses from the sale of securities must be added to the principal  
120.3 of the account.

120.4 (2) "Routine maintenance" means activities that are predictable and repetitive, but  
120.5 not activities that would constitute major repairs or rehabilitation.

120.6 (b) Investment management fees incurred by the State Board of Investment are  
120.7 eligible expenses for reimbursement from the account.

120.8 (c) The commissioner of transportation has authority to approve or deny expenditures  
120.9 of funds in the account.

120.10 Sec. 3. [168.1299] MINNESOTA GOLF PLATES.

120.11 Subdivision 1. **Issuance.** Notwithstanding section 168.1293, the commissioner shall  
120.12 issue special Minnesota golf plates or a single motorcycle plate to an applicant who:

120.13 (1) is a registered owner of a passenger automobile, one-ton pickup truck,  
120.14 motorcycle, or recreational vehicle;

120.15 (2) pays a fee of \$10 and any other fees required by this chapter;

120.16 (3) contributes a minimum of \$30 annually after January 1, 2017, to the Minnesota  
120.17 Section PGA Foundation account; and

120.18 (4) complies with this chapter and rules governing registration of motor vehicles  
120.19 and licensing of drivers.

120.20 Subd. 2. **Design.** After consultation with the Minnesota Section PGA and the  
120.21 Minnesota Golf Association, the commissioner shall design the special plate.

120.22 Subd. 3. **Plates transfer.** On payment of a fee of \$5, plates issued under this section  
120.23 may be transferred to another passenger automobile, one-ton pickup truck, motorcycle,  
120.24 or other recreational vehicle registered to the individual to whom the special plates were  
120.25 issued.

120.26 Subd. 4. **Fees.** Fees collected under subdivision 1, clause (2), and subdivision 3 are  
120.27 credited to the vehicle services operating account in the special revenue fund.

120.28 Subd. 5. **Contributions.** Contributions collected under subdivision 1, clause (3),  
120.29 are credited first to the commissioner of public safety for the cost of administering the  
120.30 Minnesota Section PGA Foundation account, which is established in the special revenue  
120.31 fund. After the commissioner's administration costs are paid each year, remaining  
120.32 contributions are credited to the Minnesota Section PGA Foundation account. Money in  
120.33 the account is appropriated to the commissioner of public safety for distribution to the  
120.34 Minnesota Section PGA Foundation, to be used to enhance and promote the game of  
120.35 golf throughout Minnesota.



121.1 **EFFECTIVE DATE.** Subdivisions 1 to 4 are effective January 1, 2015, for special  
121.2 Minnesota golf plates issued on or after that date. Subdivision 5 is effective January 1, 2017.

121.3 Sec. 4. Minnesota Statutes 2012, section 169.011, is amended by adding a subdivision  
121.4 to read:

121.5 Subd. 95. **Work zone.** "Work zone" means a segment of street or highway for which:

121.6 (1) a road authority or its agent is constructing, reconstructing, or maintaining the  
121.7 physical structure of the roadway, which may include, but is not limited to, shoulders,  
121.8 features adjacent to the roadway, and utilities and highway appurtenances, whether  
121.9 underground or overhead; and

121.10 (2) any of the following applies:

121.11 (i) official traffic-control devices that indicate the segment of street or highway under  
121.12 construction, reconstruction, or maintenance, are erected;

121.13 (ii) one or more lanes of traffic are closed;

121.14 (iii) a flagger under section 169.06, subdivision 4a, is present;

121.15 (iv) a construction zone speed limit under section 169.14, subdivision 4, is  
121.16 established; or

121.17 (v) a workers present speed limit under section 169.14, subdivision 5d, is in effect.

121.18 **EFFECTIVE DATE.** This section is effective August 1, 2014.

121.19 Sec. 5. Minnesota Statutes 2012, section 169.06, subdivision 4, is amended to read:

121.20 Subd. 4. **Obedience to traffic-control signal or flagger authorized persons;**

121.21 **presumptions.** (a) The driver of any vehicle shall obey the instructions of any official  
121.22 traffic-control device applicable thereto placed in accordance with the provisions of this  
121.23 chapter, unless otherwise directed by a police officer or by a flagger authorized under this  
121.24 subdivision, subject to the exceptions granted the driver of an authorized emergency  
121.25 vehicle in this chapter.

121.26 (b) No provision of this chapter for which official traffic-control devices are required  
121.27 shall be enforced against an alleged violator if at the time and place of the alleged  
121.28 violation an official device is not in proper position and sufficiently legible to be seen by  
121.29 an ordinarily observant person. Whenever a particular section does not state that official  
121.30 traffic-control devices are required, such section shall be effective even though no devices  
121.31 are erected or in place.

121.32 (c) Whenever official traffic-control devices are placed in position approximately  
121.33 conforming to the requirements of this chapter, such devices shall be presumed to have

122.1 been so placed by the official act or direction of lawful authority, unless the contrary  
122.2 shall be established by competent evidence.

122.3 (d) Any official traffic-control device placed pursuant to the provisions of this  
122.4 chapter and purporting to conform to the lawful requirements pertaining to such devices  
122.5 shall be presumed to comply with the requirements of this chapter, unless the contrary  
122.6 shall be established by competent evidence.

122.7 ~~(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place~~  
122.8 ~~until it is safe for the vehicles to proceed. A person operating a motor vehicle that has~~  
122.9 ~~been stopped by a flagger in a designated work zone may proceed after stopping only on~~  
122.10 ~~instruction by the flagger.~~

122.11 (f) An overdimensional load escort driver with a certificate issued under section  
122.12 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop  
122.13 vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person  
122.14 operating a motor vehicle that has been stopped by an escort driver acting as a flagger may  
122.15 proceed only on instruction by the flagger or a police officer.

122.16 ~~(g)~~ (f) A person may stop and hold vehicles in place until it is safe for the vehicles to  
122.17 proceed, if the person: (1) holds a motorcycle road guard certificate issued under section  
122.18 171.60; (2) meets the safety and equipment standards for operating under the certificate;  
122.19 (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory  
122.20 or home rule charter city through which the motorcycle group is proceeding; and (5)  
122.21 has obtained consent from the chief of police, or the chief's designee, of any city of the  
122.22 first class through which the group is proceeding. A flagger operating as provided under  
122.23 this paragraph may direct operators of motorcycles within a motorcycle group ride or  
122.24 other vehicle traffic, notwithstanding any contrary indication of a traffic-control device,  
122.25 including stop signs or traffic-control signals. A person operating a vehicle that has been  
122.26 stopped by a flagger under this paragraph may proceed only on instruction by the flagger  
122.27 or a police officer.

122.28 **EFFECTIVE DATE.** This section is effective August 1, 2014.

122.29 Sec. 6. Minnesota Statutes 2012, section 169.06, is amended by adding a subdivision  
122.30 to read:

122.31 **Subd. 4a. Obedience to work zone flagger; violation, penalty.** (a) A flagger in a  
122.32 work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to  
122.33 proceed. A person operating a motor vehicle that has been stopped by a flagger in a work  
122.34 zone may proceed after stopping only on instruction by the flagger or a police officer.

123.1 (b) A person convicted of operating a motor vehicle in violation of a speed limit  
123.2 in a work zone, or any other provision of this section while in a work zone, shall be  
123.3 required to pay a fine of \$300. This fine is in addition to the surcharge under section  
123.4 357.021, subdivision 6.

123.5 (c) If a motor vehicle is operated in violation of paragraph (a), the owner of the  
123.6 vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty  
123.7 misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may  
123.8 not be fined under this paragraph if (1) another person is convicted for that violation, or (2)  
123.9 the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a  
123.10 lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

123.11 (d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle  
123.12 operator for violating paragraph (a).

123.13 (e) A violation under paragraph (c) does not constitute grounds for revocation or  
123.14 suspension of a driver's license.

123.15 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
123.16 violations committed on or after that date.

123.17 Sec. 7. Minnesota Statutes 2012, section 169.14, subdivision 5d, is amended to read:

123.18 Subd. 5d. **Speed zoning limit in work zone; surcharge when workers present.**

123.19 (a) Notwithstanding subdivision 2 and subject to subdivision 3, the speed limit on a  
123.20 road having an established speed limit of 50 miles per hour or greater is adjusted to 45  
123.21 miles per hour in a work zone when (1) at least one lane or portion of a lane of traffic is  
123.22 closed in either direction, and (2) workers are present. A speed in excess of the adjusted  
123.23 speed limit is unlawful.

123.24 (b) Paragraph (a) does not apply to a segment of road in which:

123.25 (1) positive barriers are placed between workers and the traveled portion of the  
123.26 highway;

123.27 (2) the work zone is in place for less than 24 hours;

123.28 (3) a different speed limit for the work zone is determined by the road authority  
123.29 following an engineering and traffic investigation and based on accepted engineering  
123.30 practice; or

123.31 (4) a different speed limit for the work zone is established by the road authority  
123.32 under paragraph (c).

123.33 (c) The commissioner, on trunk highways and temporary trunk highways, and  
123.34 local authorities, on streets and highways under their jurisdiction, may authorize the use  
123.35 of reduced maximum speed limits in highway work zones. ~~The commissioner or local~~

124.1 ~~authority is not required to conduct~~ when workers are present, without an engineering and  
124.2 ~~traffic investigation before authorizing a reduced speed limit in a highway work zone~~  
124.3 ~~required. The work zone speed limit must not reduce the speed limit on the affected~~  
124.4 ~~street or highway by more than:~~

124.5 ~~(b) The minimum highway work zone speed limit is 20 miles per hour. The work~~  
124.6 ~~zone speed limit must not reduce the established speed limit on the affected street or~~  
124.7 ~~highway by more than 15 miles per hour, except that the highway work zone speed limit~~  
124.8 ~~must not exceed 40 miles per hour. The commissioner or local authority shall post the limits~~  
124.9 ~~of the work zone. Highway work zone speed limits are effective on erection of appropriate~~  
124.10 ~~regulatory speed limit signs. The signs must be removed or covered when they are not~~  
124.11 ~~required. A speed greater than the posted highway work zone speed limit is unlawful.~~

124.12 ~~(c) Notwithstanding paragraph (b), on divided highways the commissioner or local~~  
124.13 ~~authority may establish a highway work zone speed limit that does not exceed 55 miles~~  
124.14 ~~per hour.~~

124.15 ~~(d) Notwithstanding paragraph (b), on two-lane highways having one lane for~~  
124.16 ~~each direction of travel with a posted speed limit of 60 miles per hour or greater, the~~  
124.17 ~~commissioner or local authority may establish a highway work zone speed limit that~~  
124.18 ~~does not exceed 40 miles per hour.~~

124.19 ~~(e) For purposes of this subdivision, "highway work zone" means a segment of~~  
124.20 ~~highway or street where a road authority or its agent is constructing, reconstructing, or~~  
124.21 ~~maintaining the physical structure of the roadway, its shoulders, or features adjacent to~~  
124.22 ~~the roadway, including underground and overhead utilities and highway appurtenances,~~  
124.23 ~~when workers are present.~~

124.24 ~~(f) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person~~  
124.25 ~~who violates a speed limit established under this subdivision, or who violates any other~~  
124.26 ~~provision of this section while in a highway work zone, is assessed an additional surcharge~~  
124.27 ~~equal to the amount of the fine imposed for the speed violation, but not less than \$25.~~

124.28 ~~(1) 20 miles per hour on a street or highway having an established speed limit of~~  
124.29 ~~55 miles per hour or greater; and~~

124.30 ~~(2) 15 miles per hour on a street or highway having an established speed limit of~~  
124.31 ~~50 miles per hour or less.~~

124.32 ~~(d) A work zone speed limit under paragraph (c) is effective on erection of~~  
124.33 ~~appropriate regulatory speed limit signs. The signs must be removed or covered when~~  
124.34 ~~they are not required. A speed in excess of the posted work zone speed limit is unlawful.~~

124.35 ~~(e) For any speed limit under this subdivision, a road authority shall erect signs~~  
124.36 ~~identifying the speed limit and indicating the beginning and end of the speed limit zone.~~

125.1 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
125.2 violations committed on or after that date.

125.3 Sec. 8. Minnesota Statutes 2012, section 169.14, is amended by adding a subdivision  
125.4 to read:

125.5 Subd. 6a. **Work zone speed limit violations.** A person convicted of operating a  
125.6 motor vehicle in violation of a speed limit in a work zone, or any other provision of  
125.7 this section while in a work zone, shall be required to pay a fine of \$300. This fine is in  
125.8 addition to the surcharge under section 357.021, subdivision 6.

125.9 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
125.10 violations committed on or after that date.

125.11 Sec. 9. Minnesota Statutes 2012, section 169.305, subdivision 1, is amended to read:

125.12 Subdivision 1. **Entrance and exit; crossover; use regulations; signs; rules.** (a) No  
125.13 person shall drive a vehicle onto or from any controlled-access highway except at such  
125.14 entrances and exits as are established by public authority.

125.15 (b) When special crossovers between the main roadways of a controlled-access  
125.16 highway are provided for emergency vehicles or maintenance equipment and such  
125.17 crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except  
125.18 an emergency vehicle, maintenance equipment, ~~or~~ construction equipment including  
125.19 contractor's and state-owned equipment when operating within a marked construction  
125.20 zone, or a vehicle operated by a commercial vehicle inspector of the Department of Public  
125.21 Safety, to use such crossover. Vehicles owned and operated by elderly and needy persons  
125.22 under contract with the commissioner of transportation pursuant to section 160.282 for  
125.23 maintenance services on highway rest stop and tourist centers outside the seven-county  
125.24 metropolitan area as defined in section 473.121, may also use these crossovers while those  
125.25 persons are proceeding to or from work in the rest area or tourist center if authorized by the  
125.26 commissioner, and the vehicle carries on its roof a distinctive flag designed and issued by  
125.27 the commissioner. For the purposes of this clause "emergency vehicle" includes a tow truck  
125.28 or towing vehicle if it is on the way to the location of an accident or a disabled vehicle.

125.29 (c) The commissioner of transportation may by order, and any public authority may  
125.30 by ordinance, with respect to any controlled-access highway under their jurisdictions  
125.31 prohibit or regulate the use of any such highway by pedestrians, bicycles, or other  
125.32 nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is  
125.33 found to be incompatible with the normal and safe flow of traffic.

126.1 (d) The commissioner of transportation or the public authority adopting any such  
126.2 prohibitory rules shall erect and maintain official signs on the controlled-access highway  
126.3 on which such rules are applicable and when so erected no person shall disobey the  
126.4 restrictions stated on such signs.

126.5 Sec. 10. Minnesota Statutes 2012, section 169.826, is amended by adding a subdivision  
126.6 to read:

126.7 Subd. 7. **Expiration date.** Upon request of the permit applicant, the expiration  
126.8 date for a permit issued under this section must be the same as the expiration date of the  
126.9 permitted vehicle's registration.

126.10 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
126.11 to permits issued on and after that date.

126.12 Sec. 11. Minnesota Statutes 2012, section 169.8261, is amended by adding a  
126.13 subdivision to read:

126.14 Subd. 3. **Expiration date.** Upon request of the permit applicant, the expiration  
126.15 date for a permit issued under this section must be the same as the expiration date of the  
126.16 permitted vehicle's registration.

126.17 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
126.18 to permits issued on and after that date.

126.19 Sec. 12. Minnesota Statutes 2012, section 169.86, subdivision 5, is amended to read:

126.20 **Subd. 5. Fees; proceeds deposited; appropriation.** The commissioner, with  
126.21 respect to highways under the commissioner's jurisdiction, may charge a fee for each  
126.22 permit issued. The fee for an annual permit that expires by law on the date of the  
126.23 vehicle registration expiration must be based on the proportion of the year that remains  
126.24 until the expiration date. Unless otherwise specified, all fees for permits issued by the  
126.25 commissioner of transportation must be deposited in the state treasury and credited to  
126.26 the trunk highway fund. Except for those annual permits for which the permit fees are  
126.27 specified elsewhere in this chapter, the fees are:

126.28 (a) \$15 for each single trip permit.

126.29 (b) \$36 for each job permit. A job permit may be issued for like loads carried on  
126.30 a specific route for a period not to exceed two months. "Like loads" means loads of the  
126.31 same product, weight, and dimension.

127.1 (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive  
127.2 months. Annual permits may be issued for:

127.3 (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety  
127.4 or well-being of the public;

127.5 (2) motor vehicles that travel on interstate highways and carry loads authorized  
127.6 under subdivision 1a;

127.7 (3) motor vehicles operating with gross weights authorized under section 169.826,  
127.8 subdivision 1a;

127.9 (4) special pulpwood vehicles described in section 169.863;

127.10 (5) motor vehicles bearing snowplow blades not exceeding ten feet in width;

127.11 (6) noncommercial transportation of a boat by the owner or user of the boat;

127.12 (7) motor vehicles carrying bales of agricultural products authorized under section  
127.13 169.862; and

127.14 (8) special milk-hauling vehicles authorized under section 169.867.

127.15 (d) \$120 for an oversize annual permit to be issued for a period not to exceed 12  
127.16 consecutive months. Annual permits may be issued for:

127.17 (1) mobile cranes;

127.18 (2) construction equipment, machinery, and supplies;

127.19 (3) manufactured homes and manufactured storage buildings;

127.20 (4) implements of husbandry;

127.21 (5) double-deck buses;

127.22 (6) commercial boat hauling and transporting waterfront structures, including, but  
127.23 not limited to, portable boat docks and boat lifts;

127.24 (7) three-vehicle combinations consisting of two empty, newly manufactured trailers  
127.25 for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however,  
127.26 the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer  
127.27 only while operating on twin-trailer routes designated under section 169.81, subdivision 3,  
127.28 paragraph (c); and

127.29 (8) vehicles operating on that portion of marked Trunk Highway 36 described in  
127.30 section 169.81, subdivision 3, paragraph (e).

127.31 (e) For vehicles that have axle weights exceeding the weight limitations of sections  
127.32 169.823 to 169.829, an additional cost added to the fees listed above. However, this  
127.33 paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph  
127.34 (b), but only when the vehicle exceeds its gross weight allowance set forth in that  
127.35 paragraph, and then the additional cost is for all weight, including the allowance weight,  
127.36 in excess of the permitted maximum axle weight. The additional cost is equal to the

128.1 product of the distance traveled times the sum of the overweight axle group cost factors  
 128.2 shown in the following chart:

128.3 Overweight Axle Group Cost Factors			
128.4 Weight (pounds)	128.4 Cost Per Mile For Each Group Of:		
128.5 exceeding weight	128.5 Two	128.5 Three	
128.6 limitations on axles	128.6 consecutive	128.6 consecutive	
	128.7 axles spaced	128.7 axles spaced	128.7 Four consecutive
	128.8 within 8 feet	128.8 within 9 feet	128.8 axles spaced within
	128.9 or less	128.9 or less	128.9 14 feet or less
128.10 0-2,000	.12	.05	.04
128.11 2,001-4,000	.14	.06	.05
128.12 4,001-6,000	.18	.07	.06
128.13 6,001-8,000	.21	.09	.07
128.14 8,001-10,000	.26	.10	.08
128.15 10,001-12,000	.30	.12	.09
128.16	Not		
128.17 12,001-14,000	permitted	.14	.11
128.18	Not		
128.19 14,001-16,000	permitted	.17	.12
128.20	Not		
128.21 16,001-18,000	permitted	.19	.15
128.22	Not	Not	
128.23 18,001-20,000	permitted	permitted	.16
128.24	Not	Not	
128.25 20,001-22,000	permitted	permitted	.20

128.26 The amounts added are rounded to the nearest cent for each axle or axle group. The  
 128.27 additional cost does not apply to paragraph (c), clauses (1) and (3).

128.28 For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile  
 128.29 fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed  
 128.30 in addition to the normal permit fee. Miles must be calculated based on the distance  
 128.31 already traveled in the state plus the distance from the point of detection to a transportation  
 128.32 loading site or unloading site within the state or to the point of exit from the state.

128.33 (f) As an alternative to paragraph (e), an annual permit may be issued for overweight,  
 128.34 or oversize and overweight, mobile cranes; construction equipment, machinery, and  
 128.35 supplies; implements of husbandry; and commercial boat hauling. The fees for the permit  
 128.36 are as follows:

128.37 Gross Weight (pounds) of Vehicle	128.37 Annual Permit Fee
128.38 90,000 or less	\$200
128.39 90,001 - 100,000	\$300
128.40 100,001 - 110,000	\$400
128.41 110,001 - 120,000	\$500
128.42 120,001 - 130,000	\$600
128.43 130,001 - 140,000	\$700



129.1	140,001 - 145,000	\$800
129.2	145,001 - 155,000	\$900

129.3 If the gross weight of the vehicle is more than 155,000 pounds the permit fee is determined  
129.4 under paragraph (e).

129.5 (g) For vehicles which exceed the width limitations set forth in section 169.80 by  
129.6 more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a)  
129.7 when the permit is issued while seasonal load restrictions pursuant to section 169.87 are  
129.8 in effect.

129.9 (h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for  
129.10 refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on  
129.11 a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828,  
129.12 subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds  
129.13 on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

129.14 (i) \$300 for a motor vehicle described in section 169.8261. The fee under this  
129.15 paragraph must be deposited as follows:

129.16 (1) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for  
129.17 costs related to administering the permit program and inspecting and posting bridges; and

129.18 (2) all remaining money in each fiscal year must be deposited in the bridge  
129.19 inspection and signing account as provided under subdivision 5b.

129.20 (j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating  
129.21 under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

129.22 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
129.23 to permits issued on and after that date.

129.24 Sec. 13. Minnesota Statutes 2012, section 169.863, is amended by adding a subdivision  
129.25 to read:

129.26 **Subd. 3. Expiration date.** Upon request of the permit applicant, the expiration  
129.27 date for a permit issued under this section must be the same as the expiration date of the  
129.28 permitted vehicle's registration.

129.29 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
129.30 to permits issued on and after that date.

129.31 Sec. 14. Minnesota Statutes 2012, section 169.865, subdivision 1, is amended to read:

130.1 Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit  
130.2 authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw  
130.3 or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

130.4 (1) 90,000 pounds; and

130.5 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
130.6 subdivision 1.

130.7 (b) Notwithstanding subdivision 3, paragraph (a), clause (4), a vehicle or  
130.8 combination of vehicles operated under this subdivision and transporting only sealed  
130.9 intermodal containers may be operated on an interstate highway if allowed by the United  
130.10 States Department of Transportation.

130.11 (c) The fee for a permit issued under this subdivision is \$300, or a proportional  
130.12 amount as provided in section 169.86, subdivision 5.

130.13 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
130.14 to permits issued on and after that date.

130.15 Sec. 15. Minnesota Statutes 2012, section 169.865, subdivision 2, is amended to read:

130.16 Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit  
130.17 authorizing a vehicle or combination of vehicles with a total of seven or more axles to  
130.18 haul raw or unprocessed agricultural products and be operated with a gross vehicle weight  
130.19 of up to:

130.20 (1) 97,000 pounds; and

130.21 (2) 99,000 pounds during the period set by the commissioner under section 169.826,  
130.22 subdivision 1.

130.23 (b) Drivers of vehicles operating under this subdivision must comply with driver  
130.24 qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code  
130.25 of Federal Regulations, title 49, parts 40 and 382.

130.26 (c) The fee for a permit issued under this subdivision is \$500, or a proportional  
130.27 amount as provided in section 169.86, subdivision 5.

130.28 **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
130.29 to permits issued on and after that date.

130.30 Sec. 16. Minnesota Statutes 2012, section 169.865, is amended by adding a subdivision  
130.31 to read:

131.1            Subd. 5. **Expiration date.** Upon request of the permit applicant, the expiration  
131.2 date for a permit issued under this section must be the same as the expiration date of the  
131.3 permitted vehicle's registration.

131.4            **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
131.5 to permits issued on and after that date.

131.6            Sec. 17. Minnesota Statutes 2012, section 169.866, subdivision 3, is amended to read:

131.7            **Subd. 3. Permit fee; appropriation.** Vehicle permits issued under subdivision 1  
131.8 must be annual permits. The fee is \$850 for each vehicle, or a proportional amount as  
131.9 provided in section 169.86, subdivision 5, and must be deposited in the trunk highway  
131.10 fund. An amount sufficient to administer the permit program is appropriated from the  
131.11 trunk highway fund to the commissioner for the costs of administering the permit program.

131.12            **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
131.13 to permits issued on and after that date.

131.14            Sec. 18. Minnesota Statutes 2012, section 169.866, is amended by adding a subdivision  
131.15 to read:

131.16            Subd. 4. **Expiration date.** Upon request of the permit applicant, the expiration  
131.17 date for a permit issued under this section must be the same as the expiration date of the  
131.18 permitted vehicle's registration.

131.19            **EFFECTIVE DATE.** This section is effective November 30, 2016, and applies  
131.20 to permits issued on and after that date.

131.21            Sec. 19. Minnesota Statutes 2012, section 171.02, subdivision 3, is amended to read:

131.22            **Subd. 3. Motorized bicycle.** (a) A motorized bicycle may not be operated on any  
131.23 public roadway by any person who does not possess a valid driver's license, unless the  
131.24 person has obtained a motorized bicycle operator's permit or motorized bicycle instruction  
131.25 permit from the commissioner of public safety. The operator's permit may be issued to  
131.26 any person who has attained the age of 15 years and who has passed the examination  
131.27 prescribed by the commissioner. The instruction permit may be issued to any person who  
131.28 has attained the age of 15 years and who has successfully completed an approved safety  
131.29 course and passed the written portion of the examination prescribed by the commissioner.

131.30            (b) This course must consist of, but is not limited to, a basic understanding of:

131.31            (1) motorized bicycles and their limitations;

131.32            (2) motorized bicycle laws and rules;

- 132.1 (3) safe operating practices and basic operating techniques;
- 132.2 (4) helmets and protective clothing;
- 132.3 (5) motorized bicycle traffic strategies; and
- 132.4 (6) effects of alcohol and drugs on motorized bicycle operators.

132.5 (c) The commissioner may adopt rules prescribing the content of the safety course,  
 132.6 examination, and the information to be contained on the permits. A person operating a  
 132.7 motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed  
 132.8 by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel  
 132.9 instruction permit.

132.10 (d) The fees for motorized bicycle operator's permits are as follows:

132.11	<del>(1) Examination and operator's permit, valid for one year</del>	\$ 6.75
132.12	<del>(2) Duplicate</del>	\$ 3.75
132.13	<del>(3) (1) <u>Renewal Motorized bicycle operator's permit before age 21 and</u></del>	\$ 9.75
132.14	<del>valid until age 21</del>	
132.15	<del>(4) (2) Renewal permit age 21 or older and valid for four years</del>	\$ 15.75
132.16	<del>(5) (3) Duplicate of any renewal permit</del>	\$ 5.25
132.17	<del>(6) (4) Written examination and instruction permit, valid for 30 days</del>	\$ 6.75

132.18 Sec. 20. Minnesota Statutes 2012, section 171.06, subdivision 2, is amended to read:

132.19 Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are  
 132.20 as follows:

132.21	Classified Driver's License	D-\$17.25	C-\$21.25	B-\$28.25	A-\$36.25
132.22	Classified Under-21 D.L.	D-\$17.25	C-\$21.25	B-\$28.25	A-\$16.25
132.23	Enhanced Driver's License	D-\$32.25	C-\$36.25	B-\$43.25	A-\$51.25
132.24	Instruction Permit				\$5.25
132.25	Enhanced Instruction				
132.26	Permit				\$20.25
132.27	<u>Commercial Learner's</u>				
132.28	<u>Permit</u>				<u>\$2.50</u>
132.29	Provisional License				\$8.25
132.30	Enhanced Provisional				
132.31	License				\$23.25
132.32	Duplicate License or				
132.33	duplicate identification				
132.34	card				\$6.75
132.35	Enhanced Duplicate				
132.36	License or enhanced				
132.37	duplicate identification				
132.38	card				\$21.75

133.1	Minnesota identification	
133.2	card or Under-21	
133.3	Minnesota identification	
133.4	card, other than duplicate,	
133.5	except as otherwise	
133.6	provided in section 171.07,	
133.7	subdivisions 3 and 3a	\$11.25
133.8	Enhanced Minnesota	
133.9	identification card	\$26.25

133.10 In addition to each fee required in this paragraph, the commissioner shall collect a  
 133.11 surcharge of: (1) \$1.75 until June 30, 2012; and (2) \$1.00 from July 1, 2012, to June 30,  
 133.12 2016. Surcharges collected under this paragraph must be credited to the driver and vehicle  
 133.13 services technology account in the special revenue fund under section 299A.705.

133.14 (b) Notwithstanding paragraph (a), an individual who holds a provisional license and  
 133.15 has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33,  
 133.16 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving  
 133.17 violations, and (3) convictions for moving violations that are not crash related, shall have a  
 133.18 \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation"  
 133.19 has the meaning given it in section 171.04, subdivision 1.

133.20 (c) In addition to the driver's license fee required under paragraph (a), the  
 133.21 commissioner shall collect an additional \$4 processing fee from each new applicant  
 133.22 or individual renewing a license with a school bus endorsement to cover the costs for  
 133.23 processing an applicant's initial and biennial physical examination certificate. The  
 133.24 department shall not charge these applicants any other fee to receive or renew the  
 133.25 endorsement.

133.26 (d) In addition to the fee required under paragraph (a), a driver's license agent may  
 133.27 charge and retain a filing fee as provided under section 171.061, subdivision 4.

133.28 (e) In addition to the fee required under paragraph (a), the commissioner shall  
 133.29 charge a filing fee at the same amount as a driver's license agent under section 171.061,  
 133.30 subdivision 4. Revenue collected under this paragraph must be deposited in the driver  
 133.31 services operating account.

133.32 (f) An application for a Minnesota identification card, instruction permit, provisional  
 133.33 license, or driver's license, including an application for renewal, must contain a provision  
 133.34 that allows the applicant to add to the fee under paragraph (a), a \$2 donation for the  
 133.35 purposes of public information and education on anatomical gifts under section 171.075.

133.36 Sec. 21. Minnesota Statutes 2012, section 171.13, subdivision 1, is amended to read:

- 134.1 Subdivision 1. **Examination subjects and locations; provisions for color**
- 134.2 **blindness, disabled veterans.** (a) Except as otherwise provided in this section, the
- 134.3 commissioner shall examine each applicant for a driver's license by such agency as the
- 134.4 commissioner directs. This examination must include:
- 134.5 (1) a test of the applicant's eyesight;
- 134.6 (2) a test of the applicant's ability to read and understand highway signs regulating,
- 134.7 warning, and directing traffic;
- 134.8 (3) a test of the applicant's knowledge of (i) traffic laws; (ii) the effects of alcohol
- 134.9 and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the
- 134.10 legal penalties and financial consequences resulting from violations of laws prohibiting
- 134.11 the operation of a motor vehicle while under the influence of alcohol or drugs; (iii)
- 134.12 railroad grade crossing safety; (iv) slow-moving vehicle safety; (v) laws relating to pupil
- 134.13 transportation safety, including the significance of school bus lights, signals, stop arm, and
- 134.14 passing a school bus; (vi) traffic laws related to bicycles; and (vii) the circumstances and
- 134.15 dangers of carbon monoxide poisoning;
- 134.16 (4) an actual demonstration of ability to exercise ordinary and reasonable control
- 134.17 in the operation of a motor vehicle; and
- 134.18 (5) other physical and mental examinations as the commissioner finds necessary to
- 134.19 determine the applicant's fitness to operate a motor vehicle safely upon the highways.
- 134.20 (b) Notwithstanding paragraph (a), no driver's license may be denied an applicant on
- 134.21 the exclusive grounds that the applicant's eyesight is deficient in color perception. War
- 134.22 veterans operating motor vehicles especially equipped for disabled persons, if otherwise
- 134.23 entitled to a license, must be granted such license.
- 134.24 (c) The commissioner shall make provision for giving the examinations under this
- 134.25 subdivision either in the county where the applicant resides or at a place adjacent thereto
- 134.26 reasonably convenient to the applicant.
- 134.27 (d) The commissioner shall ensure that an applicant is able to obtain an appointment
- 134.28 for an examination to demonstrate ability under paragraph (a), clause (4), within 14 days
- 134.29 of the applicant's request if, under the applicable statutes and rules of the commissioner,
- 134.30 the applicant is eligible to take the examination.

134.31 **EFFECTIVE DATE.** This section is effective May 1, 2015.

134.32 Sec. 22. **[171.161] COMMERCIAL DRIVER'S LICENSE; FEDERAL**

134.33 **CONFORMITY.**

134.34 Subdivision 1. **Conformity with federal law.** The commissioner of public safety

134.35 shall ensure the programs and policies related to commercial drivers' licensure and the

135.1 operation of commercial motor vehicles in Minnesota conform with the requirements of  
135.2 Code of Federal Regulations, title 49, part 383.

135.3 Subd. 2. **Conflicts.** To the extent a requirement of sections 171.162 to 171.169, or  
135.4 any other state or local law, conflicts with a provision of Code of Federal Regulations, title  
135.5 49, part 383, the federal provision prevails.

135.6 Sec. 23. Minnesota Statutes 2012, section 174.02, is amended by adding a subdivision  
135.7 to read:

135.8 Subd. 10. **Products and services; billing.** The commissioner of transportation may  
135.9 bill operations units of the department for costs of centrally managed products or services  
135.10 that benefit multiple operations units. These costs may include equipment acquisition and  
135.11 rental, labor, materials, and other costs determined by the commissioner. Receipts must be  
135.12 credited to the special products and services account, which is established in the trunk  
135.13 highway fund, and are appropriated to the commissioner to pay the costs for which the  
135.14 billings are made.

135.15 Sec. 24. Minnesota Statutes 2013 Supplement, section 174.12, subdivision 2, is  
135.16 amended to read:

135.17 Subd. 2. **Transportation economic development accounts.** (a) A transportation  
135.18 economic development account is established in the special revenue fund under the  
135.19 budgetary jurisdiction of the legislative committees having jurisdiction over transportation  
135.20 finance. Money in the account may be expended only as appropriated by law. The account  
135.21 may not contain money transferred or otherwise provided from the trunk highway fund.

135.22 (b) A transportation economic development account is established in the trunk  
135.23 highway fund. The account consists of funds donated, allotted, transferred, or otherwise  
135.24 provided to the account. Money in the account may be used only for trunk highway  
135.25 purposes. All funds in the account ~~available prior to August 1, 2013,~~ are available until  
135.26 expended.

135.27 Sec. 25. Minnesota Statutes 2013 Supplement, section 174.42, subdivision 2, is  
135.28 amended to read:

135.29 Subd. 2. **Funding requirement.** In each federal fiscal year, the commissioner  
135.30 shall obtain a total amount in federal authorizations for reimbursement on transportation  
135.31 alternatives projects that is equal to or greater than the annual average of federal  
135.32 authorizations on transportation alternatives projects calculated over ~~the preceding four~~  
135.33 federal fiscal years 2010 to 2012.

136.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
136.2 applies to authorizations for federal fiscal year 2015 and subsequent federal fiscal years.

136.3 Sec. 26. Minnesota Statutes 2012, section 174.56, subdivision 1, is amended to read:

136.4 Subdivision 1. **Report required.** (a) The commissioner of transportation shall  
136.5 submit a report by December 15 of each year on (1) the status of major highway projects  
136.6 completed during the previous two years or under construction or planned during the year  
136.7 of the report and for the ensuing 15 years, and (2) trunk highway fund expenditures,  
136.8 and (3) beginning with the report due in 2016, efficiencies achieved during the previous  
136.9 two fiscal years.

136.10 (b) For purposes of this section, a "major highway project" is a highway project that  
136.11 has a total cost for all segments that the commissioner estimates at the time of the report  
136.12 to be at least (1) \$15,000,000 in the metropolitan highway construction district, or (2)  
136.13 \$5,000,000 in any nonmetropolitan highway construction district.

136.14 Sec. 27. **[219.375] RAILROAD YARD LIGHTING.**

136.15 Subdivision 1. **Lighting status reports submitted by railroad common carriers.**

136.16 By January 15 of each year, each Class I and Class II railroad common carrier that  
136.17 operates one or more railroad yards in this state, where, between sunset and sunrise, cars or  
136.18 locomotives are frequently switched, repaired, or inspected, or where trains are assembled  
136.19 and disassembled, shall submit to the commissioner of transportation a plan that:

136.20 (1) identifies all railroad yards operated by the railroad where the described work  
136.21 is frequently accomplished between sunset and sunrise;

136.22 (2) describes the nature and placement of lighting equipment currently in use in the  
136.23 yard and the maintenance status and practices regarding this equipment;

136.24 (3) states whether the lighting meets or exceeds guidelines for illumination  
136.25 established by the American Railway Engineering and Maintenance-of-Way Association;

136.26 (4) describes whether existing lighting is installed and operated in a manner  
136.27 consistent with energy conservation, glare reduction, minimization of light pollution, and  
136.28 preservation of the natural night environment; and

136.29 (5) identifies plans and timelines to bring into compliance railroad yards that do not  
136.30 utilize and maintain lighting equipment that meets or exceeds the standards and guidelines  
136.31 under clauses (3) and (4), or states any reason why the standards and guidelines should  
136.32 not apply.

136.33 Subd. 2. **Maintenance of lighting equipment.** A railroad common carrier  
136.34 that is required to file a report under subdivision 1 shall maintain all railroad yard



137.1 lighting equipment in good working order and shall repair or replace any malfunctioning  
137.2 equipment within 48 hours after the malfunction has been reported to the carrier. Repairs  
137.3 must be made in compliance with, or to exceed the standards in, the Minnesota Electrical  
137.4 Code and chapter 326B.

137.5 Subd. 3. **Lighting status reports submitted by worker representative.** By  
137.6 January 15 of each year, the union representative of the workers at each railroad yard  
137.7 required to submit a report under subdivision 1 shall submit to the commissioner of  
137.8 transportation a report that:

137.9 (1) describes the nature and placement of lighting equipment currently in use in the  
137.10 yard and maintenance status and practices regarding the equipment;

137.11 (2) describes the level of maintenance of lighting equipment and the carrier's  
137.12 promptness in responding to reports of lighting malfunction;

137.13 (3) states whether the available lighting is adequate to provide safe working  
137.14 conditions for crews working at night; and

137.15 (4) describes changes in the lighting equipment and its adequacy that have occurred  
137.16 since the last previous worker representative report.

137.17 Subd. 4. **Commissioner response.** The commissioner shall review the reports  
137.18 submitted under subdivisions 1 and 3. The commissioner shall investigate any  
137.19 discrepancies between lighting status reports submitted under subdivisions 1 and 3,  
137.20 and shall report findings to the affected yard's owner and worker representative. The  
137.21 commissioner shall annually advise the chairs and ranking minority members of the house  
137.22 of representatives and senate committees and divisions with jurisdiction over transportation  
137.23 budget and policy as to the content of the reports submitted, discrepancies investigated,  
137.24 the progress achieved by the railroad common carriers towards achieving the standards  
137.25 and guidelines under clauses (3) and (4), and any recommendations for legislation to  
137.26 achieve compliance with the standards and guidelines within a reasonable period of time.

137.27 Subd. 5. **Required lighting.** By December 31, 2015, a railroad common carrier  
137.28 shall establish lighting that meets the standards and guidelines under subdivision 1, clauses  
137.29 (3) and (4), at each railroad yard where:

137.30 (1) between sunset and sunrise:

137.31 (i) locomotives, or railcars carrying placarded hazardous materials, are frequently  
137.32 switched, repaired, or inspected; or

137.33 (ii) trains with more than 25 tanker railcars carrying placarded hazardous materials  
137.34 are assembled and disassembled; and

137.35 (2) the yard is located within two miles of a petroleum refinery having a crude oil  
137.36 production capacity of 150,000 or more barrels per day.

138.1 Sec. 28. Minnesota Statutes 2012, section 222.50, subdivision 7, is amended to read:

138.2 Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail  
138.3 service improvement account for the following purposes:

138.4 (1) to make transfers as provided under section 222.57 or to pay interest adjustments  
138.5 on loans guaranteed under the state rail user and rail carrier loan guarantee program;

138.6 (2) to pay a portion of the costs of capital improvement projects designed to improve  
138.7 rail service of a rail user or a rail carrier;

138.8 (3) to pay a portion of the costs of rehabilitation projects designed to improve rail  
138.9 service of a rail user or a rail carrier;

138.10 (4) to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to  
138.11 the state rail bank program;

138.12 (5) to provide for aerial photography survey of proposed and abandoned railroad  
138.13 tracks for the purpose of recording and reestablishing by analytical triangulation the  
138.14 existing alignment of the in-place track;

138.15 (6) to pay a portion of the costs of acquiring a rail line by a regional railroad  
138.16 authority established pursuant to chapter 398A;

138.17 (7) to pay the state matching portion of federal grants for rail-highway grade  
138.18 crossing improvement projects; ~~and~~

138.19 (8) for expenditures made before July 1, 2017, to pay the state matching portion  
138.20 of grants under the federal Transportation Investment Generating Economic Recovery  
138.21 (TIGER) program of the United States Department of Transportation; and

138.22 (9) to fund rail planning studies.

138.23 (b) All money derived by the commissioner from the disposition of railroad  
138.24 right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall  
138.25 be deposited in the rail service improvement account.

138.26 Sec. 29. Minnesota Statutes 2013 Supplement, section 297A.815, subdivision 3,  
138.27 is amended to read:

138.28 Subd. 3. **Motor vehicle lease sales tax revenue.** (a) For purposes of this  
138.29 subdivision, "net revenue" means an amount equal to:

138.30 ~~(1) the revenues, including interest and penalties, collected under this section, during~~  
138.31 ~~the fiscal year; less~~

138.32 ~~(2) in fiscal year 2011, \$30,100,000; in fiscal year 2012, \$31,100,000; and in fiscal~~  
138.33 ~~year 2013 and following fiscal years, \$32,000,000 in each fiscal year.~~

139.1 (b) On or before June 30 of each fiscal year, the commissioner of revenue shall  
139.2 estimate the amount of the ~~revenues and subtraction under paragraph (a)~~ net revenue  
139.3 for the current fiscal year.

139.4 (c) On or after July 1 of the subsequent fiscal year, the commissioner of management  
139.5 and budget shall transfer the net revenue as estimated in paragraph (b) from the general  
139.6 fund, as follows:

139.7 (1) \$9,000,000 annually until January 1, ~~2016~~ 2015, and 50 percent annually  
139.8 thereafter to the county state-aid highway fund. Notwithstanding any other law to the  
139.9 contrary, the commissioner of transportation shall allocate the funds transferred under this  
139.10 clause to the counties in the metropolitan area, as defined in section 473.121, subdivision  
139.11 4, excluding the counties of Hennepin and Ramsey, so that each county shall receive  
139.12 of such amount the percentage that its population, as defined in section 477A.011,  
139.13 subdivision 3, estimated or established by July 15 of the year prior to the current calendar  
139.14 year, bears to the total population of the counties receiving funds under this clause; and

139.15 (2) the remainder to the greater Minnesota transit account.

139.16 Sec. 30. **[299A.017] STATE SAFETY OVERSIGHT.**

139.17 Subdivision 1. **Office created.** The commissioner of public safety shall establish an  
139.18 Office of State Safety Oversight in the Department of Public Safety for safety oversight of  
139.19 rail fixed guideway public transportation systems within the state. The commissioner shall  
139.20 designate a director of the office.

139.21 Subd. 2. **Authority.** The director shall implement and has regulatory authority to  
139.22 enforce the requirements for the state set forth in United States Code, title 49, sections  
139.23 5329 and 5330, federal regulations adopted pursuant to those sections, and successor or  
139.24 supplemental requirements.

139.25 Sec. 31. **[473.4056] LIGHT RAIL TRANSIT VEHICLE DESIGN.**

139.26 Subdivision 1. **Adoption of standards.** (a) By January 1, 2015, the Metropolitan  
139.27 Council shall adopt and may thereafter amend standards for the design of light rail  
139.28 vehicles that are reasonably necessary to provide access for, and to protect the health and  
139.29 safety of, persons who use the service. All light rail transit vehicles procured on and after  
139.30 January 1, 2015, must conform to the standards then in effect.

139.31 (b) The Transportation Accessibility Advisory Committee must review the standards  
139.32 and all subsequent amendments before the Metropolitan Council adopts them.

139.33 (c) The Metropolitan Council shall post adopted standards, including amendments,  
139.34 on its Web site.

140.1 Subd. 2. **Minimum standards.** Standards adopted under this section must include,  
140.2 but are not limited to:  
140.3 (1) two dedicated spaces for wheelchair users in each car;  
140.4 (2) seating for a companion adjacent to at least two wheelchair-dedicated spaces; and  
140.5 (3) further specifications that meet or exceed the standards established in the  
140.6 Americans with Disabilities Act.

140.7 Sec. 32. **[473.41] TRANSIT SHELTERS AND STOPS.**

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

140.10 (b) "Transit authority" means:

140.11 (1) a statutory or home rule charter city, with respect to rights-of-way at bus stop and  
140.12 train stop locations, transit shelters, and transit passenger seating facilities owned by the  
140.13 city or established pursuant to a vendor contract with the city;

140.14 (2) the Metropolitan Council, with respect to transit shelters and transit passenger  
140.15 seating facilities owned by the council or established pursuant to a vendor contract with  
140.16 the council; or

140.17 (3) a replacement service provider under section 473.388, with respect to  
140.18 rights-of-way at bus stop and train stop locations, transit shelters, and transit passenger  
140.19 seating facilities owned by the provider or established pursuant to a vendor contract  
140.20 with the provider.

140.21 (c) "Transit shelter" means a wholly or partially enclosed structure provided for  
140.22 public use as a waiting area in conjunction with light rail transit, bus rapid transit, or  
140.23 regular route transit.

140.24 Subd. 2. **Design.** (a) A transit authority shall establish design specifications for  
140.25 establishment and replacement of its transit shelters, which must include:

140.26 (1) engineering standards, as appropriate;

140.27 (2) maximization of protection from the wind, snow, and other elements;

140.28 (3) to the extent feasible, inclusion of warming capability at each shelter in which  
140.29 there is a proportionally high number of transit service passenger boardings; and

140.30 (4) full accessibility for the elderly and persons with disabilities.

140.31 (b) The council shall consult with the Transportation Accessibility Advisory  
140.32 Committee.

140.33 Subd. 3. **Maintenance.** A transit authority shall ensure transit shelters are  
140.34 maintained in good working order and are accessible to all users of the transit system.  
140.35 This requirement includes but is not limited to:

141.1 (1) keeping transit shelters reasonably clean and free from graffiti; and  
141.2 (2) removing snow and ice in a manner that provides accessibility for the elderly  
141.3 and persons with disabilities to be able to enter and exit transit shelters, and board and  
141.4 exit trains at each stop.

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

141.6 Sec. 33. **TRANSPORTATION EFFICIENCIES.**

141.7 The commissioner of transportation shall include in the report under Minnesota  
141.8 Statutes, section 174.56, due by December 15, 2015, information on efficiencies  
141.9 implemented in fiscal year 2015 in planning and project management and delivery,  
141.10 along with an explanation of the efficiencies employed to achieve the savings and the  
141.11 methodology used in the calculations. The level of savings achieved must equal, in  
141.12 comparison with the total state road construction budget for that year, a minimum of five  
141.13 percent in fiscal year 2015. The report must identify the projects that have been advanced  
141.14 or completed due to the implementation of efficiency measures.

141.15 Sec. 34. **WATERCRAFT DECONTAMINATION SITES; REST AREAS.**

141.16 Where feasible with existing resources, the commissioners of natural resources  
141.17 and transportation shall cooperate in an effort to use rest areas as sites for watercraft  
141.18 decontamination and other activities to prevent the spread of aquatic invasive species.

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

141.20 Sec. 35. **HIGHWAY 14 TURNBACK.**

141.21 (a) Notwithstanding Minnesota Statutes, sections 161.081, subdivision 3, and  
141.22 161.16, or any other law to the contrary, the commissioner of transportation may:

141.23 (1) by temporary order, take over the road described as "Old Highway 14" in the  
141.24 settlement agreement and release executed January 7, 2014, between the state and Waseca  
141.25 and Steele Counties; and

141.26 (2) upon completion of the work described in the settlement agreement, release "Old  
141.27 Highway 14" back to Steele and Waseca Counties.

141.28 (b) Upon completion of the work described in the settlement agreement between the  
141.29 state and Waseca and Steele Counties, the counties shall accept responsibility for the road  
141.30 described in the agreement as "Old Highway 14."

141.31 Sec. 36. **EVALUATION OF CERTAIN TRUNK HIGHWAY SPEED LIMITS.**

142.1 Subdivision 1. **Engineering and traffic investigations.** The commissioner of  
142.2 transportation shall perform engineering and traffic investigations on trunk highway  
142.3 segments that are two-lane, two-way roadways with a posted speed limit of 55 miles per  
142.4 hour. On determining upon the basis of the investigation that the 55 miles per hour speed  
142.5 limit can be reasonably and safely increased under the conditions found to exist on any  
142.6 of the trunk highway segments examined, the commissioner may designate an increased  
142.7 limit applicable to those segments and erect appropriate signs designating the speed limit.  
142.8 The new speed limit shall be effective when the signs are erected. Of all the roadways  
142.9 to be studied under this section, approximately one-fifth must be subject to investigation  
142.10 each year until the statewide study is complete in 2019.

142.11 Subd. 2. **Report.** By January 15 annually, the commissioner shall provide to  
142.12 the chairs and ranking minority members of the senate and house of representatives  
142.13 committees with jurisdiction over transportation policy and finance a list of trunk  
142.14 highways or segments of trunk highways that were subject to an engineering and safety  
142.15 investigation in the previous calendar year, specifying in each case the applicable speed  
142.16 limits before and after the investigation.

142.17 **EFFECTIVE DATE.** This section is effective the day following final enactment  
142.18 and expires on the earlier of January 15, 2019, or the date the final report is submitted to  
142.19 the legislative committees under this section.

142.20 Sec. 37. **TASK FORCE ON MOTOR VEHICLE INSURANCE COVERAGE**  
142.21 **VERIFICATION.**

142.22 Subdivision 1. **Establishment.** The task force on motor vehicle insurance coverage  
142.23 verification is established to review and evaluate approaches to insurance coverage  
142.24 verification and recommend legislation to create and fund a program in this state.

142.25 Subd. 2. **Membership; meetings; staff.** (a) The task force shall be composed of  
142.26 13 members, who must be appointed by July 1, 2014, and who serve at the pleasure of  
142.27 their appointing authorities:

142.28 (1) the commissioner of public safety or a designee;

142.29 (2) the commissioner of commerce or a designee;

142.30 (3) two members of the house of representatives, one appointed by the speaker of the  
142.31 house and one appointed by the minority leader;

142.32 (4) two members of the senate, one appointed by the Subcommittee on Committees  
142.33 of the Committee on Rules and Administration and one appointed by the minority leader;

142.34 (5) a representative of Minnesota Deputy Registrars Association;

142.35 (6) a representative of AAA Minnesota;

- 143.1 (7) a representative of AARP Minnesota;  
143.2 (8) a representative of the Insurance Federation of Minnesota;  
143.3 (9) a representative of the Minnesota Bankers Association;  
143.4 (10) a representative of the Minnesota Bar Association; and  
143.5 (11) a representative of the Minnesota Police and Peace Officers Association.

143.6 (b) Compensation and expense reimbursement must be as provided under Minnesota  
143.7 Statutes, section 15.059, subdivision 3, to members of the task force.

143.8 (c) The commissioner of public safety shall convene the task force by August  
143.9 1, 2014, and shall appoint a chair from the membership of the task force. Staffing and  
143.10 technical assistance must be provided by the Department of Public Safety.

143.11 Subd. 3. **Duties.** The task force shall review and evaluate programs established in  
143.12 other states as well as programs proposed by third parties, identify one or more programs  
143.13 recommended for implementation in this state, and, as to the recommended programs,  
143.14 adopt findings concerning:

143.15 (1) comparative costs of programs;

143.16 (2) implementation considerations, and in particular, identifying the appropriate  
143.17 supervising agency and assessing compatibility with existing and planned computer  
143.18 systems;

143.19 (3) effectiveness in verifying existence of motor vehicle insurance coverage;

143.20 (4) identification of categories of authorized users;

143.21 (5) simplicity of access and use for authorized users;

143.22 (6) data privacy considerations;

143.23 (7) data retention policies; and

143.24 (8) statutory changes necessary for implementation.

143.25 Subd. 4. **Report.** By February 1, 2015, the task force must submit to the  
143.26 chairs and ranking minority members of the house of representatives and senate  
143.27 committees and divisions with primary jurisdiction over commerce and transportation its  
143.28 written recommendations, including any draft legislation necessary to implement the  
143.29 recommendations.

143.30 Subd. 5. **Sunset.** The task force shall sunset the day after submitting the report  
143.31 under subdivision 4, or February 2, 2015, whichever is earlier.

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

143.33 **Sec. 38. COMMUNITY DESTINATION SIGN PILOT PROGRAM.**

143.34 Subdivision 1. **Definition.** (a) For purposes of this section, the following terms  
143.35 have the meanings given.

144.1 (b) "City" means the city of Two Harbors.

144.2 (c) "General retail services" means a business that sells goods or services (1) at  
144.3 retail and directly to an end-use consumer, and (2) that are of interest to tourists or the  
144.4 traveling public.

144.5 Subd. 2. **Pilot program established.** (a) In consultation with the city of Two  
144.6 Harbors, the commissioner of transportation shall establish a community destination sign  
144.7 pilot program for wayfinding within the city to destinations or attractions of interest to  
144.8 the traveling public.

144.9 (b) For purposes of Minnesota Statutes, chapter 173, signs under the pilot program  
144.10 are official signs.

144.11 Subd. 3. **Signage, design.** (a) The pilot program must include as eligible attractions  
144.12 and destinations:

144.13 (1) minor traffic generators; and

144.14 (2) general retail services, specified by business name, that are identified in a  
144.15 community wayfinding program established by the city.

144.16 (b) The commissioner of transportation, in coordination with the city, may establish  
144.17 sign design specifications for signs under the pilot program. Design specifications must  
144.18 allow for placement of:

144.19 (1) a city name and city logo or symbol; and

144.20 (2) up to five attractions or destinations on a community destination sign assembly.

144.21 Subd. 4. **Program costs.** The city shall pay costs of design, construction,  
144.22 erection, and maintenance of the signs and sign assemblies under the pilot program. The  
144.23 commissioner shall not impose fees for the pilot program.

144.24 Subd. 5. **Pilot program evaluation.** In coordination with the city, the commissioner  
144.25 of transportation shall evaluate effectiveness of the pilot program under this section,  
144.26 which must include analysis of traffic safety impacts, utility to motorists and tourists,  
144.27 costs and expenditures, extent of community support, and pilot program termination  
144.28 or continuation. By January 15, 2021, the commissioner shall submit a report on the  
144.29 evaluation to the chairs and ranking minority members of the legislative committees with  
144.30 jurisdiction over transportation policy and finance.

144.31 Subd. 6. **Expiration.** The pilot program under this section expires January 1, 2022.

144.32 **EFFECTIVE DATE.** This section is effective the day after the governing body of  
144.33 the city of Two Harbors and its chief clerical officer timely complete their compliance  
144.34 with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

144.35 Sec. 39. **TRANSIT SERVICE ON ELECTION DAY.**



145.1 Subdivision 1. **Operating assistance recipients.** An eligible recipient of operating  
 145.2 assistance under Minnesota Statutes, section 174.24, who contracts or has contracted to  
 145.3 provide fixed route public transit shall provide fixed route public transit service free of  
 145.4 charge on a day a state general election is held.

145.5 Subd. 2. **Metropolitan Council.** (a) The Metropolitan Council shall provide  
 145.6 regular route transit, as defined under Minnesota Statutes, section 473.385, subdivision 1,  
 145.7 paragraph (b), free of charge on a day a state general election is held.

145.8 (b) The requirements under this subdivision apply to operators of regular route  
 145.9 transit (1) receiving financial assistance under Minnesota Statutes, section 473.388, or (2)  
 145.10 operating under Minnesota Statutes, section 473.405, subdivision 12.

145.11 **EFFECTIVE DATE.** This section is effective July 1, 2014, and expires November  
 145.12 5, 2014.

145.13 **ARTICLE 12**

145.14 **AGRICULTURE, ENVIRONMENT, AND NATURAL RESOURCES**  
 145.15 **APPROPRIATIONS**

145.16 Section 1. **SUMMARY OF APPROPRIATIONS.**

145.17 The amounts shown in this section summarize direct appropriations, by fund, made  
 145.18 in this article.

	<b><u>2014</u></b>		<b><u>2015</u></b>		<b><u>Total</u></b>
145.19					
145.20	<u>General</u>	\$	-0-	\$	<u>10,756,000</u>
145.21	<u>Remediation</u>		-0-		<u>650,000</u>
145.22	<u>Natural Resources</u>		-0-		<u>900,000</u>
145.23	<u>Game and Fish</u>		-0-		<u>2,412,000</u>
145.24	<u>Environment and Natural</u>				
145.25	<u>Resources Trust</u>		-0-		<u>490,000</u>
145.26	<u>Parks and Trails</u>		530,000		<u>530,000</u>
145.27	<u>Environmental</u>		-0-		<u>4,000,000</u>
145.28	<b><u>Total</u></b>	<b><u>\$</u></b>	<b><u>530,000</u></b>	<b><u>\$</u></b>	<b><u>19,208,000</u></b>

145.29 Sec. 2. **APPROPRIATIONS.**

145.30 The sums shown in the columns marked "Appropriations" are added to the  
 145.31 appropriations in Laws 2013, chapter 114, or appropriated to the agencies and for the  
 145.32 purposes specified in this article. The appropriations are from the general fund, or another  
 145.33 named fund, and are available for the fiscal year indicated for each purpose. The figures  
 145.34 "2014" and "2015" used in this article means that the addition to the appropriations  
 145.35 listed under them are available for the fiscal year ending June 30, 2014, or June 30,

146.1 2015, respectively. Appropriations for fiscal year 2014 are effective the day following  
146.2 final enactment.

146.3		<b><u>APPROPRIATIONS</u></b>	
146.4		<b><u>Available for the Year</u></b>	
146.5		<b><u>Ending June 30</u></b>	
146.6		<b><u>2014</u></b>	<b><u>2015</u></b>

146.7	Sec. 3. <b><u>AGRICULTURE.</u></b>	<b><u>\$</u></b>	<b><u>-0-</u></b>	<b><u>\$</u></b>	<b><u>2,750,000</u></b>
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146.8 \$2,000,000 in 2015 is for a grant to Second  
 146.9 Harvest Heartland on behalf of the six  
 146.10 Feeding America food banks that serve  
 146.11 Minnesota to compensate agricultural  
 146.12 producers and processors for costs incurred  
 146.13 to harvest and package for transfer surplus  
 146.14 fruits, vegetables, or other agricultural  
 146.15 commodities that would otherwise go  
 146.16 unharvested or be discarded. Surplus  
 146.17 commodities must be distributed statewide  
 146.18 to food shelves and other charitable  
 146.19 organizations that are eligible to receive  
 146.20 food from the food banks. Surplus food  
 146.21 acquired under this appropriation must be  
 146.22 from Minnesota producers and processors.  
 146.23 Second Harvest Heartland must report when  
 146.24 required by, and in the form prescribed by,  
 146.25 the commissioner. For fiscal year 2015,  
 146.26 Second Harvest Heartland may use up  
 146.27 to 11 percent of any grant received for  
 146.28 administrative expenses. For fiscal years  
 146.29 2016 and 2017, Second Harvest Heartland  
 146.30 may use up to five percent of any grant  
 146.31 received for administrative expenses. This  
 146.32 is a onetime appropriation and is available  
 146.33 until June 30, 2017.

146.34 The commissioner shall examine how other  
 146.35 states are implementing the industrial hemp

147.1 research authority provided in Public Law  
 147.2 113-79 and gauge the interest of Minnesota  
 147.3 higher education institutions. No later  
 147.4 than January 15, 2015, the commissioner  
 147.5 must report the information and items for  
 147.6 legislative consideration to the legislative  
 147.7 committees with jurisdiction over agriculture  
 147.8 policy and finance.

147.9 \$350,000 in 2015 is for an increase in retail  
 147.10 food handler inspections.

147.11 \$200,000 in 2015 is added to the  
 147.12 appropriation in Laws 2013, chapter 114,  
 147.13 article 1, section 3, subdivision 4, for  
 147.14 distribution to the state's county fairs. This is  
 147.15 a onetime appropriation.

147.16 \$200,000 in 2015 is for a grant as determined  
 147.17 by the commissioner to a public higher  
 147.18 education institution to research porcine  
 147.19 epidemic diarrhea virus. This is a onetime  
 147.20 appropriation and is available until June 30,  
 147.21 2017.

147.22 **Sec. 4. BOARD OF ANIMAL HEALTH** **\$** **310,000**

147.23 \$310,000 in 2015 is to administer the dog and  
 147.24 cat breeder licensing and inspection program.  
 147.25 The base in fiscal year 2016 is \$426,000 and  
 147.26 the base in fiscal year 2017 is \$435,000.

147.27 **Sec. 5. POLLUTION CONTROL AGENCY** **\$** **-0-** **\$** **4,650,000**

147.28	<u>Appropriations by Fund</u>		
147.29	<u>Remediation</u>	<u>-0-</u>	<u>650,000</u>
147.30	<u>Environmental</u>	<u>-0-</u>	<u>4,000,000</u>

147.31 \$650,000 in 2015 from the remediation  
 147.32 fund for additional staff and administrative  
 147.33 expenses to manage and oversee investigation

148.1 and mitigation efforts at superfund sites.  
 148.2 This is a onetime appropriation.  
 148.3 The agency shall compile information on the  
 148.4 presence of plastic microbeads in the state's  
 148.5 waters and their potential impacts on aquatic  
 148.6 ecosystems and human health, in consultation  
 148.7 with the University of Minnesota. No later  
 148.8 than December 15, 2014, the commissioner  
 148.9 must present the information to the  
 148.10 legislative committees with jurisdiction over  
 148.11 environment and natural resources policy  
 148.12 and finance and make recommendations.  
 148.13 \$4,000,000 in 2015 is from the environmental  
 148.14 fund for the purposes of Minnesota Statutes,  
 148.15 section 115A.557, subdivision 2. \$3,000,000  
 148.16 per year from the environmental fund is  
 148.17 added to the base.

148.18 **Sec. 6. NATURAL RESOURCES**

148.19	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>530,000</u></b>	<b><u>\$</u></b>	<b><u>5,862,000</u></b>
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148.20	<u>Appropriations by Fund</u>				
148.21	<u>General</u>	<u>-0-</u>	<u>3,000,000</u>		
148.22	<u>Game and Fish</u>	<u>-0-</u>	<u>2,412,000</u>		
148.23	<u>Natural Resources</u>	<u>-0-</u>	<u>450,000</u>		
148.24	<u>Parks and Trails</u>	<u>530,000</u>	<u>-0-</u>		

148.25 The amounts that may be spent for each  
 148.26 purpose are specified in the following  
 148.27 subdivisions.

148.28	<b><u>Subd. 2. Lands and Minerals</u></b>	<b><u>-0-</u></b>	<b><u>1,000,000</u></b>
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148.29 \$1,000,000 in 2015 is for meeting the state's  
 148.30 fiduciary duty to Minnesota children with  
 148.31 regard to school trust land. By January 15,  
 148.32 2015, the commissioner, in consultation  
 148.33 with the commissioner of education, shall  
 148.34 submit a report to the chairs and ranking

149.1 minority members of the senate and house of  
 149.2 representatives committees with jurisdiction  
 149.3 over natural resources and education  
 149.4 policy and finance on the intended use of  
 149.5 these funds. The legislature must approve  
 149.6 expenditures of these funds by law. This is a  
 149.7 onetime appropriation and is available until  
 149.8 June 30, 2017.

149.9 **Subd. 3. Ecological and Water Resources** -0- 50,000

149.10 \$50,000 in 2015 is for a study of the effects  
 149.11 of the Lake Emily dam in Crow Wing County  
 149.12 on water clarity and water levels in Lake  
 149.13 Emily, Lake Mary, and the Little Pine River.  
 149.14 This is a onetime appropriation.

149.15 **Subd. 4. Parks and Trails**  
 149.16 **Management** 530,000 2,400,000

149.17	<u>Appropriations by Fund</u>		
149.18	<u>General</u>	<u>-0-</u>	<u>1,950,000</u>
149.19	<u>Natural Resources</u>	<u>-0-</u>	<u>450,000</u>
149.20	<u>Parks and Trails</u>	<u>530,000</u>	<u>-0-</u>

149.21 \$1,600,000 in 2015 is for the improvement,  
 149.22 maintenance, and conditions of facilities and  
 149.23 infrastructure in state parks for safety and  
 149.24 general use. This is a onetime appropriation.

149.25 \$450,000 in 2015 is from the natural  
 149.26 resources fund for state trail, park, and  
 149.27 recreation area operations. This appropriation  
 149.28 is from the revenue deposited in the natural  
 149.29 resources fund under Minnesota Statutes,  
 149.30 section 297A.94, paragraph (e), clause (2).  
 149.31 This is a onetime appropriation.

149.32 \$200,000 in 2014 is from the parks and trails  
 149.33 fund for the Greater Minnesota Regional  
 149.34 Parks and Trails Commission to develop a  
 149.35 statewide system plan for regional parks and

150.1 trails outside the seven-county metropolitan  
 150.2 area. This is a onetime appropriation and is  
 150.3 subject to the availability of appropriations  
 150.4 in Laws 2013, chapter 137, article 3, section  
 150.5 2, subdivision 2.

150.6 \$330,000 in 2014 is from the parks and  
 150.7 trails fund for a grant to St. Louis and  
 150.8 Lake Counties Regional Railroad Authority  
 150.9 for planning, engineering, right-of-way  
 150.10 acquisition, or construction of portions  
 150.11 of the Mesabi Trail in the corridor from  
 150.12 Giants Ridge to Tower. This is a onetime  
 150.13 appropriation and is subject to the availability  
 150.14 of appropriations in Laws 2013, chapter 137,  
 150.15 article 3, section 2, subdivision 2.

150.16 \$350,000 in 2015 is for the development of  
 150.17 the segment of the Willard Munger Trail  
 150.18 system that originates in Chisago County and  
 150.19 extends into Hinckley in Pine County, to be  
 150.20 named the James L. Oberstar Trail. This is a  
 150.21 onetime appropriation and is available until  
 150.22 spent.

150.23 **Subd. 5. Fish and Wildlife**  
 150.24 **Management**

-0-

2,412,000

150.25 \$3,000 in 2015 is from the heritage  
 150.26 enhancement account in the game and fish  
 150.27 fund for a report on aquatic plant management  
 150.28 permitting policies for the management  
 150.29 of narrow-leaved and hybrid cattail in a  
 150.30 range of basin types across the state. The  
 150.31 report shall be submitted to the chairs and  
 150.32 ranking minority members of the house of  
 150.33 representatives and senate committees with  
 150.34 jurisdiction over environment and natural  
 150.35 resources by December 15, 2014, and include  
 150.36 recommendations for any necessary changes

151.1 in statutes, rules, or permitting procedures.  
151.2 This is a onetime appropriation.  
151.3 \$9,000 in 2015 is from the game and fish  
151.4 fund for the commissioner, in consultation  
151.5 with interested parties, agencies, and other  
151.6 states, to develop a detailed restoration plan  
151.7 to recover the historical native population of  
151.8 bobwhite quail in Minnesota for its ecological  
151.9 and recreational benefits to the citizens of the  
151.10 state. The commissioner shall conduct public  
151.11 meetings in developing the plan. No later  
151.12 than January 15, 2015, the commissioner  
151.13 must report on the plan's progress to the  
151.14 legislative committees with jurisdiction over  
151.15 environment and natural resources policy  
151.16 and finance. This is a onetime appropriation.  
151.17 \$2,000,000 in 2015 is from the game and fish  
151.18 fund for shooting sports facility grants under  
151.19 Minnesota Statutes, section 87A.10. This is  
151.20 a onetime appropriation and is available until  
151.21 June 30, 2017.  
151.22 \$400,000 in 2015 is from the heritage  
151.23 enhancement account in the game and fish  
151.24 fund for grants to local chapters of Let's Go  
151.25 Fishing of Minnesota to provide community  
151.26 outreach to senior citizens, youth, and  
151.27 veterans and for the costs associated with  
151.28 establishing and recruiting new chapters.  
151.29 The grants must be matched with cash or  
151.30 in-kind contributions from nonstate sources.  
151.31 Of this amount, \$25,000 is for Asian Outdoor  
151.32 Heritage for youth fishing recruitment  
151.33 efforts and outreach in the metropolitan area.  
151.34 The commissioner shall establish a grant  
151.35 application process that includes a standard

152.1 for ownership of equipment purchased  
 152.2 under the grant program and contract  
 152.3 requirements that cover the disposition  
 152.4 of purchased equipment if the grantee no  
 152.5 longer exists. Any equipment purchased  
 152.6 with state grant money must be specified  
 152.7 on the grant application and approved by  
 152.8 the commissioner. The commissioner may  
 152.9 spend up to three percent of the appropriation  
 152.10 to administer the grant. This is a onetime  
 152.11 appropriation and is available until June 30,  
 152.12 2016.

152.13 Subd. 6. **Parks and trails fund cancellation**

152.14 The appropriation for \$530,000 from the  
 152.15 parks and trails fund for trail improvements  
 152.16 on the Duluth Cross City West Trail and the  
 152.17 Superior Hiking Trail in St. Louis County in  
 152.18 Laws 2013, chapter 137, article 3, section 3,  
 152.19 paragraph (c), clause (12), is canceled.

152.20 Sec. 7. **METROPOLITAN COUNCIL**                    \$                    -0- \$                    525,000

152.21 \$450,000 in 2015 is from the natural  
 152.22 resources fund for metropolitan area regional  
 152.23 parks and trails maintenance and operations.  
 152.24 This appropriation is from the revenue  
 152.25 deposited in the natural resources fund  
 152.26 under Minnesota Statutes, section 297A.94,  
 152.27 paragraph (e), clause (3). This is a onetime  
 152.28 appropriation.

152.29 \$75,000 in 2015 is for a grant to the city of  
 152.30 Shoreview for a feasibility study regarding  
 152.31 the lowering of the water level of Turtle Lake  
 152.32 and the possible effects of an augmentation  
 152.33 of the lake. This is a onetime appropriation.



153.1	Sec. 8. <u>UNIVERSITY OF MINNESOTA</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>4,890,000</u>
153.2	<u>Appropriations by Fund</u>				
153.3	<u>General</u>	4,400,000			
153.4	<u>Environment and</u>				
153.5	<u>Natural Resources</u>				
153.6	<u>Trust</u>	490,000			
153.7	<u>\$3,400,000 in 2015 is from the general fund</u>				
153.8	<u>for the Invasive Terrestrial Plants and Pests</u>				
153.9	<u>Center requested under this act, including a</u>				
153.10	<u>director, graduate students, and necessary</u>				
153.11	<u>supplies. This is a onetime appropriation and</u>				
153.12	<u>is available until June 30, 2022.</u>				
153.13	<u>\$490,000 in 2015 is from the environment</u>				
153.14	<u>and natural resources trust fund for the</u>				
153.15	<u>Invasive Terrestrial Plants and Pests Center</u>				
153.16	<u>requested under this act, including a director,</u>				
153.17	<u>graduate students, and necessary supplies.</u>				
153.18	<u>This is a onetime appropriation and is</u>				
153.19	<u>available until June 30, 2022.</u>				
153.20	<u>\$970,000 from the environment and natural</u>				
153.21	<u>resources trust fund appropriated in Laws</u>				
153.22	<u>2011, First Special Session chapter 2, article</u>				
153.23	<u>3, section 2, subdivision 9, paragraph (d),</u>				
153.24	<u>Reinvest in Minnesota Wetlands Reserve</u>				
153.25	<u>Acquisition and Restoration Program</u>				
153.26	<u>Partnership, is transferred to the Board of</u>				
153.27	<u>Regents of the University of Minnesota for</u>				
153.28	<u>the Invasive Terrestrial Plants and Pests</u>				
153.29	<u>Center requested under this act, including a</u>				
153.30	<u>director, graduate students, and necessary</u>				
153.31	<u>supplies and is available until June 30, 2022.</u>				
153.32	<u>\$1,000,000 in 2015 is for the Forever Green</u>				
153.33	<u>Agricultural Initiative and to protect the</u>				
153.34	<u>state's natural resources while increasing</u>				
153.35	<u>efficiency, profitability, and productivity</u>				
153.36	<u>of Minnesota farmers by incorporating</u>				

154.1 perennial and winter annual crops into  
 154.2 existing agricultural practices. By January  
 154.3 15, 2015, as a condition of this appropriation,  
 154.4 the Board of Regents of the University  
 154.5 of Minnesota shall submit a report to the  
 154.6 chairs and ranking minority members of the  
 154.7 house of representatives and senate policy  
 154.8 and finance committees with jurisdiction  
 154.9 over environment and natural resources and  
 154.10 agriculture on the activities and outcomes  
 154.11 of the Forever Green Agricultural Initiative.  
 154.12 This is a onetime appropriation and is  
 154.13 available until June 30, 2017.

154.14 Sec. 9. **ADMINISTRATION** \$ -0- \$ 185,000

154.15 \$185,000 in 2015 is for activities and the  
 154.16 administrative expenses of the school trust  
 154.17 lands director and additional staff, under  
 154.18 Minnesota Statutes, section 127A.353.

154.19 Sec. 10. **LEGISLATIVE COORDINATING**  
 154.20 **COMMISSION** \$ -0- \$ 15,000

154.21 \$15,000 in 2015 is for the administrative  
 154.22 expenses of the Permanent School Fund  
 154.23 Commission under Minnesota Statutes,  
 154.24 section 127A.30, and for compensation  
 154.25 and expense reimbursement of commission  
 154.26 members.

154.27 Sec. 11. Laws 2013, chapter 114, article 3, section 3, subdivision 6, is amended to read:

154.28 Subd. 6. **Remediation Fund**

154.29 The commissioner shall transfer up  
 154.30 to ~~\$46,000,000~~ \$47,150,000 from the  
 154.31 environmental fund to the remediation fund  
 154.32 for the purposes of the remediation fund

155.1 under Minnesota Statutes, section 116.155,  
 155.2 subdivision 2.

155.3 Sec. 12. Laws 2013, chapter 114, article 3, section 4, subdivision 3, is amended to read:

155.4			<del>31,582,000</del>
155.5	Subd. 3. <b>Ecological and Water Resources</b>	27,182,000	<u>31,603,000</u>

155.6 Appropriations by Fund

155.7			<del>16,817,000</del>
155.8	General	12,117,000	<u>16,838,000</u>
155.9	Natural Resources	11,002,000	10,702,000
155.10	Game and Fish	4,063,000	4,063,000

155.11 \$3,542,000 the first year and \$3,242,000 the  
 155.12 second year are from the invasive species  
 155.13 account in the natural resources fund and  
 155.14 \$2,906,000 the first year and \$3,206,000 the  
 155.15 second year are from the general fund for  
 155.16 management, public awareness, assessment  
 155.17 and monitoring research, and water access  
 155.18 inspection to prevent the spread of invasive  
 155.19 species; management of invasive plants in  
 155.20 public waters; and management of terrestrial  
 155.21 invasive species on state-administered lands.

155.22 \$5,000,000 the first year and \$5,000,000 the  
 155.23 second year are from the water management  
 155.24 account in the natural resources fund for only  
 155.25 the purposes specified in Minnesota Statutes,  
 155.26 section 103G.27, subdivision 2.

155.27 ~~\$103,000~~ the first year and ~~\$103,000~~  
 155.28 \$124,000 the second year are for a grant to  
 155.29 the Mississippi Headwaters Board for up to  
 155.30 50 percent of the cost of implementing the  
 155.31 comprehensive plan for the upper Mississippi  
 155.32 within areas under the board's jurisdiction.

155.33 The base for this grant in fiscal year 2016  
 155.34 and later is \$103,000. By January 15, 2015,  
 155.35 the board shall submit a report detailing the

156.1 results achieved with the fiscal year 2014  
156.2 appropriation and the anticipated results  
156.3 that will be achieved with the fiscal year  
156.4 2015 appropriation to the commissioner and  
156.5 the chairs and ranking minority members  
156.6 of the senate and house of representatives  
156.7 committees and divisions with jurisdiction  
156.8 over environment and natural resources  
156.9 policy and finance.

156.10 \$10,000 the first year and \$10,000 the second  
156.11 year are for payment to the Leech Lake Band  
156.12 of Chippewa Indians to implement the band's  
156.13 portion of the comprehensive plan for the  
156.14 upper Mississippi.

156.15 \$264,000 the first year and \$264,000 the  
156.16 second year are for grants for up to 50  
156.17 percent of the cost of implementation of  
156.18 the Red River mediation agreement. The  
156.19 commissioner shall submit a report to the  
156.20 chairs of the legislative committees having  
156.21 primary jurisdiction over environment and  
156.22 natural resources policy and finance on the  
156.23 accomplishments achieved with the grants  
156.24 by January 15, 2015.

156.25 \$1,643,000 the first year and \$1,643,000  
156.26 the second year are from the heritage  
156.27 enhancement account in the game and  
156.28 fish fund for only the purposes specified  
156.29 in Minnesota Statutes, section 297A.94,  
156.30 paragraph (e), clause (1).

156.31 \$1,223,000 the first year and \$1,223,000 the  
156.32 second year are from the nongame wildlife  
156.33 management account in the natural resources  
156.34 fund for the purpose of nongame wildlife  
156.35 management. Notwithstanding Minnesota

157.1 Statutes, section 290.431, \$100,000 the first  
157.2 year and \$100,000 the second year may  
157.3 be used for nongame wildlife information,  
157.4 education, and promotion.

157.5 \$1,600,000 the first year and \$6,000,000 the  
157.6 second year are from the general fund for the  
157.7 following activities:

157.8 (1) increased financial reimbursement  
157.9 and technical support to soil and water  
157.10 conservation districts or other local units  
157.11 of government for groundwater level  
157.12 monitoring;

157.13 (2) additional surface water monitoring and  
157.14 analysis, including installation of monitoring  
157.15 gauges;

157.16 (3) additional groundwater analysis to  
157.17 assist with water appropriation permitting  
157.18 decisions;

157.19 (4) additional permit application review  
157.20 incorporating surface water and groundwater  
157.21 technical analysis;

157.22 (5) enhancement of precipitation data and  
157.23 analysis to improve the use of irrigation;

157.24 (6) enhanced information technology,  
157.25 including electronic permitting and  
157.26 integrated data systems; and

157.27 (7) increased compliance and monitoring.

157.28 Of this amount, \$600,000 the first year is for  
157.29 silica sand rulemaking and is available until  
157.30 spent.

157.31 The commissioner, in cooperation with the  
157.32 commissioner of agriculture, shall enforce  
157.33 compliance with aquatic plant management  
157.34 requirements regulating the control of

158.1 aquatic plants with pesticides and removal of  
158.2 aquatic plants by mechanical means under  
158.3 Minnesota Statutes, section 103G.615.

158.4 **ARTICLE 13**

158.5 **AGRICULTURE, ENVIRONMENT, AND NATURAL RESOURCES**  
158.6 **FISCAL IMPLEMENTATION PROVISIONS**

158.7 Section 1. Minnesota Statutes 2012, section 13.643, subdivision 6, is amended to read:

158.8 Subd. 6. **Animal premises data.** (a) The following data collected and maintained  
158.9 by the Board of Animal Health related to registration and identification of premises and  
158.10 animals under chapter 35, are classified as private or nonpublic:

158.11 (1) the names and addresses;

158.12 (2) the location of the premises where animals are kept; and

158.13 (3) the identification number of the premises or the animal.

158.14 (b) Except as provided in section 347.58, subdivision 5, data collected and

158.15 maintained by the Board of Animal Health under sections 347.57 to 347.64 are classified

158.16 as private or nonpublic.

158.17 ~~(b)~~ (c) The Board of Animal Health may disclose data collected under paragraph (a)  
158.18 or (b) to any person, agency, or to the public if the board determines that the access will  
158.19 aid in the law enforcement process or the protection of public or animal health or safety.

158.20 Sec. 2. Minnesota Statutes 2012, section 16A.125, subdivision 5, is amended to read:

158.21 Subd. 5. **Forest trust lands.** (a) The term "state forest trust fund lands" as used  
158.22 in this subdivision, means public land in trust under the Constitution set apart as "forest  
158.23 lands under the authority of the commissioner" of natural resources as defined by section  
158.24 89.001, subdivision 13.

158.25 (b) The commissioner of management and budget shall credit the revenue from the  
158.26 forest trust fund lands to the forest suspense account. The account must specify the trust  
158.27 funds interested in the lands and the respective receipts of the lands.

158.28 (c) After a fiscal year, the commissioner of management and budget shall certify  
158.29 the costs incurred for forestry during that year under appropriations for the improvement,  
158.30 administration, and management of state forest trust fund lands and construction and  
158.31 improvement of forest roads to enhance the forest value of the lands. The certificate  
158.32 must specify the trust funds interested in the lands. After presentation to the Legislative  
158.33 Permanent School Fund Commission, the commissioner of natural resources shall  
158.34 supply the commissioner of management and budget with the information needed for the

159.1 certificate. The certificate shall include an analysis that compares costs certified under this  
159.2 section with costs incurred on other public and private lands with similar land assets.

159.3 (d) After a fiscal year, the commissioner shall distribute the receipts credited to the  
159.4 suspense account during that fiscal year as follows:

159.5 (1) the amount of the certified costs incurred by the state for forest management,  
159.6 forest improvement, and road improvement during the fiscal year shall be transferred to  
159.7 the forest management investment account established under section 89.039;

159.8 (2) the amount of costs incurred by the Legislative Permanent School Fund  
159.9 Commission under section 127A.30, and by the school trust lands director under section  
159.10 127A.353, shall be transferred to the general fund;

159.11 (3) the balance of the certified costs incurred by the state during the fiscal year  
159.12 shall be transferred to the general fund; and

159.13 ~~(3)~~ (4) the balance of the receipts shall then be returned prorated to the trust funds in  
159.14 proportion to their respective interests in the lands which produced the receipts.

159.15 Sec. 3. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
159.16 to read:

159.17 Subd. 1c. **Apiary.** "Apiary" means a place where a collection of one or more hives  
159.18 or colonies of bees or the nuclei of bees are kept.

159.19 Sec. 4. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
159.20 to read:

159.21 Subd. 2a. **Bee.** "Bee" means any stage of the common honeybee, Apis mellifera (L).

159.22 Sec. 5. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
159.23 to read:

159.24 Subd. 2b. **Bee owner.** "Bee owner" means a person who owns an apiary.

159.25 Sec. 6. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
159.26 to read:

159.27 Subd. 4c. **Colony.** "Colony" means the aggregate of worker bees, drones, the queen,  
159.28 and developing young bees living together as a family unit in a hive or other dwelling.

159.29 Sec. 7. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
159.30 to read:

160.1           Subd. 11a. **Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep,  
160.2 or any other receptacle or container, natural or artificial, or any part of one, which is  
160.3 used as domicile for bees.

160.4           Sec. 8. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
160.5 to read:

160.6           Subd. 20a. **Pollinator.** "Pollinator" means an insect that pollinates flowers.

160.7           Sec. 9. Minnesota Statutes 2012, section 18B.03, is amended by adding a subdivision  
160.8 to read:

160.9           Subd. 4. **Pollinator enforcement.** The commissioner may take enforcement action  
160.10 under chapter 18D for a violation of this chapter, or any rule adopted under this chapter,  
160.11 that results in harm to pollinators, including but not limited to applying a pesticide in  
160.12 a manner inconsistent with the pesticide product's label or labeling and resulting in  
160.13 pollinator death or willfully applying pesticide in a manner inconsistent with the pesticide  
160.14 product's label or labeling. The commissioner must deposit any penalty collected under  
160.15 this subdivision in the pesticide regulatory account in section 18B.05.

160.16           Sec. 10. Minnesota Statutes 2012, section 18B.04, is amended to read:

160.17           **18B.04 PESTICIDE IMPACT ON ENVIRONMENT.**

160.18           (a) The commissioner shall:

160.19           (1) determine the impact of pesticides on the environment, including the impacts on  
160.20 surface water and groundwater in this state;

160.21           (2) develop best management practices involving pesticide distribution, storage,  
160.22 handling, use, and disposal; and

160.23           (3) cooperate with and assist other state agencies and local governments to protect  
160.24 public health, pollinators, and the environment from harmful exposure to pesticides.

160.25           (b) The commissioner may assemble a group of experts under section 16C.10,  
160.26 subdivision 2, to consult in the investigation of pollinator deaths or illnesses. The group  
160.27 of experts may include representatives from local, state, and federal agencies; academia,  
160.28 including the University of Minnesota; the state pollinator bank; or other professionals as  
160.29 deemed necessary by the commissioner. The amount necessary for the purposes of this  
160.30 paragraph, not to exceed \$100,000 per fiscal year, is appropriated from the pesticide  
160.31 regulatory account in section 18B.05.



161.1 Sec. 11. **[18B.055] COMPENSATION FOR BEES KILLED BY PESTICIDE;**  
161.2 **APPROPRIATION.**

161.3 **Subdivision 1. Compensation required.** (a) The commissioner of agriculture must  
161.4 compensate a person for an acute pesticide poisoning resulting in the death of bees or loss  
161.5 of bee colonies owned by the person, provided:

161.6 (1) the person who applied the pesticide cannot be determined;

161.7 (2) the person who applied the pesticide did so in a manner consistent with the  
161.8 pesticide product's label or labeling; or

161.9 (3) the person who applied the pesticide did so in a manner inconsistent with the  
161.10 pesticide product's label or labeling.

161.11 (b) Except as provided in this section, the bee owner is entitled to the fair market  
161.12 value of the dead bees and bee colonies losses as determined by the commissioner upon  
161.13 recommendation by academic experts and bee keepers. In any fiscal year, a bee owner  
161.14 must not be compensated for a claim that is less than \$100 or compensated more than  
161.15 \$20,000 for all eligible claims.

161.16 **Subd. 2. Applicator responsible.** In the event a person applies a pesticide in a  
161.17 manner inconsistent with the pesticide product's label or labeling requirements as approved  
161.18 by the commissioner and is determined to have caused the acute pesticide poisoning of bees,  
161.19 resulting in death or loss of a bee colony kept for commercial purposes, then the person so  
161.20 identified must bear the responsibility of restitution for the value of the bees to the owner.  
161.21 In these cases the commissioner must not provide compensation as provided in this section.

161.22 **Subd. 3. Claim form.** The bee owner must file a claim on forms provided by the  
161.23 commissioner and available on the Department of Agriculture's Web site.

161.24 **Subd. 4. Determination.** The commissioner must determine whether the death of  
161.25 the bees or loss of bee colonies was caused by an acute pesticide poisoning, whether the  
161.26 pesticide applicator can be determined, and whether the pesticide applicator applied the  
161.27 pesticide product in a manner consistent with the pesticide product's label or labeling.

161.28 **Subd. 5. Payments; denial of compensation.** (a) If the commissioner determines  
161.29 the bee death or loss of bee colony was caused by an acute pesticide poisoning and  
161.30 either the pesticide applicator cannot be determined or the pesticide applicator applied  
161.31 the pesticide product in a manner consistent with the pesticide product's label or labeling,  
161.32 the commissioner may award compensation from the pesticide regulatory account. If the  
161.33 pesticide applicator can be determined and the applicator applied the pesticide product  
161.34 in a manner inconsistent with the product's label or labeling, the commissioner may  
161.35 collect a penalty from the pesticide applicator sufficient to compensate the bee owner

162.1 for the fair market value of the dead bees and bee colonies losses, and must award the  
162.2 money to the bee owner.

162.3 (b) If the commissioner denies compensation claimed by a bee owner under this  
162.4 section, the commissioner must issue a written decision based upon the available evidence.  
162.5 The decision must include specification of the facts upon which the decision is based and  
162.6 the conclusions on the material issues of the claim. The commissioner must mail a copy  
162.7 of the decision to the bee owner.

162.8 (c) A decision to deny compensation claimed under this section is not subject to the  
162.9 contested case review procedures of chapter 14, but may be reviewed upon a trial de  
162.10 novo in a court in the county where the loss occurred. The decision of the court may be  
162.11 appealed as in other civil cases. Review in court may be obtained by filing a petition for  
162.12 review with the administrator of the court within 60 days following receipt of a decision  
162.13 under this section. Upon the filing of a petition, the administrator must mail a copy to the  
162.14 commissioner and set a time for hearing within 90 days of the filing.

162.15 Subd. 6. **Deduction from payment.** The commissioner must reduce payments  
162.16 made under this section by any compensation received by the bee owner for dead bees and  
162.17 bee colonies losses as proceeds from an insurance policy or from another source.

162.18 Subd. 7. **Appropriation.** The amount necessary to pay claims under this section,  
162.19 not to exceed \$150,000 per fiscal year, is appropriated from the pesticide regulatory  
162.20 account in section 18B.05.

162.21 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to bee kills  
162.22 and bee colony losses attributable to acute pesticide poisoning that occur on or after  
162.23 that date.

162.24 Sec. 12. Minnesota Statutes 2012, section 84.788, subdivision 2, is amended to read:

162.25 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

162.26 (1) owned and used by the United States, an Indian tribal government, the state,  
162.27 another state, or a political subdivision;

162.28 (2) registered in another state or country that have not been within this state for  
162.29 more than 30 consecutive days; ~~or~~

162.30 (3) registered under chapter 168, when operated on forest roads to gain access to a  
162.31 state forest campground;

162.32 (4) used exclusively in organized track racing events;

162.33 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
162.34 off-highway motorcycle state trail pass; or

163.1 (6) operated by a person participating in an event for which the commissioner has  
163.2 issued a special use permit.

163.3 **Sec. 13. [84.7945] NONRESIDENT OFF-HIGHWAY MOTORCYCLE STATE**  
163.4 **TRAIL PASS.**

163.5 Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration  
163.6 under section 84.788, subdivision 2, clause (2), or a nonresident, may not operate an  
163.7 off-highway motorcycle on a state or grant-in-aid off-highway motorcycle trail unless the  
163.8 operator carries a valid nonresident off-highway motorcycle state trail pass in immediate  
163.9 possession. The pass must be available for inspection by a peace officer, a conservation  
163.10 officer, or an employee designated under section 84.0835.

163.11 (b) The commissioner of natural resources shall issue a pass upon application and  
163.12 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees  
163.13 collected under this section, except for the issuing fee for licensing agents, shall be  
163.14 deposited in the state treasury and credited to the off-highway motorcycle account in  
163.15 the natural resources fund and, except for the electronic licensing system commission  
163.16 established by the commissioner under section 84.027, subdivision 15, must be used for  
163.17 grants-in-aid to counties and municipalities for off-highway motorcycle organizations to  
163.18 construct and maintain off-highway motorcycle trails and use areas.

163.19 (c) A nonresident off-highway motorcycle state trail pass is not required for:

163.20 (1) an off-highway motorcycle that is owned and used by the United States, another  
163.21 state, or a political subdivision thereof that is exempt from registration under section  
163.22 84.788, subdivision 2;

163.23 (2) a person operating an off-highway motorcycle only on the portion of a trail that  
163.24 is owned by the person or the person's spouse, child, or parent; or

163.25 (3) a nonresident operating an off-highway motorcycle that is registered according  
163.26 to section 84.788.

163.27 Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell  
163.28 nonresident off-highway motorcycle state trail passes. The commissioner may revoke the  
163.29 appointment of an agent at any time. The commissioner may adopt additional rules as  
163.30 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted  
163.31 by the commissioner for accounting and handling of passes pursuant to section 97A.485,  
163.32 subdivision 11. An agent shall promptly deposit and remit all money received from the  
163.33 sale of the passes, exclusive of the issuing fee, to the commissioner.

163.34 Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell  
163.35 nonresident off-highway motorcycle state trail passes. The commissioner shall also make

164.1 the passes available through the electronic licensing system established under section  
164.2 84.027, subdivision 15.

164.3 Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass  
164.4 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees  
164.5 for passes issued by the commissioner shall be deposited in the off-highway motorcycle  
164.6 account in the natural resources fund and retained for the operation of the electronic  
164.7 licensing system.

164.8 Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate  
164.9 pass to persons whose pass is lost or destroyed using the process established under section  
164.10 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident  
164.11 off-highway motorcycle state trail pass is \$2, with an issuing fee of 50 cents.

164.12 Sec. 14. Minnesota Statutes 2012, section 85.053, subdivision 2, is amended to read:

164.13 Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle  
164.14 may not enter a state park, state recreation area, or state wayside over 50 acres in area,  
164.15 without a state park permit issued under this section or a state parks and trails plate issued  
164.16 under section 168.1295. Except for vehicles permitted under subdivisions 7, paragraph  
164.17 (a), clause (2), and 8, the state park permit must be affixed to the lower right corner  
164.18 windshield of the motor vehicle and must be completely affixed by its own adhesive to  
164.19 the windshield, or the commissioner may, by written order, provide an alternative means  
164.20 to display and validate state park permits.

164.21 Sec. 15. **[85.056] STATE PARKS AND TRAILS DONATION ACCOUNT.**

164.22 Subdivision 1. **Establishment.** The state parks and trails donation account is  
164.23 established as a separate account in the natural resources fund. The account shall be  
164.24 administered by the commissioner of natural resources as provided in this section.

164.25 Subd. 2. **Funding sources.** The state parks and trails donation account shall consist  
164.26 of contributions made under section 168.1295 and other contributions. The contributions  
164.27 may be made in cash, property, land, or interests in land.

164.28 Subd. 3. **Uses.** Money in the account is appropriated to the commissioner of natural  
164.29 resources to operate and maintain the state parks and trails system.

164.30 Sec. 16. Minnesota Statutes 2012, section 85.34, subdivision 7, is amended to read:

164.31 Subd. 7. **Disposition of proceeds.** (a) All revenue derived from the lease of the Fort  
164.32 Snelling upper bluff, with the exception of payment for costs of the water line as described

165.1 in subdivision 6, shall be deposited in the natural resources fund and credited to a state  
165.2 park account. Interest earned on the money in the account accrues to the account.

165.3 (b) Revenue and expenses from the upper bluff shall be tracked separately within  
165.4 the account. Money in the account derived from the leasing or operation of the property  
165.5 described in subdivision 1 ~~may be~~ is appropriated annually to the commissioner for  
165.6 the payment of expenses attributable to the leasing, development, and operation of the  
165.7 property described in subdivision 1, including, but not limited to, the maintenance, repair,  
165.8 and rehabilitation of historic buildings and landscapes.

165.9 Sec. 17. Minnesota Statutes 2012, section 85A.02, subdivision 2, is amended to read:

165.10 Subd. 2. **Zoological Garden.** The board shall acquire, construct, equip, operate  
165.11 and maintain the Minnesota Zoological Garden at a site in Dakota County legally  
165.12 described in Laws 1975, chapter 382, section 12. The Zoological Garden shall consist  
165.13 of adequate facilities and structures for the collection, habitation, preservation, care,  
165.14 exhibition, examination or study of wild and domestic animals, including, but not limited  
165.15 to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks. The board  
165.16 may provide such lands, buildings and equipment as it deems necessary for parking,  
165.17 transportation, entertainment, education or instruction of the public in connection with  
165.18 such Zoological Garden. The Zoological Garden is an official pollinator bank for the state  
165.19 of Minnesota. For purposes of this subdivision, "pollinator bank" means a program to  
165.20 avert the extinction of pollinator species by cultivating insurance breeding populations.

165.21 Sec. 18. **[87A.10] TRAP SHOOTING SPORTS FACILITY GRANTS.**

165.22 The commissioner of natural resources shall administer a program to provide  
165.23 cost-share grants to local recreational shooting clubs for up to 50 percent of the costs  
165.24 of developing or rehabilitating trap shooting sports facilities for public use. A facility  
165.25 rehabilitated or developed with a grant under this section must be open to the general  
165.26 public at reasonable times and for a reasonable fee on a walk-in basis. The commissioner  
165.27 shall give preference to projects that will provide the most opportunities for youth.

165.28 Sec. 19. Minnesota Statutes 2012, section 103G.251, is amended to read:

165.29 **103G.251 INVESTIGATION OF ACTIVITIES WITHOUT PERMIT**  
165.30 **AFFECTING WATERS OF THE STATE.**

165.31 Subdivision 1. **Investigations.** If the commissioner determines that an investigation  
165.32 is in the public interest, the commissioner may investigate and monitor activities being  
165.33 conducted with or without a permit that may affect waters of the state.

166.1 Subd. 2. **Findings and order.** (a) With or without a public hearing, the  
166.2 commissioner may make findings and issue orders related to activities being conducted  
166.3 without a permit that affect waters of the state as otherwise authorized under this chapter.

166.4 (b) A copy of the findings and order must be served on the person to whom the  
166.5 order is issued.

166.6 (c) If the commissioner issues the findings and order without a hearing, the person to  
166.7 whom the order is issued may file a demand for a hearing with the commissioner. The  
166.8 demand for a hearing must be accompanied by the bond as provided in section 103G.311,  
166.9 subdivision 6, and the hearing must be held in the same manner and with the same  
166.10 requirements as a hearing held under section 103G.311, subdivision 5. The demand for  
166.11 a hearing and bond must be filed by 30 days after the person is served with a copy of  
166.12 the commissioner's order.

166.13 (d) The hearing must be conducted as a contested case hearing under chapter 14.

166.14 (e) If the person to whom the order is addressed does not demand a hearing or  
166.15 demands a hearing but fails to file the required bond:

166.16 (1) the commissioner's order becomes final at the end of 30 days after the person is  
166.17 served with the order; and

166.18 (2) the person may not appeal the order.

166.19 (f) An order of the commissioner may be recorded or filed by the commissioner in  
166.20 the office of the county recorder or registrar of titles, as appropriate, in the county where  
166.21 the real property is located as a deed restriction on the property that runs with the land  
166.22 and is binding on the owners, successors, and assigns until the conditions of the order  
166.23 are met or the order is rescinded.

166.24 Sec. 20. Minnesota Statutes 2012, section 103G.271, subdivision 5, is amended to read:

166.25 Subd. 5. **Prohibition on once-through water use permits.** (a) Except as provided  
166.26 in paragraph (c), the commissioner may not, ~~after December 31, 1990,~~ issue a water  
166.27 use permit to increase the volume of appropriation from a groundwater source for a  
166.28 once-through cooling system ~~using in excess of 5,000,000 gallons annually.~~

166.29 (b) Except as provided in paragraph (c), once-through system water use permits  
166.30 using in excess of 5,000,000 gallons annually; ~~must be terminated by the commissioner~~  
166.31 ~~by the end of their design life but not later than December 31, 2010,~~ unless the discharge  
166.32 is into a public water basin within a nature preserve approved by the commissioner and  
166.33 established prior to January 1, 2001. Existing once-through systems must not be expanded  
166.34 and are required to convert to water efficient alternatives within the design life of existing  
166.35 equipment.

167.1 (c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of  
167.2 the commissioners of health and the Pollution Control Agency, may issue once-through  
167.3 system water use permits on an annual basis for aquifer storage and recovery systems that  
167.4 return all once-through system water to the source aquifer. Water use permit processing  
167.5 fees in subdivision 6, paragraph (a), apply to all water withdrawals under this paragraph,  
167.6 including any reuse of water returned to the source aquifer.

167.7 **EFFECTIVE DATE.** This section is effective January 1, 2015.

167.8 Sec. 21. Minnesota Statutes 2012, section 103G.271, subdivision 6, is amended to read:

167.9 Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs  
167.10 (b) to ~~(f)~~ (g), a water use permit processing fee must be prescribed by the commissioner in  
167.11 accordance with the schedule of fees in this subdivision for each water use permit in force  
167.12 at any time during the year. Fees collected under this paragraph are credited to the water  
167.13 management account in the natural resources fund. The schedule is as follows, with the  
167.14 stated fee in each clause applied to the total amount appropriated:

167.15 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

167.16 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
167.17 than 100,000,000 gallons per year;

167.18 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less  
167.19 than 150,000,000 gallons per year;

167.20 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but  
167.21 less than 200,000,000 gallons per year;

167.22 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less  
167.23 than 250,000,000 gallons per year;

167.24 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but  
167.25 less than 300,000,000 gallons per year;

167.26 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less  
167.27 than 350,000,000 gallons per year;

167.28 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but  
167.29 less than 400,000,000 gallons per year;

167.30 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less  
167.31 than 450,000,000 gallons per year;

167.32 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but  
167.33 less than 500,000,000 gallons per year; and

167.34 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

168.1 (b) For once-through cooling systems, a water use processing fee must be prescribed  
168.2 by the commissioner in accordance with the following schedule of fees for each water use  
168.3 permit in force at any time during the year:

168.4 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

168.5 (2) for all other users, \$420 per 1,000,000 gallons.

168.6 (c) The fee is payable based on the amount of water appropriated during the year  
168.7 and, except as provided in paragraph (f), the minimum fee is \$100.

168.8 (d) For water use processing fees other than once-through cooling systems:

168.9 (1) the fee for a city of the first class may not exceed \$250,000 per year;

168.10 (2) the fee for other entities for any permitted use may not exceed:

168.11 (i) \$60,000 per year for an entity holding three or fewer permits;

168.12 (ii) \$90,000 per year for an entity holding four or five permits; or

168.13 (iii) \$300,000 per year for an entity holding more than five permits;

168.14 (3) the fee for agricultural irrigation may not exceed \$750 per year;

168.15 (4) the fee for a municipality that furnishes electric service and cogenerates steam  
168.16 for home heating may not exceed \$10,000 for its permit for water use related to the  
168.17 cogeneration of electricity and steam; and

168.18 (5) no fee is required for a project involving the appropriation of surface water to  
168.19 prevent flood damage or to remove flood waters during a period of flooding, as determined  
168.20 by the commissioner.

168.21 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ~~two~~  
168.22 ten percent per month calculated from the original due date must be imposed on the unpaid  
168.23 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee  
168.24 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal  
168.25 governmental agency holding a water appropriation permit.

168.26 (f) The minimum water use processing fee for a permit issued for irrigation of  
168.27 agricultural land is \$20 for years in which:

168.28 (1) there is no appropriation of water under the permit; or

168.29 (2) the permit is suspended for more than seven consecutive days between May 1  
168.30 and October 1.

168.31 (g) The commissioner shall waive the water use permit fee for installations and  
168.32 projects that use storm water runoff or where public entities are diverting water to treat  
168.33 a water quality issue and returning the water to its source without using the water for  
168.34 any other purpose, unless the commissioner determines that the proposed use adversely  
168.35 affects surface water or groundwater.



169.1 ~~(g)~~ (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in  
 169.2 paragraph (a) shall be applied to the volume of water used in each of the months of June,  
 169.3 July, and August that exceeds the volume of water used in January for municipal water  
 169.4 use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities  
 169.5 with more than one permit shall be determined based on the total appropriations from all  
 169.6 permits that supply a common distribution system.

169.7 Sec. 22. Minnesota Statutes 2012, section 103G.281, is amended by adding a  
 169.8 subdivision to read:

169.9 Subd. 4. **Penalty for noncompliant reporting.** The commissioner may assess  
 169.10 penalties for noncompliant reporting of water use information as provided in this section.  
 169.11 The penalty is ten percent of the annual water use permit processing fee.

169.12 Sec. 23. **[103G.299] ADMINISTRATIVE PENALTIES.**

169.13 Subdivision 1. **Authority to issue penalty orders.** (a) As provided in paragraph  
 169.14 (b), the commissioner may issue an order requiring violations to be corrected and  
 169.15 administratively assessing monetary penalties for violations of sections 103G.271 and  
 169.16 103G.275, and any rules adopted under those sections.

169.17 (b) An order under this section may be issued to a person for water appropriation  
 169.18 activities without a required permit.

169.19 (c) The order must be issued as provided in this section and in accordance with  
 169.20 the plan prepared under subdivision 12.

169.21 Subd. 2. **Amount of penalty; considerations.** (a) The commissioner may issue  
 169.22 orders assessing administrative penalties based on potential for harm and deviation from  
 169.23 compliance. For a violation that presents: (1) a minor potential for harm and deviation  
 169.24 from compliance, the penalty will be no more than \$1,000; (2) a moderate potential for  
 169.25 harm and deviation from compliance, the penalty will be no more than \$10,000; and (3)  
 169.26 a severe potential for harm and deviation from compliance, the penalty will be no more  
 169.27 than \$20,000.

169.28 (b) In determining the amount of a penalty the commissioner may consider:

169.29 (1) the gravity of the violation, including potential for, or real, damage to the public  
 169.30 interest or natural resources of the state;

169.31 (2) the history of past violations;

169.32 (3) the number of violations;

169.33 (4) the economic benefit gained by the person by allowing or committing the  
 169.34 violation based on data from local or state bureaus or educational institutions; and

170.1 (5) other factors as justice may require, if the commissioner specifically identifies  
170.2 the additional factors in the commissioner's order.

170.3 (c) For a violation after an initial violation, including a continuation of the initial  
170.4 violation, the commissioner must, in determining the amount of a penalty, consider the  
170.5 factors in paragraph (b) and the:

170.6 (1) similarity of the most recent previous violation and the violation to be penalized;

170.7 (2) time elapsed since the last violation;

170.8 (3) number of previous violations; and

170.9 (4) response of the person to the most recent previous violation identified.

170.10 Subd. 3. **Contents of order.** An order assessing an administrative penalty under  
170.11 this section must include:

170.12 (1) a concise statement of the facts alleged to constitute a violation;

170.13 (2) a reference to the section of the statute, rule, order, or term or condition of  
170.14 a permit that has been violated;

170.15 (3) a statement of the amount of the administrative penalty to be imposed and the  
170.16 factors upon which the penalty is based; and

170.17 (4) a statement of the person's right to review of the order.

170.18 Subd. 4. **Corrective order.** (a) The commissioner may issue an order assessing a  
170.19 penalty and requiring the violations cited in the order to be corrected within a time period  
170.20 specified by the commissioner.

170.21 (b) The person to whom the order was issued must provide information to the  
170.22 commissioner before the 31st day after the order was received demonstrating that the  
170.23 violation has been corrected or that appropriate steps toward correcting the violation  
170.24 have been taken.

170.25 (c) The commissioner must determine whether the violation has been corrected and  
170.26 notify the person subject to the order of the commissioner's determination.

170.27 Subd. 5. **Penalty.** (a) Unless the person requests review of the order under  
170.28 subdivision 6 or 7 before the penalty is due, the penalty in the order is due and payable:

170.29 (1) on the 31st day after the order was received, if the person subject to the order  
170.30 fails to provide information to the commissioner showing that the violation has been  
170.31 corrected or that appropriate steps have been taken toward correcting the violation; or

170.32 (2) on the 20th day after the person receives the commissioner's determination under  
170.33 subdivision 4, paragraph (c), if the person subject to the order has provided information  
170.34 to the commissioner that the commissioner determines is not sufficient to show that the  
170.35 violation has been corrected or that appropriate steps have been taken toward correcting  
170.36 the violation.

171.1 (b) The penalty is due by 31 days after the order was received, unless review of the  
171.2 order under subdivision 6 or 7 has been sought.

171.3 (c) Interest at the rate established in section 549.09 begins to accrue on penalties  
171.4 under this subdivision on the 31st day after the order with the penalty was received.

171.5 Subd. 6. **Expedited administrative hearing.** (a) Within 30 days after receiving  
171.6 an order or within 20 days after receiving notice that the commissioner has determined  
171.7 that a violation has not been corrected or appropriate steps have not been taken, the  
171.8 person subject to an order under this section may request an expedited hearing, using  
171.9 the procedures under Minnesota Rules, parts 1400.8510 to 1400.8612, to review the  
171.10 commissioner's determination. The hearing request must specifically state the reasons  
171.11 for seeking review of the order. The person to whom the order is directed and the  
171.12 commissioner are the parties to the expedited hearing. The commissioner must notify the  
171.13 person to whom the order is directed of the time and place of the hearing at least 20 days  
171.14 before the hearing. The expedited hearing must be held within 30 days after a request for  
171.15 hearing has been filed with the commissioner unless the parties agree to a later date.

171.16 (b) All written arguments must be submitted within ten days following the close of  
171.17 the hearing. The hearing must be conducted under Minnesota Rules, parts 1400.8510 to  
171.18 1400.8612, as modified by this subdivision.

171.19 (c) The administrative law judge must issue a report making recommendations about  
171.20 the commissioner's action to the commissioner within 30 days following the close of the  
171.21 record. The administrative law judge may not recommend a change in the amount of the  
171.22 proposed penalty unless the administrative law judge determines that, based on the factors  
171.23 in subdivision 2, the amount of the penalty is unreasonable.

171.24 (d) If the administrative law judge makes a finding that the hearing was requested  
171.25 solely for purposes of delay or that the hearing request was frivolous, the commissioner  
171.26 may add to the amount of the penalty the costs charged to the department by the Office of  
171.27 Administrative Hearings for the hearing.

171.28 (e) If a hearing has been held, the commissioner may not issue a final order until at  
171.29 least five days after receipt of the report of the administrative law judge. The person to  
171.30 whom an order is issued may, within those five days, comment to the commissioner on the  
171.31 recommendations, and the commissioner must consider the comments. The final order  
171.32 may be appealed in the manner provided in sections 14.63 to 14.69.

171.33 (f) If a hearing has been held and a final order issued by the commissioner, the  
171.34 penalty must be paid by 30 days after the date the final order is received unless review of  
171.35 the final order is requested under sections 14.63 to 14.69. If review is not requested or the

172.1 order is reviewed and upheld, the amount due is the penalty, together with interest accruing  
172.2 from 31 days after the original order was received at the rate established in section 549.09.

172.3 Subd. 7. **Mediation.** In addition to review under subdivision 6, the commissioner  
172.4 may enter into mediation concerning an order issued under this section if the commissioner  
172.5 and the person to whom the order is issued both agree to mediation.

172.6 Subd. 8. **Penalties due and payable.** The commissioner may enforce penalties that  
172.7 are due and payable under this section in any manner provided by law for the collection  
172.8 of debts.

172.9 Subd. 9. **Revocation and suspension of permit.** If a person fails to pay a penalty  
172.10 owed under this section, the commissioner has grounds to revoke a permit or to refuse  
172.11 to amend a permit or issue a new permit.

172.12 Subd. 10. **Cumulative remedy.** The authority of the commissioner to issue a  
172.13 corrective order assessing penalties is in addition to other remedies available under statutory  
172.14 or common law, except that the state may not seek civil penalties under any other provision  
172.15 of law for the violations covered by the administrative penalty order. The payment of a  
172.16 penalty does not preclude the use of other enforcement provisions, under which penalties  
172.17 are not assessed, in connection with the violation for which the penalty was assessed.

172.18 Subd. 11. **Deposit of fees.** Fees collected under this section must be credited to the  
172.19 water management account in the natural resources fund.

172.20 Subd. 12. **Plan for use of administrative penalties.** The commissioner must  
172.21 prepare a plan for using the administrative penalty authority in this section. The plan must  
172.22 include explanations for how the commissioner will determine whether violations are  
172.23 minor, moderate, or severe. The commissioner must provide a 30-day period for public  
172.24 comment on the plan. The plan must be finalized within six months after the effective  
172.25 date of this section.

172.26 **EFFECTIVE DATE.** Subdivisions 1 to 11 of this section are effective January 1,  
172.27 2015. Subdivision 12 of this section is effective July 1, 2014.

172.28 Sec. 24. Minnesota Statutes 2012, section 115A.151, as amended by Laws 2014,  
172.29 chapter 225, section 4, is amended to read:

172.30 **115A.151 RECYCLING REQUIREMENTS; PUBLIC ENTITIES;**  
172.31 **COMMERCIAL BUILDINGS; SPORTS FACILITIES.**

172.32 (a) A public entity, the owner of a sports facility, and an owner of a commercial  
172.33 building shall:

173.1 (1) ensure that facilities under its control, from which mixed municipal solid waste  
 173.2 is collected, also collect at least three recyclable materials, such as, but not limited to,  
 173.3 paper, glass, plastic, and metal; and

173.4 (2) transfer all recyclable materials collected to a recycler.

173.5 (b) For the purposes of this section:

173.6 (1) "public entity" means the state, an office, agency, or institution of the state,  
 173.7 the Metropolitan Council, a metropolitan agency, the Metropolitan Mosquito Control  
 173.8 Commission, the legislature, the courts, a county, a statutory or home rule charter city, a  
 173.9 town, a school district, a special taxing district, or any entity that receives an appropriation  
 173.10 from the state for a capital improvement project after August 1, 2002;

173.11 (2) "metropolitan agency" and "Metropolitan Council," have the meanings given  
 173.12 them in section 473.121;

173.13 (3) "Metropolitan Mosquito Control Commission" means the commission created  
 173.14 in section 473.702; ~~and~~

173.15 (4) "commercial building" means a building that:

173.16 (i) is located in a metropolitan county, as defined in section 473.121;

173.17 (ii) contains a business classified in sectors 42 to 81 under the North American  
 173.18 Industrial Classification System; and

173.19 (iii) contracts for four cubic yards or more per week of solid waste collection; and

173.20 (5) "sports facility" means a professional or collegiate sports facility at which  
 173.21 competitions take place before a public audience.

173.22 **EFFECTIVE DATE.** This section is effective January 1, 2015.

173.23 Sec. 25. Minnesota Statutes 2012, section 115A.55, subdivision 4, is amended to read:

173.24 Subd. 4. **Statewide source reduction goal.** (a) It is a goal of the state ~~that there~~  
 173.25 ~~be a minimum ten percent per capita reduction in the amount of mixed and counties to~~  
 173.26 reduce the generation of municipal solid waste generated in the state by December 31,  
 173.27 ~~2000, based on a reasonable estimate of the amount of mixed municipal solid waste that~~  
 173.28 ~~was generated in calendar year 1993.~~

173.29 (b) As part of the ~~1997~~ report required under section 115A.411, the commissioner  
 173.30 shall submit to the senate and house of representatives committees having jurisdiction  
 173.31 over environment and natural resources and environment and natural resources finance  
 173.32 a proposed strategy for meeting the goal in paragraph (a). The strategy must include a  
 173.33 discussion of the different reduction potentials to be found in various sectors and may  
 173.34 include recommended interim goals. The commissioner shall report progress on meeting

174.1 the goal in paragraph (a), as well as recommendations and revisions to the proposed  
174.2 strategy, as part of the 1999 report required under section 115A.411.

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

174.4 Sec. 26. Minnesota Statutes 2012, section 115A.551, subdivision 1, is amended to read:

174.5 Subdivision 1. **Definition.** (a) For the purposes of this section, "recycling" means,  
174.6 in addition to the meaning given in section 115A.03, subdivision 25b, yard waste and  
174.7 source-separated compostable materials composting; and recycling that occurs through  
174.8 mechanical or hand separation of materials that are then delivered ~~for reuse in their~~  
174.9 ~~original form or~~ for use in manufacturing processes that do not cause the destruction of  
174.10 recyclable materials in a manner that precludes further use.

174.11 (b) For the purposes of this section, "total solid waste generation" means the total  
174.12 by weight of:

174.13 (1) materials separated for recycling;

174.14 (2) materials separated for yard waste and source-separated compostable materials  
174.15 composting;

174.16 (3) mixed municipal solid waste plus ~~yard waste~~, motor and vehicle fluids and  
174.17 filters, tires, lead acid batteries, and major appliances; and

174.18 (4) residential waste materials that would be mixed municipal solid waste but for  
174.19 the fact that they are not collected as such.

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

174.21 Sec. 27. Minnesota Statutes 2012, section 115A.551, subdivision 2a, is amended to read:

174.22 Subd. 2a. **Supplementary County recycling goals.** (a) By December 31, 1996  
174.23 2030, each county will have as a goal to recycle the following amounts:

174.24 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
174.25 solid waste generation; and

174.26 (2) for a metropolitan county, ~~50~~ 75 percent by weight of total solid waste generation.

174.27 (b) Each county will develop and implement or require political subdivisions within  
174.28 the county to develop and implement programs, practices, or methods designed to meet its  
174.29 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
174.30 county from establishing a higher recycling goal.

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

174.32 Sec. 28. Minnesota Statutes 2012, section 115A.557, subdivision 2, is amended to read:

175.1 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money  
 175.2 distributed by the commissioner under this section may use the money only for the  
 175.3 development and implementation of programs to:

175.4 (1) reduce the amount of solid waste generated;

175.5 (2) recycle the maximum amount of solid waste technically feasible;

175.6 (3) create and support markets for recycled products;

175.7 (4) remove problem materials from the solid waste stream and develop proper  
 175.8 disposal options for them;

175.9 (5) inform and educate all sectors of the public about proper solid waste management  
 175.10 procedures;

175.11 (6) provide technical assistance to public and private entities to ensure proper solid  
 175.12 waste management;

175.13 (7) provide educational, technical, and financial assistance for litter prevention; ~~and~~

175.14 (8) process mixed municipal solid waste generated in the county at a resource  
 175.15 recovery facility located in Minnesota; and

175.16 (9) compost source-separated compostable materials, including the provision of  
 175.17 receptacles for residential composting.

175.18 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
 175.19 by the commissioner under this section to a metropolitan county, as defined in section  
 175.20 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
 175.21 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities  
 175.22 in paragraph (a), clause (9); and (2) the remainder must be expended on activities in  
 175.23 paragraph (a), clauses (1) to (7) and (9) that advance the county toward achieving its  
 175.24 recycling goal under section 115A.551.

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

175.26 Sec. 29. Minnesota Statutes 2012, section 115A.557, subdivision 3, is amended to read:

175.27 Subd. 3. **Eligibility to receive money.** (a) To be eligible to receive money distributed  
 175.28 by the commissioner under this section, a county shall within one year of October 4, 1989:

175.29 (1) create a separate account in its general fund to credit the money; and

175.30 (2) set up accounting procedures to ensure that money in the separate account is  
 175.31 spent only for the purposes in subdivision 2.

175.32 (b) In each following year, each county shall also:

175.33 (1) have in place an approved solid waste management plan or master plan including  
 175.34 a recycling implementation strategy under section 115A.551, subdivision 7, and a

176.1 household hazardous waste management plan under section 115A.96, subdivision 6,  
176.2 by the dates specified in those provisions;

176.3 (2) submit a report by April 1 of each year to the commissioner, which may be  
176.4 submitted electronically and must be posted on the agency's Web site, detailing for the  
176.5 previous calendar year:

176.6 (i) how the money was spent including, but not limited to, specific recycling and  
176.7 composting activities undertaken to increase the county's proportion of solid waste  
176.8 recycled in order to achieve its recycling goal established in section 115A.551; specific  
176.9 information on the number of employees performing SCORE planning, oversight, and  
176.10 administration; the percentage of those employees' total work time allocated to SCORE  
176.11 planning, oversight, and administration; the specific duties and responsibilities of those  
176.12 employees; and the amount of staff salary for these SCORE duties and responsibilities of  
176.13 the employees; and

176.14 (ii) the resulting gains achieved in solid waste management practices; and

176.15 (3) provide evidence to the commissioner that local revenue equal to 25 percent of  
176.16 the money sought for distribution under this section will be spent for the purposes in  
176.17 subdivision 2.

176.18 (c) The commissioner shall withhold all or part of the funds to be distributed  
176.19 to a county under this section if the county fails to comply with this subdivision and  
176.20 subdivision 2.

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

176.22 Sec. 30. Minnesota Statutes 2013 Supplement, section 116V.03, is amended to read:

176.23 **116V.03 APPROPRIATION.**

176.24 \$1,000,000 in fiscal year 2014 and each year thereafter is appropriated from the  
176.25 general fund to ~~the commissioner of revenue for transfer to the agricultural project~~  
176.26 ~~utilization account in the special revenue fund for the Agricultural Utilization Research~~  
176.27 ~~Institute established under section 116V.01.~~

176.28 Sec. 31. **[168.1295] STATE PARKS AND TRAILS PLATES.**

176.29 **Subdivision 1. General requirements and procedures.** (a) The commissioner shall  
176.30 issue state parks and trails plates to an applicant who:

176.31 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton  
176.32 pickup truck, or motorcycle;

176.33 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;



177.1 (3) pays the registration tax required under section 168.013;

177.2 (4) pays the fees required under this chapter;

177.3 (5) contributes a minimum of \$50 annually to the state parks and trails donation  
177.4 account established in section 85.056; and

177.5 (6) complies with this chapter and rules governing registration of motor vehicles  
177.6 and licensing of drivers.

177.7 (b) The state parks and trails plate application must indicate that the contribution  
177.8 specified under paragraph (a), clause (5), is a minimum contribution to receive the plate  
177.9 and that the applicant may make an additional contribution to the account.

177.10 (c) State parks and trails plates may be personalized according to section 168.12,  
177.11 subdivision 2a.

177.12 Subd. 2. **Design.** After consultation with interested groups, the commissioners of  
177.13 natural resources and public safety shall jointly select a suitable symbol for use by the  
177.14 commissioner of public safety to design the state parks and trails plates.

177.15 Subd. 3. **No refund.** Contributions under this section must not be refunded.

177.16 Subd. 4. **Plate transfers.** Notwithstanding section 168.12, subdivision 1, on  
177.17 payment of a transfer fee of \$5, plates issued under this section may be transferred to  
177.18 another passenger automobile registered to the person to whom the plates were issued.

177.19 Subd. 5. **Contribution and fees credited.** Contributions under subdivision 1,  
177.20 paragraph (a), clause (5), must be paid to the commissioner and credited to the state  
177.21 parks and trails donation account established in section 85.056. The other fees collected  
177.22 under this section must be deposited in the vehicle services operating account of the  
177.23 special revenue fund under section 299A.705.

177.24 Subd. 6. **Record.** The commissioner shall maintain a record of the number of  
177.25 plates issued under this section.

177.26 Subd. 7. **Exemption.** Special plates issued under this section are not subject to  
177.27 section 168.1293, subdivision 2.

177.28 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
177.29 applies to applications submitted on or after January 1, 2016, or the date the new driver and  
177.30 vehicle services information technology system is implemented, whichever comes later.

177.31 Sec. 32. **[347.57] DEFINITIONS.**

177.32 Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57  
177.33 to 347.64.

177.34 Subd. 2. **Animal.** "Animal" means a dog or a cat.

177.35 Subd. 3. **Board.** "Board" means the Board of Animal Health.

178.1 Subd. 4. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis*  
178.2 domesticus. An adult cat is a cat 28 weeks of age or older. A kitten is a cat under 28  
178.3 weeks of age.

178.4 Subd. 5. **Commercial breeder.** "Commercial breeder" means a person who  
178.5 possesses or has an ownership interest in animals and is engaged in the business of  
178.6 breeding animals for sale or for exchange in return for consideration, and who possesses  
178.7 ten or more adult intact animals and whose animals produce more than five total litters of  
178.8 puppies or kittens per year.

178.9 Subd. 6. **Confinement area.** "Confinement area" means a structure used or  
178.10 designed for use to restrict an animal to a limited amount of space, such as a room, pen,  
178.11 cage, kennel, compartment, crate, or hutch.

178.12 Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis*  
178.13 familiaris. An adult dog is a dog 28 weeks of age or older. A puppy is a dog under 28  
178.14 weeks of age.

178.15 Subd. 8. **Facility.** "Facility" means the place used by a commercial breeder for  
178.16 breeding animals, and includes all buildings, property, confinement areas, and vehicles.

178.17 Subd. 9. **Local animal control authority.** "Local animal control authority" means  
178.18 an agency of the state, county, municipality, or other political subdivision of the state that  
178.19 is responsible for animal control operations in its jurisdiction.

178.20 Subd. 10. **Person.** "Person" means a natural person, firm, partnership, corporation,  
178.21 or association, however organized.

178.22 Subd. 11. **Possess.** "Possess" means to have custody of or have control over.

178.23 Subd. 12. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and  
178.24 licensed in the state of Minnesota.

178.25 Sec. 33. **[347.58] LICENSING AND INSPECTIONS.**

178.26 Subdivision 1. **Licensing.** (a) The board may grant an operating license to a  
178.27 commercial breeder and must enforce sections 347.58 to 347.64.

178.28 (b) Beginning July 1, 2015, a commercial breeder must obtain an annual license  
178.29 for each facility it owns or operates. More than one building on the same premises is  
178.30 considered one facility. The initial prelicense inspection fee and the annual license fee is  
178.31 \$10 per adult intact animal, but each fee must not exceed \$250.

178.32 (c) The board must perform an announced initial prelicense inspection within 60  
178.33 days from the date of receiving a license application. A commercial breeder is not in  
178.34 violation of this section if the commercial breeder has filed a completed license application  
178.35 with the board and the board has not performed the initial prelicense inspection. The

179.1 board must inspect a commercial breeder's facility before an initial license is issued. The  
179.2 initial prelicense inspection fee must be included with the license application. Upon  
179.3 completion of the inspection, the inspector must provide the commercial breeder an  
179.4 inspection certificate signed by the inspector in a format approved by the board.

179.5 (d) The license application must indicate if a commercial breeder operates under  
179.6 more than one name from a single location or has an ownership interest in any other  
179.7 facility. License holders must keep separate records for each business name.

179.8 (e) The application must include a statement that includes the following information:

179.9 (1) whether any license held by an applicant under this section or under any other  
179.10 federal, state, county, or local law, ordinance, or other regulation relating to breeding cats  
179.11 or dogs was ever suspended, revoked, or denied; and

179.12 (2) whether the applicant was ever convicted of animal cruelty.

179.13 (f) An application from a partnership, corporation, or limited liability company must  
179.14 include the name and address of all partners, directors, officers, or members and must  
179.15 include a notation of any partners, directors, officers, members, or others authorized to  
179.16 represent the partnership, corporation, or limited liability company.

179.17 (g) A nonresident applicant must consent to adjudication of any violation under the  
179.18 laws of the state of Minnesota and in Minnesota courts.

179.19 (h) A license issued under this section is not transferable.

179.20 (i) A license holder must apply for license renewal annually by submitting a renewal  
179.21 application on a form approved by the board. The license renewal application must be  
179.22 postmarked or submitted electronically in a method approved by the board by July 1  
179.23 of each year. The board may assess a late renewal penalty of up to 50 percent of the  
179.24 license fee. If a license is not renewed by August 1, the board may require the commercial  
179.25 breeder to reapply for an initial license.

179.26 (j) A commercial breeder must submit to the board an annual report by July 1 on a  
179.27 form prepared by the board. The form must include the current number of cats and dogs at  
179.28 the facility on the date of the report, the number of animals during the preceding year that  
179.29 were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from  
179.30 other causes, and any other information required by the board.

179.31 (k) If a commercial breeder is required to be licensed by the United States  
179.32 Department of Agriculture, United States Department of Agriculture inspection reports  
179.33 and records relating to animal care plans and veterinary care must be made available  
179.34 during an inspection, upon request.

179.35 (l) A commercial breeder must prominently display the commercial breeder's license  
179.36 at each facility.

180.1 (m) A commercial breeder's state license number or a symbol approved by the board  
180.2 must be included in all of the commercial breeder's advertisements or promotions that  
180.3 pertain to animals being sold or traded including, but not limited to, all newspapers,  
180.4 Internet, radio, or flyers.

180.5 (n) A commercial breeder must notify the board by certified mail or electronically  
180.6 in a method approved by the board within ten days of any change in address, name,  
180.7 management, or substantial control and ownership of the business or operation.

180.8 (o) The board must refuse to issue an initial license when a commercial breeder:

180.9 (1) is in violation of section 343.21; 343.24; 343.27; 343.28; 343.31; 343.37; 346.37;  
180.10 346.38; 346.39; 346.44; or 346.155;

180.11 (2) has failed to meet any of the requirements of this section and section 347.59;

180.12 (3) is in violation of a local ordinance regarding breeders;

180.13 (4) has been convicted, other than a petty misdemeanor conviction, of cruelty to  
180.14 animals under Minnesota law or a substantially similar animal cruelty law of another  
180.15 jurisdiction;

180.16 (5) has had a substantially similar license denied, revoked, or suspended by another  
180.17 federal or state authority within the last five years; or

180.18 (6) has falsified any material information requested by the board.

180.19 (p) A person who has been an officer, agent, direct family member, or employee of a  
180.20 commercial breeder whose license was revoked or suspended and who was responsible for  
180.21 or participated in the violation that was a basis for the revocation or suspension may not  
180.22 be licensed while the revocation or suspension is in effect.

180.23 Subd. 2. **Inspections.** (a) The board must inspect each licensed facility at least  
180.24 annually. The inspection must be with the commercial breeder or an agent of the  
180.25 commercial breeder present. The inspector must submit an inspection report to the board  
180.26 within ten days of each inspection on a form prepared by the board. The inspection report  
180.27 form must list separately each law, rule, regulation, and ordinance the facility is not in  
180.28 compliance with and what correction is required for compliance. The inspection report  
180.29 form must document the animal inventory on the date of the inspection.

180.30 (b) If, after the prelicense inspection, the commercial breeder has two consecutive  
180.31 years of inspections with no violations, the board must inspect the commercial breeder at  
180.32 least every two years. If the commercial breeder has any violations during an inspection or  
180.33 if the board has cause, the board must inspect the commercial breeder at least annually.

180.34 (c) If a license to operate is suspended, revoked, or denied, the board must be granted  
180.35 access to the facility during normal business hours to verify that it is not operating.

181.1 Subd. 3. **Record requirements.** (a) The commercial breeder must keep records on  
181.2 each animal at the facility that includes:

181.3 (1) the name, address, and United States Department of Agriculture license number,  
181.4 if applicable, from whom an animal was received; the date the commercial breeder  
181.5 received the animal; the date of the animal's birth; the breed, sex, color, and identifying  
181.6 marks of the animal; any identifying tag, tattoo, microchip, or collar number; worming  
181.7 treatments, vaccinations, and name of the person who administered the vaccination;  
181.8 medication received by the animal while in the possession of the commercial breeder; and  
181.9 any disease conditions diagnosed by a veterinarian; and

181.10 (2) the name and address of the person or entity to whom an animal was transferred.

181.11 (b) The commercial breeder must maintain a copy of the records required to be  
181.12 kept under this subdivision for two years.

181.13 Subd. 4. **Veterinary protocol.** (a) A commercial breeder must establish and  
181.14 maintain a written protocol for disease control and prevention, euthanasia, and veterinary  
181.15 care of animals at each facility. The initial protocol must be developed under the direction  
181.16 and supervision of the board. A commercial breeder must maintain a written protocol that  
181.17 is updated at least every 12 months and that is signed and dated by the board or by a  
181.18 veterinarian along with the commercial breeder. The written protocol must be available to  
181.19 the board upon request or at the time of inspection.

181.20 (b) An animal sold or otherwise distributed by a commercial breeder must be  
181.21 accompanied by a veterinary health certificate completed by a veterinarian. The certificate  
181.22 must be completed within 30 days prior to the sale or distribution and must indicate that  
181.23 the animal is current with vaccinations and has no signs of infectious or contagious  
181.24 diseases. The certificate accompanying an adult dog that was not spayed or neutered must  
181.25 indicate that the dog has no signs of infectious or contagious diseases and was tested for  
181.26 canine brucellosis with a test approved by the board and found to be negative.

181.27 Subd. 5. **Posting of information.** The board must maintain and post in a timely  
181.28 manner on its Web site a list of commercial breeders licensed and in good standing  
181.29 under this section.

181.30 Sec. 34. **[347.59] STANDARDS OF CARE.**

181.31 (a) A commercial breeder must comply with chapters 343 and 346.

181.32 (b) A commercial breeder must ensure that animals that are part of the commercial  
181.33 breeder's breeding business operations are cared for as follows:

181.34 (1) cats must not be housed in outdoor confinement areas;

182.1 (2) animals exercised in groups must be compatible and show no signs of contagious  
182.2 or infectious disease;

182.3 (3) females in estrus must not be housed in the same confinement area with  
182.4 unneutered males, except for breeding purposes;

182.5 (4) animals must be provided daily enrichment and must be provided positive physical  
182.6 contact with human beings and compatible animals at least twice daily unless a veterinarian  
182.7 determines such activities would adversely affect the health or well-being of the animal;

182.8 (5) animals must not be sold, traded, or given away before the age of eight weeks  
182.9 unless a veterinarian determines it would be in the best interests of the health or well-being  
182.10 of the animal;

182.11 (6) the commercial breeder must provide identification and tracking for each animal,  
182.12 which is not transferable to another animal; and

182.13 (7) the commercial breeder must provide adequate staff to maintain the facility and  
182.14 observe each animal daily to monitor each animal's health and well-being, and to properly  
182.15 care for the animals.

182.16 (c) A commercial breeder must not knowingly hire staff or independent contractors  
182.17 who have been convicted of cruelty to animals under the law of any jurisdiction.

182.18 (d) A commercial breeder must comply with any additional standards the board  
182.19 considers necessary to protect the public health and welfare of animals covered under  
182.20 sections 347.57 to 347.61. The standards must be established by rule.

182.21 (e) A United States Department of Agriculture (USDA) licensed breeder or dealer  
182.22 who is in compliance with the minimum USDA regulations governing the license holder  
182.23 as they relate to animal confinement areas as of the effective date of this section does not  
182.24 have to comply with the minimum confinement area measurements under section 346.39,  
182.25 subdivision 4, for existing confinement areas in each facility the breeder or dealer owns. If  
182.26 a USDA-licensed breeder or dealer builds a new confinement area after the effective date  
182.27 of this section, those minimum standards must meet or exceed the minimum specifications  
182.28 as they relate to confinement area size under section 346.39, subdivision 4.

182.29 **Sec. 35. [347.60] INVESTIGATIONS.**

182.30 (a) The board must initiate an investigation upon receiving a formal complaint  
182.31 alleging violations of section 347.58 or 347.59.

182.32 (b) When a local animal control authority, a peace officer, or a humane agent  
182.33 appointed under section 343.01 is made aware of an alleged violation under this chapter  
182.34 or chapter 343 or 346, committed by a commercial breeder, the local animal control

183.1 authority, peace officer, or humane agent appointed under section 343.01 must report the  
183.2 alleged violation in a timely manner to the board.

183.3 **Sec. 36. [347.61] CIVIL ENFORCEMENT.**

183.4 Subdivision 1. **Correction orders.** (a) The board may issue a correction order  
183.5 requiring a commercial breeder to correct a violation of state statutes, rules, and  
183.6 regulations governing breeding facilities. The correction order must state the deficiencies  
183.7 that constitute the violation; the specific statute, rule, or regulation violated; and when  
183.8 the violation must be corrected.

183.9 (b) A commercial breeder may ask the board to reconsider any portion of the  
183.10 correction order that the commercial breeder believes is in error. The request for  
183.11 reconsideration must be made in writing by certified mail or electronically in a method  
183.12 approved by the board within seven days after receipt of the correction order. The  
183.13 request for reconsideration does not stay the correction order. The board must respond  
183.14 to the request for reconsideration within 15 days after receiving a request. The board's  
183.15 disposition of a request for reconsideration is final. The board may extend the time for  
183.16 complying with a correction order after receiving a request for reconsideration if necessary.

183.17 (c) The board must reinspect the facility within 15 days after the time for correcting  
183.18 the violation has passed to determine whether the violation has been corrected. If the  
183.19 violation has been corrected, the board must notify the commercial breeder in writing that  
183.20 the commercial breeder is in compliance with the correction order. The board may charge  
183.21 a reinspection fee to determine if a previous violation has been corrected.

183.22 Subd. 2. **Administrative penalty orders.** After the inspection required under  
183.23 subdivision 1, paragraph (c), the board may issue an order requiring violations to  
183.24 be corrected and administratively assessing monetary penalties for violations. The  
183.25 administrative penalty order must include a citation of the statute, rule, or regulation  
183.26 violated; a description of the violation; and the amount of the penalty for each violation. A  
183.27 single correction order may assess a maximum administrative penalty of \$5,000.

183.28 Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the  
183.29 board may bring an action for injunctive relief in the district court in Ramsey County or in  
183.30 the county in which a violation of the statutes, rules, or regulations governing the breeding  
183.31 of cats and dogs occurred to enjoin the violation.

183.32 Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its  
183.33 continuation would result in an immediate risk to animal welfare or public health. An  
183.34 order issued under this subdivision is effective for a maximum of 72 hours. The board or  
183.35 its designated agent must seek an injunction or take other administrative action authorized

184.1 by law to restrain a practice beyond 72 hours. The issuance of a cease-and-desist order  
184.2 does not preclude other enforcement action by the board.

184.3 Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The  
184.4 board may suspend, revoke, or refuse to renew a license as follows:

184.5 (1) for failure to comply with a correction order;

184.6 (2) for failure to pay an administrative penalty;

184.7 (3) for failure to meet the requirements of section 347.58 or 347.59; or

184.8 (4) for falsifying information requested by the board.

184.9 A license suspension, revocation, or nonrenewal may be appealed through the Office of  
184.10 Administrative Hearings. A notice of intent to appeal must be filed in writing with the  
184.11 board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

184.12 (b) The board must revoke a license if a commercial breeder has been convicted  
184.13 of cruelty to animals under Minnesota law or a substantially similar animal cruelty law  
184.14 of another jurisdiction, or for the denial, revocation, or suspension of a similar license  
184.15 by another federal or state authority. A license revocation under this subdivision may be  
184.16 appealed through the Office of Administrative Hearings. A notice of intent to appeal must  
184.17 be filed in writing with the board within 20 days after receipt of the notice of revocation.

184.18 (c) A commercial breeder whose license is revoked may not reapply for licensure for  
184.19 two years after the date of revocation. The license is permanently revoked if the basis for  
184.20 the revocation was a gross misdemeanor or felony conviction for animal cruelty.

184.21 (d) A commercial breeder whose license is suspended or revoked two times is  
184.22 permanently barred from licensure.

184.23 Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph  
184.24 (b), if the board proposes to refuse to renew, suspend, or revoke a license, the board  
184.25 must first notify the commercial breeder in writing of the proposed action and provide an  
184.26 opportunity to request a hearing under the contested case provisions of chapter 14. If the  
184.27 commercial breeder does not request a hearing within 20 days after receipt of the notice of  
184.28 the proposed action, the board may proceed with the action without a hearing.

184.29 (b) The contested case provisions of chapter 14 do not apply when the board denies  
184.30 a license based on an applicant's failure to meet the minimum qualifications for licensure.

184.31 (c) A commercial breeder may appeal the amount of an administrative penalty  
184.32 order through the Office of Administrative Hearings pursuant to the procedures set forth  
184.33 in chapter 14. A commercial breeder wishing to file an appeal must notify the board in  
184.34 writing within 20 days after receipt of the administrative penalty order.

184.35 Subd. 7. **Other jurisdictions.** The board may accept as prima facie evidence of  
184.36 grounds for an enforcement action under this section any enforcement or disciplinary



185.1 action from another jurisdiction, if the underlying violation would be grounds for a  
185.2 violation under the provisions of this section.

185.3 Subd. 8. Appeals. A final order by the board may be appealed to the Minnesota  
185.4 Court of Appeals.

185.5 Sec. 37. **[347.615] BIOSECURITY; ENTRY INTO FACILITIES.**

185.6 No law enforcement officer, agent of the board, or other official may enter a  
185.7 commercial breeder facility unless the person follows either the biosecurity procedure  
185.8 issued by the board or a reasonable biosecurity procedure maintained and prominently  
185.9 posted by the commercial breeder at each entry to a facility, whichever is more stringent.  
185.10 This section does not apply in emergency or exigent circumstances.

185.11 Sec. 38. **[347.62] PENALTIES.**

185.12 (a) A violation of section 347.58 or 347.59 that results in cruelty or torture to an  
185.13 animal, as those terms are defined in section 343.20, subdivision 3, is subject to the  
185.14 penalties in section 343.21, subdivisions 9 and 10, relating to pet or companion animals.

185.15 (b) It is a misdemeanor to falsify information in a license application, annual report,  
185.16 or record.

185.17 (c) It is a misdemeanor for an unlicensed commercial breeder to advertise animals  
185.18 for sale.

185.19 (d) It is a misdemeanor for a commercial breeder to operate without a license.

185.20 Sec. 39. **[347.63] DOG AND CAT BREEDERS LICENSING ACCOUNT;**  
185.21 **APPROPRIATION.**

185.22 A dog and cat breeders licensing account is created in the special revenue fund.  
185.23 All fees and penalties collected by the board under sections 347.58 to 347.62 must be  
185.24 deposited in the state treasury and credited to the dog and cat breeders licensing account  
185.25 in the special revenue fund. Money in the account, including interest on the account, is  
185.26 annually appropriated to the board to administer those sections.

185.27 Sec. 40. **[347.64] APPLICABILITY.**

185.28 Sections 347.57 to 347.63 do not apply to:

185.29 (1) any species other than dogs and cats as they are defined in section 347.57; and

185.30 (2) veterinary clinics or veterinary hospitals.

186.1 Sec. 41. Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended by  
 186.2 Laws 2009, chapter 37, article 1, section 61, is amended to read:

186.3 Subd. 7. **Fish and Wildlife Management** 123,000 119,000

186.4	Appropriations by Fund		
186.5	General	-0-	(427,000)
186.6	Game and Fish	123,000	546,000

186.7 \$329,000 in 2009 is a reduction for fish and  
 186.8 wildlife management.

186.9 \$46,000 in 2009 is a reduction in the  
 186.10 appropriation for the Minnesota Shooting  
 186.11 Sports Education Center.

186.12 \$52,000 in 2009 is a reduction for licensing.

186.13 \$123,000 in 2008 and \$246,000 in 2009 are  
 186.14 from the game and fish fund to implement  
 186.15 fish virus surveillance, prepare infrastructure  
 186.16 to handle possible outbreaks, and implement  
 186.17 control procedures for highest risk waters  
 186.18 and fish production operations. This is a  
 186.19 onetime appropriation.

186.20 Notwithstanding Minnesota Statutes, section  
 186.21 297A.94, paragraph (e), \$300,000 in 2009  
 186.22 is from the second year appropriation in  
 186.23 Laws 2007, chapter 57, article 1, section 4,  
 186.24 subdivision 7, from the heritage enhancement  
 186.25 account in the game and fish fund ~~to study,~~  
 186.26 ~~pre-design, and design a shooting sports~~  
 186.27 ~~facility in the seven-county metropolitan~~  
 186.28 ~~area~~ for shooting sports facilities. Of this  
 186.29 amount, \$100,000 is for a grant to the Itasca  
 186.30 County Gun Club for shooting sports facility  
 186.31 improvements; and the remaining balance  
 186.32 is for trap shooting facility grants under  
 186.33 Minnesota Statutes, section 87A.10. This is  
 186.34 available onetime only and is available until  
 186.35 expended.

187.1 \$300,000 in 2009 is appropriated from the  
187.2 game and fish fund for only activities that  
187.3 improve, enhance, or protect fish and wildlife  
187.4 resources. This is a onetime appropriation.

187.5 Sec. 42. Laws 2013, chapter 114, article 4, section 47, is amended by adding an  
187.6 effective date to read:

187.7 **EFFECTIVE DATE.** This section is effective June 1, 2013.

187.8 **EFFECTIVE DATE.** This section is effective retroactively from June 1, 2013.

187.9 Sec. 43. **APIARY PROGRAM.**

187.10 No later than January 15, 2015, the commissioner of agriculture shall report to  
187.11 the house of representatives and senate committees with jurisdiction over agriculture  
187.12 regarding re-establishing an apiary program. The report shall include, at a minimum,  
187.13 recommendations on (1) prevention of diseases and exotic pests; (2) sanitary inspection  
187.14 of apiaries, including notification of diseases, nuisances, and quarantines; (3) an apiary  
187.15 location registry, to facilitate agency response to pollinator deaths or illnesses and for  
187.16 pesticide applicators to be aware of apiaries to avoid impacts, including data practices  
187.17 and privacy protections; and (4) the public benefit of an apiary program and the fiscal  
187.18 costs associated with a program.

187.19 Sec. 44. **INVASIVE TERRESTRIAL PLANTS AND PESTS CENTER.**

187.20 Subdivision 1. **Establishment.** The Board of Regents of the University of Minnesota  
187.21 is requested to establish an Invasive Terrestrial Plants and Pests Center to prevent and  
187.22 minimize the threats posed by terrestrial invasive plants, other weeds, pathogens, and  
187.23 pests in order to protect the state's prairies, forests, wetlands, and agricultural resources.  
187.24 With the approval of the board, the College of Food, Agricultural and Natural Resource  
187.25 Science, in coordination with the College of Biological Sciences, shall administer the  
187.26 center utilizing the following departments:

187.27 (1) Entomology;

187.28 (2) Plant Pathology;

187.29 (3) Forest Resources;

187.30 (4) Horticultural Science;

187.31 (5) Fisheries Wildlife and Conservation Biology;

187.32 (6) Agronomy and Plant Genetics;

- 188.1 (7) Plant Biology; and  
188.2 (8) Ecology, Evolution, and Behavior.

188.3 The college may also utilize the following research and outreach centers in  
188.4 achieving the purposes of this section: Cloquet Forestry Center; North Central Research  
188.5 and Outreach Center; Northwest Research and Outreach Center; Southern Research and  
188.6 Outreach Center; Southwest Research and Outreach Center; West Central Research and  
188.7 Outreach Center; Rosemount Research and Outreach Center; Horticultural Research  
188.8 Center; and Sand Plain Research Center.

188.9 Subd. 2. **Purpose.** The purpose of the Invasive Terrestrial Plants and Pests Center is  
188.10 to research and develop effective measures to prevent and minimize the threats posed by  
188.11 terrestrial invasive plants, pathogens, and pests, including agricultural weeds and pests, in  
188.12 order to protect the state's native prairies, forests, wetlands, and agricultural resources, by:

188.13 (1) creating a prioritized list of pest and plant species that threaten the state's prairies,  
188.14 forests, wetlands, and agricultural resources and making the list publicly accessible; and

188.15 (2) conducting research focused on the species included on the prioritized list  
188.16 developed under this subdivision that includes:

188.17 (i) development of new control methods, including biocontrols;

188.18 (ii) development of integrated pest management tools that minimize nontarget  
188.19 impacts;

188.20 (iii) research projects focused on establishment prevention, early detection, and  
188.21 rapid response;

188.22 (iv) an analysis of any consequences related to the management of prioritized species  
188.23 to the state's water, pollinators, and native prairies and other native species; and

188.24 (v) reports on the results that are made publicly accessible.

188.25 Subd. 3. **Report.** By January 15, 2015, as a condition of the appropriation provided  
188.26 under this act, the Board of Regents of the University of Minnesota shall submit a report  
188.27 to the chairs and ranking minority members of the house of representatives and senate  
188.28 committees and divisions with jurisdiction over the environment and natural resources and  
188.29 agriculture on: (1) the activities and outcomes of the center; and (2) any recommendations  
188.30 for additional funding for education, implementation, or other activities.

188.31 Sec. 45. **RECOGNITION; COMMERCIAL BREEDER EXCELLENCE.**

188.32 The Board of Animal Health, in consultation with representatives of the licensed  
188.33 commercial breeder industry, must develop a program to recognize persons who

189.1 demonstrate commercial breeder excellence and exceed the standards and practices  
189.2 required of commercial breeders under this act.

189.3 **Sec. 46. REGISTRATION; INITIAL PRELICENSE INSPECTIONS.**

189.4 Subdivision 1. **Commercial breeder registration.** Beginning July 1, 2014, until  
189.5 June 30, 2015, a commercial breeder must register each facility it owns or operates by  
189.6 paying a registration fee not to exceed \$250 per facility to the Board of Animal Health.

189.7 Subd. 2. **Initial prelicense inspections.** Beginning July 1, 2014, the board may  
189.8 begin the initial prelicense inspections under Minnesota Statutes, section 347.58.

189.9 Subd. 3. **Deposits of fees.** Fees collected under this section must be deposited in the  
189.10 dog and cat breeders licensing account in the special revenue fund.

189.11 **Sec. 47. RESEARCH DOGS AND CATS.**

189.12 (a) A higher education research facility that receives public money or a facility that  
189.13 provides research in collaboration with a higher education facility that confines dogs or  
189.14 cats for science, education, or research purposes and plans on euthanizing a dog or cat  
189.15 for other than science, education, or research purposes must first offer the dog or cat  
189.16 to an animal rescue organization. A facility that is required to offer dogs or cats to an  
189.17 animal rescue organization under this section may enter into an agreement with the animal  
189.18 rescue organization to protect the facility. A facility that provides a dog or cat to a rescue  
189.19 organization under this section is immune from any civil liability that otherwise might  
189.20 result from its actions, provided that the facility is acting in good faith.

189.21 (b) For the purposes of this section, "animal rescue organization" means any  
189.22 nonprofit organization incorporated for the purpose of rescuing animals in need and  
189.23 finding permanent, adoptive homes for the animals.

189.24 (c) This section expires July 1, 2015.

189.25 **Sec. 48. REPEALER.**

189.26 Minnesota Statutes 2012, section 115A.551, subdivision 2, is repealed.

## 189.27 **ARTICLE 14**

### 189.28 **CLEAN WATER FUND**

189.29 **Section 1. CLEAN WATER FUND APPROPRIATIONS.**

189.30 The sums shown in the columns marked "Appropriations" are appropriated to the  
189.31 agencies and for the purposes specified in this article. The appropriations are from the  
189.32 clean water fund and are available for the fiscal year indicated for allowable activities

190.1 under the Minnesota Constitution, article XI, section 15. The figure "2015" used in this  
 190.2 article means that the appropriations listed under it are available for the fiscal year ending  
 190.3 June 30, 2015. The appropriations in this article are onetime.

190.4 **APPROPRIATIONS**  
 190.5 **Available for the Year**  
 190.6 **Ending June 30**  
 190.7 **2015**

190.8 **Sec. 2. CLEAN WATER**

190.9 **Subdivision 1. Total Appropriation** **\$ 2,450,000**

190.10 The amounts that may be spent for each  
 190.11 purpose are specified in the following  
 190.12 sections.

190.13 **Subd. 2. Availability of Appropriation**

190.14 Money appropriated in this article may  
 190.15 not be spent on activities unless they are  
 190.16 directly related to and necessary for a  
 190.17 specific appropriation. Money appropriated  
 190.18 in this article must be spent in accordance  
 190.19 with Minnesota Management and Budget's  
 190.20 Guidance to Agencies on Legacy Fund  
 190.21 Expenditure. Notwithstanding Minnesota  
 190.22 Statutes, section 16A.28, and unless  
 190.23 otherwise specified in this article, the  
 190.24 appropriations are available until June 30,  
 190.25 2016. If a project receives federal funds, the  
 190.26 time period of the appropriation is extended  
 190.27 to equal the availability of federal funding.

190.28 **Sec. 3. POLLUTION CONTROL AGENCY** **\$ 200,000**

190.29 \$200,000 in 2015 is for coordination with  
 190.30 the state of Wisconsin and the National  
 190.31 Park Service on comprehensive phosphorus  
 190.32 reduction activities in the Lake St. Croix  
 190.33 portion of the St. Croix River. The agency  
 190.34 shall work with the St. Croix Basin Water

191.1 Resources Planning Team and the St. Croix  
 191.2 River Association in implementing the  
 191.3 water monitoring and phosphorus reduction  
 191.4 activities.

191.5 **Sec. 4. BOARD OF WATER AND SOIL**  
 191.6 **RESOURCES**

**\$ 1,400,000**

191.7 \$150,000 in 2015 is to collaborate with the  
 191.8 commissioner of health and local units of  
 191.9 government in the North and East Metro  
 191.10 Groundwater Management Area through  
 191.11 development or implementation of local  
 191.12 water management plans as provided for in  
 191.13 Minnesota Statutes, chapters 103B, 103C,  
 191.14 103D, and 114D, to identify strategies  
 191.15 for groundwater protection and potential  
 191.16 locations for infiltration projects and  
 191.17 practices, including potential wetland  
 191.18 restoration, enhancement, or creation that  
 191.19 would contribute to groundwater recharge,  
 191.20 surface water enhancement, and wellhead  
 191.21 protection. Areas in the Mississippi River  
 191.22 flyway, or that also provide habitat for  
 191.23 waterfowl production, fish spawning, or  
 191.24 other fish or wildlife habitat, should be  
 191.25 specifically identified. This appropriation is  
 191.26 available until June 30, 2017.

191.27 \$250,000 in 2015 is to collaborate with  
 191.28 the commissioner of health and local units  
 191.29 of government in the Bonanza Valley  
 191.30 Groundwater Management Area and Straight  
 191.31 River Groundwater Management Area  
 191.32 through development or implementation  
 191.33 of local water management plans as  
 191.34 provided for in Minnesota Statutes, chapters  
 191.35 103B, 103C, 103D, and 114D, to identify

192.1 strategies for groundwater protection and  
 192.2 potential locations for infiltration projects  
 192.3 and practices, including potential wetland  
 192.4 restoration, enhancement, or creation that  
 192.5 would contribute to groundwater recharge  
 192.6 and wellhead protection. Areas in the  
 192.7 Mississippi River flyway, or that also provide  
 192.8 habitat for waterfowl production, fish  
 192.9 spawning, or other fish or wildlife habitat,  
 192.10 should be specifically identified. This  
 192.11 appropriation is available until June 30, 2017.  
 192.12 \$100,000 in 2015 is for a workshop for public  
 192.13 works professionals or other local officials  
 192.14 that promote landscape best management  
 192.15 practices that keep water on the land,  
 192.16 including rain gardens, within the North and  
 192.17 East Metro Groundwater Management Area  
 192.18 and for grants to local units of government  
 192.19 in the North and East Metro Groundwater  
 192.20 Management Area to keep water on the land.  
 192.21 \$900,000 in 2015 is added to the  
 192.22 appropriation to the Board of Water and Soil  
 192.23 Resources for grants in Laws 2013, chapter  
 192.24 137, article 2, section 7, paragraph (b).  
 192.25 The board may use the appropriation to  
 192.26 update the Minnesota Public Drainage  
 192.27 Manual and the Minnesota Public Drainage  
 192.28 Law Overview for Decision Makers in  
 192.29 Laws 2013, chapter 137, article 2, section  
 192.30 7, paragraph (e), for contracts or grants to  
 192.31 achieve the purposes of the appropriation.

192.32 **Sec. 5. METROPOLITAN COUNCIL \$ 550,000**

192.33 \$400,000 in 2015 from the clean water fund  
 192.34 is to develop a plan for the North and East



193.1 Metro Groundwater Management Area and  
 193.2 to predesign preferred long-term solutions  
 193.3 to address regional water supply and  
 193.4 sustainability issues, including enhancing  
 193.5 surface waters, in collaboration with the  
 193.6 commissioner of natural resources. The plan,  
 193.7 incorporating standard engineering practices,  
 193.8 must address construction, operation, and  
 193.9 maintenance of infrastructure needed to  
 193.10 implement the preferred solutions and,  
 193.11 in consultation with the Public Facilities  
 193.12 Authority, include recommendations for  
 193.13 funding that would fairly allocate the costs  
 193.14 to users and other beneficiaries. As the  
 193.15 plan is developed, the council must meet  
 193.16 periodically with the local water supply work  
 193.17 group to review details of the plan. This  
 193.18 appropriation is available until June 30, 2015.  
 193.19 \$100,000 in 2015 from the clean water fund  
 193.20 is to investigate, in collaboration with the  
 193.21 Board of Water and Soil Resources and the  
 193.22 Pollution Control Agency, the feasibility  
 193.23 of collecting and treating storm water in  
 193.24 the North and East Metro Groundwater  
 193.25 Management Area to enhance surface waters  
 193.26 and groundwater recharge.  
 193.27 \$50,000 in 2015 from the clean water fund is  
 193.28 to partner with the University of Minnesota's  
 193.29 Minnesota Technical Assistance Program  
 193.30 (MnTAP) to identify opportunities for  
 193.31 industrial water users to reduce or reuse their  
 193.32 water consumption within the North and East  
 193.33 Metro Groundwater Management Area.

193.34 Sec. 6. **DEPARTMENT OF HEALTH**

**\$**

**300,000**

194.1 \$300,000 in 2015 from the clean water  
194.2 fund is to collaborate with the Board of  
194.3 Water and Soil Resources and local units  
194.4 of government in the North and East Metro  
194.5 Groundwater Management Area, Bonanza  
194.6 Valley Groundwater Management Area, and  
194.7 Straight River Groundwater Management  
194.8 Area and to update wellhead protection areas  
194.9 within groundwater management areas, in  
194.10 cooperation with the Board of Water and  
194.11 Soil Resources, to meet the sustainability  
194.12 standards of Minnesota Statutes, chapter  
194.13 103G, including Minnesota Statutes, section  
194.14 103G.287, subdivision 5, and to be available  
194.15 for the requirements of Minnesota Statutes,  
194.16 chapter 103H. The update should identify the  
194.17 most critical areas that need protecting.

194.18 **Sec. 7. REPURPOSE OF 2011 APPROPRIATION.**

194.19 The remaining balance of the appropriation in Laws 2011, First Special Session  
194.20 chapter 6, article 2, section 6, paragraph (g), to the commissioner of natural resources  
194.21 for shoreland stewardship, TMDL implementation coordination, providing technical  
194.22 assistance, and maintaining and updating data may be used for stream flow and  
194.23 groundwater monitoring, including the installation of additional monitoring gauges, and  
194.24 monitoring necessary to determine the relationship between stream flow and groundwater,  
194.25 and is available until June 30, 2015.

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

194.27 **Sec. 8. CANCELLATION OF 2009 APPROPRIATION.**

194.28 The unspent balance of the appropriation to the commissioner of the Pollution  
194.29 Control Agency for grants under Minnesota Statutes, section 116.195, in Laws 2009,  
194.30 chapter 172, article 2, section 4, paragraph (c), as amended by Laws 2011, First Special  
194.31 Session chapter 6, article 2, section 23, is canceled.

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

195.1      Sec. 9. **STREAM GAUGE DATA.**

195.2           The commissioner of natural resources shall provide an easily accessible link to the  
 195.3 Department of Natural Resources' and the Pollution Control Agency's cooperative stream  
 195.4 gauging data, including lake level information for existing stations, including White Bear  
 195.5 Lake and Turtle Lake, on the department's Web site.

195.6                                      **ARTICLE 15**195.7                                      **GENERAL EDUCATION**

195.8           Section 1. Minnesota Statutes 2012, section 123A.05, subdivision 2, is amended to read:

195.9           Subd. 2. **Reserve revenue.** Each district that is a member of an area learning center  
 195.10 or alternative learning program must reserve revenue in an amount equal to the sum of  
 195.11 (1) at least 90 and no more than 100 percent of the district average general education  
 195.12 revenue per adjusted pupil unit minus an amount equal to the product of the formula  
 195.13 allowance according to section 126C.10, subdivision 2, times ~~.0485~~ .0466, calculated  
 195.14 without basic skills revenue, local optional revenue, and transportation sparsity revenue,  
 195.15 times the number of pupil units attending an area learning center or alternative learning  
 195.16 program under this section, plus (2) the amount of basic skills revenue generated by pupils  
 195.17 attending the area learning center or alternative learning program. The amount of reserved  
 195.18 revenue under this subdivision may only be spent on program costs associated with the  
 195.19 area learning center or alternative learning program.

195.20           **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 195.21 and later.

195.22           Sec. 2. Minnesota Statutes 2013 Supplement, section 123B.75, subdivision 5, is  
 195.23 amended to read:

195.24           Subd. 5. **Levy recognition.** For fiscal year ~~2011~~ 2014 and later years, in June of  
 195.25 each year, the school district must recognize as revenue, in the fund for which the levy  
 195.26 was made, the lesser of:

195.27           (1) the sum of May, June, and July school district tax settlement revenue received in  
 195.28 that calendar year, plus general education aid according to section 126C.13, subdivision  
 195.29 4, received in July and August of that calendar year; or

195.30           (2) the sum of:

195.31           (i) ~~the greater of 48.6 percent of the referendum levy certified according to section~~  
 195.32 ~~126C.17 in the prior calendar year, or 31 percent of the referendum levy certified~~  
 195.33 ~~according to section 126C.17 in calendar year 2000;~~ plus

196.1 (ii) the entire amount of the levy certified in the prior calendar year according  
196.2 to section 124D.4531, ~~124D.86, subdivision 4, for school districts receiving revenue~~  
196.3 ~~under sections 124D.86, subdivision 3, clauses (1), (2), and (3); 124D.862, for Special~~  
196.4 ~~School District No. 1, Minneapolis, Independent School District No. 625, St. Paul, and~~  
196.5 ~~Independent School District No. 709, Duluth; 126C.41, subdivisions 1, 2, paragraph (a),~~  
196.6 ~~and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2; and 126C.48, subdivision 6; plus~~  
196.7 (iii) ~~48.6 percent of the amount of the levy certified in the prior calendar year for the~~  
196.8 ~~school district's general and community service funds, plus or minus auditor's adjustments,~~  
196.9 ~~that remains after subtracting the referendum levy certified according to section 126C.17~~  
196.10 ~~and the amount recognized according to item (ii).~~

196.11 Sec. 3. Minnesota Statutes 2012, section 124D.09, subdivision 9, is amended to read:

196.12 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority to  
196.13 its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its courses.  
196.14 A postsecondary institution may provide information about its programs to a secondary  
196.15 school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary  
196.16 pupil to enroll in its programs on educational and programmatic grounds only except,  
196.17 notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020  
196.18 school years only, an eligible postsecondary institution may advertise or otherwise recruit  
196.19 or solicit a secondary pupil residing in a school district with 700 students or more in  
196.20 grades 10, 11, and 12, to enroll in its programs on educational, programmatic, or financial  
196.21 grounds. An institution must not enroll secondary pupils, for postsecondary enrollment  
196.22 options purposes, in remedial, developmental, or other courses that are not college level  
196.23 except when a student eligible to participate in the graduation incentives program under  
196.24 section 124D.68 enrolls full time in a middle or early college program specifically  
196.25 designed to allow the student to earn dual high school and college credit. In this case, the  
196.26 student shall receive developmental college credit and not college credit for completing  
196.27 remedial or developmental courses. Once a pupil has been enrolled in a any postsecondary  
196.28 course under this section, the pupil shall not be displaced by another student.

196.29 (b) If a postsecondary institution enrolls a secondary school pupil in a course  
196.30 under this section, the postsecondary institution also must enroll in the same course an  
196.31 otherwise enrolled and qualified postsecondary student who qualifies as a veteran under  
196.32 section 197.447, and demonstrates to the postsecondary institution's satisfaction that the  
196.33 institution's established enrollment timelines were not practicable for that student.

196.34 **EFFECTIVE DATE.** This section is effective July 1, 2014.

197.1 Sec. 4. Minnesota Statutes 2012, section 124D.09, subdivision 13, is amended to read:

197.2 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this  
197.3 section, the department must make payments according to this subdivision for courses that  
197.4 were taken for secondary credit.

197.5 The department must not make payments to a school district or postsecondary  
197.6 institution for a course taken for postsecondary credit only. The department must not  
197.7 make payments to a postsecondary institution for a course from which a student officially  
197.8 withdraws during the first 14 days of the quarter or semester or who has been absent from  
197.9 the postsecondary institution for the first 15 consecutive school days of the quarter or  
197.10 semester and is not receiving instruction in the home or hospital.

197.11 A postsecondary institution shall receive the following:

197.12 (1) for an institution granting quarter credit, the reimbursement per credit hour shall  
197.13 be an amount equal to 88 percent of the product of the formula allowance minus ~~\$415~~  
197.14 \$425, multiplied by ~~1.3~~ 1.2, and divided by 45; or

197.15 (2) for an institution granting semester credit, the reimbursement per credit hour  
197.16 shall be an amount equal to 88 percent of the product of the general revenue formula  
197.17 allowance minus ~~\$415~~ \$425, multiplied by ~~1.3~~ 1.2, and divided by 30.

197.18 The department must pay to each postsecondary institution 100 percent of the  
197.19 amount in clause (1) or (2) within 30 days of receiving initial enrollment information  
197.20 each quarter or semester. If changes in enrollment occur during a quarter or semester,  
197.21 the change shall be reported by the postsecondary institution at the time the enrollment  
197.22 information for the succeeding quarter or semester is submitted. At any time the  
197.23 department notifies a postsecondary institution that an overpayment has been made, the  
197.24 institution shall promptly remit the amount due.

197.25 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

197.26 Sec. 5. Minnesota Statutes 2013 Supplement, section 124D.11, subdivision 1, is  
197.27 amended to read:

197.28 Subdivision 1. **General education revenue.** General education revenue must be  
197.29 paid to a charter school as though it were a district. The general education revenue  
197.30 for each adjusted pupil unit is the state average general education revenue per pupil  
197.31 unit, plus the referendum equalization aid allowance in the pupil's district of residence,  
197.32 minus an amount equal to the product of the formula allowance according to section  
197.33 126C.10, subdivision 2, times .0466, calculated without declining enrollment revenue,  
197.34 local optional revenue, basic skills revenue, extended time revenue, pension adjustment  
197.35 revenue, transition revenue, and transportation sparsity revenue, plus declining enrollment

198.1 revenue, basic skills revenue, extended time revenue, pension adjustment revenue, and  
198.2 transition revenue as though the school were a school district. The general education  
198.3 revenue for each extended time pupil unit equals \$4,794.

198.4 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
198.5 and later.

198.6 Sec. 6. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

198.7 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten  
198.8 through grade 12 who meets the following requirements:

198.9 (1) the pupil, as declared by a parent or guardian first learned a language other than  
198.10 English, comes from a home where the language usually spoken is other than English, or  
198.11 usually speaks a language other than English; and

198.12 (2) the pupil is determined by a valid assessment measuring the pupil's English  
198.13 language proficiency and by developmentally appropriate measures, which might include  
198.14 observations, teacher judgment, parent recommendations, or developmentally appropriate  
198.15 assessment instruments, to lack the necessary English skills to participate fully in  
198.16 academic classes taught in English.

198.17 (b) ~~Notwithstanding paragraph (a),~~ A pupil enrolled in a Minnesota public school  
198.18 in grades any grade 4 through 12 who was enrolled in a Minnesota public school on  
198.19 the dates during in the previous school year when a commissioner provided took a  
198.20 commissioner-provided assessment that measures measuring the pupil's emerging  
198.21 academic English was administered, shall ~~not~~ be counted as an English learner in  
198.22 calculating English learner pupil units under section 126C.05, subdivision 17, and shall ~~not~~  
198.23 generate state English learner aid under section 124D.65, subdivision 5, ~~unless if~~ the pupil  
198.24 scored below the state cutoff score or is otherwise counted as a nonproficient participant  
198.25 ~~on an~~ the assessment measuring the pupil's emerging academic English provided by the  
198.26 commissioner during the previous school year, or, in the judgment of the pupil's classroom  
198.27 teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate  
198.28 academic language proficiency in English, including oral academic language, sufficient to  
198.29 successfully and fully participate in the general core curriculum in the regular classroom.

198.30 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade  
198.31 12 shall not be counted as an English learner in calculating English learner pupil units  
198.32 under section 126C.05, subdivision 17, and shall not generate state English learner aid  
198.33 under section 124D.65, subdivision 5, if:

198.34 (1) the pupil is not enrolled during the current fiscal year in an educational program  
198.35 for English learners ~~in accordance with~~ under sections 124D.58 to 124D.64; or

199.1 (2) the pupil has generated ~~five~~ six or more years of average daily membership in  
199.2 Minnesota public schools since July 1, 1996.

199.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
199.4 and later.

199.5 Sec. 7. **[124D.695] APPROVED RECOVERY PROGRAM FUNDING.**

199.6 **Subdivision 1. Approved recovery program.** "Approved recovery program" means  
199.7 a course of instruction offered by a recovery school that provides academic services,  
199.8 assistance with recovery, and continuing care to students recovering from substance abuse  
199.9 or dependency. A recovery program may be offered in a transitional academic setting  
199.10 designed to meet graduation requirements. A recovery program must be approved by the  
199.11 commissioner of education. The commissioner may specify the manner and form of the  
199.12 application for the approval of a recovery school or recovery program.

199.13 **Subd. 2. Eligibility.** An approved recovery program is eligible for an annual  
199.14 recovery program grant of up to \$125,000 to pay for a portion of the costs of recovery  
199.15 program support staff under this section. "Recovery program support staff" means licensed  
199.16 alcohol and chemical dependency counselors, licensed school counselors, licensed school  
199.17 psychologists, licensed school nurses, and licensed school social workers.

199.18 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
199.19 and later.

199.20 Sec. 8. Minnesota Statutes 2013 Supplement, section 126C.05, subdivision 15, is  
199.21 amended to read:

199.22 **Subd. 15. Learning year pupil units.** (a) When a pupil is enrolled in a learning  
199.23 year program under section 124D.128, an area learning center or an alternative learning  
199.24 program approved by the commissioner under sections 123A.05 and 123A.06, or a  
199.25 contract alternative program under section 124D.68, subdivision 3, paragraph (d), or  
199.26 subdivision 4, for more than 1,020 hours in a school year for a secondary student, more  
199.27 than 935 hours in a school year for an elementary student, more than 850 hours in a school  
199.28 year for a kindergarten student without a disability in an all-day kindergarten program,  
199.29 or more than 425 hours in a school year for a half-day kindergarten student without a  
199.30 disability, that pupil may be counted as more than one pupil in average daily membership  
199.31 for purposes of section 126C.10, subdivision 2a. The amount in excess of one pupil must  
199.32 be determined by the ratio of the number of hours of instruction provided to that pupil in  
199.33 excess of: (i) the greater of 1,020 hours or the number of hours required for a full-time

200.1 secondary pupil in the district to 1,020 for a secondary pupil; (ii) the greater of 935 hours  
200.2 or the number of hours required for a full-time elementary pupil in the district to 935 for  
200.3 an elementary pupil in grades 1 through 6; and (iii) the greater of ~~425~~ 850 hours or the  
200.4 number of hours required for a full-time kindergarten student without a disability in the  
200.5 district to ~~425~~ 850 for a kindergarten student without a disability; ~~and (iv) the greater of~~  
200.6 ~~425 hours or the number of hours required for a half-time kindergarten student without a~~  
200.7 ~~disability in the district to 425 for a half-day kindergarten student without a disability.~~  
200.8 Hours that occur after the close of the instructional year in June shall be attributable to  
200.9 the following fiscal year. A student in kindergarten or grades 1 through 12 must not be  
200.10 counted as more than 1.2 pupils in average daily membership under this subdivision.

200.11 (b)(i) To receive general education revenue for a pupil in an area learning center or  
200.12 alternative learning program that has an independent study component, a district must meet  
200.13 the requirements in this paragraph. The district must develop, for the pupil, a continual  
200.14 learning plan consistent with section 124D.128, subdivision 3. Each school district that has  
200.15 an area learning center or alternative learning program must reserve revenue in an amount  
200.16 equal to at least 90 and not more than 100 percent of the district average general education  
200.17 revenue per pupil unit, minus an amount equal to the product of the formula allowance  
200.18 according to section 126C.10, subdivision 2, times .0466, calculated without basic skills  
200.19 revenue, local optional revenue, and transportation sparsity revenue, times the number of  
200.20 pupil units generated by students attending an area learning center or alternative learning  
200.21 program. The amount of reserved revenue available under this subdivision may only be  
200.22 spent for program costs associated with the area learning center or alternative learning  
200.23 program. Basic skills revenue generated according to section 126C.10, subdivision 4, by  
200.24 pupils attending the eligible program must be allocated to the program.

200.25 (ii) General education revenue for a pupil in a state-approved alternative program  
200.26 without an independent study component must be prorated for a pupil participating for less  
200.27 than a full year, or its equivalent. The district must develop a continual learning plan for  
200.28 the pupil, consistent with section 124D.128, subdivision 3. Each school district that has an  
200.29 area learning center or alternative learning program must reserve revenue in an amount  
200.30 equal to at least 90 and not more than 100 percent of the district average general education  
200.31 revenue per pupil unit, minus an amount equal to the product of the formula allowance  
200.32 according to section 126C.10, subdivision 2, times .0466, calculated without basic skills  
200.33 revenue, local optional revenue, and transportation sparsity revenue, times the number of  
200.34 pupil units generated by students attending an area learning center or alternative learning  
200.35 program. The amount of reserved revenue available under this subdivision may only be  
200.36 spent for program costs associated with the area learning center or alternative learning



201.1 program. Basic skills revenue generated according to section 126C.10, subdivision 4, by  
201.2 pupils attending the eligible program must be allocated to the program.

201.3 (iii) General education revenue for a pupil in a state-approved alternative program  
201.4 that has an independent study component must be paid for each hour of teacher contact  
201.5 time and each hour of independent study time completed toward a credit or graduation  
201.6 standards necessary for graduation. Average daily membership for a pupil shall equal the  
201.7 number of hours of teacher contact time and independent study time divided by 1,020.

201.8 (iv) For a state-approved alternative program having an independent study  
201.9 component, the commissioner shall require a description of the courses in the program, the  
201.10 kinds of independent study involved, the expected learning outcomes of the courses, and  
201.11 the means of measuring student performance against the expected outcomes.

201.12 Sec. 9. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 2, is  
201.13 amended to read:

201.14 Subd. 2. **Basic revenue.** For fiscal year 2014, the basic revenue for each district  
201.15 equals the formula allowance times the adjusted marginal cost pupil units for the school  
201.16 year. For fiscal year 2015 and later, the basic revenue for each district equals the formula  
201.17 allowance times the adjusted pupil units for the school year. The formula allowance for  
201.18 fiscal year 2013 is \$5,224. The formula allowance for fiscal year 2014 is \$5,302. The  
201.19 formula allowance for fiscal year 2015 and later is ~~\$5,806~~ \$5,831.

201.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
201.21 and later.

201.22 Sec. 10. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 2a,  
201.23 is amended to read:

201.24 Subd. 2a. **Extended time revenue.** (a) A school district's extended time revenue for  
201.25 fiscal year 2014 is equal to the product of \$4,601 and the sum of the adjusted marginal  
201.26 cost pupil units of the district for each pupil in average daily membership in excess of 1.0  
201.27 and less than 1.2 according to section 126C.05, subdivision 8. A school district's extended  
201.28 time revenue for fiscal year 2015 and later is equal to the product of \$5,017 and the sum  
201.29 of the adjusted pupil units of the district for each pupil in average daily membership in  
201.30 excess of 1.0 and less than 1.2 according to section 126C.05, subdivision 8.

201.31 (b) A school district's extended time revenue may be used for extended day  
201.32 programs, extended week programs, summer school, and other programming authorized  
201.33 under the learning year program.

202.1 **EFFECTIVE DATE.** This section is effective the day following final enactment  
202.2 and applies to revenue for fiscal year 2014 and later.

202.3 Sec. 11. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 2c,  
202.4 is amended to read:

202.5 Subd. 2c. **Small schools revenue.** (a) A school district, not including a charter  
202.6 school, is eligible for small schools revenue equal to the greater of the calculation under  
202.7 paragraph (b) or (d).

202.8 (b) The product of:

202.9 (1) \$544;

202.10 (2) the district's adjusted pupil units for that year; and

202.11 (3) the greater of zero or the ratio of (i) 960 less the district's adjusted pupil units  
202.12 for that year, to (ii) 960.

202.13 (c) For the purpose of revenue calculated under paragraph (d), "district" includes a  
202.14 qualifying high school under subdivision 6 that is located in a district with ~~more than one~~  
202.15 qualifying high school under subdivision 6 at least two high schools.

202.16 (d) The product of:

202.17 (1) \$544;

202.18 (2) the district's adjusted pupil units for that year; and

202.19 (3) the greater of zero or the ratio of (i) 960 less the district's adjusted pupil units  
202.20 for that year, to (ii) 960.

202.21 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2015 and  
202.22 later.

202.23 Sec. 12. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 24,  
202.24 is amended to read:

202.25 Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

202.26 (1) the school district's adjusted pupil unit amount of basic revenue, transition  
202.27 revenue, and referendum revenue is less than the value of the school district at or  
202.28 immediately above the 95th percentile of school districts in its equity region for those  
202.29 revenue categories; and

202.30 (2) the school district's administrative offices are not located in a city of the first  
202.31 class on July 1, 1999.

202.32 (b) Equity revenue for a qualifying district that receives referendum revenue under  
202.33 section 126C.17, subdivision 4, equals the product of (1) the district's adjusted pupil

203.1 units for that year; times (2) the sum of (i) \$14, plus (ii) \$80, times the school district's  
 203.2 equity index computed under subdivision 27.

203.3 (c) Equity revenue for a qualifying district that does not receive referendum revenue  
 203.4 under section 126C.17, subdivision 4, equals the product of the district's adjusted pupil  
 203.5 units for that year times \$14.

203.6 (d) A school district's equity revenue is increased by the greater of zero or an amount  
 203.7 equal to the district's ~~resident~~ adjusted pupil units times the difference between ten percent  
 203.8 of the statewide average amount of referendum revenue per ~~resident~~ adjusted pupil unit for  
 203.9 that year and the district's referendum revenue per ~~resident~~ adjusted pupil unit. A school  
 203.10 district's revenue under this paragraph must not exceed \$100,000 for that year.

203.11 (e) A school district's equity revenue for a school district located in the metro equity  
 203.12 region equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.25.

203.13 (f) A school district's additional equity revenue equals \$50 times its adjusted pupil  
 203.14 units.

203.15 **EFFECTIVE DATE.** The changes in paragraph (d) are effective for revenue for  
 203.16 fiscal year 2015 and later.

203.17 Sec. 13. Minnesota Statutes 2012, section 126C.10, subdivision 25, is amended to read:

203.18 Subd. 25. **Regional equity gap.** The regional equity gap equals the difference  
 203.19 between the value of the school district at or immediately above the fifth percentile of  
 203.20 adjusted general revenue per adjusted ~~marginal-cost~~ pupil unit and the value of the school  
 203.21 district at or immediately above the 95th percentile of adjusted general revenue per  
 203.22 adjusted ~~marginal-cost~~ pupil unit.

203.23 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 203.24 and later.

203.25 Sec. 14. Minnesota Statutes 2012, section 126C.10, subdivision 26, is amended to read:

203.26 Subd. 26. **District equity gap.** A district's equity gap equals the greater of zero  
 203.27 or the difference between the district's adjusted general revenue and the value of the  
 203.28 school district at or immediately above the regional 95th percentile of adjusted general  
 203.29 revenue per adjusted ~~marginal-cost~~ pupil unit.

203.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 203.31 and later.

204.1 Sec. 15. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 31,  
204.2 is amended to read:

204.3 Subd. 31. **Transition revenue.** (a) A district's transition allowance equals the  
204.4 sum of the transition revenue the district would have received for fiscal year 2015 under  
204.5 Minnesota Statutes 2012, section 126C.10, subdivisions 31, 31a, and 31c, and the greater  
204.6 of zero or the difference between:

204.7 (1) the sum of:

204.8 (i) the general education revenue the district would have received for fiscal year  
204.9 2015 according to Minnesota Statutes 2012, section 126C.10;

204.10 (ii) the integration revenue the district received for fiscal year 2013 under Minnesota  
204.11 Statutes 2012, section 124D.86;

204.12 (iii) the pension adjustment the district would have received for fiscal year 2015  
204.13 under Minnesota Statutes 2012, section 127A.50;

204.14 (iv) the special education aid the district would have received for fiscal year 2015  
204.15 under Minnesota Statutes 2012, section 125A.76; and

204.16 (v) the special education excess cost aid the district would have received for fiscal  
204.17 year 2015 under Minnesota Statutes 2012, section 125A.79; and

204.18 (2) the sum of the district's:

204.19 (i) general education revenue for fiscal year 2015 excluding transition revenue  
204.20 under this section;

204.21 (ii) achievement and integration revenue for fiscal year 2015 under section  
204.22 124D.862; ~~and~~

204.23 (iii) special education aid for fiscal year 2015 under section 125A.76; and

204.24 (iv) alternative teacher compensation revenue for fiscal year 2015 under section  
204.25 122A.415,

204.26 divided by the number of adjusted pupil units for fiscal year 2015.

204.27 (b) A district's transition revenue for fiscal year 2015 and later equals the product of  
204.28 the district's transition allowance times the district's adjusted pupil units.

204.29 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
204.30 and later.

204.31 Sec. 16. Minnesota Statutes 2013 Supplement, section 126C.17, subdivision 6, is  
204.32 amended to read:

204.33 Subd. 6. **Referendum equalization levy.** (a) ~~For fiscal year 2003 and later,~~

204.34 A district's referendum equalization levy equals the sum of the first tier referendum

205.1 equalization levy, the second tier referendum equalization levy, and the third tier  
205.2 referendum equalization levy.

205.3 (b) A district's first tier referendum equalization levy equals the district's first tier  
205.4 referendum equalization revenue times the lesser of one or the ratio of the district's  
205.5 referendum market value per resident pupil unit to \$880,000.

205.6 (c) A district's second tier referendum equalization levy equals the district's second  
205.7 tier referendum equalization revenue times the lesser of one or the ratio of the district's  
205.8 referendum market value per resident pupil unit to \$510,000.

205.9 (d) A district's third tier referendum equalization levy equals the district's third  
205.10 tier referendum equalization revenue times the lesser of one or the ratio of the district's  
205.11 referendum market value per resident pupil unit to \$290,000.

205.12 Sec. 17. Minnesota Statutes 2013 Supplement, section 126C.17, subdivision 7b,  
205.13 is amended to read:

205.14 Subd. 7b. **Referendum aid guarantee.** (a) Notwithstanding subdivision 7, the sum  
205.15 of a district's referendum equalization aid and location equity aid under section 126C.10,  
205.16 subdivision 2e, for fiscal year 2015 must not be less than the sum of the referendum  
205.17 equalization aid the district would have received for fiscal year 2015 under Minnesota  
205.18 Statutes 2012, section 126C.17, subdivision 7, and the adjustment the district would have  
205.19 received under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs  
205.20 (a), (b), and (c).

205.21 (b) Notwithstanding subdivision 7, the sum of referendum equalization aid and  
205.22 location equity aid under section 126C.10, subdivision 2e, for fiscal year 2016 and later,  
205.23 for a district qualifying for additional aid under paragraph (a) for fiscal year 2015, must  
205.24 not be less than the product of (1) the district's referendum equalization aid for fiscal year  
205.25 2015, times (2) the lesser of one or the ratio of the district's referendum revenue for that  
205.26 school year to the district's referendum revenue for fiscal year 2015, times (3) the lesser  
205.27 of one or the ratio of the district's referendum market value used for fiscal year 2015  
205.28 referendum equalization calculations to the district's referendum market value used for  
205.29 that year's referendum equalization calculations.

205.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
205.31 and later.

205.32 Sec. 18. Minnesota Statutes 2013 Supplement, section 126C.17, subdivision 9, is  
205.33 amended to read:

206.1 Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10,  
206.2 subdivision 1, may be increased in the amount approved by the voters of the district  
206.3 at a referendum called for the purpose. The referendum may be called by the board.  
206.4 The referendum must be conducted one or two calendar years before the increased levy  
206.5 authority, if approved, first becomes payable. Only one election to approve an increase  
206.6 may be held in a calendar year. Unless the referendum is conducted by mail under  
206.7 subdivision 11, paragraph (a), the referendum must be held on the first Tuesday after the  
206.8 first Monday in November. The ballot must state the maximum amount of the increased  
206.9 revenue per adjusted pupil unit. The ballot may state a schedule, determined by the board,  
206.10 of increased revenue per adjusted pupil unit that differs from year to year over the number  
206.11 of years for which the increased revenue is authorized or may state that the amount shall  
206.12 increase annually by the rate of inflation. For this purpose, the rate of inflation shall be the  
206.13 annual inflationary increase calculated under subdivision 2, paragraph (b). The ballot may  
206.14 state that existing referendum levy authority is expiring. In this case, the ballot may also  
206.15 compare the proposed levy authority to the existing expiring levy authority, and express  
206.16 the proposed increase as the amount, if any, over the expiring referendum levy authority.  
206.17 The ballot must designate the specific number of years, not to exceed ten, for which the  
206.18 referendum authorization applies. The ballot, including a ballot on the question to revoke  
206.19 or reduce the increased revenue amount under paragraph (c), must abbreviate the term  
206.20 "per adjusted pupil unit" as "per pupil." The notice required under section 275.60 may  
206.21 be modified to read, in cases of renewing existing levies at the same amount per pupil  
206.22 as in the previous year:

206.23 "BY VOTING "YES" ON THIS BALLOT QUESTION, YOU ARE VOTING  
206.24 TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS  
206.25 SCHEDULED TO EXPIRE."

206.26 The ballot may contain a textual portion with the information required in this  
206.27 subdivision and a question stating substantially the following:

206.28 "Shall the increase in the revenue proposed by (petition to) the board of .....,  
206.29 School District No. ..., be approved?"

206.30 If approved, an amount equal to the approved revenue per adjusted pupil unit times  
206.31 the adjusted pupil units for the school year beginning in the year after the levy is certified  
206.32 shall be authorized for certification for the number of years approved, if applicable, or  
206.33 until revoked or reduced by the voters of the district at a subsequent referendum.

206.34 (b) The board must prepare and deliver by first class mail at least 15 days but no more  
206.35 than 30 days before the day of the referendum to each taxpayer a notice of the referendum  
206.36 and the proposed revenue increase. The board need not mail more than one notice to any

207.1 taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be  
207.2 those shown to be owners on the records of the county auditor or, in any county where  
207.3 tax statements are mailed by the county treasurer, on the records of the county treasurer.  
207.4 Every property owner whose name does not appear on the records of the county auditor  
207.5 or the county treasurer is deemed to have waived this mailed notice unless the owner  
207.6 has requested in writing that the county auditor or county treasurer, as the case may be,  
207.7 include the name on the records for this purpose. The notice must project the anticipated  
207.8 amount of tax increase in annual dollars for typical residential homesteads, agricultural  
207.9 homesteads, apartments, and commercial-industrial property within the school district.

207.10 The notice for a referendum may state that an existing referendum levy is expiring  
207.11 and project the anticipated amount of increase over the existing referendum levy in  
207.12 the first year, if any, in annual dollars for typical residential homesteads, agricultural  
207.13 homesteads, apartments, and commercial-industrial property within the district.

207.14 The notice must include the following statement: "Passage of this referendum will  
207.15 result in an increase in your property taxes." However, in cases of renewing existing levies,  
207.16 the notice may include the following statement: "Passage of this referendum extends an  
207.17 existing operating referendum at the same amount per pupil as in the previous year."

207.18 (c) A referendum on the question of revoking or reducing the increased revenue  
207.19 amount authorized pursuant to paragraph (a) may be called by the board. A referendum to  
207.20 revoke or reduce the revenue amount must state the amount per ~~resident marginal cost~~  
207.21 adjusted pupil unit by which the authority is to be reduced. Revenue authority approved  
207.22 by the voters of the district pursuant to paragraph (a) must be available to the school  
207.23 district at least once before it is subject to a referendum on its revocation or reduction for  
207.24 subsequent years. Only one revocation or reduction referendum may be held to revoke or  
207.25 reduce referendum revenue for any specific year and for years thereafter.

207.26 (d) The approval of 50 percent plus one of those voting on the question is required to  
207.27 pass a referendum authorized by this subdivision.

207.28 (e) At least 15 days before the day of the referendum, the district must submit a  
207.29 copy of the notice required under paragraph (b) to the commissioner and to the county  
207.30 auditor of each county in which the district is located. Within 15 days after the results  
207.31 of the referendum have been certified by the board, or in the case of a recount, the  
207.32 certification of the results of the recount by the canvassing board, the district must notify  
207.33 the commissioner of the results of the referendum.

207.34 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
207.35 and later.

208.1 Sec. 19. Minnesota Statutes 2013 Supplement, section 126C.17, subdivision 9a,  
208.2 is amended to read:

208.3 Subd. 9a. **Board-approved referendum allowance.** Notwithstanding subdivision  
208.4 9, a school district may convert up to \$300 per adjusted pupil unit of referendum authority  
208.5 from voter approved to board approved by a board vote. A district with less than \$300 per  
208.6 adjusted pupil unit of referendum authority after the local optional revenue subtraction  
208.7 under subdivision 1 may authorize new referendum authority up to the difference between  
208.8 \$300 per adjusted pupil unit and the district's referendum authority. The board may  
208.9 authorize this levy for up to five years and may subsequently reauthorize that authority  
208.10 in increments of up to five years.

208.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
208.12 and later.

208.13 Sec. 20. Minnesota Statutes 2013 Supplement, section 126C.44, is amended to read:

208.14 **126C.44 SAFE SCHOOLS LEVY.**

208.15 (a) Each district may make a levy on all taxable property located within the district  
208.16 for the purposes specified in this section. The maximum amount which may be levied for  
208.17 all costs under this section shall be equal to \$36 multiplied by the district's adjusted pupil  
208.18 units for the school year. The proceeds of the levy must be reserved and used for directly  
208.19 funding the following purposes or for reimbursing the cities and counties who contract  
208.20 with the district for the following purposes:

208.21 (1) to pay the costs incurred for the salaries, benefits, and transportation costs of  
208.22 peace officers and sheriffs for liaison in services in the district's schools;

208.23 (2) to pay the costs for a drug abuse prevention program as defined in section  
208.24 609.101, subdivision 3, paragraph (e), in the elementary schools;

208.25 (3) to pay the costs for a gang resistance education training curriculum in the  
208.26 district's schools;

208.27 (4) to pay the costs for security in the district's schools and on school property;

208.28 (5) to pay the costs for other crime prevention, drug abuse, student and staff safety,  
208.29 voluntary opt-in suicide prevention tools, and violence prevention measures taken by  
208.30 the school district;

208.31 (6) to pay costs for licensed school counselors, licensed school nurses, licensed  
208.32 school social workers, licensed school psychologists, and licensed alcohol and chemical  
208.33 dependency counselors to help provide early responses to problems;



209.1 (7) to pay for facility security enhancements including laminated glass, public  
 209.2 announcement systems, emergency communications devices, and equipment and facility  
 209.3 modifications related to violence prevention and facility security;

209.4 (8) to pay for costs associated with improving the school climate; or

209.5 (9) to pay costs for colocating and collaborating with mental health professionals  
 209.6 who are not district employees or contractors.

209.7 (b) For expenditures under paragraph (a), clause (1), the district must initially  
 209.8 attempt to contract for services to be provided by peace officers or sheriffs with the  
 209.9 police department of each city or the sheriff's department of the county within the district  
 209.10 containing the school receiving the services. If a local police department or a county  
 209.11 sheriff's department does not wish to provide the necessary services, the district may  
 209.12 contract for these services with any other police or sheriff's department located entirely or  
 209.13 partially within the school district's boundaries.

209.14 (c) A school district that is a member of an intermediate school district may  
 209.15 include in its authority under this section the costs associated with safe schools activities  
 209.16 authorized under paragraph (a) for intermediate school district programs. This authority  
 209.17 must not exceed ~~\$10~~ \$15 times the adjusted ~~marginal-cost~~ pupil units of the member  
 209.18 districts. This authority is in addition to any other authority authorized under this section.  
 209.19 Revenue raised under this paragraph must be transferred to the intermediate school district.

209.20 **EFFECTIVE DATE.** This section is effective for taxes payable in 2015 and later.

209.21 Sec. 21. Minnesota Statutes 2012, section 127A.45, subdivision 2, is amended to read:

209.22 Subd. 2. **Definitions.** (a) "Other district receipts" means payments by county  
 209.23 treasurers pursuant to section 276.10, apportionments from the school endowment fund  
 209.24 pursuant to section 127A.33, apportionments by the county auditor pursuant to section  
 209.25 127A.34, subdivision 2, and payments to school districts by the commissioner of revenue  
 209.26 pursuant to chapter 298.

209.27 (b) "Cumulative amount guaranteed" means the product of

209.28 (1) the cumulative disbursement percentage shown in subdivision 3; times

209.29 (2) the sum of

209.30 (i) the current year aid payment percentage of the estimated aid and credit  
 209.31 entitlements paid according to subdivision 13; plus

209.32 (ii) 100 percent of the entitlements paid according to subdivisions 11 and 12; plus

209.33 (iii) the other district receipts.

209.34 (c) "Payment date" means the date on which state payments to districts are made  
 209.35 by the electronic funds transfer method. If a payment date falls on a Saturday, a Sunday,

210.1 or a weekday which is a legal holiday, the payment shall be made on the immediately  
 210.2 preceding business day. The commissioner may make payments on dates other than  
 210.3 those listed in subdivision 3, but only for portions of payments from any preceding  
 210.4 payment dates which could not be processed by the electronic funds transfer method due  
 210.5 to documented extenuating circumstances.

210.6 (d) The current year aid payment percentage equals ~~73 in fiscal year 2010 and 70 in~~  
 210.7 ~~fiscal year 2011, and 60 in fiscal years 2012 and later~~ 90.

210.8 Sec. 22. Minnesota Statutes 2012, section 127A.45, subdivision 3, is amended to read:

210.9 Subd. 3. **Payment dates and percentages.** (a) The commissioner shall pay to a  
 210.10 district on the dates indicated an amount computed as follows: the cumulative amount  
 210.11 guaranteed minus the sum of (1) the district's other district receipts through the current  
 210.12 payment, and (2) the aid and credit payments through the immediately preceding payment.  
 210.13 For purposes of this computation, the payment dates and the cumulative disbursement  
 210.14 percentages are as follows:

210.15	Payment date	Percentage
210.16	Payment 1 July 15:	5.5
210.17	Payment 2 July 30:	8.0
210.18	Payment 3 August 15:	17.5
210.19	Payment 4 August 30:	20.0
210.20	Payment 5 September 15:	22.5
210.21	Payment 6 September 30:	25.0
210.22	Payment 7 October 15:	27.0
210.23	Payment 8 October 30:	30.0
210.24	Payment 9 November 15:	32.5
210.25	Payment 10 November 30:	36.5
210.26	Payment 11 December 15:	42.0
210.27	Payment 12 December 30:	45.0
210.28	Payment 13 January 15:	50.0
210.29	Payment 14 January 30:	54.0
210.30	Payment 15 February 15:	58.0
210.31	Payment 16 February 28:	63.0
210.32	Payment 17 March 15:	68.0
210.33	Payment 18 March 30:	74.0
210.34	Payment 19 April 15:	78.0
210.35	Payment 20 April 30:	85.0
210.36	Payment 21 May 15:	90.0
210.37	Payment 22 May 30:	95.0
210.38	Payment 23 June 20:	100.0

211.1 (b) In addition to the amounts paid under paragraph (a), the commissioner shall pay  
 211.2 to a school district or charter school on the dates indicated an amount computed as follows:

211.3 Payment 3 August 15: the final adjustment for the prior fiscal year for the state paid  
 211.4 property tax credits established in section 273.1392

211.5 Payment 4 August 30: 30 percent of the final adjustment for the prior fiscal year for  
 211.6 all aid entitlements except state paid property tax credits

211.7 Payment 6 September 30: 40 percent of the final adjustment for the prior fiscal year  
 211.8 for all aid entitlements except state paid property tax credits

211.9 Payment 8 October 30: 30 percent of the final adjustment for the prior fiscal year  
 211.10 for all aid entitlements except state paid property tax credits

211.11 (c) Notwithstanding paragraph (b), if the current year aid payment percentage  
 211.12 under subdivision 2, paragraph (d), is less than 90, in addition to the amounts paid under  
 211.13 paragraph (a), the commissioner shall pay to a charter school on the dates indicated an  
 211.14 amount computed as follows:

211.15 Payment 1 July 15: 75 percent of the final adjustment for the prior fiscal year for  
 211.16 all aid entitlements

211.17 Payment 8 October 30: 25 percent of the final adjustment for the prior fiscal year  
 211.18 for all aid entitlements

211.19 **EFFECTIVE DATE.** This section is effective July 1, 2015.

211.20 Sec. 23. Minnesota Statutes 2013 Supplement, section 127A.47, subdivision 7, is  
 211.21 amended to read:

211.22 Subd. 7. **Alternative attendance programs.** (a) The general education aid and  
 211.23 special education aid for districts must be adjusted for each pupil attending a nonresident  
 211.24 district under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The  
 211.25 adjustments must be made according to this subdivision.

211.26 (b) For purposes of this subdivision, the "unreimbursed cost of providing special  
 211.27 education and services" means the difference between: (1) the actual cost of providing  
 211.28 special instruction and services, including special transportation and unreimbursed  
 211.29 building lease and debt service costs for facilities used primarily for special education, for  
 211.30 a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in section  
 211.31 125A.51, who is enrolled in a program listed in this subdivision, minus (2) if the pupil  
 211.32 receives special instruction and services outside the regular classroom for more than  
 211.33 60 percent of the school day, the amount of general education revenue and referendum  
 211.34 equalization aid as defined in section 125A.11, subdivision 1, paragraph (c), attributable  
 211.35 to that pupil for the portion of time the pupil receives special instruction and services  
 211.36 outside of the regular classroom, excluding portions attributable to district and school  
 211.37 administration, district support services, operations and maintenance, capital expenditures,

212.1 and pupil transportation, minus (3) special education aid under section 125A.76  
212.2 attributable to that pupil, that is received by the district providing special instruction and  
212.3 services. For purposes of this paragraph, general education revenue and referendum  
212.4 equalization aid attributable to a pupil must be calculated using the serving district's  
212.5 average general education revenue and referendum equalization aid per adjusted pupil unit.

212.6 (c) For fiscal year 2015 and later, special education aid paid to a resident district  
212.7 must be reduced by an amount equal to 90 percent of the unreimbursed cost of providing  
212.8 special education and services.

212.9 (d) Notwithstanding paragraph (c), special education aid paid to a resident district  
212.10 must be reduced by an amount equal to 100 percent of the unreimbursed cost of special  
212.11 education and services provided to students at an intermediate district, cooperative, or  
212.12 charter school where the percent of students eligible for special education services is at  
212.13 least 70 percent of the charter school's total enrollment.

212.14 (e) Special education aid paid to the district or cooperative providing special  
212.15 instruction and services for the pupil, or to the fiscal agent district for a cooperative,  
212.16 must be increased by the amount of the reduction in the aid paid to the resident district  
212.17 under paragraphs (c) and (d). If the resident district's special education aid is insufficient  
212.18 to make the full adjustment, the remaining adjustment shall be made to other state aids  
212.19 due to the district.

212.20 (f) An area learning center operated by a service cooperative, intermediate district,  
212.21 education district, or a joint powers cooperative may elect through the action of the  
212.22 constituent boards to charge the resident district tuition for pupils rather than to have the  
212.23 general education revenue paid to a fiscal agent school district. Except as provided in  
212.24 paragraph (e), the district of residence must pay tuition equal to at least 90 and no more  
212.25 than 100 percent of the district average general education revenue per pupil unit minus  
212.26 an amount equal to the product of the formula allowance according to section 126C.10,  
212.27 subdivision 2, times .0466, calculated without compensatory revenue, local optional  
212.28 revenue, and transportation sparsity revenue, times the number of pupil units for pupils  
212.29 attending the area learning center.

212.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
212.31 and later.

212.32 Sec. 24. Laws 2012, chapter 263, section 1, is amended to read:

212.33 Section 1. **INNOVATIVE DELIVERY OF EDUCATION SERVICES AND**  
212.34 **SHARING OF DISTRICT RESOURCES; PILOT PROJECT.**

213.1           Subdivision 1. **Establishment; requirements for participation.** (a) A ~~five-year~~  
213.2 pilot project ~~for the 2013-2014 through 2017-2018 school years~~ is established to improve  
213.3 student and school outcomes by allowing groups of school districts to work together to  
213.4 provide innovative education programs and activities and share district resources. The  
213.5 pilot project may last until June 30, 2018, or for up to five years, whichever is less, except  
213.6 that innovation partnerships formed during the period of the pilot project may continue  
213.7 past June 30, 2018, with the agreement of the partnership members.

213.8           (b) To participate in this pilot project to improve student and school outcomes, a  
213.9 group of two or more school districts must collaborate with school staff and receive formal  
213.10 school board approval to form a partnership. The partnership must develop a plan to  
213.11 provide challenging programmatic options for students, create professional development  
213.12 opportunities for educators, increase student engagement and connection and challenging  
213.13 learning opportunities for students, or demonstrate efficiencies in delivering financial and  
213.14 other services. The plan must establish:

213.15           (1) collaborative educational goals and objectives;

213.16           (2) strategies and processes to implement those goals and objectives, including a  
213.17 budget process with periodic expenditure reviews;

213.18           (3) valid and reliable measures to evaluate progress in realizing the goals and  
213.19 objectives;

213.20           (4) an implementation timeline; and

213.21           (5) other applicable conditions, regulations, responsibilities, duties, provisions, fee  
213.22 schedules, and legal considerations needed to fully implement the plan.

213.23           A partnership may invite additional districts to join the partnership during the pilot  
213.24 project term after notifying the commissioner.

213.25           (c) A partnership of interested districts must apply by February 1, ~~2013~~, of any year  
213.26 to the education commissioner in the form and manner the commissioner determines,  
213.27 consistent with this section. The application must contain the formal approval adopted by  
213.28 the school board in each district to participate in the plan.

213.29           (d) Notwithstanding other law to the contrary, a participating school district under  
213.30 this section continues to: receive revenue and maintain its taxation authority; be organized  
213.31 and governed by an elected school board with general powers under Minnesota Statutes,  
213.32 section 123B.02; and be subject to employment agreements under Minnesota Statutes,  
213.33 chapter 122A, and Minnesota Statutes, section 179A.20; and district employees continue  
213.34 to remain employees of the employing school district.

213.35           Subd. 2. **Commissioner's role.** Interested groups of school districts must submit  
213.36 a completed application to the commissioner by March 1, ~~2013~~, of any year in the form

214.1 and manner determined by the commissioner. The education commissioner must convene  
 214.2 an advisory panel composed of a teacher appointed by Education Minnesota, a school  
 214.3 principal appointed by the Minnesota Association of Secondary School Principals, a  
 214.4 school board member appointed by the Minnesota School Boards Association, and a  
 214.5 school superintendent appointed by the Minnesota Association of School Administrators  
 214.6 to advise the commissioner on applicants' qualifications to participate in this pilot project.  
 214.7 The commissioner ~~must select between three and~~ may select up to six qualified applicants  
 214.8 under subdivision 1 by April 1, ~~2013,~~ of any year to participate in this pilot project,  
 214.9 ensuring an equitable geographical distribution of project participants to the extent  
 214.10 practicable. The commissioner must select only those applicants that fully comply with  
 214.11 the requirements in subdivision 1. The commissioner must terminate a project participant  
 214.12 that fails to effectively implement the goals and objectives contained in its application and  
 214.13 according to its stated timeline.

214.14       Subd. 3. **Pilot project evaluation.** Participating school districts must submit pilot  
 214.15 project data to the commissioner in the form and manner determined by the commissioner.  
 214.16 The education commissioner must analyze participating districts' progress in realizing  
 214.17 their educational goals and objectives to work together in providing innovative education  
 214.18 programs and activities and sharing resources. The commissioner must include the  
 214.19 analysis of best practices in a report to the legislative committees with jurisdiction over  
 214.20 kindergarten through grade 12 education finance and policy on the efficacy of this pilot  
 214.21 project. The commissioner ~~may~~ shall submit an interim project report ~~at any time by~~  
 214.22 February 1, 2016, and must submit a final report to the legislature by February 1, ~~2018~~  
 214.23 2019, recommending whether or not to continue or expand the pilot project.

214.24       Sec. 25. Laws 2012, chapter 263, section 1, the effective date, is amended to read:

214.25       **EFFECTIVE DATE.** This section is effective the day following final enactment  
 214.26 ~~and applies to the 2013-2014 through 2017-2018 school years.~~

214.27       Sec. 26. Laws 2013, chapter 116, article 1, section 58, subdivision 2, is amended to read:

214.28       Subd. 2. **General education aid.** For general education aid under Minnesota  
 214.29 Statutes, section 126C.13, subdivision 4:

214.30		<del>6,051,766,000</del>		
214.31	\$	<u>6,851,419,000</u>	.....	2014
214.32		<del>6,370,640,000</del>		
214.33	\$	<u>6,464,199,000</u>	.....	2015

215.1 The 2014 appropriation includes ~~\$781,842,000~~ \$780,156,000 for 2013 and  
 215.2 ~~\$5,269,924,000~~ \$6,071,263,000 for 2014.

215.3 The 2015 appropriation includes ~~\$823,040,000~~ \$589,095,000 for 2014 and  
 215.4 ~~\$5,547,600,000~~ \$5,875,104,000 for 2015.

215.5 Sec. 27. Laws 2013, chapter 116, article 1, section 58, subdivision 6, is amended to read:

215.6 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under  
 215.7 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

215.8		<del>15,582,000</del>		
215.9	\$	<u>15,867,000</u>	.....	2014
215.10		<del>16,169,000</del>		
215.11	\$	<u>16,132,000</u>	.....	2015

215.12 The 2014 appropriation includes ~~\$2,099,000~~ \$1,898,000 for 2013 and ~~\$13,483,000~~  
 215.13 \$13,969,000 for 2014.

215.14 The 2015 appropriation includes ~~\$2,122,000~~ \$1,552,000 for 2014 and ~~\$14,047,000~~  
 215.15 \$14,580,000 for 2015.

215.16 Sec. 28. Laws 2013, chapter 116, article 1, section 58, subdivision 7, is amended to read:

215.17 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid  
 215.18 under Minnesota Statutes, section 123B.92, subdivision 9:

215.19		<del>18,565,000</del>		
215.20	\$	<u>18,500,000</u>	.....	2014
215.21		<del>18,946,000</del>		
215.22	\$	<u>17,710,000</u>	.....	2015

215.23 The 2014 appropriation includes ~~\$2,668,000~~ \$2,602,000 for 2013 and ~~\$15,897,000~~  
 215.24 \$15,898,000 for 2014.

215.25 The 2015 appropriation includes ~~\$2,502,000~~ \$1,766,000 for 2014 and ~~\$16,444,000~~  
 215.26 \$15,944,000 for 2015.

215.27 Sec. 29. **APPROPRIATIONS.**

215.28 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 215.29 appropriated from the general fund to the Department of Education for the fiscal years  
 215.30 designated.

215.31 Subd. 2. **Recovery program grants.** For recovery program grants under Minnesota  
 215.32 Statutes, section 124D.695:

215.33	\$	<u>500,000</u>	.....	<u>2015</u>
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216.1 Sec. 30. **REVISOR'S INSTRUCTION.**

216.2 In Minnesota Statutes, the revisor of statutes shall change the term "location equity"  
216.3 to "local optional."

216.4 Sec. 31. **REPEALER.**

216.5 The amendments to Minnesota Statutes, section 124D.09, subdivision 9, made by  
216.6 Laws 2014, chapter 272, article 3, section 32, if enacted, are repealed the day following  
216.7 final enactment.

216.8 **ARTICLE 16**216.9 **EDUCATION EXCELLENCE**

216.10 Section 1. Minnesota Statutes 2012, section 13.43, subdivision 16, is amended to read:

216.11 Subd. 16. **School district or charter school disclosure of violence or inappropriate**  
216.12 **sexual contact.** The superintendent of a school district or the superintendent's designee,  
216.13 or a person having administrative control of a charter school, must release to a requesting  
216.14 school district or charter school private personnel data on a current or former employee  
216.15 related to acts of violence toward or sexual contact with a student, if:

216.16 (1) an investigation conducted by or on behalf of the school district or law  
216.17 enforcement affirmed the allegations in writing prior to release and the investigation  
216.18 resulted in the resignation of the subject of the data; or

216.19 (2) the employee resigned while a complaint or charge involving the allegations was  
216.20 pending, the allegations involved acts of sexual contact with a student, and the employer  
216.21 informed the employee in writing, before the employee resigned, that if the employee  
216.22 resigns while the complaint or charge is still pending, the employer must release private  
216.23 personnel data about the employee's alleged sexual contact with a student to a school district  
216.24 or charter school requesting the data after the employee applies for employment with that  
216.25 school district or charter school and the data remain classified as provided in chapter 13.

216.26 Data that are released under this subdivision must not include data on the student.

216.27 Sec. 2. Minnesota Statutes 2012, section 122A.40, subdivision 13, is amended to read:

216.28 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph  
216.29 (b), a board may discharge a continuing-contract teacher, effective immediately, upon any  
216.30 of the following grounds:

216.31 (1) immoral conduct, insubordination, or conviction of a felony;

216.32 (2) conduct unbecoming a teacher which requires the immediate removal of the  
216.33 teacher from classroom or other duties;



217.1 (3) failure without justifiable cause to teach without first securing the written release  
217.2 of the school board;

217.3 (4) gross inefficiency which the teacher has failed to correct after reasonable written  
217.4 notice;

217.5 (5) willful neglect of duty; or

217.6 (6) continuing physical or mental disability subsequent to a 12 months leave of  
217.7 absence and inability to qualify for reinstatement in accordance with subdivision 12.

217.8 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
217.9 discriminatory practice described in section 363A.13.

217.10 Prior to discharging a teacher under this paragraph, the board must notify the teacher  
217.11 in writing and state its ground for the proposed discharge in reasonable detail. Within  
217.12 ten days after receipt of this notification the teacher may make a written request for a  
217.13 hearing before the board and it shall be granted before final action is taken. The board  
217.14 may suspend a teacher with pay pending the conclusion of the hearing and determination  
217.15 of the issues raised in the hearing after charges have been filed which constitute ground for  
217.16 discharge. If a teacher has been charged with a felony and the underlying conduct that  
217.17 is the subject of the felony charge is a ground for a proposed immediate discharge, the  
217.18 suspension pending the conclusion of the hearing and determination of the issues may be  
217.19 without pay. If a hearing under this paragraph is held, the board must reimburse the teacher  
217.20 for any salary or compensation withheld if the final decision of the board or the arbitrator  
217.21 does not result in a penalty to or suspension, termination, or discharge of the teacher.

217.22 (b) A board must discharge a continuing-contract teacher, effective immediately,  
217.23 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the  
217.24 teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

217.25 (c) When a teacher is discharged under paragraph (b) or when the commissioner  
217.26 makes a final determination of child maltreatment involving a teacher under section  
217.27 626.556, subdivision 11, the school principal or other person having administrative  
217.28 control of the school must include in the teacher's employment record the information  
217.29 contained in the record of the disciplinary action or the final maltreatment determination,  
217.30 consistent with the definition of public data under section 13.41, subdivision 5, and must  
217.31 provide the Board of Teaching and the licensing division at the department with the  
217.32 necessary and relevant information to enable the Board of Teaching and the department's  
217.33 licensing division to fulfill their statutory and administrative duties related to issuing,  
217.34 renewing, suspending, or revoking a teacher's license. Information received by the Board  
217.35 of Teaching or the licensing division at the department under this paragraph is governed  
217.36 by section 13.41 or other applicable law governing data of the receiving entity. In addition

218.1 to the background check required under section 123B.03, a school board or other school  
218.2 hiring authority must contact the Board of Teaching and the department to determine  
218.3 whether the teacher's license has been suspended or revoked, consistent with the discharge  
218.4 and final maltreatment determinations identified in this paragraph. Unless restricted by  
218.5 federal or state data practices law or by the terms of a collective bargaining agreement,  
218.6 the responsible authority for a school district must disseminate to another school district  
218.7 private personnel data on a current or former teacher employee or contractor of the district,  
218.8 including the results of background investigations, if the requesting school district seeks  
218.9 the information because the subject of the data has applied for employment with the  
218.10 requesting school district.

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

218.12 Sec. 3. Minnesota Statutes 2012, section 122A.41, subdivision 6, is amended to read:

218.13 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided  
218.14 in paragraph (b), causes for the discharge or demotion of a teacher either during or after  
218.15 the probationary period must be:

218.16 (1) immoral character, conduct unbecoming a teacher, or insubordination;

218.17 (2) failure without justifiable cause to teach without first securing the written release  
218.18 of the school board having the care, management, or control of the school in which the  
218.19 teacher is employed;

218.20 (3) inefficiency in teaching or in the management of a school, consistent with  
218.21 subdivision 5, paragraph (b);

218.22 (4) affliction with active tuberculosis or other communicable disease must be  
218.23 considered as cause for removal or suspension while the teacher is suffering from such  
218.24 disability; or

218.25 (5) discontinuance of position or lack of pupils.

218.26 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
218.27 discriminatory practice described in section 363A.13.

218.28 (b) A probationary or continuing-contract teacher must be discharged immediately  
218.29 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the  
218.30 teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

218.31 (c) When a teacher is discharged under paragraph (b) or when the commissioner  
218.32 makes a final determination of child maltreatment involving a teacher under section  
218.33 626.556, subdivision 11, the school principal or other person having administrative  
218.34 control of the school must include in the teacher's employment record the information  
218.35 contained in the record of the disciplinary action or the final maltreatment determination,

219.1 consistent with the definition of public data under section 13.41, subdivision 5, and must  
 219.2 provide the Board of Teaching and the licensing division at the department with the  
 219.3 necessary and relevant information to enable the Board of Teaching and the department's  
 219.4 licensing division to fulfill their statutory and administrative duties related to issuing,  
 219.5 renewing, suspending, or revoking a teacher's license. Information received by the Board  
 219.6 of Teaching or the licensing division at the department under this paragraph is governed  
 219.7 by section 13.41 or other applicable law governing data of the receiving entity. In addition  
 219.8 to the background check required under section 123B.03, a school board or other school  
 219.9 hiring authority must contact the Board of Teaching and the department to determine  
 219.10 whether the teacher's license has been suspended or revoked, consistent with the discharge  
 219.11 and final maltreatment determinations identified in this paragraph. Unless restricted by  
 219.12 federal or state data practices law or by the terms of a collective bargaining agreement,  
 219.13 the responsible authority for a school district must disseminate to another school district  
 219.14 private personnel data on a current or former teacher employee or contractor of the district,  
 219.15 including the results of background investigations, if the requesting school district seeks  
 219.16 the information because the subject of the data has applied for employment with the  
 219.17 requesting school district.

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

219.19 Sec. 4. Minnesota Statutes 2012, section 122A.414, subdivision 2, as amended by  
 219.20 Laws 2014, chapter 272, article 3, section 17, if enacted, is amended to read:

219.21 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this  
 219.22 program, a school district, intermediate school district, school site, or charter school must  
 219.23 have an educational improvement plan under section 122A.413 and an alternative teacher  
 219.24 professional pay system agreement under paragraph (b). A charter school participant also  
 219.25 must comply with subdivision 2a.

219.26 (b) The alternative teacher professional pay system agreement must:

219.27 (1) describe how teachers can achieve career advancement and additional  
 219.28 compensation;

219.29 (2) describe how the school district, intermediate school district, school site, or  
 219.30 charter school will provide teachers with career advancement options that allow teachers  
 219.31 to retain primary roles in student instruction and facilitate site-focused professional  
 219.32 development that helps other teachers improve their skills;

219.33 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation  
 219.34 paid before implementing the pay system from being reduced as a result of participating in

220.1 this system, base at least 60 percent of any compensation increase on teacher performance  
220.2 using:

220.3 (i) schoolwide student achievement gains under section 120B.35 or locally selected  
220.4 standardized assessment outcomes, or both;

220.5 (ii) measures of student growth and literacy that may include value-added models  
220.6 or student learning goals, consistent with section 122A.40, subdivision 8, clause (9), or  
220.7 122A.41, subdivision 5, clause (9), and other measures that include the academic literacy,  
220.8 oral academic language, and achievement of English learners under section 122A.40,  
220.9 subdivision 8, clause (10), or 122A.41, subdivision 5, clause (10); and

220.10 (iii) an objective evaluation program under section 122A.40, subdivision 8,  
220.11 paragraph (b), clause (2), or 122A.41, subdivision 5, paragraph (b), clause (2);

220.12 (4) provide for participation in job-embedded learning opportunities such as  
220.13 professional learning communities to improve instructional skills and learning that are  
220.14 aligned with student needs under section 122A.413, consistent with the staff development  
220.15 plan under section 122A.60 and led during the school day by trained teacher leaders  
220.16 such as master or mentor teachers;

220.17 (5) allow any teacher in a participating school district, intermediate school district,  
220.18 school site, or charter school that implements an alternative pay system to participate in  
220.19 that system without any quota or other limit; and

220.20 (6) encourage collaboration rather than competition among teachers.

220.21 **EFFECTIVE DATE.** The amendments made by this section are effective for  
220.22 agreements approved after August 1, 2015.

220.23 Sec. 5. Minnesota Statutes 2012, section 122A.415, subdivision 1, is amended to read:

220.24 Subdivision 1. **Revenue amount.** (a) A school district, intermediate school district,  
220.25 school site, or charter school that meets the conditions of section 122A.414 and submits an  
220.26 application approved by the commissioner is eligible for alternative teacher compensation  
220.27 revenue.

220.28 (b) For school district and intermediate school district applications, the commissioner  
220.29 must consider only those applications to participate that are submitted jointly by a  
220.30 district and the exclusive representative of the teachers. The application must contain an  
220.31 alternative teacher professional pay system agreement that:

220.32 (1) implements an alternative teacher professional pay system consistent with  
220.33 section 122A.414; and

221.1 (2) is negotiated and adopted according to the Public Employment Labor Relations  
221.2 Act under chapter 179A, except that notwithstanding section 179A.20, subdivision 3, a  
221.3 district may enter into a contract for a term of two or four years.

221.4 Alternative teacher compensation revenue for a qualifying school district or site in  
221.5 which the school board and the exclusive representative of the teachers agree to place  
221.6 teachers in the district or at the site on the alternative teacher professional pay system  
221.7 equals \$260 times the number of pupils enrolled at the district or site on October 1 of  
221.8 the previous fiscal year. Alternative teacher compensation revenue for a qualifying  
221.9 intermediate school district must be calculated under ~~section 126C.10, subdivision 34~~  
221.10 subdivision 4, paragraphs (a) and (b).

221.11 (c) For a newly combined or consolidated district, the revenue shall be computed  
221.12 using the sum of pupils enrolled on October 1 of the previous year in the districts entering  
221.13 into the combination or consolidation. The commissioner may adjust the revenue computed  
221.14 for a site using prior year data to reflect changes attributable to school closings, school  
221.15 openings, or grade level reconfigurations between the prior year and the current year.

221.16 (d) The revenue is available only to school districts, intermediate school districts,  
221.17 school sites, and charter schools that fully implement an alternative teacher professional  
221.18 pay system by October 1 of the current school year.

221.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
221.20 and later.

221.21 Sec. 6. Minnesota Statutes 2013 Supplement, section 124D.862, subdivision 1, is  
221.22 amended to read:

221.23 Subdivision 1. **Initial achievement and integration revenue.** (a) An eligible  
221.24 district's initial achievement and integration revenue equals the lesser of 100.3 percent of  
221.25 the district's expenditures under the budget approved by the commissioner under section  
221.26 124D.861, subdivision 3, paragraph (c), excluding expenditures used to generate incentive  
221.27 revenue under subdivision 2, or the sum of (1) \$350 times the district's adjusted pupil  
221.28 units for that year times the ratio of the district's enrollment of protected students for the  
221.29 previous school year to total enrollment for the previous school year and (2) the greater of  
221.30 zero or 66 percent of the difference between the district's integration revenue for fiscal  
221.31 year 2013 and the district's integration revenue for fiscal year 2014 under clause (1).

221.32 (b) In each year, 0.3 percent of each district's initial achievement and integration  
221.33 revenue is transferred to the department for the oversight and accountability activities  
221.34 required under this section and section 124D.861.

222.1 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 222.2 and applies to revenue for fiscal year 2014 and later.

222.3 Sec. 7. Minnesota Statutes 2013 Supplement, section 124D.862, subdivision 2, is  
 222.4 amended to read:

222.5 Subd. 2. **Incentive revenue.** An eligible school district's maximum incentive  
 222.6 revenue equals \$10 per adjusted pupil unit. ~~In order to receive this revenue, a district must~~  
 222.7 be A district's incentive revenue equals the lesser of the maximum incentive revenue  
 222.8 or the district's expenditures for implementing a voluntary plan to reduce racial and  
 222.9 economic enrollment disparities through intradistrict and interdistrict activities that have  
 222.10 been approved as a part of the district's achievement and integration plan under the budget  
 222.11 approved by the commissioner under section 124D.861, subdivision 3, paragraph (c).

222.12 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 222.13 and applies to revenue for fiscal year 2014 and later.

222.14 Sec. 8. Laws 2013, chapter 116, article 3, section 37, subdivision 8, is amended to read:

222.15 Subd. 8. **Tribal contract schools.** For tribal contract school aid under Minnesota  
 222.16 Statutes, section 124D.83:

222.17		<del>2,080,000</del>		
222.18	\$	<u>2,044,000</u>	.....	2014
222.19		<del>2,230,000</del>		
222.20	\$	<u>2,161,000</u>	.....	2015

222.21 The 2014 appropriation includes ~~\$266,000~~ \$166,000 for 2013 and ~~\$1,814,000~~  
 222.22 \$1,878,000 for 2014.

222.23 The 2015 appropriation includes ~~\$285,000~~ \$208,000 for 2014 and ~~\$1,945,000~~  
 222.24 \$1,953,000 for 2015.

222.25 Sec. 9. Laws 2013, chapter 116, article 3, section 37, subdivision 15, is amended to read:

222.26 Subd. 15. **Early childhood literacy programs.** For early childhood literacy  
 222.27 programs under Minnesota Statutes, section 119A.50, subdivision 3:

222.28	\$	4,125,000	.....	2014
222.29		<del>4,125,000</del>		
222.30	\$	<u>5,125,000</u>	.....	2015

222.31 Up to \$4,125,000 each in the first year and \$5,125,000 in the second year is for  
 222.32 leveraging federal and private funding to support AmeriCorps members serving in the  
 222.33 Minnesota Reading Corps program established by ServeMinnesota, including costs  
 222.34 associated with the training and teaching of early literacy skills to children age three to

223.1 grade 3 and the evaluation of the impact of the program under Minnesota Statutes, sections  
 223.2 124D.38, subdivision 2, and 124D.42, subdivision 6. Up to \$1,000,000 in fiscal year  
 223.3 2015 must be used to support priority and focus schools as defined by the Department  
 223.4 of Education and to expand kindergarten programming.

223.5 Any balance in the first year does not cancel but is available in the second year.

223.6 The base for fiscal year 2016 and later is \$4,375,000.

223.7 Sec. 10. Laws 2013, chapter 116, article 3, section 37, subdivision 18, is amended to  
 223.8 read:

223.9 Subd. 18. **School ~~Climate~~ Safety Technical Assistance Center.** For the School  
 223.10 Climate Safety Technical Assistance Center under Minnesota Statutes, section 127A.052:

223.11 \$ 500,000 ..... 2014

223.12 \$ 500,000 ..... 2015

223.13 Sec. 11. **BETTER ALIGNING MINNESOTA'S ALTERNATIVE TEACHER**  
 223.14 **PROFESSIONAL PAY SYSTEM AND TEACHER DEVELOPMENT AND**  
 223.15 **EVALUATION PROGRAM.**

223.16 To better align Minnesota's alternative teacher professional pay system under  
 223.17 Minnesota Statutes, sections 122A.413 to 122A.416, and Minnesota's teacher development  
 223.18 and evaluation program under Minnesota Statutes, sections 122A.40, subdivision 8, and  
 223.19 122A.41, subdivision 5, and effect and fund an improved alignment of this system and  
 223.20 program, the commissioner of education must consult with stakeholders, including, but  
 223.21 not limited to, representatives of the Minnesota Association of School Administrators,  
 223.22 the Minnesota Association of Secondary School Principals, the Minnesota Elementary  
 223.23 School Principals' Association, Education Minnesota, Schools for Equity in Education, the  
 223.24 Minnesota Business Partnership, the Minnesota Chamber of Commerce, the Minnesota  
 223.25 School Boards Association, the Department of Education, the College of Education  
 223.26 and Human Development at the University of Minnesota, the Minnesota Association  
 223.27 of the Colleges for Teacher Education, licensed elementary and secondary school  
 223.28 teachers employed in school districts with an alternative teacher professional pay system  
 223.29 agreement and licensed elementary and secondary school teachers employed in school  
 223.30 districts without an alternative teacher professional pay system agreement, where one or  
 223.31 more of these teachers may be a master teacher, peer evaluator, in another teacher leader  
 223.32 position, or national board certified teacher, a teacher or school administrator employed in  
 223.33 a Minnesota charter school with an alternative teacher professional pay system agreement  
 223.34 and a teacher or school administrator employed in a Minnesota charter school without an

224.1 alternative teacher professional pay system agreement, a parent or guardian of a student  
224.2 currently enrolled in a Minnesota public school, the Association of Metropolitan School  
224.3 Districts, and the Minnesota Rural Education Association. The commissioner also must  
224.4 consult with members of the house of representatives and members of the senate.

224.5 The commissioner, by February 1, 2015, must submit to the education policy and  
224.6 finance committees of the legislature written recommendations on better aligning and  
224.7 financing the alternative teacher professional pay system and teacher development and  
224.8 evaluation program.

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

224.10 Sec. 12. **CAREER AND TECHNICAL EDUCATION PROGRAM INVENTORY.**

224.11 (a) The commissioner of education must consult with experts knowledgeable about  
224.12 secondary and postsecondary career and technical education programs to determine the  
224.13 content and status of particular career and technical education programs in Minnesota  
224.14 school districts, including cooperating districts under Minnesota Statutes, 123A.33,  
224.15 subdivision 2, integration districts, and postsecondary institutions partnering with school  
224.16 districts or offering courses through PSEO or career and technical programs and the rates  
224.17 of student participation and completion for these various programs, including: agriculture,  
224.18 food, and natural resources; architecture and construction; arts, audiovisual technology,  
224.19 and communications; business management and administration; computer science; family  
224.20 and consumer science; finance; health science; hospitality and tourism; human services;  
224.21 information technology; manufacturing; marketing; science, technology, engineering, and  
224.22 mathematics; and transportation, distribution, and logistics.

224.23 (b) To accomplish paragraph (a) and to understand the current role of local school  
224.24 districts and postsecondary institutions in providing career and technical education  
224.25 programs, the commissioner of education, in consultation with experts, also must examine  
224.26 the extent to which secondary and postsecondary education programs offer students a  
224.27 progression of coordinated, nonduplicative courses that adequately prepare students to  
224.28 successfully complete a career and technical education program.

224.29 (c) The commissioner of education must submit a report by February 1, 2015,  
224.30 to the education policy and finance committees of the legislature, consistent with this  
224.31 section, and include information about each district's dedicated equipment, resources, and  
224.32 relationships with postsecondary institutions and the local business community.

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



225.1       Sec. 13. **INFORMATION TECHNOLOGY CERTIFICATION PARTNERSHIPS;**  
225.2 **REQUEST FOR PROPOSAL; PROGRAM REQUIREMENTS.**

225.3           (a) The commissioner shall contract with at least one provider to provide information  
225.4 technology education opportunities to students in grades 9 through 12. This partnership  
225.5 must allow participating students and teachers to secure broad-based information  
225.6 technology certifications.

225.7           (b) The commissioner shall issue a competitive request for proposals, award the  
225.8 contract, and make available, through participating school districts, charter schools, and  
225.9 intermediate districts, instruction on information technology skills and competencies  
225.10 that are essential for career and college readiness. The request for proposals shall at  
225.11 least include the following components:

225.12           (1) a research-based curriculum;

225.13           (2) online access to the curriculum;

225.14           (3) instructional software for classroom and student use;

225.15           (4) certification of skills and competencies in a broad array of information  
225.16 technology-related skill areas;

225.17           (5) professional development for teachers; and

225.18           (6) deployment and program support, including, but not limited to, integration with  
225.19 academic standards under Minnesota Statutes, section 120B.021 or 120B.022.

225.20           (c) If the contract awarded under this section does not allow for the service to be  
225.21 delivered in every eligible school, the commissioner shall make the contracted service  
225.22 available on a first-come, first-served basis to an equal number of schools in each of the  
225.23 regions represented by a regional development commission under Minnesota Statutes,  
225.24 section 462.387, and in the region consisting of counties not represented by a regional  
225.25 development commission. If participating schools in any region do not exhaust the services  
225.26 allocated to that region, the commissioner may reallocate unused services to other regions.

225.27       Sec. 14. **LEGISLATIVE REPORT ON K-12 STUDENTS' EXPERIENCE WITH**  
225.28 **PHYSICAL EDUCATION.**

225.29           (a) The commissioner of education must prepare and submit to the education policy  
225.30 and finance committees of the legislature by January 15, 2015, a written report on K-12  
225.31 students' experience with physical education, consistent with this section. Among other  
225.32 physical education-related issues, the report must include:

225.33           (1) the number of minutes per day and frequency per week students in each grade  
225.34 level, kindergarten through grade 8, receive physical education, identify the requirements in  
225.35 high school physical education in terms of semesters, trimesters, quarters, or school years;

226.1 (2) the measures and data used to assess students' level of fitness and the uses made  
226.2 of the fitness data;

226.3 (3) the educational preparation of physical education instructors and the proportion  
226.4 of time certified physical education teachers provide physical education instruction;

226.5 (4) the amount of time and number of days per week each grade level, kindergarten  
226.6 through grade 6, receives recess;

226.7 (5) whether high school students are allowed to substitute other activities for  
226.8 required physical education, and, if so, which activities qualify;

226.9 (6) identify the number or percentage of high school students who earn required  
226.10 physical education credits online;

226.11 (7) whether schools offer before or after school physical activities opportunities in  
226.12 each grade level, kindergarten through grade 8, and in high school, and, if so, what are the  
226.13 opportunities; and

226.14 (8) the extent to which schools coordinate with developmentally adaptive physical  
226.15 education specialists when needed.

226.16 (b) Any costs of preparing this report must be paid for out of the Department of  
226.17 Education's current operating budget.

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

226.19 Sec. 15. **TEACHER DEVELOPMENT AND EVALUATION REVENUE.**

226.20 (a) For fiscal year 2015 only, teacher development and evaluation revenue for a school  
226.21 district, intermediate school district, or charter school that does not have an alternative  
226.22 professional pay system agreement under Minnesota Statutes, section 122A.414,  
226.23 subdivision 2, equals \$302 times the number of full-time equivalent teachers employed on  
226.24 October 1 of the previous school year. Revenue under this section must be reserved for  
226.25 teacher development and evaluation activities consistent with Minnesota Statutes, section  
226.26 122A.40, subdivision 8, or Minnesota Statutes, section 122A.41, subdivision 5. For the  
226.27 purposes of this section, "teacher" has the meaning given it in Minnesota Statutes, section  
226.28 122A.40, subdivision 1, or Minnesota Statutes, section 122A.41, subdivision 1.

226.29 (b) Notwithstanding paragraph (a), the state total teacher development and evaluation  
226.30 revenue entitlement must not exceed \$10,000,000 for fiscal year 2015. The commissioner  
226.31 must limit the amount of revenue under this section so as not to exceed this limit.

226.32 Sec. 16. **APPROPRIATIONS.**

227.1 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 227.2 appropriated from the general fund to the Department of Education for the fiscal years  
 227.3 designated.

227.4 Subd. 2. **Career and technical program inventory.** For the career and technical  
 227.5 program inventory program under section 12:

227.6 \$ 100,000 ..... 2015

227.7 This is a onetime appropriation.

227.8 Subd. 3. **Teacher Professional Pay System and Teacher Evaluation Program**  
 227.9 alignment. For the alignment and reporting activities under section 11:

227.10 \$ 25,000 ..... 2015

227.11 This is a onetime appropriation.

227.12 Subd. 4. **Northwestern Online College in the High School program.** For the  
 227.13 Northwestern Online College in the High School program:

227.14 \$ 160,000 ..... 2015

227.15 The base for fiscal year 2016 and later is \$0.

227.16 Subd. 5. **Information technology certification partnership.** For an information  
 227.17 technology certification partnership.

227.18 \$ 300,000 ..... 2015

227.19 The base for 2016 and later is \$0.

227.20 Subd. 6. **Legislative report on K-12 students' experience with physical**  
 227.21 education. For the preparation of the legislative report on K-12 students' experience  
 227.22 with physical education.

227.23 \$ 25,000 ..... 2015

227.24 The base for fiscal year 2016 and later is \$0.

227.25 Subd. 7. **Teacher development and evaluation.** For teacher development and  
 227.26 evaluation revenue.

227.27 \$ 9,000,000 ..... 2015

227.28 The 2015 appropriation includes \$0 for 2014 and \$9,000,000 for 2015. This is a  
 227.29 onetime appropriation and is available until expended.

227.30 Sec. 17. **REPEALER.**

228.1 The amendments to Minnesota Statutes, section 122A.414, subdivision 2, made by  
 228.2 Laws 2014, chapter 272, article 1, section 22, if enacted, are repealed the day following  
 228.3 final enactment.

228.4 **ARTICLE 17**

228.5 **SPECIAL EDUCATION**

228.6 Section 1. Minnesota Statutes 2013 Supplement, section 125A.0942, is amended to read:

228.7 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

228.8 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use  
 228.9 restrictive procedures shall maintain and make publicly accessible in an electronic format  
 228.10 on a school or district Web site or make a paper copy available upon request describing a  
 228.11 restrictive procedures plan for children with disabilities that at least:

228.12 (1) lists the restrictive procedures the school intends to use;

228.13 (2) describes how the school will implement a range of positive behavior strategies  
 228.14 and provide links to mental health services;

228.15 (3) describes how the school will provide training on de-escalation techniques,  
 228.16 consistent with section 122A.09, subdivision 4, paragraph (k);

228.17 (4) describes how the school will monitor and review the use of restrictive  
 228.18 procedures, including:

228.19 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a),  
 228.20 clause (5); and

228.21 (ii) convening an oversight committee to undertake a quarterly review of the use  
 228.22 of restrictive procedures based on patterns or problems indicated by similarities in the  
 228.23 time of day, day of the week, duration of the use of a procedure, the individuals involved,  
 228.24 or other factors associated with the use of restrictive procedures; the number of times a  
 228.25 restrictive procedure is used schoolwide and for individual children; the number and types  
 228.26 of injuries, if any, resulting from the use of restrictive procedures; whether restrictive  
 228.27 procedures are used in nonemergency situations; the need for additional staff training; and  
 228.28 proposed actions to minimize the use of restrictive procedures; and

228.29 ~~(4)~~ (5) includes a written description and documentation of the training staff  
 228.30 completed under subdivision 5.

228.31 (b) Schools annually must publicly identify oversight committee members who  
 228.32 must at least include:

228.33 (1) a mental health professional, school psychologist, or school social worker;

228.34 (2) an expert in positive behavior strategies;

229.1 (3) a special education administrator; and

229.2 (4) a general education administrator.

229.3 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only  
229.4 by a licensed special education teacher, school social worker, school psychologist,  
229.5 behavior analyst certified by the National Behavior Analyst Certification Board, a person  
229.6 with a master's degree in behavior analysis, other licensed education professional,  
229.7 paraprofessional under section 120B.363, or mental health professional under section  
229.8 245.4871, subdivision 27, who has completed the training program under subdivision 5.

229.9 (b) A school shall make reasonable efforts to notify the parent on the same day a  
229.10 restrictive procedure is used on the child, or if the school is unable to provide same-day  
229.11 notice, notice is sent within two days by written or electronic means or as otherwise  
229.12 indicated by the child's parent under paragraph ~~(d)~~ (f).

229.13 (c) The district must hold a meeting of the individualized education program team,  
229.14 conduct or review a functional behavioral analysis, review data, consider developing  
229.15 additional or revised positive behavioral interventions and supports, consider actions to  
229.16 reduce the use of restrictive procedures, and modify the individualized education program  
229.17 or behavior intervention plan as appropriate. The district must hold the meeting: within  
229.18 ten calendar days after district staff use restrictive procedures on two separate school  
229.19 days within 30 calendar days or a pattern of use emerges and the child's individualized  
229.20 education program or behavior intervention plan does not provide for using restrictive  
229.21 procedures in an emergency; or at the request of a parent or the district after restrictive  
229.22 procedures are used. The district must review use of restrictive procedures at a child's  
229.23 annual individualized education program meeting when the child's individualized  
229.24 education program provides for using restrictive procedures in an emergency.

229.25 (d) If the individualized education program team under paragraph (c) determines  
229.26 that existing interventions and supports are ineffective in reducing the use of restrictive  
229.27 procedures or the district uses restrictive procedures on a child on ten or more school days  
229.28 during the same school year, the team, as appropriate, either must consult with other  
229.29 professionals working with the child; consult with experts in behavior analysis, mental  
229.30 health, communication, or autism; consult with culturally competent professionals;  
229.31 review existing evaluations, resources, and successful strategies; or consider whether to  
229.32 reevaluate the child.

229.33 (e) At the individualized education program meeting under paragraph (c), the team  
229.34 must review any known medical or psychological limitations, including any medical  
229.35 information the parent provides voluntarily, that contraindicate the use of a restrictive

230.1 procedure, consider whether to prohibit that restrictive procedure, and document any  
230.2 prohibition in the individualized education program or behavior intervention plan.

230.3 (f) An individualized education program team may plan for using restrictive  
230.4 procedures and may include these procedures in a child's individualized education  
230.5 program or behavior intervention plan; however, the restrictive procedures may be used  
230.6 only in response to behavior that constitutes an emergency, consistent with this section.  
230.7 The individualized education program or behavior intervention plan shall indicate how the  
230.8 parent wants to be notified when a restrictive procedure is used.

230.9 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be  
230.10 used only in an emergency. A school that uses physical holding or seclusion shall meet the  
230.11 following requirements:

230.12 (1) physical holding or seclusion is the least intrusive intervention that effectively  
230.13 responds to the emergency;

230.14 (2) physical holding or seclusion is not used to discipline a noncompliant child;

230.15 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
230.16 determines the child can safely return to the classroom or activity;

230.17 (4) staff directly observes the child while physical holding or seclusion is being used;

230.18 (5) each time physical holding or seclusion is used, the staff person who implements  
230.19 or oversees the physical holding or seclusion documents, as soon as possible after the  
230.20 incident concludes, the following information:

230.21 (i) a description of the incident that led to the physical holding or seclusion;

230.22 (ii) why a less restrictive measure failed or was determined by staff to be  
230.23 inappropriate or impractical;

230.24 (iii) the time the physical holding or seclusion began and the time the child was  
230.25 released; and

230.26 (iv) a brief record of the child's behavioral and physical status;

230.27 (6) the room used for seclusion must:

230.28 (i) be at least six feet by five feet;

230.29 (ii) be well lit, well ventilated, adequately heated, and clean;

230.30 (iii) have a window that allows staff to directly observe a child in seclusion;

230.31 (iv) have tamperproof fixtures, electrical switches located immediately outside the  
230.32 door, and secure ceilings;

230.33 (v) have doors that open out and are unlocked, locked with keyless locks that  
230.34 have immediate release mechanisms, or locked with locks that have immediate release  
230.35 mechanisms connected with a fire and emergency system; and

230.36 (vi) not contain objects that a child may use to injure the child or others;

- 231.1 (7) before using a room for seclusion, a school must:
- 231.2 (i) receive written notice from local authorities that the room and the locking
- 231.3 mechanisms comply with applicable building, fire, and safety codes; and
- 231.4 (ii) register the room with the commissioner, who may view that room; and
- 231.5 (8) until August 1, 2015, a school district may use prone restraints with children
- 231.6 age five or older if:
- 231.7 (i) the district has provided to the department a list of staff who have had specific
- 231.8 training on the use of prone restraints;
- 231.9 (ii) the district provides information on the type of training that was provided and
- 231.10 by whom;
- 231.11 (iii) only staff who received specific training use prone restraints;
- 231.12 (iv) each incident of the use of prone restraints is reported to the department within
- 231.13 five working days on a form provided by the department; and
- 231.14 (v) the district, before using prone restraints, must review any known medical or
- 231.15 psychological limitations that contraindicate the use of prone restraints.

231.16 The department must collect data on districts' use of prone restraints and publish the data

231.17 in a readily accessible format on the department's Web site on a quarterly basis.

231.18 (b) By ~~March 1, 2014~~ February 1, 2015, and annually thereafter, stakeholders must

231.19 recommend to the commissioner specific and measurable implementation and outcome

231.20 goals for reducing the use of restrictive procedures and the commissioner must submit to

231.21 the legislature a report on districts' progress in reducing the use of restrictive procedures

231.22 that recommends how to further reduce these procedures and eliminate the use of prone

231.23 restraints. The statewide plan includes the following components: measurable goals; the

231.24 resources, training, technical assistance, mental health services, and collaborative efforts

231.25 needed to significantly reduce districts' use of prone restraints; and recommendations

231.26 to clarify and improve the law governing districts' use of restrictive procedures. The

231.27 commissioner must consult with interested stakeholders when preparing the report,

231.28 including representatives of advocacy organizations, special education directors, teachers,

231.29 paraprofessionals, intermediate school districts, school boards, day treatment providers,

231.30 county social services, state human services department staff, mental health professionals,

231.31 and autism experts. By June 30 each year, districts must report summary data on their

231.32 use of restrictive procedures to the department, in a form and manner determined by the

231.33 commissioner. The summary data must include information about the use of restrictive

231.34 procedures, including use of reasonable force under section 121A.582.

231.35 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

- 231.36 (1) engaging in conduct prohibited under section 121A.58;

232.1 (2) requiring a child to assume and maintain a specified physical position, activity,  
232.2 or posture that induces physical pain;

232.3 (3) totally or partially restricting a child's senses as punishment;

232.4 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
232.5 substance, or spray as punishment;

232.6 (5) denying or restricting a child's access to equipment and devices such as walkers,  
232.7 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
232.8 except when temporarily removing the equipment or device is needed to prevent injury  
232.9 to the child or others or serious damage to the equipment or device, in which case the  
232.10 equipment or device shall be returned to the child as soon as possible;

232.11 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or  
232.12 physical abuse under section 626.556;

232.13 (7) withholding regularly scheduled meals or water;

232.14 (8) denying access to bathroom facilities; and

232.15 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or  
232.16 impairs a child's ability to communicate distress, places pressure or weight on a child's  
232.17 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in  
232.18 straddling a child's torso.

232.19 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff  
232.20 who use restrictive procedures, including paraprofessionals, shall complete training in  
232.21 the following skills and knowledge areas:

232.22 (1) positive behavioral interventions;

232.23 (2) communicative intent of behaviors;

232.24 (3) relationship building;

232.25 (4) alternatives to restrictive procedures, including techniques to identify events and  
232.26 environmental factors that may escalate behavior;

232.27 (5) de-escalation methods;

232.28 (6) standards for using restrictive procedures only in an emergency;

232.29 (7) obtaining emergency medical assistance;

232.30 (8) the physiological and psychological impact of physical holding and seclusion;

232.31 (9) monitoring and responding to a child's physical signs of distress when physical  
232.32 holding is being used;

232.33 (10) recognizing the symptoms of and interventions that may cause positional  
232.34 asphyxia when physical holding is used;

232.35 (11) district policies and procedures for timely reporting and documenting each  
232.36 incident involving use of a restricted procedure; and



233.1 (12) schoolwide programs on positive behavior strategies.

233.2 (b) The commissioner, after consulting with the commissioner of human services,  
233.3 must develop and maintain a list of training programs that satisfy the requirements of  
233.4 paragraph (a). The commissioner also must develop and maintain a list of experts to  
233.5 help individualized education program teams reduce the use of restrictive procedures.  
233.6 The district shall maintain records of staff who have been trained and the organization  
233.7 or professional that conducted the training. The district may collaborate with children's  
233.8 community mental health providers to coordinate trainings.

233.9 Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged  
233.10 to establish effective schoolwide systems of positive behavior interventions and supports.

233.11 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable  
233.12 force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015  
233.13 school year and later, districts must collect and submit to the commissioner summary  
233.14 data, consistent with subdivision 3, paragraph (b), on district use of reasonable force  
233.15 that is consistent with the definition of physical holding or seclusion for a child with a  
233.16 disability under this section.

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

233.18 Sec. 2. Minnesota Statutes 2013 Supplement, section 125A.11, subdivision 1, is  
233.19 amended to read:

233.20 Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2015 and  
233.21 later, when a school district provides special instruction and services for a pupil with  
233.22 a disability as defined in section 125A.02 outside the district of residence, excluding  
233.23 a pupil for whom an adjustment to special education aid is calculated according to  
233.24 section 127A.47, subdivision 7, paragraphs (b) to (d), special education aid paid to the  
233.25 resident district must be reduced by an amount equal to (1) the actual cost of providing  
233.26 special instruction and services to the pupil, including a proportionate amount for special  
233.27 transportation and unreimbursed building lease and debt service costs for facilities used  
233.28 primarily for special education, plus (2) the amount of general education revenue and  
233.29 referendum equalization aid attributable to that pupil, calculated using the resident district's  
233.30 average general education revenue and referendum equalization aid per adjusted pupil  
233.31 unit excluding basic skills revenue, elementary sparsity revenue and secondary sparsity  
233.32 revenue, minus (3) the amount of special education aid for children with a disability  
233.33 under section 125A.76 received on behalf of that child, minus (4) if the pupil receives  
233.34 special instruction and services outside the regular classroom for more than 60 percent  
233.35 of the school day, the amount of general education revenue and referendum equalization

234.1 aid, excluding portions attributable to district and school administration, district support  
234.2 services, operations and maintenance, capital expenditures, and pupil transportation,  
234.3 attributable to that pupil for the portion of time the pupil receives special instruction  
234.4 and services outside of the regular classroom, calculated using the resident district's  
234.5 average general education revenue and referendum equalization aid per adjusted pupil unit  
234.6 excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue  
234.7 and the serving district's basic skills revenue, elementary sparsity revenue and secondary  
234.8 sparsity revenue per adjusted pupil unit. Notwithstanding clauses (1) and (4), for pupils  
234.9 served by a cooperative unit without a fiscal agent school district, the general education  
234.10 revenue and referendum equalization aid attributable to a pupil must be calculated using  
234.11 the resident district's average general education revenue and referendum equalization aid  
234.12 excluding compensatory revenue, elementary sparsity revenue, and secondary sparsity  
234.13 revenue. Special education aid paid to the district or cooperative providing special  
234.14 instruction and services for the pupil must be increased by the amount of the reduction in  
234.15 the aid paid to the resident district. Amounts paid to cooperatives under this subdivision  
234.16 and section 127A.47, subdivision 7, shall be recognized and reported as revenues and  
234.17 expenditures on the resident school district's books of account under sections 123B.75  
234.18 and 123B.76. If the resident district's special education aid is insufficient to make the full  
234.19 adjustment, the remaining adjustment shall be made to other state aid due to the district.

234.20 (b) Notwithstanding paragraph (a) and section 127A.47, subdivision 7, paragraphs  
234.21 (b) to (d), a charter school where more than 30 percent of enrolled students receive special  
234.22 education and related services, a site approved under section 125A.515, an intermediate  
234.23 district, a special education cooperative, or a school district that served as the applicant  
234.24 agency for a group of school districts for federal special education aids for fiscal year  
234.25 2006 may apply to the commissioner for authority to charge the resident district an  
234.26 additional amount to recover any remaining unreimbursed costs of serving pupils with  
234.27 a disability. The application must include a description of the costs and the calculations  
234.28 used to determine the unreimbursed portion to be charged to the resident district. Amounts  
234.29 approved by the commissioner under this paragraph must be included in the tuition billings  
234.30 or aid adjustments under paragraph (a), or section 127A.47, subdivision 7, paragraphs  
234.31 (b) to (d), as applicable.

234.32 (c) For purposes of this subdivision and section 127A.47, subdivision 7, ~~paragraphs~~  
234.33 ~~(d) and (e)~~ paragraph (b), "general education revenue and referendum equalization aid"  
234.34 means the sum of the general education revenue according to section 126C.10, subdivision  
234.35 1, excluding the local optional levy according to section 126C.10, subdivision 2e, paragraph  
234.36 (c), plus the referendum equalization aid according to section 126C.17, subdivision 7.

235.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
235.2 and later.

235.3 Sec. 3. Minnesota Statutes 2013 Supplement, section 125A.76, subdivision 1, is  
235.4 amended to read:

235.5 Subdivision 1. **Definitions.** (a) For the purposes of this section and section 125A.79,  
235.6 the definitions in this subdivision apply.

235.7 (b) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2.  
235.8 For the purposes of computing basic revenue pursuant to this section, each child with a  
235.9 disability shall be counted as prescribed in section 126C.05, subdivision 1.

235.10 (c) "Essential personnel" means teachers, cultural liaisons, related services, and  
235.11 support services staff providing services to students. Essential personnel may also include  
235.12 special education paraprofessionals or clericals providing support to teachers and students  
235.13 by preparing paperwork and making arrangements related to special education compliance  
235.14 requirements, including parent meetings and individualized education programs. Essential  
235.15 personnel does not include administrators and supervisors.

235.16 (d) "Average daily membership" has the meaning given it in section 126C.05.

235.17 (e) "Program growth factor" means 1.046 for fiscal years 2012 ~~through~~ through 2015,  
235.18 1.0 for fiscal year 2016, 1.046 for fiscal year 2017, and the product of 1.046 and the  
235.19 program growth factor for the previous year for fiscal year 2018 and later.

235.20 (f) "Nonfederal special education expenditure" means all direct expenditures that  
235.21 are necessary and essential to meet the district's obligation to provide special instruction  
235.22 and services to children with a disability according to sections 124D.454, 125A.03 to  
235.23 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by  
235.24 the department under section 125A.75, subdivision 4, excluding expenditures:

235.25 (1) reimbursed with federal funds;

235.26 (2) reimbursed with other state aids under this chapter;

235.27 (3) for general education costs of serving students with a disability;

235.28 (4) for facilities;

235.29 (5) for pupil transportation; and

235.30 (6) for postemployment benefits.

235.31 (g) "Old formula special education expenditures" means expenditures eligible for  
235.32 revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

235.33 (h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy  
235.34 for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and  
235.35 fringe benefits of one-to-one instructional and behavior management aides and one-to-one

236.1 licensed, certified professionals assigned to a child attending the academy, if the aides or  
236.2 professionals are required by the child's individualized education program.

236.3 (h) (i) "Cross subsidy reduction aid percentage" means 1.0 percent for fiscal year  
236.4 2014 and 2.27 percent for fiscal year 2015.

236.5 (h) (j) "Cross subsidy reduction aid limit" means \$20 for fiscal year 2014 and \$48  
236.6 for fiscal year 2015.

236.7 (h) (k) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100  
236.8 for fiscal year 2017, and, for fiscal year 2018 and later, the sum of the special education  
236.9 aid increase limit for the previous fiscal year and \$40.

236.10 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
236.11 and later.

236.12 Sec. 4. Minnesota Statutes 2012, section 125A.76, subdivision 2, is amended to read:

236.13 Subd. 2. **Special education initial aid.** The special education initial aid equals the  
236.14 sum of the following amounts computed using current year data:

236.15 (1) 68 percent of the salary of each essential person employed in the district's program  
236.16 for children with a disability during the fiscal year, whether the person is employed by one  
236.17 or more districts or a Minnesota correctional facility operating on a fee-for-service basis;

236.18 (2) for the Minnesota State Academy for the Deaf or the Minnesota State Academy  
236.19 for the Blind, 68 percent of the salary of each ~~one-to-one~~ one-to-one instructional and  
236.20 behavior management aide and one-to-one licensed, certified professional assigned to  
236.21 a child attending the academy, if the aides or professionals are required by the child's  
236.22 individualized education program;

236.23 (3) for special instruction and services provided to any pupil by contracting with  
236.24 public, private, or voluntary agencies other than school districts, in place of special  
236.25 instruction and services provided by the district, 52 percent of the difference between  
236.26 the amount of the contract and the general education revenue, excluding basic skills  
236.27 revenue and alternative teacher compensation revenue, and referendum equalization aid  
236.28 attributable to a pupil, calculated using the resident district's average general education  
236.29 revenue and referendum equalization aid per adjusted pupil unit for the fraction of the  
236.30 school day the pupil receives services under the contract. This includes children who  
236.31 are residents of the state, receive services under this subdivision and subdivision 1, and  
236.32 are placed in a care and treatment facility by court action in a state that does not have a  
236.33 reciprocity agreement with the commissioner under section 125A.155 as provided for in  
236.34 section 125A.79, subdivision 8;

237.1 (4) for special instruction and services provided to any pupil by contracting for  
 237.2 services with public, private, or voluntary agencies other than school districts, that are  
 237.3 supplementary to a full educational program provided by the school district, 52 percent of  
 237.4 the amount of the contract for that pupil;

237.5 (5) for supplies and equipment purchased or rented for use in the instruction of  
 237.6 children with a disability, an amount equal to 47 percent of the sum actually expended by  
 237.7 the district, or a Minnesota correctional facility operating on a fee-for-service basis, but  
 237.8 not to exceed an average of \$47 in any one school year for each child with a disability  
 237.9 receiving instruction;

237.10 (6) for fiscal years 1997 and later, special education base revenue shall include  
 237.11 amounts under clauses (1) to (5) for special education summer programs provided during  
 237.12 the base year for that fiscal year;

237.13 (7) the cost of providing transportation services for children with disabilities under  
 237.14 section 123B.92, subdivision 1, paragraph (b), clause (4); and

237.15 (8) the district's transition-disabled program initial aid according to section  
 237.16 124D.454, subdivision 3.

237.17 The department shall establish procedures through the uniform financial accounting  
 237.18 and reporting system to identify and track all revenues generated from third-party billings  
 237.19 as special education revenue at the school district level; include revenue generated from  
 237.20 third-party billings as special education revenue in the annual cross-subsidy report; and  
 237.21 exclude third-party revenue from calculation of excess cost aid to the districts.

237.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 237.23 and later.

237.24 Sec. 5. Minnesota Statutes 2013 Supplement, section 125A.76, subdivision 2a, is  
 237.25 amended to read:

237.26 Subd. 2a. **Special education initial aid.** For fiscal year 2016 and later, a district's  
 237.27 special education initial aid equals the sum of:

237.28 (1) the ~~lesser~~ least of 62 percent of the district's old formula special education  
 237.29 expenditures for the prior fiscal year, excluding pupil transportation expenditures, 50  
 237.30 percent of the district's nonfederal special education expenditures for the prior year,  
 237.31 excluding pupil transportation expenditures, or 56 percent of the product of the sum of the  
 237.32 following amounts, computed using prior fiscal year data, and the program growth factor:

237.33 (i) the product of the district's average daily membership served and the sum of:

237.34 (A) \$450; plus

238.1 (B) \$400 times the ratio of the sum of the number of pupils enrolled on October 1  
 238.2 who are eligible to receive free lunch plus one-half of the pupils enrolled on October 1  
 238.3 who are eligible to receive reduced-price lunch to the total October 1 enrollment; plus  
 238.4 (C) .008 times the district's average daily membership served; plus  
 238.5 (ii) \$10,400 times the December 1 child count for the primary disability areas of  
 238.6 autism spectrum disorders, developmental delay, and severely multiply impaired; plus  
 238.7 (iii) \$18,000 times the December 1 child count for the primary disability areas of  
 238.8 deaf and hard-of-hearing and emotional or behavioral disorders; plus  
 238.9 (iv) \$27,000 times the December 1 child count for the primary disability areas of  
 238.10 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,  
 238.11 physically impaired, visually impaired, and deafblind; plus  
 238.12 (2) the cost of providing transportation services for children with disabilities under  
 238.13 section 123B.92, subdivision 1, paragraph (b), clause (4).

238.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016  
 238.15 and later.

238.16 Sec. 6. Minnesota Statutes 2013 Supplement, section 125A.76, subdivision 2b, is  
 238.17 amended to read:

238.18 Subd. 2b. **Cross subsidy reduction aid.** For fiscal years 2014 and 2015, the cross  
 238.19 subsidy reduction aid for a school district, not including a charter school, equals the  
 238.20 lesser of (a) the product of the cross subsidy reduction aid limit and the district's average  
 238.21 daily membership served or (b) the sum of the product of the cross subsidy reduction aid  
 238.22 percentage, the district's average daily membership served, and the sum of:

238.23 (1) \$450; plus

238.24 (2) \$400 times the ratio of the sum of the number of pupils enrolled on October 1  
 238.25 who are eligible to receive free lunch plus one-half of the pupils enrolled on October 1  
 238.26 who are eligible to receive reduced-price lunch to the total October 1 enrollment; plus

238.27 (3) .008 times the district's average daily membership served; plus the product of the  
 238.28 cross subsidy aid percentage and the sum of:

238.29 (i) \$10,100 times the December 1 child count for the primary disability areas of  
 238.30 autism spectrum disorders, developmental delay, and severely multiply impaired; plus

238.31 (ii) \$17,500 times the December 1 child count for the primary disability areas of  
 238.32 deaf and hard-of-hearing and emotional or behavioral disorders; plus

238.33 (iii) \$26,000 times the December 1 child count for the primary disability areas of  
 238.34 developmentally cognitive mild-moderate, developmentally cognitive severe-profound,  
 238.35 physically impaired, visually impaired, and deafblind.

239.1 **EFFECTIVE DATE.** This section is effective the day following final enactment  
239.2 and applies to revenue for fiscal year 2014 and later.

239.3 Sec. 7. Minnesota Statutes 2013 Supplement, section 125A.76, subdivision 2c, is  
239.4 amended to read:

239.5 Subd. 2c. **Special education aid.** (a) For fiscal year 2014 and fiscal year 2015, a  
239.6 district's special education aid equals the sum of the district's special education ~~initial~~ aid  
239.7 under subdivision 5, the district's cross subsidy reduction aid under subdivision 2b, and  
239.8 the district's excess cost aid under section 125A.79, subdivision 7.

239.9 (b) For fiscal year 2016 and later, a district's special education aid equals the sum of  
239.10 the district's special education initial aid under subdivision 2a and the district's excess cost  
239.11 aid under section 125A.79, subdivision 5.

239.12 (c) Notwithstanding paragraph (b), for fiscal year 2016, the special education aid for  
239.13 a school district must not exceed the sum of the special education aid the district would  
239.14 have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76  
239.15 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and  
239.16 127A.47, subdivision 7, and the product of the district's average daily membership served  
239.17 and the special education aid increase limit.

239.18 (d) Notwithstanding paragraph (b), for fiscal year 2017 and later, the special education  
239.19 aid for a school district must not exceed the sum of: (i) the product of the district's average  
239.20 daily membership served and the special education aid increase limit and (ii) the product  
239.21 of the sum of the special education aid the district would have received for fiscal year 2016  
239.22 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according  
239.23 to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of  
239.24 the district's average daily membership served for the current fiscal year to the district's  
239.25 average daily membership served for fiscal year 2016, and the program growth factor.

239.26 (e) Notwithstanding paragraph (b), for fiscal year 2016 and later the special education  
239.27 aid for a school district, not including a charter school, must not be less than the lesser of  
239.28 (1) the district's nonfederal special education expenditures for that fiscal year or (2) the  
239.29 product of the sum of the special education aid the district would have received for fiscal  
239.30 year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted  
239.31 according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the  
239.32 ratio of the district's adjusted daily membership for the current fiscal year to the district's  
239.33 average daily membership for fiscal year 2016, and the program growth factor.

239.34 **EFFECTIVE DATE.** This section is effective the day following final enactment  
239.35 and applies to revenue for fiscal year 2014 and later.

240.1 Sec. 8. Minnesota Statutes 2013 Supplement, section 125A.79, subdivision 1, is  
240.2 amended to read:

240.3 Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this  
240.4 subdivision apply.

240.5 (a) "Unreimbursed old formula special education expenditures" means:

240.6 (1) old formula special education expenditures for the prior fiscal year; minus

240.7 (2) for fiscal years 2014 and 2015, the sum of the special education aid under section  
240.8 125A.76, subdivision 5, for the prior fiscal year and the cross subsidy reduction aid under  
240.9 section 125A.76, subdivision 2b, and for fiscal year 2016 and later, the special education  
240.10 initial aid under section 125A.76, subdivision 2a; minus

240.11 (3) for fiscal year 2016 and later, the amount of general education revenue, excluding  
240.12 local optional revenue, plus local optional aid and referendum equalization aid for the  
240.13 prior fiscal year attributable to pupils receiving special instruction and services outside the  
240.14 regular classroom for more than 60 percent of the school day for the portion of time the  
240.15 pupils receive special instruction and services outside the regular classroom, excluding  
240.16 portions attributable to district and school administration, district support services,  
240.17 operations and maintenance, capital expenditures, and pupil transportation.

240.18 (b) "Unreimbursed nonfederal special education expenditures" means:

240.19 (1) nonfederal special education expenditures for the prior fiscal year; minus

240.20 (2) special education initial aid under section 125A.76, subdivision 2a; minus

240.21 (3) the amount of general education revenue and referendum equalization aid for the  
240.22 prior fiscal year attributable to pupils receiving special instruction and services outside the  
240.23 regular classroom for more than 60 percent of the school day for the portion of time the  
240.24 pupils receive special instruction and services outside of the regular classroom, excluding  
240.25 portions attributable to district and school administration, district support services,  
240.26 operations and maintenance, capital expenditures, and pupil transportation.

240.27 (c) "General revenue" for a school district means the sum of the general education  
240.28 revenue according to section 126C.10, subdivision 1, excluding alternative teacher  
240.29 compensation revenue, ~~minus~~ transportation sparsity revenue ~~minus~~, local optional  
240.30 revenue, and total operating capital revenue. "General revenue" for a charter school means  
240.31 the sum of the general education revenue according to section 124D.11, subdivision 1, and  
240.32 transportation revenue according to section 124D.11, subdivision 2, excluding alternative  
240.33 teacher compensation revenue, ~~minus~~ referendum equalization aid ~~minus~~,<sub>2</sub> transportation  
240.34 sparsity revenue ~~minus~~, and operating capital revenue.

240.35 **EFFECTIVE DATE.** This section is effective the day following final enactment  
240.36 and applies to revenue for fiscal year 2014 and later.



241.1 Sec. 9. Minnesota Statutes 2013 Supplement, section 125A.79, subdivision 5, is  
241.2 amended to read:

241.3 Subd. 5. **Initial Excess cost aid.** For fiscal year 2016 and later, a district's ~~initial~~  
241.4 excess cost aid equals the greater of:

241.5 (1) 56 percent of the difference between (i) the district's unreimbursed nonfederal  
241.6 special education expenditures and (ii) 7.0 percent of the district's general revenue;

241.7 (2) 62 percent of the difference between (i) the district's unreimbursed old formula  
241.8 special education expenditures and (ii) 2.5 percent of the district's general revenue; or

241.9 (3) zero.

241.10 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016  
241.11 and later.

241.12 Sec. 10. Minnesota Statutes 2013 Supplement, section 125A.79, subdivision 8, is  
241.13 amended to read:

241.14 Subd. 8. **Out-of-state tuition.** For children who are residents of the state, receive  
241.15 services under section 125A.76, subdivisions 1 and 2, and are placed in a care and  
241.16 treatment facility by court action in a state that does not have a reciprocity agreement with  
241.17 the commissioner under section 125A.155, the resident school district shall ~~submit the~~  
241.18 ~~balance~~ receive special education out-of-state tuition aid equal to the amount of the tuition  
241.19 bills, minus (1) the general education revenue, excluding basic skills revenue and the local  
241.20 optional levy attributable to the pupil, calculated using the resident district's average  
241.21 general education revenue per adjusted pupil unit, and (2) the referendum equalization aid  
241.22 attributable to the pupil, calculated using the resident district's average general education  
241.23 ~~revenue and referendum equalization aid per adjusted pupil unit minus, and (3) the special~~  
241.24 ~~education contracted services initial revenue~~ aid attributable to the pupil.

241.25 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
241.26 and later.

241.27 Sec. 11. Laws 2013, chapter 116, article 5, section 31, subdivision 8, is amended to read:

241.28 Subd. 8. **Special education paperwork cost savings.** (a) For the contract to  
241.29 customize a statewide online reporting system and effect special education paperwork  
241.30 cost savings:

241.31 \$ 1,763,000 ..... 2014

241.32 For a transfer to MNIT. This appropriation is available in fiscal year 2015 ~~if not~~ and  
241.33 must be expended according to this subdivision for online due process reporting.

242.1 (b) To ensure a strong focus on outcomes for children with disabilities informs  
242.2 federal and state compliance and accountability requirements and to increase opportunities  
242.3 for special educators and related-services providers to focus on teaching children with  
242.4 disabilities, the commissioner must customize a streamlined, user-friendly statewide  
242.5 online system, with a single model online form, for effectively and efficiently collecting  
242.6 and reporting required special education-related data to individuals with a legitimate  
242.7 educational interest and who are authorized by law to access the data.

242.8 (c) The commissioner must consult with qualified experts, including information  
242.9 technology specialists, licensed special education teachers and directors of special  
242.10 education, related-services providers, third-party vendors, a designee of the commissioner  
242.11 of human services, parents of children with disabilities, representatives of advocacy groups  
242.12 representing children with disabilities, and representatives of school districts and special  
242.13 education cooperatives on integrating, field testing, customizing, and sustaining this simple,  
242.14 easily accessible, efficient, and effective online data system for uniform statewide reporting  
242.15 of required due process compliance data. Among other outcomes, the system must:

242.16 (1) reduce special education teachers' paperwork burden and thereby increase the  
242.17 teachers' opportunities to focus on teaching children;

242.18 (2) to the extent authorized by chapter 13 or other applicable state or federal law  
242.19 governing access to and dissemination of educational records, provide for efficiently  
242.20 and effectively transmitting the records of all transferring children with disabilities,  
242.21 including highly mobile and homeless children with disabilities, among others, and avoid  
242.22 fragmented service delivery;

242.23 (3) address language and other barriers and disparities that prevent parents from  
242.24 understanding and communicating information about the needs of their children with  
242.25 disabilities; and

242.26 (4) help continuously improve the interface among the online systems serving  
242.27 children with disabilities in order to maintain and reinforce the children's ability to learn.

242.28 (d) The commissioner must use the federal Office of Special Education Programs  
242.29 model forms for the (1) individualized education program, (2) notice of procedural  
242.30 safeguards, and (3) prior written notice that are consistent with Part B of IDEA to integrate  
242.31 and customize a state-sponsored universal special education online case management  
242.32 system, consistent with the requirements of state law and this subdivision for customizing  
242.33 a statewide online reporting system. The commissioner must use a request for proposal  
242.34 process to contract for the technology and software needed for customizing the online  
242.35 system in order for the system to be fully functional, consistent with the requirements of  
242.36 this subdivision. This online system must be made available to school districts without

243.1 charge beginning in the 2015-2016 school year. For the 2015-2016 through 2017-2018  
243.2 school years, school districts may use this online system or may contract with an outside  
243.3 vendor for compliance reporting. Beginning in the 2018-2019 school year and later,  
243.4 school districts must use this online system for compliance reporting.

243.5 (e) All data on individuals maintained in the statewide reporting system are  
243.6 classified as provided in chapter 13 or other applicable state or federal law. An authorized  
243.7 individual's ability to enter, update, or access data must be limited through the use of  
243.8 role-based access codes corresponding to that individual's official duties or training level,  
243.9 and the statutory authorization that grants access for a particular purpose. Any action  
243.10 in which data in the system are entered, updated, accessed, or shared or disseminated  
243.11 outside of the system must be recorded in an audit trail. The audit trail must identify the  
243.12 specific user responsible for the action, the date and time the action occurred, and the  
243.13 purpose for the action. Data contained in the audit trail maintain the same classification  
243.14 as the underlying data affected by the action, provided the responsible authority makes  
243.15 the data available to a student or the student's parent upon request, and the responsible  
243.16 authority may access the data to audit the system's user activity and security safeguards.  
243.17 Before entering data on a student, the responsible authority must provide the student or the  
243.18 student's parent written notice of the data practices rights and responsibilities required by  
243.19 this subdivision and a reasonable opportunity to refuse consent to have the student's data  
243.20 included in the system. Upon receiving the student or the student's parent written refusal  
243.21 to consent, the school district must not enter data on that student into the system and must  
243.22 delete any existing data on that student currently in the system.

243.23 (f) Consistent with this subdivision, the commissioner must establish a public  
243.24 Internet Web interface to provide information to educators, parents, and the public about  
243.25 the form and content of required special education reports, to respond to queries from  
243.26 educators, parents, and the public about specific aspects of special education reports  
243.27 and reporting, and to use the information garnered from the interface to streamline and  
243.28 revise special education reporting on the online system under this subdivision. The public  
243.29 Internet Web interface must have a prominently-linked page describing the rights and  
243.30 responsibilities of students and parents whose data are included in the statewide reporting  
243.31 system, and include information on the data practices rights of students and parents  
243.32 provided by this subdivision and a form students or parents may use to refuse consent to  
243.33 have a student's data included in the system. The public Internet Web interface must not  
243.34 provide access to the educational records of any individual child.

243.35 (g) The commissioner annually by February 1 must submit to the legislature a report  
243.36 on the status, recent changes, and sustainability of the online system under this subdivision.

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

244.2 Sec. 12. **RULEMAKING AUTHORITY; SPECIAL EDUCATION TASK FORCE**  
 244.3 **RECOMMENDATIONS.**

244.4 The commissioner of education must use the expedited rulemaking process under  
 244.5 Minnesota Statutes, section 14.389, including subdivision 5, to make the specific rule  
 244.6 changes recommended by the Special Education Case Load and Rule Alignment Task  
 244.7 Force in its 2014 report entitled "Recommendations for Special Education Case Load and  
 244.8 Rule Alignment" submitted to the legislature on February 15, 2014.

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

244.10 Sec. 13. **APPROPRIATION.**

244.11 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 244.12 appropriated from the general fund to the Department of Education for the fiscal years  
 244.13 designated.

244.14 Subd. 2. **Department assistance.** For the commissioner of education to assist  
 244.15 school districts in meeting the needs of children who have experienced a high use of prone  
 244.16 restraints, consistent with Minnesota Statutes 2013 Supplement, section 125A.0942:

244.17 §            250,000     ..... 2015

244.18 The commissioners of education and human services, or their designees, must  
 244.19 discuss coordinating use of funds and personnel available for this purpose within their  
 244.20 respective departments. This is a onetime appropriation.

244.21 **ARTICLE 18**

244.22 **FACILITIES**

244.23 Section 1. **[123A.482] JOINT POWERS COOPERATIVE FACILITY.**

244.24 Subdivision 1. **Schools may be jointly operated.** Two or more school districts may  
 244.25 agree to jointly operate a secondary facility. The districts may choose to operate the  
 244.26 facility according to a joint powers agreement under section 123A.78 or 471.59.

244.27 Subd. 2. **Expanded program offerings.** A jointly operated secondary program  
 244.28 seeking funding under section 123A.485 must demonstrate to the commissioner's  
 244.29 satisfaction that the jointly operated program provides enhanced learning opportunities and  
 244.30 broader curriculum offerings to the students attending that program. The commissioner

245.1 must approve or disapprove a cooperative secondary program within 60 days of receipt of  
245.2 an application.

245.3 Subd. 3. **Transfer of employees.** If an employee is transferred between two  
245.4 employer members of the joint powers agreement under this section, the employee's  
245.5 length of service under section 122A.40, subdivision 5, remains uninterrupted. The  
245.6 employee shall receive credit on the receiving district's salary schedule for the employee's  
245.7 educational attainment and years of continuous service in the sending district, or shall  
245.8 receive a comparable salary, whichever is greater. The employee shall receive credit for  
245.9 accrued sick leave and rights to severance benefits as if the employee had been employed  
245.10 by the receiving district during the employee's years of employment in the sending district.

245.11 Subd. 4. **Revenue.** An approved program that is jointly operated under this section  
245.12 is eligible for aid under section 123A.485 and qualifies for a facilities grant under sections  
245.13 123A.44 to 123A.446.

245.14 Subd. 5. **Duty to maintain elementary and secondary schools met.** A school  
245.15 district operating a joint facility under this section meets the requirements of section  
245.16 123A.64.

245.17 Subd. 6. **Estimated market value limit exclusion.** Bonds for a cooperative facility  
245.18 operated under this section issued by a member school district are not subject to the net  
245.19 debt limit under section 475.53, subdivision 4.

245.20 Subd. 7. **Allocation of levy authority for joint facility.** For purposes of determining  
245.21 each member district's school levy, a jointly operated secondary program may allocate  
245.22 program costs to each member district according to the joint powers agreement and each  
245.23 member district may include those costs in its tax levy. The joint powers agreement may  
245.24 choose to allocate costs on any basis adopted as part of the joint powers agreement.

245.25 Subd. 8. **Effect of consolidation.** The joint powers agreement may allow member  
245.26 school districts that choose to consolidate to continue to certify levies separately based on  
245.27 each component district's characteristics.

245.28 Subd. 9. **Bonds.** A joint powers district formed under this section may issue bonds  
245.29 according to section 123A.78 or its member districts may issue bonds individually after  
245.30 complying with this subdivision. The joint powers board must submit the project for  
245.31 review and comment under section 123B.71. The joint powers board must hold a hearing  
245.32 on the proposal. If the bonds are not issued under section 123A.78, each member district  
245.33 of the joint powers district must submit the question of authorizing borrowing of funds for  
245.34 the project to the voters of the district at a special election. The question submitted shall  
245.35 state the total amount of funding needed from that district. The member district may issue  
245.36 the bonds according to chapter 475 and certify the levy required by section 475.61 only if

246.1 a majority of those voting on the question in that district vote in the affirmative and only  
246.2 after the board has adopted a resolution pledging the full faith and credit of that unit. The  
246.3 resolution must irrevocably commit that unit to pay an agreed-upon share of any debt levy  
246.4 shortages that, together with other funds available, would allow the member school board  
246.5 to pay the principal and interest on the obligations. The clerk of the joint powers board  
246.6 must certify the vote of any bond elections to the commissioner. Bonds issued under this  
246.7 section first qualify for debt service equalization aid in fiscal year 2018.

246.8 Subd. 10. **Election.** A district entering into a joint powers agreement under this  
246.9 section may conduct a referendum seeking approval for a new facility. This election may  
246.10 be held separately or at the same time as a bond election under subdivision 9. If the  
246.11 election is held at the same time, the questions may be asked separately or as a conjunctive  
246.12 question. The question must be approved by a majority of those voting on the question.  
246.13 If asked separately and the question fails, a district may not proceed with the sale of  
246.14 bonds according to subdivision 9.

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

246.16 Sec. 2. Minnesota Statutes 2012, section 123A.64, is amended to read:

246.17 **123A.64 DUTY TO MAINTAIN ELEMENTARY AND SECONDARY**  
246.18 **SCHOOLS.**

246.19 Each district must maintain classified elementary and secondary schools, grades 1  
246.20 through 12, unless the district is exempt according to section 123A.61 or 123A.62, has  
246.21 made an agreement with another district or districts as provided in sections 123A.30,  
246.22 123A.32, or sections 123A.35 to 123A.43, or 123A.17, subdivision 7, ~~or~~ has received a  
246.23 grant under sections 123A.441 to 123A.446, or has formed a cooperative under section  
246.24 123A.482. A district that has an agreement according to sections 123A.35 to 123A.43 or  
246.25 123A.32 must operate a school with the number of grades required by those sections. A  
246.26 district that has an agreement according to section 123A.30 or 123A.17, subdivision 7, or  
246.27 has received a grant under sections 123A.441 to 123A.446 must operate a school for the  
246.28 grades not included in the agreement, but not fewer than three grades.

246.29 Sec. 3. Minnesota Statutes 2013 Supplement, section 123B.53, subdivision 1, is  
246.30 amended to read:

246.31 Subdivision 1. **Definitions.** (a) For purposes of this section, the eligible debt service  
246.32 revenue of a district is defined as follows:

247.1 (1) the amount needed to produce between five and six percent in excess of the  
 247.2 amount needed to meet when due the principal and interest payments on the obligations  
 247.3 of the district for eligible projects according to subdivision 2, including the amounts  
 247.4 necessary for repayment of energy loans according to section 216C.37 or sections 298.292  
 247.5 to 298.298, debt service loans and capital loans, lease purchase payments under section  
 247.6 126C.40, subdivision 2, alternative facilities levies under section 123B.59, subdivision  
 247.7 5, paragraph (a), minus

247.8 (2) the amount of debt service excess levy reduction for that school year calculated  
 247.9 according to the procedure established by the commissioner.

247.10 (b) The obligations in this paragraph are excluded from eligible debt service revenue:

247.11 (1) obligations under section 123B.61;

247.12 (2) the part of debt service principal and interest paid from the taconite environmental  
 247.13 protection fund or Douglas J. Johnson economic protection trust, excluding the portion of  
 247.14 taconite payments from the Iron Range school consolidation and cooperatively operated  
 247.15 school account under section 298.28, subdivision 7a;

247.16 (3) obligations issued under Laws 1991, chapter 265, article 5, section 18, as  
 247.17 amended by Laws 1992, chapter 499, article 5, section 24; ~~and~~

247.18 (4) obligations under section 123B.62; and

247.19 (5) obligations equalized under section 123B.535.

247.20 (c) For purposes of this section, if a preexisting school district reorganized under  
 247.21 sections 123A.35 to 123A.43, 123A.46, and 123A.48 is solely responsible for retirement  
 247.22 of the preexisting district's bonded indebtedness, capital loans or debt service loans, debt  
 247.23 service equalization aid must be computed separately for each of the preexisting districts.

247.24 (d) For purposes of this section, the adjusted net tax capacity determined according  
 247.25 to sections 127A.48 and 273.1325 shall be adjusted to include the tax capacity of property  
 247.26 generally exempted from ad valorem taxes under section 272.02, subdivision 64.

247.27 **EFFECTIVE DATE.** This section is effective for fiscal year 2017 and later.

247.28 Sec. 4. Minnesota Statutes 2013 Supplement, section 123B.53, subdivision 5, is  
 247.29 amended to read:

247.30 Subd. 5. **Equalized debt service levy.** (a) The equalized debt service levy of a  
 247.31 district equals the sum of the first tier equalized debt service levy and the second tier  
 247.32 equalized debt service levy.

247.33 (b) A district's first tier equalized debt service levy equals the district's first tier debt  
 247.34 service equalization revenue times the lesser of one or the ratio of:

248.1 (1) the quotient derived by dividing the adjusted net tax capacity of the district for  
248.2 the year before the year the levy is certified by the adjusted pupil units in the district for  
248.3 the school year ending in the year prior to the year the levy is certified; to

248.4 (2) ~~\$3,550~~ \$3,400 in fiscal year 2016 and \$4,430 in fiscal year 2017 and later.

248.5 (c) A district's second tier equalized debt service levy equals the district's second tier  
248.6 debt service equalization revenue times the lesser of one or the ratio of:

248.7 (1) the quotient derived by dividing the adjusted net tax capacity of the district for  
248.8 the year before the year the levy is certified by the adjusted pupil units in the district for  
248.9 the school year ending in the year prior to the year the levy is certified; to

248.10 (2) ~~\$7,900~~ \$8,000.

248.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016  
248.12 and later.

248.13 Sec. 5. **[123B.535] NATURAL DISASTER DEBT SERVICE EQUALIZATION.**

248.14 **Subdivision 1. Definitions.** (a) For purposes of this section, the eligible natural  
248.15 disaster debt service revenue of a district is defined as the amount needed to produce  
248.16 between five and six percent in excess of the amount needed to meet when due the  
248.17 principal and interest payments on the obligations of the district that would otherwise  
248.18 qualify under section 123B.53 under the following conditions:

248.19 (1) the district was impacted by a natural disaster event or area occurring January  
248.20 1, 2005, or later, as declared by the President of the United States of America, which is  
248.21 eligible for Federal Emergency Management Agency payments;

248.22 (2) the natural disaster caused \$500,000 or more in damages to school district  
248.23 buildings; and

248.24 (3) the repair and replacement costs are not covered by insurance payments or  
248.25 Federal Emergency Management Agency payments.

248.26 (b) For purposes of this section, the adjusted net tax capacity equalizing factor  
248.27 equals the quotient derived by dividing the total adjusted net tax capacity of all school  
248.28 districts in the state for the year before the year the levy is certified by the total number of  
248.29 adjusted pupil units in the state for the year prior to the year the levy is certified.

248.30 (c) For purposes of this section, the adjusted net tax capacity determined according  
248.31 to sections 127A.48 and 273.1325 shall be adjusted to include the tax capacity of property  
248.32 generally exempted from ad valorem taxes under section 272.02, subdivision 64.

248.33 **Subd. 2. Notification.** A district eligible for natural disaster debt service  
248.34 equalization revenue under subdivision 1 must notify the commissioner of the amount of



249.1 its intended natural disaster debt service revenue calculated under subdivision 1 for all  
 249.2 bonds sold prior to the notification by July 1 of the calendar year the levy is certified.

249.3 Subd. 3. **Natural disaster debt service equalization revenue.** The debt service  
 249.4 equalization revenue of a district equals the greater of zero or the eligible debt service  
 249.5 revenue, minus the greater of zero or the difference between:

249.6 (1) the amount raised by a levy of ten percent times the adjusted net tax capacity  
 249.7 of the district; and

249.8 (2) the district's eligible debt service revenue under section 123B.53.

249.9 Subd. 4. **Equalized natural disaster debt service levy.** A district's equalized  
 249.10 natural disaster debt service levy equals the district's natural disaster debt service  
 249.11 equalization revenue times the lesser of one or the ratio of:

249.12 (1) the quotient derived by dividing the adjusted net tax capacity of the district for  
 249.13 the year before the year the levy is certified by the adjusted pupil units in the district for  
 249.14 the school year ending in the year prior to the year the levy is certified; to

249.15 (2) 300 percent of the statewide adjusted net tax capacity equalizing factor.

249.16 Subd. 5. **Natural disaster debt service equalization aid.** A district's natural  
 249.17 disaster debt service equalization aid equals the difference between the district's natural  
 249.18 disaster debt service equalization revenue and the district's equalized natural disaster  
 249.19 debt service levy.

249.20 Subd. 6. **Natural disaster debt service equalization aid payment schedule.** Debt  
 249.21 service equalization aid must be paid according to section 127A.45, subdivision 10.

249.22 **EFFECTIVE DATE.** This section is effective for taxes payable in 2016 and  
 249.23 revenue for fiscal year 2017 and later.

249.24 Sec. 6. Minnesota Statutes 2013 Supplement, section 123B.54, is amended to read:

249.25 **123B.54 DEBT SERVICE APPROPRIATION.**

249.26 (a) The amount necessary to make debt service equalization aid payments under  
 249.27 ~~section~~ sections 123B.53 and 123B.535 is annually appropriated from the general fund to  
 249.28 the commissioner of education.

249.29 (b) The appropriations in paragraph (a) must be reduced by the amount of any  
 249.30 money specifically appropriated for the same purpose in any year from any state fund.

249.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017  
 249.32 and later.

249.33 Sec. 7. Minnesota Statutes 2012, section 123B.57, subdivision 6, is amended to read:

250.1           Subd. 6. **Uses of health and safety revenue.** (a) Health and safety revenue may be  
250.2 used only for approved expenditures necessary for the correction of fire and life safety  
250.3 hazards; design, purchase, installation, maintenance, and inspection of fire protection and  
250.4 alarm equipment; purchase or construction of appropriate facilities for the storage of  
250.5 combustible and flammable materials; inventories and facility modifications not related  
250.6 to a remodeling project to comply with lab safety requirements under section 121A.31;  
250.7 inspection, testing, repair, removal or encapsulation, and disposal of asbestos-containing  
250.8 building materials; cleanup and disposal of polychlorinated biphenyls; cleanup and  
250.9 disposal of hazardous and infectious wastes; cleanup, removal, disposal, and repairs  
250.10 related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil,  
250.11 and special fuel, as defined in section 296A.01; correction of occupational safety and  
250.12 health administration regulated hazards; indoor air quality inspections, investigations, and  
250.13 testing; mold abatement; upgrades or replacement of mechanical ventilation systems  
250.14 to meet American Society of Heating, Refrigerating and Air Conditioning Engineers  
250.15 standards and State Mechanical Code; design, materials, and installation of local exhaust  
250.16 ventilation systems, including required make-up air for controlling regulated hazardous  
250.17 substances; correction of Department of Health Food Code violations; correction of  
250.18 swimming pool hazards excluding depth correction; playground safety inspections,  
250.19 repair of unsafe outdoor playground equipment, and the installation of impact surfacing  
250.20 materials; bleacher repair or rebuilding to comply with the order of a building code  
250.21 inspector under section 326B.112; testing and mitigation of elevated radon hazards; lead  
250.22 testing; copper in water testing; cleanup after major weather-related disasters or flooding;  
250.23 reduction of excessive organic and inorganic levels in wells and capping of abandoned  
250.24 wells; installation and testing of boiler backflow valves to prevent contamination of  
250.25 potable water; vaccinations, titers, and preventative supplies for bloodborne pathogen  
250.26 compliance; costs to comply with the Janet B. Johnson Parents' Right to Know Act;  
250.27 automated external defibrillators and other emergency plan equipment and supplies  
250.28 specific to the district's emergency action plan; compliance with the National Emission  
250.29 Standards for Hazardous Air Pollutants for school generators established by the  
250.30 United States Environmental Protection Agency; and health, safety, and environmental  
250.31 management costs associated with implementing the district's health and safety program  
250.32 including costs to establish and operate safety committees, in school buildings or property  
250.33 owned or being acquired by the district. Testing and calibration activities are permitted for  
250.34 existing mechanical ventilation systems at intervals no less than every five years.

250.35           (b) For fiscal years 2014 through 2017, a school district must not include expenses  
250.36 related to emission compliance projects for school generators in its health and safety

251.1 revenue unless it reduces its approved spending on other qualified health and safety  
 251.2 projects by the same amount.

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

251.4 Sec. 8. Minnesota Statutes 2012, section 123B.71, subdivision 8, is amended to read:

251.5 Subd. 8. **Review and comment.** A school district, a special education cooperative,  
 251.6 or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not  
 251.7 initiate an installment contract for purchase or a lease agreement, hold a referendum for  
 251.8 bonds, nor solicit bids for new construction, expansion, or remodeling of an educational  
 251.9 facility that requires an expenditure in excess of \$500,000 per school site if it has a capital  
 251.10 loan outstanding, or ~~\$1,400,000~~ \$2,000,000 per school site if it does not have a capital  
 251.11 loan outstanding, prior to review and comment by the commissioner. ~~The commissioner~~  
 251.12 ~~may exempt~~ A facility addition, maintenance project, or remodeling project funded only  
 251.13 with general education aid and levy revenue, deferred maintenance revenue, alternative  
 251.14 facilities bonding and levy program revenue, lease levy proceeds, capital facilities bond  
 251.15 proceeds, or health and safety revenue is exempt from this provision ~~after reviewing a~~  
 251.16 ~~written request from a school district describing the scope of work.~~ A capital project under  
 251.17 section 123B.63 addressing only technology is exempt from this provision if the district  
 251.18 submits a school board resolution stating that funds approved by the voters will be used  
 251.19 only as authorized in section 126C.10, subdivision 14. A school board shall not separate  
 251.20 portions of a single project into components to avoid the requirements of this subdivision.

251.21 Sec. 9. Minnesota Statutes 2012, section 123B.71, subdivision 9, is amended to read:

251.22 Subd. 9. **Information required.** A school board proposing to construct, expand,  
 251.23 or remodel a facility ~~described in~~ that requires a review and comment under subdivision  
 251.24 8 shall submit to the commissioner a proposal containing information including at least  
 251.25 the following:

251.26 (1) the geographic area and population to be served, preschool through grade 12  
 251.27 student enrollments for the past five years, and student enrollment projections for the  
 251.28 next five years;

251.29 (2) a list of existing facilities by year constructed, their uses, and an assessment of  
 251.30 the extent to which alternate facilities are available within the school district boundaries  
 251.31 and in adjacent school districts;

251.32 (3) a list of the specific deficiencies of the facility that demonstrate the need for a  
 251.33 new or renovated facility to be provided, the process used to determine the deficiencies, a  
 251.34 list of those deficiencies that will and will not be addressed by the proposed project, and a

252.1 list of the specific benefits that the new or renovated facility will provide to the students,  
252.2 teachers, and community users served by the facility;

252.3 ~~(4) the relationship of the project to any priorities established by the school district,~~  
252.4 ~~educational cooperatives that provide support services, or other public bodies in the~~  
252.5 ~~service area;~~

252.6 ~~(5) a description of the pedestrian, bicycle, and transit connections between the~~  
252.7 ~~school and nearby residential areas that make it easier for children, teachers, and parents~~  
252.8 ~~to get to the school by walking, bicycling, and taking transit;~~

252.9 ~~(6) a specification of how the project maximizes the opportunity for cooperative use~~  
252.10 ~~of existing park, recreation, and other public facilities and whether and how the project~~  
252.11 ~~will increase collaboration with other governmental or nonprofit entities;~~

252.12 ~~(7)~~ (4) a description of the project, including the specification of site and outdoor  
252.13 space acreage and square footage allocations for classrooms, laboratories, and support  
252.14 spaces; estimated expenditures for the major portions of the project; and the dates the  
252.15 project will begin and be completed;

252.16 ~~(8)~~ (5) a specification of the source of financing the project, including applicable  
252.17 statutory citations; the scheduled date for a bond issue or school board action; a schedule  
252.18 of payments, including debt service equalization aid; and the effect of a bond issue on  
252.19 local property taxes by the property class and valuation;

252.20 ~~(9) an analysis of how the proposed new or remodeled facility will affect school~~  
252.21 ~~district operational or administrative staffing costs, and how the district's operating budget~~  
252.22 ~~will cover any increased operational or administrative staffing costs;~~

252.23 ~~(10) a description of the consultation with local or state transportation officials~~  
252.24 ~~on multimodal school site access and safety issues, and the ways that the project will~~  
252.25 ~~address those issues;~~

252.26 ~~(11) a description of how indoor air quality issues have been considered and a~~  
252.27 ~~certification that the architects and engineers designing the facility will have professional~~  
252.28 ~~liability insurance;~~

252.29 ~~(12) as required under section 123B.72, for buildings coming into service after July 1,~~  
252.30 ~~2002, a certification that the plans and designs for the extensively renovated or new facility's~~  
252.31 ~~heating, ventilation, and air conditioning systems will meet or exceed code standards; will~~  
252.32 ~~provide for the monitoring of outdoor airflow and total airflow of ventilation systems; and~~  
252.33 ~~will provide an indoor air quality filtration system that meets ASHRAE standard 52.1;~~

252.34 ~~(13) a specification of any desegregation requirements that cannot be met by any~~  
252.35 ~~other reasonable means;~~

253.1 ~~(14) a specification of how the facility will utilize environmentally sustainable~~  
 253.2 ~~school facility design concepts;~~

253.3 ~~(15) a description of how the architects and engineers have considered the American~~  
 253.4 ~~National Standards Institute Acoustical Performance Criteria, Design Requirements~~  
 253.5 ~~and Guidelines for Schools of the maximum background noise level and reverberation~~  
 253.6 ~~times; and~~

253.7 ~~(16) any existing information from the relevant local unit of government about the~~  
 253.8 ~~cumulative costs to provide infrastructure to serve the school, such as utilities, sewer,~~  
 253.9 ~~roads, and sidewalks.~~

253.10 (6) documents obligating the school district and contractors to comply with items (i)  
 253.11 to (vii) in planning and executing the project:

253.12 (i) section 471.345 governing municipal contracts;

253.13 (ii) sustainable design;

253.14 (iii) school facility commissioning under section 123B.72 certifying the plans and  
 253.15 designs for the heating, ventilating, air conditioning, and air filtration for an extensively  
 253.16 renovated or new facility meet or exceed current code standards, including the ASHRAE  
 253.17 air filtration standard 52.1;

253.18 (iv) American National Standards Institute Acoustical Performance Criteria, Design  
 253.19 Requirements and Guidelines for Schools on maximum background noise level and  
 253.20 reverberation times;

253.21 (v) State Fire Code;

253.22 (vi) chapter 326B governing building codes; and

253.23 (vii) consultation with affected government units about the impact of the project  
 253.24 on utilities, roads, sewers, sidewalks, retention ponds, school bus and automobile traffic,  
 253.25 access to mass transit, and safe access for pedestrians and cyclists.

253.26 Sec. 10. Minnesota Statutes 2012, section 123B.72, subdivision 1, is amended to read:

253.27 Subdivision 1. **Application.** This section applies to the installation or retrofitting of  
 253.28 heating, ventilation, and air conditioning systems for ~~which review and comment of the~~  
 253.29 ~~project under section 123B.71 has been requested after July 1, 1997~~ projects where the  
 253.30 total project cost per site exceeds \$1,400,000.

253.31 **EFFECTIVE DATE.** This section is effective July 1, 2014.

253.32 Sec. 11. Minnesota Statutes 2012, section 123B.72, subdivision 3, is amended to read:

253.33 Subd. 3. **Certification.** Prior to occupying or reoccupying a school facility affected  
 253.34 by this section, a school board or its designee shall submit a document prepared by a

254.1 system inspector to the building official or to the commissioner, verifying that the facility's  
254.2 heating, ventilation, and air conditioning system has been installed and operates according  
254.3 to design specifications and code, according to section 123B.71, subdivision 9, clause ~~(12)~~  
254.4 (6), item (iii). A systems inspector shall also verify that the facility's design will provide  
254.5 the ability for monitoring of outdoor airflow and total airflow of ventilation systems in  
254.6 new school facilities and that any heating, ventilation, or air conditioning system that is  
254.7 installed or modified for a project subject to this section must provide a filtration system  
254.8 with a current ASHRAE standard.

254.9 **EFFECTIVE DATE.** This section is effective July 1, 2014.

254.10 Sec. 12. Minnesota Statutes 2013 Supplement, section 126C.10, subdivision 2d,  
254.11 is amended to read:

254.12 Subd. 2d. **Declining enrollment revenue.** (a) A school district's declining  
254.13 enrollment revenue equals the greater of zero or the product of: (1) 28 percent of the  
254.14 formula allowance for that year and (2) the difference between the adjusted pupil units for  
254.15 the preceding year and the adjusted pupil units for the current year.

254.16 (b) Notwithstanding paragraph (a), for fiscal years 2015, 2016, and 2017 only, a pupil  
254.17 enrolled at the Crosswinds school shall not generate declining enrollment revenue for the  
254.18 district or charter school in which the pupil was last counted in average daily membership.

254.19 **EFFECTIVE DATE.** This section is effective July 1, 2014, if but only if the  
254.20 Crosswinds school is conveyed to the Perpich Center for Arts Education by an enactment  
254.21 during the 2014 regular legislative session.

254.22 Sec. 13. Minnesota Statutes 2013 Supplement, section 126C.40, subdivision 1, is  
254.23 amended to read:

254.24 Subdivision 1. **To lease building or land.** (a) When an independent or a special  
254.25 school district or a group of independent or special school districts finds it economically  
254.26 advantageous to rent or lease a building or land for any instructional purposes or for  
254.27 school storage or furniture repair, and it determines that the operating capital revenue  
254.28 authorized under section 126C.10, subdivision 13, is insufficient for this purpose, it may  
254.29 apply to the commissioner for permission to make an additional capital expenditure levy  
254.30 for this purpose. An application for permission to levy under this subdivision must contain  
254.31 financial justification for the proposed levy, the terms and conditions of the proposed  
254.32 lease, and a description of the space to be leased and its proposed use.

255.1 (b) The criteria for approval of applications to levy under this subdivision must  
255.2 include: the reasonableness of the price, the appropriateness of the space to the proposed  
255.3 activity, the feasibility of transporting pupils to the leased building or land, conformity  
255.4 of the lease to the laws and rules of the state of Minnesota, and the appropriateness of  
255.5 the proposed lease to the space needs and the financial condition of the district. The  
255.6 commissioner must not authorize a levy under this subdivision in an amount greater than  
255.7 the cost to the district of renting or leasing a building or land for approved purposes.  
255.8 The proceeds of this levy must not be used for custodial or other maintenance services.  
255.9 A district may not levy under this subdivision for the purpose of leasing or renting a  
255.10 district-owned building or site to itself.

255.11 (c) For agreements finalized after July 1, 1997, a district may not levy under this  
255.12 subdivision for the purpose of leasing: (1) a newly constructed building used primarily  
255.13 for regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed  
255.14 building addition or additions used primarily for regular kindergarten, elementary, or  
255.15 secondary instruction that contains more than 20 percent of the square footage of the  
255.16 previously existing building.

255.17 (d) Notwithstanding paragraph (b), a district may levy under this subdivision for the  
255.18 purpose of leasing or renting a district-owned building or site to itself only if the amount  
255.19 is needed by the district to make payments required by a lease purchase agreement,  
255.20 installment purchase agreement, or other deferred payments agreement authorized by law,  
255.21 and the levy meets the requirements of paragraph (c). A levy authorized for a district by  
255.22 the commissioner under this paragraph may be in the amount needed by the district to  
255.23 make payments required by a lease purchase agreement, installment purchase agreement,  
255.24 or other deferred payments agreement authorized by law, provided that any agreement  
255.25 include a provision giving the school districts the right to terminate the agreement  
255.26 annually without penalty.

255.27 (e) The total levy under this subdivision for a district for any year must not exceed  
255.28 ~~\$162~~ \$212 times the adjusted pupil units for the fiscal year to which the levy is attributable.

255.29 (f) For agreements for which a review and comment have been submitted to the  
255.30 Department of Education after April 1, 1998, the term "instructional purpose" as used in  
255.31 this subdivision excludes expenditures on stadiums.

255.32 (g) The commissioner of education may authorize a school district to exceed the  
255.33 limit in paragraph (e) if the school district petitions the commissioner for approval. The  
255.34 commissioner shall grant approval to a school district to exceed the limit in paragraph (e)  
255.35 for not more than five years if the district meets the following criteria:

256.1 (1) the school district has been experiencing pupil enrollment growth in the  
256.2 preceding five years;

256.3 (2) the purpose of the increased levy is in the long-term public interest;

256.4 (3) the purpose of the increased levy promotes colocation of government services; and

256.5 (4) the purpose of the increased levy is in the long-term interest of the district by  
256.6 avoiding over construction of school facilities.

256.7 (h) A school district that is a member of an intermediate school district may include  
256.8 in its authority under this section the costs associated with leases of administrative and  
256.9 classroom space for intermediate school district programs. This authority must not exceed  
256.10 ~~\$46~~ \$65 times the adjusted pupil units of the member districts. This authority is in addition  
256.11 to any other authority authorized under this section.

256.12 (i) In addition to the allowable capital levies in paragraph (a), for taxes payable in  
256.13 2012 to 2023, a district that is a member of the "Technology and Information Education  
256.14 Systems" data processing joint board, that finds it economically advantageous to enter into  
256.15 a lease agreement to finance improvements to a building and land for a group of school  
256.16 districts or special school districts for staff development purposes, may levy for its portion  
256.17 of lease costs attributed to the district within the total levy limit in paragraph (e). The total  
256.18 levy authority under this paragraph shall not exceed \$632,000.

256.19 (j) Notwithstanding paragraph (a), a district may levy under this subdivision for the  
256.20 purpose of leasing administrative space if the district can demonstrate to the satisfaction of  
256.21 the commissioner that the lease cost for the administrative space is no greater than the  
256.22 lease cost for instructional space that the district would otherwise lease. The commissioner  
256.23 must deny this levy authority unless the district passes a resolution stating its intent to  
256.24 lease instructional space under this section if the commissioner does not grant authority  
256.25 under this paragraph. The resolution must also certify that the lease cost for administrative  
256.26 space under this paragraph is no greater than the lease cost for the district's proposed  
256.27 instructional lease.

256.28 **EFFECTIVE DATE.** This section is effective for taxes payable in 2015 and later.

256.29 Sec. 14. Minnesota Statutes 2013 Supplement, section 126C.48, subdivision 8, is  
256.30 amended to read:

256.31 Subd. 8. **Taconite payment and other reductions.** (1) Reductions in levies  
256.32 pursuant to subdivision 1 must be made prior to the reductions in clause (2).

256.33 (2) Notwithstanding any other law to the contrary, districts that have revenue  
256.34 pursuant to sections 298.018; 298.225; 298.24 to 298.28, except an amount distributed  
256.35 under sections 298.26; 298.28, subdivision 4, paragraphs (c), clause (ii), and (d); 298.34



257.1 to 298.39; 298.391 to 298.396; 298.405; 477A.15; and any law imposing a tax upon  
257.2 severed mineral values must reduce the levies authorized by this chapter and chapters  
257.3 120B, 122A, 123A, 123B, 124A, 124D, 125A, and 127A by 95 percent of the sum of the  
257.4 previous year's revenue specified under this clause and the amount attributable to the same  
257.5 production year distributed to the cities and townships within the school district under  
257.6 section 298.28, subdivision 2, paragraph (c).

257.7 (3) The amount of any voter approved referendum, facilities down payment, and  
257.8 debt levies shall not be reduced by more than 50 percent under this subdivision, except  
257.9 that payments under section 298.28, subdivision 7a, may reduce the debt service levy by  
257.10 more than 50 percent. In administering this paragraph, the commissioner shall first reduce  
257.11 the nonvoter approved levies of a district; then, if any payments, severed mineral value  
257.12 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
257.13 reduce any voter approved referendum levies authorized under section 126C.17; then, if  
257.14 any payments, severed mineral value tax revenue or recognized revenue under paragraph  
257.15 (2) remains, the commissioner shall reduce any voter approved facilities down payment  
257.16 levies authorized under section 123B.63 and then, if any payments, severed mineral value  
257.17 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
257.18 reduce any voter approved debt levies.

257.19 (4) Before computing the reduction pursuant to this subdivision of the health and  
257.20 safety levy authorized by sections 123B.57 and 126C.40, subdivision 5, the commissioner  
257.21 shall ascertain from each affected school district the amount it proposes to levy under  
257.22 each section or subdivision. The reduction shall be computed on the basis of the amount  
257.23 so ascertained.

257.24 (5) To the extent the levy reduction calculated under paragraph (2) exceeds the  
257.25 limitation in paragraph (3), an amount equal to the excess must be distributed from the  
257.26 school district's distribution under sections 298.225, 298.28, and 477A.15 in the following  
257.27 year to the cities and townships within the school district in the proportion that their  
257.28 taxable net tax capacity within the school district bears to the taxable net tax capacity of  
257.29 the school district for property taxes payable in the year prior to distribution. No city or  
257.30 township shall receive a distribution greater than its levy for taxes payable in the year prior  
257.31 to distribution. The commissioner of revenue shall certify the distributions of cities and  
257.32 towns under this paragraph to the county auditor by September 30 of the year preceding  
257.33 distribution. The county auditor shall reduce the proposed and final levies of cities and  
257.34 towns receiving distributions by the amount of their distribution. Distributions to the cities  
257.35 and towns shall be made at the times provided under section 298.27.

258.1 Sec. 15. Minnesota Statutes 2012, section 127A.49, subdivision 2, is amended to read:

258.2 Subd. 2. **Abatements.** Whenever by virtue of chapter 278, sections 270C.86,  
258.3 375.192, or otherwise, the net tax capacity or referendum market value of any district for  
258.4 any taxable year is changed after the taxes for that year have been spread by the county  
258.5 auditor and the local tax rate as determined by the county auditor based upon the original  
258.6 net tax capacity is applied upon the changed net tax capacities, the county auditor shall,  
258.7 prior to February 1 of each year, certify to the commissioner of education the amount of  
258.8 any resulting net revenue loss that accrued to the district during the preceding year. Each  
258.9 year, the commissioner shall pay an abatement adjustment to the district in an amount  
258.10 calculated according to the provisions of this subdivision. This amount shall be deducted  
258.11 from the amount of the levy authorized by section 126C.46. The amount of the abatement  
258.12 adjustment must be the product of:

258.13 (1) the net revenue loss as certified by the county auditor, times

258.14 (2) the ratio of:

258.15 (i) the sum of the amounts of the district's certified levy in the third preceding year  
258.16 according to the following:

258.17 (A) section 123B.57, if the district received health and safety aid according to that  
258.18 section for the second preceding year;

258.19 (B) section 124D.20, if the district received aid for community education programs  
258.20 according to that section for the second preceding year;

258.21 (C) section 124D.135, subdivision 3, if the district received early childhood family  
258.22 education aid according to section 124D.135 for the second preceding year;

258.23 (D) section 126C.17, subdivision 6, if the district received referendum equalization  
258.24 aid according to that section for the second preceding year;

258.25 (E) section 126C.10, subdivision 13a, if the district received operating capital aid  
258.26 according to section 126C.10, subdivision 13b, in the second preceding year;

258.27 (F) section 126C.10, subdivision 29, if the district received equity aid according to  
258.28 section 126C.10, subdivision 30, in the second preceding year;

258.29 (G) section 126C.10, subdivision 32, if the district received transition aid according  
258.30 to section 126C.10, subdivision 33, in the second preceding year;

258.31 (H) section 123B.53, subdivision 5, if the district received debt service equalization  
258.32 aid according to section 123B.53, subdivision 6, in the second preceding year;

258.33 (I) section 123B.535, subdivision 4, if the district received natural disaster debt  
258.34 service equalization aid according to section 123B.535, subdivision 5, in the second  
258.35 preceding year;

259.1           ~~(H)~~ (J) section 124D.22, subdivision 3, if the district received school-age care aid  
259.2 according to section 124D.22, subdivision 4, in the second preceding year;  
259.3           ~~(I)~~ (K) section 123B.591, subdivision 3, if the district received deferred maintenance  
259.4 aid according to section 123B.591, subdivision 4, in the second preceding year; and  
259.5           ~~(K)~~ (L) section 126C.10, subdivision 35, if the district received alternative teacher  
259.6 compensation equalization aid according to section 126C.10, subdivision 36, paragraph  
259.7 (a), in the second preceding year; to  
259.8           (ii) the total amount of the district's certified levy in the third preceding December,  
259.9 plus or minus auditor's adjustments.

259.10           **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017  
259.11 and later.

259.12           Sec. 16. Minnesota Statutes 2012, section 127A.49, subdivision 3, is amended to read:

259.13           Subd. 3. **Excess tax increment.** (a) If a return of excess tax increment is made to a  
259.14 district pursuant to sections 469.176, subdivision 2, and 469.177, subdivision 9, or upon  
259.15 decertification of a tax increment district, the school district's aid and levy limitations  
259.16 must be adjusted for the fiscal year in which the excess tax increment is paid under the  
259.17 provisions of this subdivision.

259.18           (b) An amount must be subtracted from the district's aid for the current fiscal year  
259.19 equal to the product of:

259.20           (1) the amount of the payment of excess tax increment to the district, times

259.21           (2) the ratio of:

259.22           (i) the sum of the amounts of the district's certified levy for the fiscal year in which  
259.23 the excess tax increment is paid according to the following:

259.24           (A) section 123B.57, if the district received health and safety aid according to that  
259.25 section for the second preceding year;

259.26           (B) section 124D.20, if the district received aid for community education programs  
259.27 according to that section for the second preceding year;

259.28           (C) section 124D.135, subdivision 3, if the district received early childhood family  
259.29 education aid according to section 124D.135 for the second preceding year;

259.30           (D) section 126C.17, subdivision 6, if the district received referendum equalization  
259.31 aid according to that section for the second preceding year;

259.32           (E) section 126C.10, subdivision 13a, if the district received operating capital aid  
259.33 according to section 126C.10, subdivision 13b, in the second preceding year;

259.34           (F) section 126C.10, subdivision 29, if the district received equity aid according to  
259.35 section 126C.10, subdivision 30, in the second preceding year;

260.1 (G) section 126C.10, subdivision 32, if the district received transition aid according  
 260.2 to section 126C.10, subdivision 33, in the second preceding year;

260.3 (H) section 123B.53, subdivision 5, if the district received debt service equalization  
 260.4 aid according to section 123B.53, subdivision 6, in the second preceding year;

260.5 (I) section 123B.535, subdivision 4, if the district received natural disaster debt  
 260.6 service equalization aid according to section 123B.535, subdivision 5, in the second  
 260.7 preceding year;

260.8 ~~(J)~~ (J) section 124D.22, subdivision 3, if the district received school-age care aid  
 260.9 according to section 124D.22, subdivision 4, in the second preceding year;

260.10 ~~(K)~~ (K) section 123B.591, subdivision 3, if the district received deferred maintenance  
 260.11 aid according to section 123B.591, subdivision 4, in the second preceding year; and

260.12 ~~(L)~~ (L) section 126C.10, subdivision 35, if the district received alternative teacher  
 260.13 compensation equalization aid according to section 126C.10, subdivision 36, paragraph  
 260.14 (a), in the second preceding year; to

260.15 (ii) the total amount of the district's certified levy for the fiscal year, plus or minus  
 260.16 auditor's adjustments.

260.17 (c) An amount must be subtracted from the school district's levy limitation for the  
 260.18 next levy certified equal to the difference between:

260.19 (1) the amount of the distribution of excess increment; and

260.20 (2) the amount subtracted from aid pursuant to clause (a).

260.21 If the aid and levy reductions required by this subdivision cannot be made to the aid  
 260.22 for the fiscal year specified or to the levy specified, the reductions must be made from  
 260.23 aid for subsequent fiscal years, and from subsequent levies. The school district must use  
 260.24 the payment of excess tax increment to replace the aid and levy revenue reduced under  
 260.25 this subdivision.

260.26 (d) This subdivision applies only to the total amount of excess increments received  
 260.27 by a district for a calendar year that exceeds \$25,000.

260.28 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2017  
 260.29 and later.

260.30 Sec. 17. Minnesota Statutes 2012, section 129C.10, subdivision 3, is amended to read:

260.31 Subd. 3. **Powers and duties of board.** (a) The board has the powers necessary for  
 260.32 the care, management, and control of the Perpich Center for Arts Education and any other  
 260.33 school authorized in this chapter, and all its their real and personal property. The powers  
 260.34 shall include, but are not limited to, those listed in this subdivision.

261.1 (b) The board may employ and discharge necessary employees, and contract for  
261.2 other services to ensure the efficient operation of the Center for Arts Education and any  
261.3 other school authorized in this chapter.

261.4 (c) The board may receive and award grants. The board may establish a charitable  
261.5 foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for  
261.6 educational purposes and hold, manage, invest, and dispose of them and the proceeds  
261.7 and income of them according to the terms and conditions of the gift, grant, bequest, or  
261.8 devise and its acceptance. The board must adopt internal procedures to administer and  
261.9 monitor aids and grants.

261.10 (d) The board may establish or coordinate evening, continuing education, extension,  
261.11 and summer programs for teachers and pupils.

261.12 (e) The board may identify pupils who have artistic talent, either demonstrated or  
261.13 potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more  
261.14 than one art form.

261.15 (f) The board must educate pupils with artistic talent by providing:

261.16 (1) an interdisciplinary academic and arts program for pupils in the 11th and 12th  
261.17 grades. The total number of pupils accepted under this clause and clause (2) shall not  
261.18 exceed 310;

261.19 (2) additional instruction to pupils for a 13th grade. Pupils eligible for this  
261.20 instruction are those enrolled in 12th grade who need extra instruction and who apply  
261.21 to the board, or pupils enrolled in the 12th grade who do not meet learner outcomes  
261.22 established by the board;

261.23 (3) intensive arts seminars for one or two weeks for pupils in grades 9 to 12;

261.24 (4) summer arts institutes for pupils in grades 9 to 12;

261.25 (5) artist mentor and extension programs in regional sites; and

261.26 (6) teacher education programs for indirect curriculum delivery.

261.27 (g) The board may determine the location for the Perpich Center for Arts Education  
261.28 and any additional facilities related to the center, including the authority to lease a  
261.29 temporary facility.

261.30 (h) The board must plan for the enrollment of pupils on an equal basis from each  
261.31 congressional district.

261.32 (i) The board may establish task forces as needed to advise the board on policies and  
261.33 issues. The task forces expire as provided in section 15.059, subdivision 6.

261.34 (j) The board may request the commissioner of education for assistance and services.

261.35 (k) The board may enter into contracts with other public and private agencies  
261.36 and institutions for residential and building maintenance services if it determines that

262.1 these services could be provided more efficiently and less expensively by a contractor  
262.2 than by the board itself. The board may also enter into contracts with public or private  
262.3 agencies and institutions, school districts or combinations of school districts, or service  
262.4 cooperatives to provide supplemental educational instruction and services.

262.5 (l) The board may provide or contract for services and programs by and for the  
262.6 Center for Arts Education, including a store, operating in connection with the center;  
262.7 theatrical events; and other programs and services that, in the determination of the board,  
262.8 serve the purposes of the center.

262.9 (m) The board may provide for transportation of pupils to and from the Center for  
262.10 Arts Education for all or part of the school year, as the board considers advisable and  
262.11 subject to its rules. Notwithstanding any other law to the contrary, the board may charge a  
262.12 reasonable fee for transportation of pupils. Every driver providing transportation of pupils  
262.13 under this paragraph must possess all qualifications required by the commissioner of  
262.14 education. The board may contract for furnishing authorized transportation under rules  
262.15 established by the commissioner of education and may purchase and furnish gasoline to a  
262.16 contract carrier for use in the performance of a contract with the board for transportation  
262.17 of pupils to and from the Center for Arts Education. When transportation is provided,  
262.18 scheduling of routes, establishment of the location of bus stops, the manner and method of  
262.19 transportation, the control and discipline of pupils, and any other related matter is within  
262.20 the sole discretion, control, and management of the board.

262.21 (n) The board may provide room and board for its pupils. If the board provides room  
262.22 and board, it shall charge a reasonable fee for the room and board. The fee is not subject  
262.23 to chapter 14 and is not a prohibited fee according to sections 123B.34 to 123B.39.

262.24 (o) The board may establish and set fees for services and programs. If the board sets  
262.25 fees not authorized or prohibited by the Minnesota public school fee law, it may do so  
262.26 without complying with the requirements of section 123B.38.

262.27 (p) The board may apply for all competitive grants administered by agencies of the  
262.28 state and other government or nongovernment sources.

262.29 **EFFECTIVE DATE.** This section is effective the day following the date on  
262.30 which the Crosswinds school is conveyed to the Perpich Center for Arts Education by  
262.31 an enactment during the 2014 regular legislative session.

262.32 Sec. 18. Minnesota Statutes 2012, section 129C.10, is amended by adding a  
262.33 subdivision to read:

262.34 **Subd. 5a. Interdistrict voluntary integration magnet program.** Notwithstanding  
262.35 Minnesota Rules, parts 3535.0110 and 3535.0150, the board may establish and operate

263.1 an interdistrict integration magnet program according to section 129C.30. For fiscal year  
263.2 2016 and later, the board must have an approved achievement and integration plan and  
263.3 budget under section 124D.861.

263.4 **EFFECTIVE DATE.** This section is effective the day following the date on  
263.5 which the Crosswinds school is conveyed to the Perpich Center for Arts Education by  
263.6 an enactment during the 2014 regular legislative session.

263.7 Sec. 19. **[129C.30] CROSSWINDS INTEGRATION MAGNET SCHOOL.**

263.8 Subdivision 1. **Definitions.** (a) The following terms having the meanings given  
263.9 them for this chapter.

263.10 (b) "Board" means the board of directors of the Perpich Center for Arts Education.

263.11 (c) "Crosswinds school" means the Crosswinds school in Woodbury operated during  
263.12 the 2012-2013 school year by Joint Powers District No. 6067, East Metro Integration  
263.13 District.

263.14 Subd. 2. **Board to operate the Crosswinds school.** The board may operate the  
263.15 Crosswinds school with the powers and duties granted to it under this chapter. A student  
263.16 may apply to the Crosswinds school under section 124D.03 and the Crosswinds school  
263.17 may accept students under that section.

263.18 Subd. 3. **General education funding.** General education revenue must be paid to  
263.19 the Crosswinds school as though it were a district. The general education revenue for each  
263.20 adjusted pupil unit is the state average general education revenue per pupil unit, plus  
263.21 the referendum equalization aid allowance in the pupil's district of residence, minus an  
263.22 amount equal to the product of the formula allowance according to section 126C.10,  
263.23 subdivision 2, times .0466, calculated without declining enrollment, basic skills revenue,  
263.24 extended time revenue, pension adjustment revenue, transition revenue, and transportation  
263.25 sparsity revenue, plus declining enrollment, basic skills revenue, extended time revenue,  
263.26 pension adjustment revenue, and transition revenue as though the school were a school  
263.27 district. The general education revenue for each extended time pupil unit equals \$4,794.

263.28 Subd. 4. **Special education funding.** Special education aid must be paid to the  
263.29 Crosswinds school according to sections 125A.76 and 125A.79, as though it were a  
263.30 school district. The special education aid paid to the Crosswinds school shall be adjusted  
263.31 as follows:

263.32 (1) if the Crosswinds school does not receive general education revenue on behalf of  
263.33 the student according to subdivision 3, the aid shall be adjusted as provided in section  
263.34 125A.11; or

264.1 (2) if the Crosswinds school receives general education revenue on behalf of the  
264.2 student according to subdivision 3, the aid shall be adjusted as provided in section  
264.3 127A.47, subdivision 7, paragraphs (b) to (d).

264.4 Subd. 5. **Pupil transportation.** (a) For fiscal year 2015 only, a member district of  
264.5 Joint Powers District No. 6067, East Metro Integration District, must transport pupils  
264.6 enrolled at the Crosswinds school in the same manner as they were transported in fiscal  
264.7 year 2014.

264.8 (b) Pupil transportation expenses under this section are reimbursable under section  
264.9 124D.87.

264.10 Subd. 6. **Achievement and integration aid.** For fiscal year 2016 and later, the  
264.11 Crosswinds school is eligible for achievement and integration aid under section 124D.862  
264.12 as if it were a school district.

264.13 Subd. 7. **Other aids, grants, revenue.** (a) The Crosswinds school is eligible to  
264.14 receive other aids, grants, and revenue according to chapters 120A to 129C as though it  
264.15 were a district.

264.16 (b) Notwithstanding paragraph (a), the Crosswinds school may not receive aid, a  
264.17 grant, or revenue if a levy is required to obtain the money, or if the aid, grant, or revenue  
264.18 replaces levy revenue that is not general education revenue, except as otherwise provided  
264.19 in this section.

264.20 (c) Federal aid received by the state must be paid to the school if it qualifies for  
264.21 the aid as though it were a school district.

264.22 (d) In the year-end report to the commissioner of education, the Crosswinds school  
264.23 shall report the total amount of funds received from grants and other outside sources.

264.24 Subd. 8. **Year-round programming.** The Crosswinds school may operate as a  
264.25 flexible learning year program under sections 124D.12 to 124D.127.

264.26 Subd. 9. **Data requirements.** The commissioner of education shall require the  
264.27 Crosswinds school to follow the budget and accounting procedures required for school  
264.28 districts and the Crosswinds school shall report all data to the Department of Education in  
264.29 the form and manner required by the commissioner.

264.30 **EFFECTIVE DATE.** This section is effective July 1, 2014, if, but only if, the  
264.31 Crosswinds school is conveyed to the Perpich Center for Arts Education by an enactment  
264.32 during the 2014 regular legislative session.

264.33 Sec. 20. Minnesota Statutes 2012, section 298.28, subdivision 7a, as added by Laws  
264.34 2014, chapter 150, article 6, section 13, is amended to read:



265.1 Subd. 7a. **Iron Range school consolidation and cooperatively operated school**  
265.2 **account.** The following amounts must be allocated to the Iron Range Resources and  
265.3 Rehabilitation Board to be deposited in the Iron Range school consolidation and  
265.4 cooperatively operated school account that is hereby created:

265.5 (1) ten cents per taxable ton of the tax imposed under section 298.24;

265.6 (2) the amount as determined under section 298.17, paragraph (b), clause (3); and

265.7 (3) for distributions in 2015 through 2017, an amount equal to two-thirds of the  
265.8 increased tax proceeds attributable to the increase in the implicit price deflator as provided  
265.9 in section 298.24, subdivision 1.

265.10 Expenditures from this account shall be made only to provide disbursements to  
265.11 assist school districts with the payment of bonds that were issued for qualified school  
265.12 projects, or for any other disbursement as approved by the Iron Range Resources and  
265.13 Rehabilitation Board. For purposes of this section, "qualified school projects" means  
265.14 school projects within the taconite assistance area as defined in section 273.1341, that  
265.15 were (1) approved, by referendum, after December 7, 2009; and (2) approved by the  
265.16 commissioner of education pursuant to section 123B.71.

265.17 Beginning in fiscal year 2019, the disbursement to school districts for payments for  
265.18 bonds issued under section 123A.482, subdivision 9, must be increased each year to  
265.19 offset any reduction in debt service equalization aid that the school district qualifies for in  
265.20 that year, under section 123B.53, subdivision 6, compared with the amount the school  
265.21 district qualified for in fiscal year 2018.

265.22 No expenditure under this section shall be made unless approved by seven members  
265.23 of the Iron Range Resources and Rehabilitation Board.

265.24 **EFFECTIVE DATE.** This section is effective for production year 2014 and  
265.25 thereafter.

265.26 Sec. 21. **HARAMBEE COMMUNITY SCHOOL TRANSITION.**

265.27 Subdivision 1. **Student enrollment.** A student enrolled in the Harambee community  
265.28 school during the 2013-2014 school year may continue to enroll in the Harambee  
265.29 community school in any subsequent year. For the 2014-2015 school year and later, other  
265.30 students may apply for enrollment under Minnesota Statutes, section 124D.03.

265.31 Subd. 2. **Compensatory revenue; literacy aid; alternative compensation**  
265.32 **revenue.** For the 2014-2015 school year only, the Department of Education must calculate  
265.33 compensatory revenue, literacy aid, and alternative compensation revenue for the  
265.34 Harambee community school based on the October 1, 2013, enrollment counts.

266.1 Subd. 3. **Year-round programming.** Harambee community school may operate as  
266.2 a flexible learning year program under Minnesota Statutes, sections 124D.12 to 124D.127.

266.3 Subd. 4. **Pupil transportation.** The board may transport pupils enrolled in the  
266.4 2013-2014 school year to and from the Harambee community school in succeeding school  
266.5 years regardless of the students' districts of residence. Pupil transportation expenses under  
266.6 this section are reimbursable under Minnesota Statutes, section 124D.87.

266.7 **EFFECTIVE DATE.** This section is effective the day following the date on which  
266.8 the real and personal property of the Harambee community school in Maplewood is  
266.9 conveyed to Independent School District No. 623, Roseville, by an enactment during the  
266.10 2014 regular legislative session.

266.11 Sec. 22. **TRANSITION REQUIREMENTS; CROSSWINDS SCHOOL.**

266.12 Subdivision 1. **Student enrollment.** Any student enrolled in the Crosswinds school  
266.13 during the 2013-2014 school year may continue to enroll in the Crosswinds school in  
266.14 any subsequent year. For the 2014-2015 school year and later, a student may apply for  
266.15 enrollment to the school under Minnesota Statutes, section 124D.03.

266.16 Subd. 2. **Compensatory revenue, literacy aid, and alternative compensation**  
266.17 **revenue.** For the 2014-2015 school year only, the Department of Education must calculate  
266.18 compensatory revenue, literacy aid, and alternative compensation revenue for the  
266.19 Crosswinds school based on the October 1, 2013, enrollment counts at that site.

266.20 Subd. 3. **Title 1 funding.** To the extent possible, the Department of Education  
266.21 must qualify the Crosswinds school for Title 1, and, if applicable, other federal funding  
266.22 as if the program were still operated by Joint Powers District No. 6067, East Metro  
266.23 Integration District.

266.24 **EFFECTIVE DATE.** This section is effective the day following the date on  
266.25 which the Crosswinds school is conveyed to the Perpich Center for Arts Education by  
266.26 an enactment during the 2014 regular legislative session.

266.27 Sec. 23. **LEASE LEVY; SATELLITE TRANSPORTATION HUB FOR**  
266.28 **ROSEMOUNT-APPLE VALLEY-EAGAN SCHOOL DISTRICT.**

266.29 Notwithstanding Minnesota Statutes, section 126C.40, subdivision 1, Independent  
266.30 School District No. 196, Rosemount-Apple Valley-Eagan, may lease a satellite  
266.31 transportation hub under Minnesota Statutes, section 126C.40, subdivision 1, if the district  
266.32 can demonstrate to the satisfaction of the commissioner of education that the satellite  
266.33 transportation hub will result in a significant financial savings. Levy authority under

267.1 this section shall not exceed the total levy authority under Minnesota Statutes, section  
267.2 126C.40, subdivision 1, paragraph (e).

267.3 **EFFECTIVE DATE.** This section is effective for taxes payable in 2016 and later.

267.4 Sec. 24. **REPEALER.**

267.5 Minnesota Statutes 2012, section 123B.71, subdivisions 1 and 4, are repealed.

267.6 **ARTICLE 19**

267.7 **NUTRITION**

267.8 Section 1. Minnesota Statutes 2013 Supplement, section 124D.111, subdivision 1,  
267.9 is amended to read:

267.10 Subdivision 1. **School lunch aid computation.** Each school year, the state must  
267.11 pay participants in the national school lunch program the amount of 12.5 cents for each  
267.12 full paid, ~~reduced-price,~~ and free student lunch and 52.5 cents for each reduced-price  
267.13 lunch served to students.

267.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
267.15 and later.

267.16 Sec. 2. Minnesota Statutes 2012, section 124D.111, is amended by adding a  
267.17 subdivision to read:

267.18 Subd. 4. **No fees.** A participant that receives school lunch aid under this section  
267.19 must make lunch available without charge to all participating students who qualify for  
267.20 free or reduced-price meals. The participant must also ensure that any reminders for  
267.21 payment of outstanding student meal balances do not demean or stigmatize any child  
267.22 participating in the school lunch program.

267.23 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
267.24 and later.

267.25 Sec. 3. Minnesota Statutes 2012, section 124D.1158, subdivision 3, is amended to read:

267.26 Subd. 3. **Program reimbursement.** Each school year, the state must reimburse  
267.27 each participating school 30 cents for each reduced-price breakfast ~~and,~~ 55 cents for each  
267.28 fully paid breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid  
267.29 breakfast served to a kindergarten student.

268.1 Sec. 4. Minnesota Statutes 2012, section 124D.1158, subdivision 4, is amended to read:

268.2 Subd. 4. **No fees.** A school that receives school breakfast aid under this section must  
 268.3 make breakfast available without charge to all participating students in grades 1 to 12 who  
 268.4 qualify for free or reduced price meals and to all kindergarten students.

268.5 Sec. 5. Laws 2013, chapter 116, article 7, section 21, subdivision 2, is amended to read:

268.6 Subd. 2. **School lunch.** For school lunch aid according to Minnesota Statutes,  
 268.7 section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

268.8		<del>13,032,000</del>		
268.9	\$	<u>12,417,000</u>	.....	2014
268.10		<del>13,293,000</del>		
268.11	\$	<u>16,185,000</u>	.....	2015

268.12 Sec. 6. Laws 2013, chapter 116, article 7, section 21, subdivision 3, is amended to read:

268.13 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota  
 268.14 Statutes, section 124D.1158:

268.15		<del>5,711,000</del>		
268.16	\$	<u>5,308,000</u>	.....	2014
268.17		<del>6,022,000</del>		
268.18	\$	<u>6,176,000</u>	.....	2015

268.19 **ARTICLE 20**

268.20 **EARLY EDUCATION, COMMUNITY EDUCATION, SELF-SUFFICIENCY**  
 268.21 **AND LIFELONG LEARNING**

268.22 Section 1. Minnesota Statutes 2012, section 124D.13, subdivision 2, as amended by  
 268.23 Laws 2014, chapter 272, article 1, section 31, is amended to read:

268.24 Subd. 2. **Program requirements.** (a) Early childhood family education programs  
 268.25 are programs for children in the period of life from birth to kindergarten, for the parents  
 268.26 and other relatives of these children, and for expectant parents. To the extent that funds  
 268.27 are insufficient to provide programs for all children, early childhood family education  
 268.28 programs should emphasize programming for a child from birth to age three and  
 268.29 encourage parents and other relatives to involve four- and five-year-old children in school  
 268.30 readiness programs, and other public and nonpublic early learning programs. A district  
 268.31 may not limit participation to school district residents. Early childhood family education  
 268.32 programs must provide:

269.1 (1) programs to educate parents and other relatives about the physical, ~~mental,~~  
269.2 cognitive, social, and emotional development of children and to enhance the skills of  
269.3 parents and other relatives in providing for their children's learning and development;

269.4 (2) structured learning activities requiring interaction between children and their  
269.5 parents or relatives;

269.6 (3) structured learning activities for children that promote children's development  
269.7 and positive interaction with peers, which are held while parents or relatives attend parent  
269.8 education classes;

269.9 (4) information on related community resources;

269.10 (5) information, materials, and activities that support the safety of children, including  
269.11 prevention of child abuse and neglect; ~~and~~

269.12 (6) ~~a community outreach plan to ensure participation by families who reflect the~~  
269.13 ~~racial, cultural, linguistic, and economic diversity of the school district.~~ needs assessment  
269.14 that identifies new and underserved populations, identifies child and family risk factors,  
269.15 particularly those that impact children's learning and development, and assesses family  
269.16 and parenting education needs in the community;

269.17 (7) programming and services that are tailored to the needs of families and parents  
269.18 prioritized in the community needs assessment; and

269.19 (8) provide information about and, if needed, assist in making arrangements for an  
269.20 early childhood health and developmental screening under sections 121A.16 and 121A.17,  
269.21 when the child nears the third birthday.

269.22 Early childhood family education programs should prioritize programming and  
269.23 services for families and parents identified in the community needs assessment, particularly  
269.24 those families and parents with children with the most risk factors birth to age three.

269.25 Early childhood family education programs are encouraged to provide parents of  
269.26 English learners with translated oral and written information to monitor the program's  
269.27 impact on their children's English language development, to know whether their children  
269.28 are progressing in developing their English and native language proficiency, and to  
269.29 actively engage with and support their children in developing their English and native  
269.30 language proficiency.

269.31 The programs must include learning experiences for children, parents, and other  
269.32 relatives that promote children's early literacy and, where practicable, their native language  
269.33 skills and activities for children that require substantial involvement of the children's  
269.34 parents or other relatives. The program may provide parenting education programming or  
269.35 services to anyone identified in the community needs assessment. Providers must review  
269.36 the program periodically to assure the instruction and materials are not racially, culturally,

270.1 or sexually biased. The programs must encourage parents to be aware of practices that  
270.2 may affect equitable development of children.

270.3 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
270.4 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
270.5 placement, excluding parents.

270.6 Sec. 2. Minnesota Statutes 2012, section 124D.13, subdivision 4, is amended to read:

270.7 Subd. 4. **Home visiting program.** A district that levies for home visiting under  
270.8 section 124D.135, subdivision 6, shall use this revenue to include as part of the early  
270.9 childhood family education programs a parent education component that is designed to  
270.10 reach isolated or at-risk families.

270.11 The home visiting program must use:

270.12 (1) ~~an established risk assessment tool to determine the family's level of risk~~  
270.13 incorporate evidence-informed parenting education practices designed to support the  
270.14 healthy growth and development of children, with a priority focus on those children  
270.15 who have high needs;

270.16 (2) establish clear objectives and protocols for home visits;

270.17 (3) encourage families to make a transition from home visits to site-based parenting  
270.18 programs;

270.19 (4) provide program services that are community-based, accessible, and culturally  
270.20 relevant; ~~and~~

270.21 (5) foster collaboration among existing agencies and community-based organizations  
270.22 that serve young children and their families, such as public health evidence-based models  
270.23 of home visiting and Head Start home visiting; and

270.24 (6) provide information about and assist in making arrangements for an early  
270.25 childhood health and developmental screening when the child nears his or her third  
270.26 birthday.

270.27 ~~Home visitors~~ The home visiting program should be provided by licensed parenting  
270.28 educators, certified family life educators, or professionals with an equivalent license that  
270.29 reflect the demographic composition of the community to the extent possible.

270.30 Sec. 3. Minnesota Statutes 2012, section 124D.13, subdivision 9, is amended to read:

270.31 Subd. 9. **District advisory councils.** The board must appoint an advisory council  
270.32 from the area in which the program is provided. A majority of the council must be  
270.33 parents participating in the program, who represent the demographics of the community.  
270.34 The district must ensure, to the extent possible, that the council includes representation

271.1 of families who are racially, culturally, linguistically, and economically diverse. The  
271.2 council must assist the board in developing, planning, and monitoring the early childhood  
271.3 family education program. The council must report to the board and the community  
271.4 education advisory council.

271.5 Sec. 4. Minnesota Statutes 2012, section 124D.13, subdivision 13, is amended to read:

271.6 Subd. 13. **Program data submission requirements.** Districts receiving early  
271.7 childhood family education revenue under section 124D.135 must submit annual program  
271.8 data, including data that demonstrates the program response to the community needs  
271.9 assessment, to the department by July 15 in the form and manner prescribed by the  
271.10 commissioner.

271.11 Sec. 5. Minnesota Statutes 2012, section 124D.13, is amended by adding a subdivision  
271.12 to read:

271.13 Subd. 14. **Supervision.** A program provided by a board must be supervised by a  
271.14 licensed early childhood teacher or a licensed parent educator.

271.15 Sec. 6. Minnesota Statutes 2012, section 124D.13, is amended by adding a subdivision  
271.16 to read:

271.17 Subd. 15. **Parenting education transition program.** To the extent that funds are  
271.18 sufficient, early childhood family education may provide parenting education transition  
271.19 programming for parents of children birth to grade three in districts in which there is a  
271.20 prekindergarten-grade three initiative in order to facilitate continued parent engagement  
271.21 in children's learning and development. Early childhood family education programs are  
271.22 encouraged to develop partnerships to provide a parenting education liaison to providers  
271.23 of other public and nonpublic early learning programs, such as Head Start, school  
271.24 readiness, child care, early childhood special education, local public health programs,  
271.25 and health care providers.

271.26 Sec. 7. Minnesota Statutes 2012, section 124D.135, subdivision 1, is amended to read:

271.27 Subdivision 1. **Revenue.** The revenue for early childhood family education  
271.28 programs for a school district equals ~~\$112 for fiscal year 2007 and \$120 for fiscal year~~  
271.29 ~~2008~~ \$120 for fiscal year 2014 and the formula allowance for the year times 0.023 for  
271.30 fiscal year 2015 and later, times the greater of:

271.31 (1) 150; or

272.1 (2) the number of people under five years of age residing in the district on October 1  
272.2 of the previous school year.

272.3 Sec. 8. Minnesota Statutes 2012, section 124D.135, subdivision 3, is amended to read:

272.4 Subd. 3. **Early childhood family education levy.** ~~(a)~~ By September 30 of each year,  
272.5 the commissioner shall establish a tax rate for early childhood family education revenue  
272.6 that raises \$22,135,000 in each fiscal year. If the amount of the early childhood family  
272.7 education levy would exceed the early childhood family education revenue, the early  
272.8 childhood family education levy must equal the early childhood family education revenue.  
272.9 A district may not certify an early childhood family education levy unless it has met the  
272.10 annual program data reporting requirements under section 124D.13, subdivision 13.

272.11 ~~(b) Notwithstanding paragraph (a), for fiscal year 2009 only, the commissioner shall~~  
272.12 ~~establish a tax rate for early education revenue that raises \$13,565,000.~~

272.13 Sec. 9. Minnesota Statutes 2012, section 124D.16, subdivision 2, is amended to read:

272.14 Subd. 2. **Amount of aid.** (a) A district is eligible to receive school readiness aid  
272.15 for eligible prekindergarten pupils enrolled in a school readiness program under section  
272.16 124D.15 if the biennial plan required by section 124D.15, subdivision 3a, has been  
272.17 approved by the commissioner.

272.18 ~~(b) For fiscal year 2002 and thereafter,~~ A district must receive school readiness aid  
272.19 equal to:

272.20 (1) the number of four-year-old children in the district on October 1 for the previous  
272.21 school year times the ratio of 50 percent of the total school readiness aid for that year to  
272.22 the total number of four-year-old children reported to the commissioner for the previous  
272.23 school year; plus

272.24 (2) the number of pupils enrolled in the school district from families eligible for the  
272.25 free or reduced school lunch program for the previous school year times the ratio of  
272.26 50 percent of the total school readiness aid for that year to the total number of pupils  
272.27 in the state from families eligible for the free or reduced school lunch program for the  
272.28 previous school year.

272.29 (c) For fiscal year 2015 and later, the total school readiness aid entitlement equals  
272.30 \$12,170,000.

272.31 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2015  
272.32 and later.



273.1 Sec. 10. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 3,  
273.2 is amended to read:

273.3 Subd. 3. **Administration.** (a) The commissioner shall establish application  
273.4 timelines and determine the schedule for awarding scholarships that meets operational  
273.5 needs of eligible families and programs. The commissioner may prioritize applications on  
273.6 factors including family income, geographic location, and whether the child's family is on a  
273.7 waiting list for a publicly funded program providing early education or child care services.

273.8 (b) For fiscal years 2014 and 2015 only, scholarships may be awarded up to not  
273.9 exceed \$5,000 per year for each eligible child per year. For fiscal year 2016 and later, the  
273.10 commissioner shall establish a target for the average scholarship amount per child based  
273.11 on the results of the rate survey conducted under section 119B.02.

273.12 (c) A four-star rated program that has children eligible for a scholarship enrolled  
273.13 in or on a waiting list for a program beginning in July, August, or September may notify  
273.14 the commissioner, in the form and manner prescribed by the commissioner, each year  
273.15 of the program's desire to enhance program services or to serve more children than  
273.16 current funding provides. The commissioner may designate a predetermined number of  
273.17 scholarship slots for that program and notify the program of that number. Beginning July  
273.18 1, 2016, a school district or Head Start program qualifying under this paragraph may  
273.19 use its established registration process to enroll scholarship recipients and may verify a  
273.20 scholarship recipient's family income in the same manner as for other program participants.

273.21 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has  
273.22 not been accepted and subsequently enrolled in a rated program within ten months of the  
273.23 awarding of the scholarship, the scholarship cancels and the recipient must reapply in  
273.24 order to be eligible for another scholarship. A child may not be awarded more than one  
273.25 scholarship in a 12-month period.

273.26 (e) A child who receives a scholarship who has not completed development  
273.27 screening under sections 121A.16 to 121A.19 must complete that screening within 90  
273.28 days of first attending an eligible program.

273.29 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling  
273.30 scholarship recipients under paragraph (c) may apply to the commissioner, in the form  
273.31 and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt  
273.32 of the application, the commissioner must pay each program directly for each approved  
273.33 scholarship recipient enrolled under paragraph (c) according to the metered payment  
273.34 system or another schedule established by the commissioner.

274.1 Sec. 11. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 4,  
274.2 is amended to read:

274.3 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept  
274.4 an early childhood education scholarship, a program must:

274.5 (1) participate in the quality rating and improvement system under section  
274.6 124D.142; and

274.7 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating  
274.8 and improvement system.

274.9 (b) Any program accepting scholarships must use the revenue to supplement and not  
274.10 supplant federal funding.

274.11 (c) Notwithstanding paragraph (a), all Minnesota early learning foundation  
274.12 scholarship program pilot sites are eligible to accept an early learning scholarship under  
274.13 this section.

274.14 Sec. 12. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 5,  
274.15 is amended to read:

274.16 Subd. 5. **Report required.** The commissioner shall contract with an independent  
274.17 contractor to evaluate the early learning scholarship program. The evaluation must  
274.18 include recommendations regarding the appropriate scholarship amount, efficiency, and  
274.19 effectiveness of the administration, and impact on kindergarten readiness. By January  
274.20 15, 2016, the commissioner shall submit a written copy of the evaluation to the chairs  
274.21 and ranking minority members of the legislative committees and divisions with primary  
274.22 jurisdiction over kindergarten through grade 12 education.

274.23 Sec. 13. Minnesota Statutes 2012, section 124D.522, is amended to read:

274.24 **124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE**  
274.25 **GRANTS.**

274.26 (a) The commissioner, in consultation with the policy review task force under  
274.27 section 124D.521, may make grants to nonprofit organizations to provide services that  
274.28 are not offered by a district adult basic education program or that are supplemental to  
274.29 either the statewide adult basic education program, or a district's adult basic education  
274.30 program. The commissioner may make grants for: staff development for adult basic  
274.31 education teachers and administrators; training for volunteer tutors; training, services, and  
274.32 materials for serving disabled students through adult basic education programs; statewide  
274.33 promotion of adult basic education services and programs; development and dissemination  
274.34 of instructional and administrative technology for adult basic education programs;

275.1 programs which primarily serve communities of color; adult basic education distance  
275.2 learning projects, including television instruction programs; and other supplemental  
275.3 services to support the mission of adult basic education and innovative delivery of adult  
275.4 basic education services.

275.5 (b) The commissioner must establish eligibility criteria and grant application  
275.6 procedures. Grants under this section must support services throughout the state, focus on  
275.7 educational results for adult learners, and promote outcome-based achievement through  
275.8 adult basic education programs. Beginning in fiscal year 2002, the commissioner may  
275.9 make grants under this section from the state total adult basic education aid set aside for  
275.10 supplemental service grants under section 124D.531. Up to one-fourth of the appropriation  
275.11 for supplemental service grants must be used for grants for adult basic education programs  
275.12 to encourage and support innovations in adult basic education instruction and service  
275.13 delivery. A grant to a single organization cannot exceed ~~20~~ 40 percent of the total  
275.14 supplemental services aid. Nothing in this section prevents an approved adult basic  
275.15 education program from using state or federal aid to purchase supplemental services.

275.16 Sec. 14. Minnesota Statutes 2013 Supplement, section 124D.531, subdivision 1,  
275.17 is amended to read:

275.18 Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic  
275.19 education aid for fiscal year 2011 equals \$44,419,000, plus any amount that is not paid  
275.20 during the previous fiscal year as a result of adjustments under subdivision 4, paragraph  
275.21 (a), or section 124D.52, subdivision 3. The state total adult basic education aid for later  
275.22 fiscal years equals:

275.23 (1) the state total adult basic education aid for the preceding fiscal year plus any  
275.24 amount that is not paid for during the previous fiscal year, as a result of adjustments under  
275.25 subdivision 4, paragraph (a), or section 124D.52, subdivision 3; times

275.26 (2) the lesser of:

275.27 (i) ~~1.025~~ 1.03; or

275.28 (ii) the average growth in state total contact hours over the prior ten program years.

275.29 ~~Beginning in fiscal year 2002, two~~ Three percent of the state total adult basic  
275.30 education aid must be set aside for adult basic education supplemental service grants  
275.31 under section 124D.522.

275.32 (b) The state total adult basic education aid, excluding basic population aid, equals  
275.33 the difference between the amount computed in paragraph (a), and the state total basic  
275.34 population aid under subdivision 2.

276.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2015  
 276.2 and later.

276.3 Sec. 15. Minnesota Statutes 2012, section 124D.531, subdivision 3, is amended to read:

276.4 Subd. 3. **Program revenue.** Adult basic education programs established under  
 276.5 section 124D.52 and approved by the commissioner are eligible for revenue under this  
 276.6 subdivision. For fiscal year 2001 and later, adult basic education revenue for each  
 276.7 approved program equals the sum of:

276.8 (1) the basic population aid under subdivision 2 for districts participating in the  
 276.9 program during the current program year; plus

276.10 (2) 84 percent times the amount computed in subdivision 1, paragraph (b), times the  
 276.11 ratio of the contact hours for students participating in the program during the first prior  
 276.12 program year to the state total contact hours during the first prior program year; plus

276.13 (3) eight percent times the amount computed in subdivision 1, paragraph (b), times  
 276.14 the ratio of the enrollment of English learners during the second prior school year in  
 276.15 districts participating in the program during the current program year to the state total  
 276.16 enrollment of English learners during the second prior school year in districts participating  
 276.17 in adult basic education programs during the current program year; plus

276.18 (4) eight percent times the amount computed in subdivision 1, paragraph (b), times  
 276.19 the ratio of the latest federal census count of the number of adults aged ~~20~~ 25 or older  
 276.20 with no diploma residing in the districts participating in the program during the current  
 276.21 program year to the latest federal census count of the state total number of adults aged ~~20~~  
 276.22 25 or older with no diploma residing in the districts participating in adult basic education  
 276.23 programs during the current program year.

276.24 Sec. 16. Laws 2013, chapter 116, article 8, section 5, subdivision 2, is amended to read:

276.25 Subd. 2. **School readiness.** For revenue for school readiness programs under  
 276.26 Minnesota Statutes, sections 124D.15 and 124D.16:

276.27 ~~10,095,000~~  
 276.28 \$ 10,458,000 ..... 2014

276.29 ~~10,159,000~~  
 276.30 \$ 11,962,000 ..... 2015

276.31 The 2014 appropriation includes \$1,372,000 for 2013 and ~~\$8,723,000~~ \$9,086,000  
 276.32 for 2014.

276.33 The 2015 appropriation includes ~~\$1,372,000~~ \$1,009,000 for 2014 and ~~\$8,787,000~~  
 276.34 \$10,953,000 for 2015.

277.1 Sec. 17. Laws 2013, chapter 116, article 8, section 5, subdivision 3, is amended to read:

277.2 Subd. 3. **Early childhood family education aid.** For early childhood family  
 277.3 education aid under Minnesota Statutes, section 124D.135:

277.4		<del>22,078,000</del>		
277.5	\$	<u>22,797,000</u>	.....	2014
277.6		<del>22,425,000</del>		
277.7	\$	<u>26,651,000</u>	.....	2015

277.8 The 2014 appropriation includes \$3,008,000 for 2013 and ~~\$19,070,000~~ \$19,789,000  
 277.9 for 2014.

277.10 The 2015 appropriation includes ~~\$3,001,000~~ \$2,198,000 for 2014 and ~~\$19,424,000~~  
 277.11 \$24,453,000 for 2015.

277.12 Sec. 18. Laws 2013, chapter 116, article 8, section 5, subdivision 8, is amended to read:

277.13 Subd. 8. **Early ~~childhood education~~ learning scholarships.** For transfer to  
 277.14 the Office of Early Learning for early learning scholarships under Minnesota Statutes,  
 277.15 section 124D.165:

277.16	\$	23,000,000	.....	2014
277.17		<del>23,000,000</del>		
277.18	\$	<u>27,650,000</u>	.....	2015

277.19 Up to \$950,000 each year is for administration of this program.

277.20 Any balance in the first year does not cancel but is available in the second year.

277.21 The base for fiscal year 2016 and later is \$27,884,000.

277.22 **EFFECTIVE DATE.** This section is effective July 1, 2014.

277.23 Sec. 19. Laws 2013, chapter 116, article 8, section 5, subdivision 9, is amended to read:

277.24 Subd. 9. **Parent-child home program.** For a grant to the parent-child home  
 277.25 program:

277.26	\$	250,000	.....	2014
277.27		<del>250,000</del>		
277.28	\$	<u>350,000</u>	.....	2015

277.29 The grant must be used for an evidence-based and research-validated early childhood  
 277.30 literacy and school readiness program for children ages 16 months to four years at its  
 277.31 existing suburban program location. The program must expand to one additional urban  
 277.32 and one additional rural program location for fiscal years 2014 and 2015. The base for  
 277.33 fiscal year 2016 and later is \$250,000.

277.34 Sec. 20. Laws 2013, chapter 116, article 8, section 5, subdivision 14, is amended to read:

278.1 Subd. 14. **Adult basic education aid.** For adult basic education aid under  
 278.2 Minnesota Statutes, section 124D.531:

278.3		<del>47,005,000</del>		
278.4	\$	<u>48,776,000</u>	.....	2014
278.5		<del>48,145,000</del>		
278.6	\$	<u>48,415,000</u>	.....	2015

278.7 The 2014 appropriation includes ~~\$6,284,000~~ \$6,278,000 for 2013 and ~~\$40,721,000~~  
 278.8 \$42,498,000 for 2014.

278.9 The 2015 appropriation includes ~~\$6,409,000~~ \$4,722,000 for 2014 and ~~\$41,736,000~~  
 278.10 \$43,693,000 for 2015.

278.11 Sec. 21. **APPROPRIATIONS.**

278.12 Subdivision 1. Department of Education. The sums indicated in this section  
 278.13 are appropriated from the general fund to the Department of Education for the fiscal  
 278.14 year designated.

278.15 Subd. 2. Northside Achievement Zone. For a grant to the Northside Achievement  
 278.16 Zone.

278.17	\$	<u>350,000</u>	.....	<u>2015</u>
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278.18 (a) Funds appropriated in this section are to reduce multigenerational poverty and  
 278.19 the educational achievement gap through increased enrollment of families within the zone,  
 278.20 and may be used for Northside Achievement Zone programming and services consistent  
 278.21 with federal Promise Neighborhood program agreements and requirements. The base  
 278.22 appropriation for fiscal year 2016 and later is \$200,000.

278.23 (b) The Northside Achievement Zone shall submit a report to the chairs of the  
 278.24 legislative committees with jurisdiction over early childhood through grade 12 education  
 278.25 policy and finance that, at a minimum, summarizes program activities, specifies  
 278.26 performance measures, and analyzes program outcomes. The report must be submitted by  
 278.27 January 15, 2016.

278.28 Subd. 3. Saint Paul Promise Neighborhood. For a grant to the Saint Paul Promise  
 278.29 Neighborhood.

278.30	\$	<u>350,000</u>	.....	<u>2015</u>
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278.31 (a) Funds appropriated in this section are to reduce multigenerational poverty and  
 278.32 the educational achievement gap through increased enrollment of families within the  
 278.33 zone, and may be used for Saint Paul Promise Neighborhood programming and services  
 278.34 consistent with federal Promise Neighborhood program agreements and requirements.

279.1 (b) The Saint Paul Promise Neighborhood shall submit a report on January 15, 2016,  
279.2 to the chairs of the legislative committees with jurisdiction over early childhood through  
279.3 grade 12 education policy and finance. The report, at a minimum, must summarize  
279.4 program activities, specify performance measures, and analyze program outcomes.

279.5 (c) The base appropriation for fiscal year 2016 and later is \$200,000.

## 279.6 **ARTICLE 21**

### 279.7 **STATE AGENCIES**

279.8 Section 1. 2014 H.F. No. 2180, section 11, if enacted, is amended to read:

279.9 Sec. 11. Minnesota Statutes 2012, section 471.6161, is amended by adding a  
279.10 subdivision to read:

279.11 Subd. 8. **School districts; group health insurance coverage.** (a) Any entity  
279.12 providing group health insurance coverage to a school district must provide the school  
279.13 district with school district-specific nonidentifiable aggregate claims records for the most  
279.14 recent 24 months within 30 days of the request.

279.15 (b) School districts shall request proposals for group health insurance coverage as  
279.16 provided in subdivision 2 from a minimum of three potential sources of coverage. One of  
279.17 these requests must go to an administrator governed by chapter 43A. Entities referenced  
279.18 in subdivision 1 must respond to requests for proposals received directly from a school  
279.19 district. School districts that are self-insured must also follow these provisions, except  
279.20 as provided in paragraph (f). School districts must make requests for proposals at least  
279.21 150 days prior to the expiration of the existing contract but not more frequently than once  
279.22 every 24 months. The request for proposals must include the most recently available  
279.23 24 months of nonidentifiable aggregate claims data. The request for proposals must be  
279.24 publicly released at or prior to its release to potential sources of coverage.

279.25 (c) School district contracts for group health insurance must not be longer than  
279.26 two years unless the exclusive representative of the largest employment group and the  
279.27 school district agree otherwise.

279.28 (d) All initial proposals shall be sealed upon receipt until they are all opened no less  
279.29 than 90 days prior to the plan's renewal date in the presence of up to three representatives  
279.30 selected by the exclusive representative of the largest group of employees. Section 13.591,  
279.31 subdivision 3, paragraph (b), applies to data in the proposals. The representatives of  
279.32 the exclusive representative must maintain the data according to this classification and  
279.33 are subject to the remedies and penalties under sections 13.08 and 13.09 for a violation  
279.34 of this requirement.

280.1 (e) A school district, in consultation with the same representatives referenced in  
280.2 paragraph (d), may continue to negotiate with any entity that submitted a proposal under  
280.3 paragraph (d) in order to reduce costs or improve services under the proposal. Following  
280.4 the negotiations any entity that submitted an initial proposal may submit a final proposal  
280.5 incorporating the negotiations, which is due no less than 75 days prior to the plan's  
280.6 renewal date. All the final proposals submitted must be opened at the same time in the  
280.7 presence of up to three representatives selected by the exclusive representative of the  
280.8 largest group of employees. Notwithstanding section 13.591, subdivision 3, paragraph (b),  
280.9 following the opening of the final proposals, all the proposals, including any made under  
280.10 paragraph (d), and other data submitted in connection with the proposals are public data.  
280.11 The school district may choose from any of the initial or final proposals without further  
280.12 negotiations and in accordance with subdivision 5, but not sooner than 15 days after  
280.13 the proposals become public data.

280.14 (f) School districts that are self-insured shall follow all of the requirements of this  
280.15 section, except that:

280.16 (1) their requests for proposals may be for third-party administrator services, where  
280.17 applicable;

280.18 (2) these requests for proposals must be from a minimum of three different sources,  
280.19 which may include both entities referenced in subdivision 1 and providers of third-party  
280.20 administrator services;

280.21 (3) for purposes of fulfilling the requirement to request a proposal for group  
280.22 insurance coverage from an administrator governed by chapter 43A, self-insured districts  
280.23 are not required to include in the request for proposal the coverage to be provided;

280.24 (4) a district that is self-insured on or before the date of enactment, or that is  
280.25 self-insured with more than 1,000 insured lives, or a district in which the school board  
280.26 adopted a motion on or before May 14, 2014, to approve a self-insured health care plan  
280.27 to be effective July 1, 2014, may, but need not, request a proposal from an administrator  
280.28 governed by chapter 43A;

280.29 (5) requests for proposals must be sent to providers no less than 90 days prior to  
280.30 the expiration of the existing contract; and

280.31 (6) proposals must be submitted at least 60 days prior to the plan's renewal date  
280.32 and all proposals shall be opened at the same time and in the presence of the exclusive  
280.33 representative, where applicable.

280.34 (g) Nothing in this section shall restrict the authority granted to school district boards  
280.35 of education by section 471.59, except that districts will not be considered self-insured for  
280.36 purposes of this subdivision solely through participation in a joint powers arrangement.



281.1 (h) An entity providing group health insurance to a school district under a multiyear  
 281.2 contract must give notice of any rate or plan design changes applicable under the contract  
 281.3 at least 90 days before the effective date of any change. The notice must be given to the  
 281.4 school district and to the exclusive representatives of employees.

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

281.6 Sec. 2. Laws 2013, chapter 116, article 9, section 1, subdivision 2, is amended to read:

281.7 Subd. 2. **Department.** (a) For the Department of Education:

281.8 \$ 20,058,000 ..... 2014

281.9 ~~19,308,000~~

281.10 \$ 19,716,000 ..... 2015

281.11 Any balance in the first year does not cancel but is available in the second year.

281.12 (b) \$260,000 each year is for the Minnesota Children's Museum.

281.13 (c) \$41,000 each year is for the Minnesota Academy of Science.

281.14 (d) \$50,000 each year is for the Duluth Children's Museum.

281.15 (e) ~~\$618,000 each~~ \$618,000 in fiscal year 2014 and \$718,000 in fiscal year 2015 only are  
 281.16 for the Board of Teaching. Any balance in the first year does not cancel but is available  
 281.17 in the second year.

281.18 (f) ~~\$167,000 each~~ \$167,000 in fiscal year 2014 and \$225,000 in fiscal year 2015 are for  
 281.19 the Board of School Administrators. Any balance in the first year does not cancel but  
 281.20 is available in the second year.

281.21 (g) \$75,000 in fiscal year 2015 only is for The Works Museum.

281.22 (h) \$50,000 in fiscal year 2015 only is for a grant to the Headwaters Science Center  
 281.23 for hands-on science, technology, engineering, and math (STEM) education.

281.24 (i) \$25,000 each year is for innovation pilot grants under Laws 2012, chapter 263,  
 281.25 section 1.

281.26 (j) The expenditures of federal grants and aids as shown in the biennial budget  
 281.27 document and its supplements are approved and appropriated and shall be spent as  
 281.28 indicated.

281.29 ~~(h)~~ (k) None of the amounts appropriated under this subdivision may be used for  
 281.30 Minnesota's Washington, D.C. office.

281.31 ~~(i)~~ (l) \$250,000 each year is for the School Finance Division to enhance financial  
 281.32 data analysis.

281.33 ~~(j)~~ (m) \$750,000 in fiscal year 2014 only is for departmental costs associated with  
 281.34 teacher development and evaluation. Any balance in the first year does not cancel and  
 281.35 is available in the second year.

282.1 (n) The base budget for fiscal year 2016 and later is \$19,451,000.

282.2 Sec. 3. Laws 2013, chapter 116, article 9, section 2, is amended to read:

282.3 Sec. 2. **APPROPRIATIONS; MINNESOTA STATE ACADEMIES.**

282.4 The sums indicated in this section are appropriated from the general fund to the  
 282.5 Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

282.6	\$	11,749,000	.....	2014
282.7		<del>11,664,000</del>		
282.8	\$	<u>11,964,000</u>	.....	2015

282.9 \$85,000 of the fiscal year 2014 appropriation is for costs associated with upgrading  
 282.10 kitchen facilities. Any balance in the first year does not cancel but is available in the  
 282.11 second year.

282.12 Sec. 4. **APPROPRIATION; RESPONSES TO HEALTH INSURANCE**  
 282.13 **TRANSPARENCY ACT BID REQUESTS.**

282.14 (a) \$294,000 is appropriated for fiscal year 2015 from the general fund to the  
 282.15 commissioner of management and budget to comply with the requirements relating to  
 282.16 health insurance transparency in Laws 2014, chapter 279, if enacted. This is a onetime  
 282.17 appropriation.

282.18 (b) If Laws 2014, chapter 279, is enacted, the commissioner of management and  
 282.19 budget shall report by January 15, 2015, to the legislative chairs and ranking minority  
 282.20 members with jurisdiction over state government finance on the ongoing costs incurred  
 282.21 by the public employees insurance program in compliance with the requirements of the  
 282.22 health insurance transparency act and may request additional appropriations, if necessary.

282.23 **ARTICLE 22**

282.24 **FORECAST ADJUSTMENTS**

282.25 **A. GENERAL EDUCATION**

282.26 Section 1. Laws 2013, chapter 116, article 1, section 58, subdivision 3, is amended to  
 282.27 read:

282.28 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending  
 282.29 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 282.30 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

283.1                    ~~44,000~~  
 283.2            \$        37,000        ..... 2014  
 283.3                    ~~48,000~~  
 283.4            \$        40,000        ..... 2015

283.5            Sec. 2. Laws 2013, chapter 116, article 1, section 58, subdivision 4, is amended to read:

283.6                    Subd. 4. **Abatement revenue.** For abatement aid under Minnesota Statutes, section  
 283.7 127A.49:

283.8                    ~~2,747,000~~  
 283.9            \$        2,876,000        ..... 2014  
 283.10                    ~~3,136,000~~  
 283.11            \$        3,103,000        ..... 2015

283.12            The 2014 appropriation includes \$301,000 for 2013 and ~~\$2,446,000~~ \$2,575,000  
 283.13 for 2014.

283.14            The 2015 appropriation includes ~~\$385,000~~ \$286,000 for 2014 and ~~\$2,751,000~~  
 283.15 \$2,817,000 for 2015.

283.16            Sec. 3. Laws 2013, chapter 116, article 1, section 58, subdivision 5, is amended to read:

283.17                    Subd. 5. **Consolidation transition.** For districts consolidating under Minnesota  
 283.18 Statutes, section 123A.485:

283.19                    ~~472,000~~  
 283.20            \$        585,000        ..... 2014  
 283.21                    ~~480,000~~  
 283.22            \$        254,000        ..... 2015

283.23            The 2014 appropriation includes \$40,000 for 2013 and ~~\$432,000~~ \$545,000 for 2014.

283.24            The 2015 appropriation includes ~~\$68,000~~ \$60,000 for 2014 and ~~\$412,000~~ \$194,000  
 283.25 for 2015.

283.26            Sec. 4. Laws 2013, chapter 116, article 1, section 58, subdivision 11, is amended to read:

283.27                    Subd. 11. **Career and technical aid.** For career and technical aid under Minnesota  
 283.28 Statutes, section 124D.4531, subdivision 1b:

283.29                    ~~4,320,000~~  
 283.30            \$        3,959,000        ..... 2014  
 283.31                    ~~5,680,000~~  
 283.32            \$        5,172,000        ..... 2015

283.33            The 2014 appropriation includes \$0 for ~~2014~~ 2013 and ~~\$4,320,000~~ \$3,959,000  
 283.34 for ~~2015~~ 2014.

283.35            The 2015 appropriation includes ~~\$680,000~~ \$439,000 for 2014 and ~~\$5,000,000~~  
 283.36 \$4,733,000 for 2015.

284.1

**B. EDUCATION EXCELLENCE**

284.2 Sec. 5. Laws 2013, chapter 116, article 3, section 37, subdivision 3, is amended to read:

284.3 Subd. 3. **Achievement and integration aid.** For achievement and integration aid  
 284.4 under Minnesota Statutes, section 124D.862:

284.5		<del>58,911,000</del>		
284.6	\$	<u>55,609,000</u>	.....	2014
284.7		<del>68,623,000</del>		
284.8	\$	<u>62,692,000</u>	.....	2015

284.9 The 2014 appropriation includes \$0 for 2013 and ~~\$58,911,000~~ \$55,609,000 for 2014.

284.10 The 2015 appropriation includes ~~\$9,273,000~~ \$6,178,000 for 2014 and ~~\$59,350,000~~  
 284.11 \$56,514,000 for 2015.

284.12 Sec. 6. Laws 2013, chapter 116, article 3, section 37, subdivision 4, is amended to read:

284.13 Subd. 4. **Literacy incentive aid.** For literacy incentive aid under Minnesota  
 284.14 Statutes, section 124D.98:

284.15		<del>52,514,000</del>		
284.16	\$	<u>50,998,000</u>	.....	2014
284.17		<del>53,818,000</del>		
284.18	\$	<u>47,458,000</u>	.....	2015

284.19 The 2014 appropriation includes \$6,607,000 for 2013 and ~~\$45,907,000~~ \$44,391,000  
 284.20 for 2014.

284.21 The 2015 appropriation includes ~~\$7,225,000~~ \$4,932,000 for 2014 and ~~\$46,593,000~~  
 284.22 \$42,526,000 for 2015.

284.23 Sec. 7. Laws 2013, chapter 116, article 3, section 37, subdivision 5, is amended to read:

284.24 Subd. 5. **Interdistrict desegregation or integration transportation grants.** For  
 284.25 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 284.26 section 124D.87:

284.27		<del>13,968,000</del>		
284.28	\$	<u>13,521,000</u>	.....	2014
284.29		<del>14,712,000</del>		
284.30	\$	<u>14,248,000</u>	.....	2015

284.31 Sec. 8. Laws 2013, chapter 116, article 3, section 37, subdivision 6, is amended to read:

284.32 Subd. 6. **Success for the future.** For American Indian success for the future grants  
 284.33 under Minnesota Statutes, section 124D.81:



286.1 The 2014 appropriation includes ~~\$118,232,000~~ \$118,183,000 for 2013 and  
 286.2 ~~\$802,884,000~~ \$920,282,000 for 2014.

286.3 The 2015 appropriation includes ~~\$169,929,000~~ \$129,549,000 for 2014 and  
 286.4 ~~\$938,282,000~~ \$982,092,000 for 2015.

286.5 Sec. 12. Laws 2013, chapter 116, article 5, section 31, subdivision 3, is amended to read:

286.6 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes,  
 286.7 section 125A.75, subdivision 3, for children with disabilities placed in residential facilities  
 286.8 within the district boundaries for whom no district of residence can be determined:

286.9		<del>1,655,000</del>	
286.10	\$	<u>1,548,000</u>	..... 2014
286.11		<del>1,752,000</del>	
286.12	\$	<u>1,674,000</u>	..... 2015

286.13 If the appropriation for either year is insufficient, the appropriation for the other  
 286.14 year is available.

286.15 Sec. 13. Laws 2013, chapter 116, article 5, section 31, subdivision 4, is amended to read:

286.16 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based  
 286.17 services under Minnesota Statutes, section 125A.75, subdivision 1:

286.18		<del>345,000</del>	
286.19	\$	<u>351,000</u>	..... 2014
286.20		<del>355,000</del>	
286.21	\$	<u>346,000</u>	..... 2015

286.22 The 2014 appropriation includes \$45,000 for 2013 and ~~\$300,000~~ \$306,000 for 2014.

286.23 The 2015 appropriation includes ~~\$47,000~~ \$33,000 for 2014 and ~~\$308,000~~ \$313,000  
 286.24 for 2015.

286.25 Sec. 14. Laws 2013, chapter 116, article 5, section 31, subdivision 5, is amended to read:

286.26 Subd. 5. **Special education; excess costs.** For excess cost aid under Minnesota  
 286.27 Statutes, section 125A.79, subdivision 7:

286.28		<del>42,030,000</del>	
286.29	\$	<u>42,016,000</u>	..... 2014

286.30 The 2014 appropriation includes ~~\$42,030,000~~ \$42,016,000 for 2013 and \$0 for 2014.

286.31 **E. FACILITIES AND TECHNOLOGY**

286.32 Sec. 15. Laws 2013, chapter 116, article 6, section 12, subdivision 2, is amended to read:

287.1 Subd. 2. **Health and safety revenue.** For health and safety aid according to  
 287.2 Minnesota Statutes, section 123B.57, subdivision 5:

287.3 \$ ~~463,000~~ 471,000 ..... 2014  
 287.4 \$ ~~434,000~~ 651,000 ..... 2015

287.5 The 2014 appropriation includes ~~\$26,000~~ \$24,000 for 2013 and ~~\$437,000~~ \$447,000  
 287.6 for 2014.

287.7 The 2015 appropriation includes ~~\$68,000~~ \$49,000 for 2014 and ~~\$366,000~~ \$602,000  
 287.8 for 2015.

287.9 Sec. 16. Laws 2013, chapter 116, article 6, section 12, subdivision 3, is amended to read:

287.10 Subd. 3. **Debt service equalization.** For debt service aid according to Minnesota  
 287.11 Statutes, section 123B.53, subdivision 6:

287.12 ~~19,083,000~~  
 287.13 \$ 19,778,000 ..... 2014  
 287.14 ~~25,060,000~~  
 287.15 \$ 22,591,000 ..... 2015

287.16 The 2014 appropriation includes \$2,397,000 for 2013 and ~~\$16,686,000~~ \$17,381,000  
 287.17 for 2014.

287.18 The 2015 appropriation includes ~~\$2,626,000~~ \$1,931,000 for 2014 and ~~\$22,434,000~~  
 287.19 \$20,660,000 for 2015.

287.20 Sec. 17. Laws 2013, chapter 116, article 6, section 12, subdivision 4, is amended to read:

287.21 Subd. 4. **Alternative facilities bonding aid.** For alternative facilities bonding aid,  
 287.22 according to Minnesota Statutes, section 123B.59, subdivision 1:

287.23 ~~19,287,000~~  
 287.24 \$ 19,982,000 ..... 2014  
 287.25 \$ 19,287,000 ..... 2015

287.26 The 2014 appropriation includes \$2,623,000 for 2013 and ~~\$16,664,000~~ \$17,359,000  
 287.27 for 2014.

287.28 The 2015 appropriation includes ~~\$2,623,000~~ \$1,928,000 for 2014 and ~~\$16,664,000~~  
 287.29 \$17,359,000 for 2015.

287.30 Sec. 18. Laws 2013, chapter 116, article 6, section 12, subdivision 6, is amended to read:

287.31 Subd. 6. **Deferred maintenance aid.** For deferred maintenance aid, according to  
 287.32 Minnesota Statutes, section 123B.591, subdivision 4:





289.1 The 2015 appropriation includes ~~\$176,000~~ \$130,000 for 2014 and ~~\$1,124,000~~  
 289.2 \$1,170,000 for 2015.

289.3 Sec. 22. Laws 2013, chapter 116, article 7, section 21, subdivision 9, is amended to read:

289.4 Subd. 9. **Regional library telecommunications aid.** For regional library  
 289.5 telecommunications aid under Minnesota Statutes, section 134.355:

289.6		<del>2,300,000</del>		
289.7	\$	<u>2,382,000</u>	.....	2014
289.8	\$	2,300,000	.....	2015

289.9 The 2014 appropriation includes \$312,000 for 2013 and ~~\$1,988,000~~ \$2,070,000  
 289.10 for 2014.

289.11 The 2015 appropriation includes ~~\$312,000~~ \$230,000 for 2014 and ~~\$1,988,000~~  
 289.12 \$2,070,000 for 2015.

289.13 **G. EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY,**  
 289.14 **AND LIFELONG LEARNING**

289.15 Sec. 23. Laws 2013, chapter 116, article 8, section 5, subdivision 4, is amended to read:

289.16 Subd. 4. **Health and developmental screening aid.** For health and developmental  
 289.17 screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

289.18		<del>3,421,000</del>		
289.19	\$	<u>3,524,000</u>	.....	2014
289.20		<del>3,344,000</del>		
289.21	\$	<u>3,330,000</u>	.....	2015

289.22 The 2014 appropriation includes ~~\$474,000~~ \$471,000 for 2013 and ~~\$2,947,000~~  
 289.23 \$3,053,000 for 2014.

289.24 The 2015 appropriation includes ~~\$463,000~~ \$339,000 for 2014 and ~~\$2,881,000~~  
 289.25 \$2,991,000 for 2015.

289.26 Sec. 24. Laws 2013, chapter 116, article 8, section 5, subdivision 10, is amended to read:

289.27 Subd. 10. **Community education aid.** For community education aid under  
 289.28 Minnesota Statutes, section 124D.20:

289.29		<del>935,000</del>		
289.30	\$	<u>955,000</u>	.....	2014
289.31		<del>1,056,000</del>		
289.32	\$	<u>1,060,000</u>	.....	2015

289.33 The 2014 appropriation includes \$118,000 for 2013 and ~~\$817,000~~ \$837,000 for 2014.

290.1 The 2015 appropriation includes ~~\$128,000~~ \$93,000 for 2014 and ~~\$928,000~~ \$967,000  
 290.2 for 2015.

290.3 Sec. 25. Laws 2013, chapter 116, article 8, section 5, subdivision 11, is amended to read:

290.4 Subd. 11. **Adults with disabilities program aid.** For adults with disabilities  
 290.5 programs under Minnesota Statutes, section 124D.56:

290.6 \$ ~~710,000~~ 734,000 ..... 2014

290.7 \$ 710,000 ..... 2015

290.8 The 2014 appropriation includes ~~\$96,000~~ \$95,000 for 2013 and ~~\$614,000~~ \$639,000  
 290.9 for 2014.

290.10 The 2015 appropriation includes ~~\$96,000~~ \$71,000 for 2014 and ~~\$614,000~~ \$639,000  
 290.11 for 2015.

290.12 **ARTICLE 23**

290.13 **HEALTH DEPARTMENT**

290.14 Section 1. Minnesota Statutes 2013 Supplement, section 103I.205, subdivision 4,  
 290.15 is amended to read:

290.16 Subd. 4. **License required.** (a) Except as provided in paragraph (b), (c), (d), or (e),  
 290.17 section 103I.401, subdivision 2, or section 103I.601, subdivision 2, a person may not  
 290.18 drill, construct, repair, or seal a well or boring unless the person has a well contractor's  
 290.19 license in possession.

290.20 (b) A person may construct, repair, and seal a monitoring well if the person:

290.21 (1) is a professional engineer licensed under sections 326.02 to 326.15 in the  
 290.22 branches of civil or geological engineering;

290.23 (2) is a hydrologist or hydrogeologist certified by the American Institute of  
 290.24 Hydrology;

290.25 (3) is a professional geoscientist licensed under sections 326.02 to 326.15;

290.26 (4) is a geologist certified by the American Institute of Professional Geologists; or

290.27 (5) meets the qualifications established by the commissioner in rule.

290.28 A person must register with the commissioner as a monitoring well contractor on  
 290.29 forms provided by the commissioner.

290.30 (c) A person may do the following work with a limited well/boring contractor's  
 290.31 license in possession. A separate license is required for each of the six activities:

290.32 (1) installing or repairing well screens or pitless units or pitless adaptors and well  
 290.33 casings from the pitless adaptor or pitless unit to the upper termination of the well casing;

- 291.1 (2) constructing, repairing, and sealing drive point wells or dug wells;
- 291.2 (3) installing well pumps or pumping equipment;
- 291.3 (4) sealing wells;
- 291.4 (5) constructing, repairing, or sealing dewatering wells; or
- 291.5 (6) constructing, repairing, or sealing bored geothermal heat exchangers.
- 291.6 (d) A person may construct, repair, and seal an elevator boring with an elevator
- 291.7 boring contractor's license.
- 291.8 (e) Notwithstanding other provisions of this chapter requiring a license or
- 291.9 registration, a license or registration is not required for a person who complies with the
- 291.10 other provisions of this chapter if the person is:
- 291.11 (1) an individual who constructs a well on land that is owned or leased by the
- 291.12 individual and is used by the individual for farming or agricultural purposes or as the
- 291.13 individual's place of abode; ~~or~~
- 291.14 (2) an individual who performs labor or services for a contractor licensed or
- 291.15 registered under the provisions of this chapter in connection with the construction, sealing,
- 291.16 or repair of a well or boring at the direction and under the personal supervision of a
- 291.17 contractor licensed or registered under the provisions of this chapter; or
- 291.18 (3) a licensed plumber who is repairing submersible pumps or water pipes associated
- 291.19 with well water systems if the repair location is within an area where there is no licensed
- 291.20 or registered well contractor within 25 miles.

291.21 Sec. 2. Minnesota Statutes 2012, section 144.1501, subdivision 1, is amended to read:

291.22 Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions

291.23 apply.

291.24 (b) "Dentist" means an individual who is licensed to practice dentistry.

291.25 (c) "Designated rural area" means ~~an area defined as a small rural area or~~

291.26 ~~isolated rural area according to the four category classifications of the Rural Urban~~

291.27 ~~Commuting Area system developed for the United States Health Resources and Services~~

291.28 ~~Administration~~ a city or township that is:

291.29 (1) outside the seven-county metropolitan area as defined in section 473.121,

291.30 subdivision 2; and

291.31 (2) has a population under 15,000.

291.32 (d) "Emergency circumstances" means those conditions that make it impossible for

291.33 the participant to fulfill the service commitment, including death, total and permanent

291.34 disability, or temporary disability lasting more than two years.

292.1 (e) "Medical resident" means an individual participating in a medical residency in  
292.2 family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

292.3 (f) "Midlevel practitioner" means a nurse practitioner, nurse-midwife, nurse  
292.4 anesthetist, advanced clinical nurse specialist, or physician assistant.

292.5 (g) "Nurse" means an individual who has completed training and received all  
292.6 licensing or certification necessary to perform duties as a licensed practical nurse or  
292.7 registered nurse.

292.8 (h) "Nurse-midwife" means a registered nurse who has graduated from a program of  
292.9 study designed to prepare registered nurses for advanced practice as nurse-midwives.

292.10 (i) "Nurse practitioner" means a registered nurse who has graduated from a program  
292.11 of study designed to prepare registered nurses for advanced practice as nurse practitioners.

292.12 (j) "Pharmacist" means an individual with a valid license issued under chapter 151.

292.13 (k) "Physician" means an individual who is licensed to practice medicine in the areas  
292.14 of family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

292.15 (l) "Physician assistant" means a person licensed under chapter 147A.

292.16 (m) "Qualified educational loan" means a government, commercial, or foundation  
292.17 loan for actual costs paid for tuition, reasonable education expenses, and reasonable living  
292.18 expenses related to the graduate or undergraduate education of a health care professional.

292.19 (n) "Underserved urban community" means a Minnesota urban area or population  
292.20 included in the list of designated primary medical care health professional shortage areas  
292.21 (HPSAs), medically underserved areas (MUAs), or medically underserved populations  
292.22 (MUPs) maintained and updated by the United States Department of Health and Human  
292.23 Services.

292.24 Sec. 3. Minnesota Statutes 2012, section 144.551, subdivision 1, is amended to read:

292.25 Subdivision 1. **Restricted construction or modification.** (a) The following  
292.26 construction or modification may not be commenced:

292.27 (1) any erection, building, alteration, reconstruction, modernization, improvement,  
292.28 extension, lease, or other acquisition by or on behalf of a hospital that increases the bed  
292.29 capacity of a hospital, relocates hospital beds from one physical facility, complex, or site  
292.30 to another, or otherwise results in an increase or redistribution of hospital beds within  
292.31 the state; and

292.32 (2) the establishment of a new hospital.

292.33 (b) This section does not apply to:

292.34 (1) construction or relocation within a county by a hospital, clinic, or other health  
292.35 care facility that is a national referral center engaged in substantial programs of patient

293.1 care, medical research, and medical education meeting state and national needs that  
293.2 receives more than 40 percent of its patients from outside the state of Minnesota;

293.3 (2) a project for construction or modification for which a health care facility held  
293.4 an approved certificate of need on May 1, 1984, regardless of the date of expiration of  
293.5 the certificate;

293.6 (3) a project for which a certificate of need was denied before July 1, 1990, if a  
293.7 timely appeal results in an order reversing the denial;

293.8 (4) a project exempted from certificate of need requirements by Laws 1981, chapter  
293.9 200, section 2;

293.10 (5) a project involving consolidation of pediatric specialty hospital services within  
293.11 the Minneapolis-St. Paul metropolitan area that would not result in a net increase in the  
293.12 number of pediatric specialty hospital beds among the hospitals being consolidated;

293.13 (6) a project involving the temporary relocation of pediatric-orthopedic hospital beds  
293.14 to an existing licensed hospital that will allow for the reconstruction of a new philanthropic,  
293.15 pediatric-orthopedic hospital on an existing site and that will not result in a net increase in  
293.16 the number of hospital beds. Upon completion of the reconstruction, the licenses of both  
293.17 hospitals must be reinstated at the capacity that existed on each site before the relocation;

293.18 (7) the relocation or redistribution of hospital beds within a hospital building or  
293.19 identifiable complex of buildings provided the relocation or redistribution does not result  
293.20 in: (i) an increase in the overall bed capacity at that site; (ii) relocation of hospital beds  
293.21 from one physical site or complex to another; or (iii) redistribution of hospital beds within  
293.22 the state or a region of the state;

293.23 (8) relocation or redistribution of hospital beds within a hospital corporate system  
293.24 that involves the transfer of beds from a closed facility site or complex to an existing site  
293.25 or complex provided that: (i) no more than 50 percent of the capacity of the closed facility  
293.26 is transferred; (ii) the capacity of the site or complex to which the beds are transferred  
293.27 does not increase by more than 50 percent; (iii) the beds are not transferred outside of a  
293.28 federal health systems agency boundary in place on July 1, 1983; and (iv) the relocation or  
293.29 redistribution does not involve the construction of a new hospital building;

293.30 (9) a construction project involving up to 35 new beds in a psychiatric hospital in  
293.31 Rice County that primarily serves adolescents and that receives more than 70 percent of its  
293.32 patients from outside the state of Minnesota;

293.33 (10) a project to replace a hospital or hospitals with a combined licensed capacity  
293.34 of 130 beds or less if: (i) the new hospital site is located within five miles of the current  
293.35 site; and (ii) the total licensed capacity of the replacement hospital, either at the time of

294.1 construction of the initial building or as the result of future expansion, will not exceed 70  
294.2 licensed hospital beds, or the combined licensed capacity of the hospitals, whichever is less;

294.3 (11) the relocation of licensed hospital beds from an existing state facility operated  
294.4 by the commissioner of human services to a new or existing facility, building, or complex  
294.5 operated by the commissioner of human services; from one regional treatment center  
294.6 site to another; or from one building or site to a new or existing building or site on the  
294.7 same campus;

294.8 (12) the construction or relocation of hospital beds operated by a hospital having a  
294.9 statutory obligation to provide hospital and medical services for the indigent that does not  
294.10 result in a net increase in the number of hospital beds, notwithstanding section 144.552, 27  
294.11 beds, of which 12 serve mental health needs, may be transferred from Hennepin County  
294.12 Medical Center to Regions Hospital under this clause;

294.13 (13) a construction project involving the addition of up to 31 new beds in an existing  
294.14 nonfederal hospital in Beltrami County;

294.15 (14) a construction project involving the addition of up to eight new beds in an  
294.16 existing nonfederal hospital in Otter Tail County with 100 licensed acute care beds;

294.17 (15) a construction project involving the addition of 20 new hospital beds  
294.18 used for rehabilitation services in an existing hospital in Carver County serving the  
294.19 southwest suburban metropolitan area. Beds constructed under this clause shall not be  
294.20 eligible for reimbursement under medical assistance, general assistance medical care,  
294.21 or MinnesotaCare;

294.22 (16) a project for the construction or relocation of up to 20 hospital beds for the  
294.23 operation of up to two psychiatric facilities or units for children provided that the operation  
294.24 of the facilities or units have received the approval of the commissioner of human services;

294.25 (17) a project involving the addition of 14 new hospital beds to be used for  
294.26 rehabilitation services in an existing hospital in Itasca County;

294.27 (18) a project to add 20 licensed beds in existing space at a hospital in Hennepin  
294.28 County that closed 20 rehabilitation beds in 2002, provided that the beds are used only  
294.29 for rehabilitation in the hospital's current rehabilitation building. If the beds are used for  
294.30 another purpose or moved to another location, the hospital's licensed capacity is reduced  
294.31 by 20 beds;

294.32 (19) a critical access hospital established under section 144.1483, clause (9), and  
294.33 section 1820 of the federal Social Security Act, United States Code, title 42, section  
294.34 1395i-4, that delicensed beds since enactment of the Balanced Budget Act of 1997, Public  
294.35 Law 105-33, to the extent that the critical access hospital does not seek to exceed the  
294.36 maximum number of beds permitted such hospital under federal law;

295.1 (20) notwithstanding section 144.552, a project for the construction of a new hospital  
295.2 in the city of Maple Grove with a licensed capacity of up to 300 beds provided that:

295.3 (i) the project, including each hospital or health system that will own or control the  
295.4 entity that will hold the new hospital license, is approved by a resolution of the Maple  
295.5 Grove City Council as of March 1, 2006;

295.6 (ii) the entity that will hold the new hospital license will be owned or controlled by  
295.7 one or more not-for-profit hospitals or health systems that have previously submitted a  
295.8 plan or plans for a project in Maple Grove as required under section 144.552, and the  
295.9 plan or plans have been found to be in the public interest by the commissioner of health  
295.10 as of April 1, 2005;

295.11 (iii) the new hospital's initial inpatient services must include, but are not limited  
295.12 to, medical and surgical services, obstetrical and gynecological services, intensive  
295.13 care services, orthopedic services, pediatric services, noninvasive cardiac diagnostics,  
295.14 behavioral health services, and emergency room services;

295.15 (iv) the new hospital:

295.16 (A) will have the ability to provide and staff sufficient new beds to meet the growing  
295.17 needs of the Maple Grove service area and the surrounding communities currently being  
295.18 served by the hospital or health system that will own or control the entity that will hold  
295.19 the new hospital license;

295.20 (B) will provide uncompensated care;

295.21 (C) will provide mental health services, including inpatient beds;

295.22 (D) will be a site for workforce development for a broad spectrum of  
295.23 health-care-related occupations and have a commitment to providing clinical training  
295.24 programs for physicians and other health care providers;

295.25 (E) will demonstrate a commitment to quality care and patient safety;

295.26 (F) will have an electronic medical records system, including physician order entry;

295.27 (G) will provide a broad range of senior services;

295.28 (H) will provide emergency medical services that will coordinate care with regional  
295.29 providers of trauma services and licensed emergency ambulance services in order to  
295.30 enhance the continuity of care for emergency medical patients; and

295.31 (I) will be completed by December 31, 2009, unless delayed by circumstances  
295.32 beyond the control of the entity holding the new hospital license; and

295.33 (v) as of 30 days following submission of a written plan, the commissioner of health  
295.34 has not determined that the hospitals or health systems that will own or control the entity  
295.35 that will hold the new hospital license are unable to meet the criteria of this clause;

295.36 (21) a project approved under section 144.553;

296.1 (22) a project for the construction of a hospital with up to 25 beds in Cass County  
296.2 within a 20-mile radius of the state Ah-Gwah-Ching facility, provided the hospital's  
296.3 license holder is approved by the Cass County Board;

296.4 (23) a project for an acute care hospital in Fergus Falls that will increase the bed  
296.5 capacity from 108 to 110 beds by increasing the rehabilitation bed capacity from 14 to 16  
296.6 and closing a separately licensed 13-bed skilled nursing facility; ~~or~~

296.7 (24) notwithstanding section 144.552, a project for the construction and expansion  
296.8 of a specialty psychiatric hospital in Hennepin County for up to 50 beds, exclusively for  
296.9 patients who are under 21 years of age on the date of admission. The commissioner  
296.10 conducted a public interest review of the mental health needs of Minnesota and the Twin  
296.11 Cities metropolitan area in 2008. No further public interest review shall be conducted for  
296.12 the construction or expansion project under this clause; or

296.13 (25) a project for a 16-bed psychiatric hospital in the city of Thief River Falls, if  
296.14 the commissioner finds the project is in the public interest after the public interest review  
296.15 conducted under section 144.552 is complete.

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

296.17 Sec. 4. **[144.9513] HEALTHY HOUSING GRANTS.**

296.18 Subdivision 1. **Definitions.** For purposes of this section and sections 144.9501 to  
296.19 144.9512, the following terms have the meanings given.

296.20 (a) "Housing" means a room or group of rooms located within a dwelling forming  
296.21 a single habitable unit with facilities used or intended to be used for living, sleeping,  
296.22 cooking, and eating.

296.23 (b) "Healthy housing" means housing that is sited, designed, built, renovated, and  
296.24 maintained in ways that supports the health of residents.

296.25 (c) "Housing-based health threat" means a chemical, biologic, or physical agent  
296.26 in the immediate housing environment, including toxic lead, mold, radon, and indoor  
296.27 allergens and contaminants in carpets, which constitutes a potential or actual hazard to  
296.28 human health at acute or chronic exposure levels.

296.29 (d) "Primary prevention" means preventing exposure to housing-based health threats  
296.30 before seeing clinical symptoms or a diagnosis.

296.31 (e) "Secondary prevention" means intervention to mitigate health effects on people  
296.32 with housing-based health threats.

296.33 Subd. 2. **Grants; administration.** Grant applicants shall submit applications to  
296.34 the commissioner as directed by a request for proposals. Grants must be competitively  
296.35 awarded and recipients of a grant under this section must prepare and submit a quarterly



297.1 progress report to the commissioner beginning three months after receipt of the grant. The  
297.2 commissioner shall provide technical assistance and program support as needed to ensure  
297.3 that housing-based health threats are effectively identified, mitigated, and evaluated by  
297.4 grantees.

297.5 **Subd. 3. Healthy housing and implementation grants; eligible activities. (a)**

297.6 Within the limits of available appropriations, the commissioner shall make grants to  
297.7 support implementation of healthy housing programs to local boards of health, community  
297.8 action agencies under section 256E.31, and nonprofit organizations with expertise in  
297.9 providing outreach, education, and training on healthy housing subjects and in providing  
297.10 comprehensive healthy housing assessments and interventions.

297.11 (b) The grantee may conduct the following activities:

297.12 (1) implement and maintain primary prevention programs to reduce housing-based  
297.13 health threats that include the following:

297.14 (i) providing education materials to the general public and to property owners,  
297.15 contractors, code officials, health care providers, public health professionals, health  
297.16 educators, nonprofit organizations, and other persons and organizations engaged in  
297.17 housing and health issues;

297.18 (ii) promoting awareness of community, legal, and housing resources; and

297.19 (iii) promoting the use of hazard reduction measures in new housing construction  
297.20 and housing rehabilitation programs;

297.21 (2) provide training on identifying and addressing housing-based health threats;

297.22 (3) provide technical assistance on the implementation of mitigation measures;

297.23 (4) promote adoption of evidence-based best practices for mitigation of

297.24 housing-based health threats;

297.25 (5) develop work practices for addressing specific housing-based health threats;

297.26 (6) identify, characterize, and mitigate hazards in housing that contribute to adverse  
297.27 health outcomes;

297.28 (7) ensure screening services and other secondary prevention measures are provided  
297.29 to populations at high risk for housing-related health threats;

297.30 (8) promote compliance with Department of Health guidelines and other best  
297.31 practices, as identified by the commissioner, for preventing or reducing housing-based  
297.32 health threats;

297.33 (9) establish local or regional collaborative groups to ensure that resources for  
297.34 addressing housing-based health threats are coordinated; or

297.35 (10) develop model programs for addressing housing-based health threats.

298.1       Sec. 5. **[144A.484] INTEGRATED LICENSURE; HOME AND**  
298.2 **COMMUNITY-BASED SERVICES DESIGNATION.**

298.3           Subdivision 1. **Integrated licensing established.** (a) From January 1, 2014, to  
298.4 June 30, 2015, the commissioner of health shall enforce the home and community-based  
298.5 services standards under chapter 245D for those providers who also have a home care  
298.6 license pursuant to this chapter as required under Laws 2013, chapter 108, article 8, section  
298.7 60, and article 11, section 31. During this period, the commissioner shall provide technical  
298.8 assistance to achieve and maintain compliance with applicable law or rules governing the  
298.9 provision of home and community-based services, including complying with the service  
298.10 recipient rights notice in subdivision 4, clause (4). If during the survey, the commissioner  
298.11 finds that the licensee has failed to achieve compliance with an applicable law or rule  
298.12 under chapter 245D and this failure does not imminently endanger the health, safety, or  
298.13 rights of the persons served by the program, the commissioner may issue a licensing  
298.14 survey report with recommendations for achieving and maintaining compliance.

298.15           (b) Beginning July 1, 2015, a home care provider applicant or license holder may  
298.16 apply to the commissioner of health for a home and community-based services designation  
298.17 for the provision of basic support services identified under section 245D.03, subdivision 1,  
298.18 paragraph (b). The designation allows the license holder to provide basic support services  
298.19 that would otherwise require licensure under chapter 245D, under the license holder's  
298.20 home care license governed by sections 144A.43 to 144A.481.

298.21           Subd. 2. **Application for home and community-based services designation.** An  
298.22 application for a home and community-based services designation must be made on the  
298.23 forms and in the manner prescribed by the commissioner. The commissioner shall provide  
298.24 the applicant with instruction for completing the application and provide information  
298.25 about the requirements of other state agencies that affect the applicant. Application for  
298.26 the home and community-based services designation is subject to the requirements under  
298.27 section 144A.473.

298.28           Subd. 3. **Home and community-based services designation fees.** A home care  
298.29 provider applicant or licensee applying for the home and community-based services  
298.30 designation or renewal of a home and community-based services designation must submit  
298.31 a fee in the amount specified in subdivision 8.

298.32           Subd. 4. **Applicability of home and community-based services requirements.** A  
298.33 home care provider with a home and community-based services designation must comply  
298.34 with the requirements for home care services governed by this chapter. For the provision  
298.35 of basic support services, the home care provider must also comply with the following  
298.36 home and community-based services licensing requirements:

- 299.1 (1) service planning and delivery requirements in section 245D.07;  
299.2 (2) protection standards in section 245D.06;  
299.3 (3) emergency use of manual restraints in section 245D.061; and  
299.4 (4) protection-related rights in section 245D.04, subdivision 3, paragraph (a), clauses  
299.5 (5), (7), (8), (12), and (13), and paragraph (b).

299.6 A home care provider with the integrated license-home and community-based services  
299.7 designation may utilize a bill of rights which incorporates the service recipient rights in  
299.8 section 245D.04, subdivision 3, paragraph (a), clauses (5), (7), (8), (12), and (13), and  
299.9 paragraph (b) with the home care bill of rights in section 144A.44.

299.10 Subd. 5. **Monitoring and enforcement.** (a) The commissioner shall monitor for  
299.11 compliance with the home and community-based services requirements identified in  
299.12 subdivision 4, in accordance with this section and any agreements by the commissioners  
299.13 of health and human services.

299.14 (b) The commissioner shall enforce compliance with applicable home and  
299.15 community-based services licensing requirements as follows:

299.16 (1) the commissioner may deny a home and community-based services designation  
299.17 in accordance with section 144A.473 or 144A.475; and

299.18 (2) if the commissioner finds that the applicant or license holder has failed to comply  
299.19 with the applicable home and community-based services designation requirements, the  
299.20 commissioner may issue:

299.21 (i) a correction order in accordance with section 144A.474;

299.22 (ii) an order of conditional license in accordance with section 144A.475;

299.23 (iii) a sanction in accordance with section 144A.475; or

299.24 (iv) any combination of clauses (i) to (iii).

299.25 Subd. 6. **Appeals.** A home care provider applicant that has been denied a temporary  
299.26 license will also be denied their application for the home and community-based services  
299.27 designation. The applicant may request reconsideration in accordance with section  
299.28 144A.473, subdivision 3. A licensed home care provider whose application for a home  
299.29 and community-based services designation has been denied or whose designation has been  
299.30 suspended or revoked may appeal the denial, suspension, revocation, or refusal to renew a  
299.31 home and community-based services designation in accordance with section 144A.475.  
299.32 A license holder may request reconsideration of a correction order in accordance with  
299.33 section 144A.474, subdivision 12.

299.34 Subd. 7. **Agreements.** The commissioners of health and human services shall enter  
299.35 into any agreements necessary to implement this section.

300.1 Subd. 8. Fees; home and community-based services designation. (a) The  
 300.2 initial fee for a home and community-based services designation is \$155. A home care  
 300.3 provider renewing the home and community-based services designation must pay an  
 300.4 annual nonrefundable fee, in addition to the annual home care license fee, according to the  
 300.5 following schedule and based on revenues from the home and community-based services  
 300.6 that require licensure under chapter 245D during the calendar year immediately preceding  
 300.7 the year in which the license fee is paid:

300.8	<u>HCBS</u>
300.9 <u>Provider Annual Revenue from HCBS</u>	<u>Designation</u>
300.10 <u>greater than \$1,500,000</u>	<u>\$320</u>
300.11 <u>greater than \$1,275,000 and no more than \$1,500,000</u>	<u>\$300</u>
300.12 <u>greater than \$1,100,000 and no more than \$1,275,000</u>	<u>\$280</u>
300.13 <u>greater than \$950,000 and no more than \$1,100,000</u>	<u>\$260</u>
300.14 <u>greater than \$850,000 and no more than \$950,000</u>	<u>\$240</u>
300.15 <u>greater than \$750,000 and no more than \$850,000</u>	<u>\$220</u>
300.16 <u>greater than \$650,000 and no more than \$750,000</u>	<u>\$200</u>
300.17 <u>greater than \$550,000 and no more than \$650,000</u>	<u>\$180</u>
300.18 <u>greater than \$450,000 and no more than \$550,000</u>	<u>\$160</u>
300.19 <u>greater than \$350,000 and no more than \$450,000</u>	<u>\$140</u>
300.20 <u>greater than \$250,000 and no more than \$350,000</u>	<u>\$120</u>
300.21 <u>greater than \$100,000 and no more than \$250,000</u>	<u>\$100</u>
300.22 <u>greater than \$50,000 and no more than \$100,000</u>	<u>\$80</u>
300.23 <u>greater than \$25,000 and no more than \$50,000</u>	<u>\$60</u>
300.24 <u>no more than \$25,000</u>	<u>\$40</u>

300.25 (b) Fees and penalties collected under this section shall be deposited in the state  
 300.26 treasury and credited to the state government special revenue fund.

300.27 **EFFECTIVE DATE.** Minnesota Statutes, section 144A.484, subdivisions 2 to 8,  
 300.28 are effective July 1, 2015.

300.29 Sec. 6. Minnesota Statutes 2013 Supplement, section 145.4716, subdivision 2, is  
 300.30 amended to read:

300.31 Subd. 2. **Duties of director.** The director of child sex trafficking prevention is  
 300.32 responsible for the following:

- 300.33 (1) developing and providing comprehensive training on sexual exploitation of  
 300.34 youth for social service professionals, medical professionals, public health workers, and  
 300.35 criminal justice professionals;

301.1 (2) collecting, organizing, maintaining, and disseminating information on sexual  
 301.2 exploitation and services across the state, including maintaining a list of resources on the  
 301.3 Department of Health Web site;

301.4 (3) monitoring and applying for federal funding for antitrafficking efforts that may  
 301.5 benefit victims in the state;

301.6 (4) managing grant programs established under sections 145.4716 to 145.4718;

301.7 (5) managing the request for proposals for grants for comprehensive services,  
 301.8 including trauma-informed, culturally specific services;

301.9 (6) identifying best practices in serving sexually exploited youth, as defined in  
 301.10 section 260C.007, subdivision 31;

301.11 ~~(6)~~ (7) providing oversight of and technical support to regional navigators pursuant  
 301.12 to section 145.4717;

301.13 ~~(7)~~ (8) conducting a comprehensive evaluation of the statewide program for safe  
 301.14 harbor of sexually exploited youth; and

301.15 ~~(8)~~ (9) developing a policy consistent with the requirements of chapter 13 for sharing  
 301.16 data related to sexually exploited youth, as defined in section 260C.007, subdivision 31,  
 301.17 among regional navigators and community-based advocates.

301.18 **Sec. 7. [145.929] HEALTH CARE GRANTS FOR THE UNINSURED.**

301.19 **Subdivision 1. Dental providers.** (a) A dental provider is eligible for a grant under  
 301.20 this section if:

301.21 (1) the provider is a nonprofit organization not affiliated with a hospital or medical  
 301.22 group that offers free or reduced-cost oral health care to low-income patients under the  
 301.23 age of 21 with family incomes below 275 percent of the federal poverty guidelines who do  
 301.24 not have insurance coverage for oral health care services;

301.25 (2) the provider is eligible for critical access dental provider payments under section  
 301.26 256B.76, subdivision 4; and

301.27 (3) more than 80 percent of the dental provider's patient encounters per year are with  
 301.28 patients who are uninsured or covered by medical assistance or MinnesotaCare.

301.29 (b) Grants shall be distributed by the commissioner of health to each eligible  
 301.30 provider based on the proportion of that provider's number of low-income uninsured  
 301.31 patients under the age of 21 served in the reporting year to the total number of low-income  
 301.32 uninsured patients under the age of 21 served by all eligible providers, except that no  
 301.33 single eligible provider shall receive less than two percent or more than 30 percent of the  
 301.34 total appropriation provided under this subdivision. If the number of eligible providers  
 301.35 is such that the minimum of two percent cannot be provided to each eligible provider,

302.1 the commissioner shall limit eligibility for the subsidy to the top 20 eligible oral health  
302.2 providers.

302.3 Subd. 2. **Community mental health programs.** A community mental health  
302.4 program is eligible for a grant under this section if it is a community mental health center  
302.5 established under section 245.62, or a nonprofit community mental health clinic that is  
302.6 designated as an essential community provider under section 62Q.19, and the center or  
302.7 clinic offers free or reduced-cost mental health care to low-income patients under the age  
302.8 of 21 with family incomes below 275 percent of the federal poverty guidelines who do not  
302.9 have health insurance coverage. The grants shall be distributed by the commissioner of  
302.10 health to each eligible mental health center or clinic based on the proportion of that mental  
302.11 health center's or clinic's number of low-income uninsured patients under the age of 21  
302.12 served in the reporting year to the total number of low-income uninsured patients under  
302.13 the age of 21 served by all mental health centers and clinics eligible for a grant under this  
302.14 subdivision, except that no single eligible provider shall receive less than two percent or  
302.15 more than 30 percent of the total appropriation provided under this subdivision.

302.16 Subd. 3. **Emergency medical assistance outlier grant program.** (a) The  
302.17 commissioner of health shall establish a grant program for hospitals for the purpose of  
302.18 defraying underpayments associated with the emergency medical assistance program.  
302.19 Grants shall be made for the services provided beginning July 1, 2014, to an individual  
302.20 who is enrolled in emergency medical assistance, and when an emergency medical  
302.21 assistance reimbursement claim is in excess of \$50,000.

302.22 (b) Hospitals seeking a grant from this program must submit an application that  
302.23 includes the number and dollar amount of hospital claims for emergency medical  
302.24 assistance in excess of \$50,000 to the commissioner in a form prescribed by the  
302.25 commissioner. Grant payments shall be in proportion to the total hospital emergency  
302.26 medical assistance claims submitted by all applicant hospitals each state fiscal year.  
302.27 Claims for inpatient hospital, outpatient services, and hospital emergency department  
302.28 services shall be considered when determining the value of the grants.

302.29 Subd. 4. **Grant process.** The commissioner of health may use data submitted  
302.30 by organizations seeking a grant under this section, without further verification, for  
302.31 purposes of determining eligibility for a grant and allocating grant money among eligible  
302.32 organizations. The chief executive or chief financial officer must certify that the data  
302.33 submitted is accurate and that no changes were made in the organization's accounting and  
302.34 record-keeping practices or policies for providing free or reduced-cost care to uninsured  
302.35 patients for the purpose of creating eligibility or increasing the organization's allocation.  
302.36 The commissioner may audit or verify the data submitted. Grant funds must be used to

303.1 defray the organization's costs of providing care and services to uninsured patients as  
303.2 identified under subdivision 1, 2, or 3. An organization must not receive more than one  
303.3 grant under subdivision 1, 2, or 3, even though the organization is potentially eligible for  
303.4 a grant under two or more subdivisions. Organizations eligible for a grant under this  
303.5 section may join together to submit a combined application provided the data submitted is  
303.6 certified by each individual organization.

303.7 Sec. 8. Minnesota Statutes 2013 Supplement, section 256B.04, subdivision 21, is  
303.8 amended to read:

303.9 Subd. 21. **Provider enrollment.** (a) If the commissioner or the Centers for  
303.10 Medicare and Medicaid Services determines that a provider is designated "high-risk," the  
303.11 commissioner may withhold payment from providers within that category upon initial  
303.12 enrollment for a 90-day period. The withholding for each provider must begin on the date  
303.13 of the first submission of a claim.

303.14 (b) An enrolled provider that is also licensed by the commissioner under chapter  
303.15 245A, or is licensed as a home care provider by the Department of Health under chapter  
303.16 144A and has a home and community-based services designation on the home care license  
303.17 under section 144A.484, must designate an individual as the entity's compliance officer.

303.18 The compliance officer must:

303.19 (1) develop policies and procedures to assure adherence to medical assistance laws  
303.20 and regulations and to prevent inappropriate claims submissions;

303.21 (2) train the employees of the provider entity, and any agents or subcontractors of  
303.22 the provider entity including billers, on the policies and procedures under clause (1);

303.23 (3) respond to allegations of improper conduct related to the provision or billing of  
303.24 medical assistance services, and implement action to remediate any resulting problems;

303.25 (4) use evaluation techniques to monitor compliance with medical assistance laws  
303.26 and regulations;

303.27 (5) promptly report to the commissioner any identified violations of medical  
303.28 assistance laws or regulations; and

303.29 (6) within 60 days of discovery by the provider of a medical assistance  
303.30 reimbursement overpayment, report the overpayment to the commissioner and make  
303.31 arrangements with the commissioner for the commissioner's recovery of the overpayment.

303.32 The commissioner may require, as a condition of enrollment in medical assistance, that a  
303.33 provider within a particular industry sector or category establish a compliance program that  
303.34 contains the core elements established by the Centers for Medicare and Medicaid Services.

304.1 (c) The commissioner may revoke the enrollment of an ordering or rendering  
304.2 provider for a period of not more than one year, if the provider fails to maintain and, upon  
304.3 request from the commissioner, provide access to documentation relating to written orders  
304.4 or requests for payment for durable medical equipment, certifications for home health  
304.5 services, or referrals for other items or services written or ordered by such provider, when  
304.6 the commissioner has identified a pattern of a lack of documentation. A pattern means a  
304.7 failure to maintain documentation or provide access to documentation on more than one  
304.8 occasion. Nothing in this paragraph limits the authority of the commissioner to sanction a  
304.9 provider under the provisions of section 256B.064.

304.10 (d) The commissioner shall terminate or deny the enrollment of any individual or  
304.11 entity if the individual or entity has been terminated from participation in Medicare or  
304.12 under the Medicaid program or Children's Health Insurance Program of any other state.

304.13 (e) As a condition of enrollment in medical assistance, the commissioner shall  
304.14 require that a provider designated "moderate" or "high-risk" by the Centers for Medicare  
304.15 and Medicaid Services or the commissioner permit the Centers for Medicare and Medicaid  
304.16 Services, its agents, or its designated contractors and the state agency, its agents, or its  
304.17 designated contractors to conduct unannounced on-site inspections of any provider location.  
304.18 The commissioner shall publish in the Minnesota Health Care Program Provider Manual a  
304.19 list of provider types designated "limited," "moderate," or "high-risk," based on the criteria  
304.20 and standards used to designate Medicare providers in Code of Federal Regulations, title  
304.21 42, section 424.518. The list and criteria are not subject to the requirements of chapter 14.  
304.22 The commissioner's designations are not subject to administrative appeal.

304.23 (f) As a condition of enrollment in medical assistance, the commissioner shall  
304.24 require that a high-risk provider, or a person with a direct or indirect ownership interest in  
304.25 the provider of five percent or higher, consent to criminal background checks, including  
304.26 fingerprinting, when required to do so under state law or by a determination by the  
304.27 commissioner or the Centers for Medicare and Medicaid Services that a provider is  
304.28 designated high-risk for fraud, waste, or abuse.

304.29 (g)(1) Upon initial enrollment, reenrollment, and revalidation, all durable medical  
304.30 equipment, prosthetics, orthotics, and supplies (DMEPOS) suppliers operating in  
304.31 Minnesota and receiving Medicaid funds must purchase a surety bond that is annually  
304.32 renewed and designates the Minnesota Department of Human Services as the obligee, and  
304.33 must be submitted in a form approved by the commissioner.

304.34 (2) At the time of initial enrollment or reenrollment, the provider agency must  
304.35 purchase a performance bond of \$50,000. If a revalidating provider's Medicaid revenue  
304.36 in the previous calendar year is up to and including \$300,000, the provider agency must



305.1 purchase a performance bond of \$50,000. If a revalidating provider's Medicaid revenue  
305.2 in the previous calendar year is over \$300,000, the provider agency must purchase a  
305.3 performance bond of \$100,000. The performance bond must allow for recovery of costs  
305.4 and fees in pursuing a claim on the bond.

305.5 (h) The Department of Human Services may require a provider to purchase a  
305.6 performance surety bond as a condition of initial enrollment, reenrollment, reinstatement,  
305.7 or continued enrollment if: (1) the provider fails to demonstrate financial viability, (2) the  
305.8 department determines there is significant evidence of or potential for fraud and abuse by  
305.9 the provider, or (3) the provider or category of providers is designated high-risk pursuant  
305.10 to paragraph (a) and as per Code of Federal Regulations, title 42, section 455.450. The  
305.11 performance bond must be in an amount of \$100,000 or ten percent of the provider's  
305.12 payments from Medicaid during the immediately preceding 12 months, whichever is  
305.13 greater. The performance bond must name the Department of Human Services as an  
305.14 obligee and must allow for recovery of costs and fees in pursuing a claim on the bond.

305.15 **Sec. 9. LEGISLATIVE HEALTH CARE WORKFORCE COMMISSION.**

305.16 **Subdivision 1. Legislative oversight.** The Legislative Health Care Workforce  
305.17 Commission is created to study and make recommendations to the legislature on how to  
305.18 achieve the goal of strengthening the workforce in health care.

305.19 **Subd. 2. Membership.** The Legislative Health Care Workforce Commission  
305.20 consists of five members of the senate appointed by the Subcommittee on Committees  
305.21 of the Committee on Rules and Administration and five members of the house of  
305.22 representatives appointed by the speaker of the house. The Legislative Health Care  
305.23 Workforce Commission must include three members of the majority party and two  
305.24 members of the minority party in each house.

305.25 **Subd. 3. Officers.** The commission must elect a chair and may elect other officers  
305.26 as it determines are necessary. The chair shall alternate between a member of the senate  
305.27 and a member of the house of representatives in January of each odd-numbered year.

305.28 **Subd. 4. Initial appointments and meeting.** Appointing authorities for the  
305.29 Legislative Health Care Workforce Commission must make initial appointments by June  
305.30 1, 2014. The speaker of the house of representatives must designate one member of the  
305.31 commission to convene the first meeting of the commission by June 15, 2014.

305.32 **Subd. 5. Report to the legislature.** The Legislative Health Care Workforce  
305.33 Commission must provide a preliminary report making recommendations to the legislature  
305.34 by December 31, 2014. The commissioner must provide a final report to the legislature by  
305.35 December 31, 2016. The final report must:

- 306.1 (1) identify current and anticipated health care workforce shortages, by both  
306.2 provider type and geography;
- 306.3 (2) evaluate the effectiveness of incentives currently available to develop, attract,  
306.4 and retain a highly skilled health care workforce;
- 306.5 (3) study alternative incentives to develop, attract, and retain a highly skilled and  
306.6 diverse health care workforce; and
- 306.7 (4) identify current causes and potential solutions to barriers related to the primary  
306.8 care workforce, including, but not limited to:
- 306.9 (i) training and residency shortages;  
306.10 (ii) disparities in income between primary care and other providers; and  
306.11 (iii) negative perceptions of primary care among students.

306.12 Subd. 6. **Assistance to the commission.** The commissioners of health, human  
306.13 services, commerce, and other state agencies shall provide assistance and technical  
306.14 support to the commission at the request of the commission. The Minnesota Medical  
306.15 Association and other stakeholder groups shall also provide advice to the commission as  
306.16 needed. The commission may convene subcommittees to provide additional assistance  
306.17 and advice to the commission.

306.18 Subd. 7. **Commission member expenses.** Members of the commission may receive  
306.19 per diem and expense reimbursement from money appropriated for the commission in  
306.20 the manner and amount prescribed for per diem and expense payments by the senate  
306.21 Committee on Rules and Administration and the House Committee on Rules and  
306.22 Legislative Administration.

306.23 Subd. 8. **Expiration.** The Legislative Health Care Workforce Commission expires  
306.24 on January 1, 2017.

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

306.26 Sec. 10. **QUALITY TRANSPARENCY.**

306.27 (a) The commissioner of health shall develop an implementation plan for stratifying  
306.28 measures based on disability, race, ethnicity, language, and other sociodemographic factors  
306.29 that are correlated with health disparities and impact performance on quality measures.  
306.30 The plan must be designed so that quality measures can be stratified beginning January 1,  
306.31 2017, in order to advance work aimed at identifying and eliminating health disparities.  
306.32 By January 15, 2015, the commissioner shall submit a report to the chairs and ranking  
306.33 minority members of the senate and house of representatives committees and divisions  
306.34 with jurisdiction on health and human services and finance with the plan, including an  
306.35 estimated budget, timeline, and processes to be used for implementation.

307.1 (b) The commissioner of health shall assess the risk adjustment methodology  
307.2 established under Minnesota Statutes, section 62U.02, subdivision 3, for the potential  
307.3 for harm and unintended consequences for patient populations who experience health  
307.4 disparities, and the providers who serve them, and identify changes that may be needed  
307.5 to alleviate harm and unintended consequences. By January 15, 2016, the commissioner  
307.6 shall submit a report to the chairs and ranking minority members of the senate and house  
307.7 of representatives committees and divisions with jurisdiction on health and human  
307.8 services and finance with the result of the assessment of the risk-adjustment methodology  
307.9 and any recommended changes.

307.10 (c) The commissioner shall develop the plan described in paragraph (a), in  
307.11 consultation with consumer, community and advocacy organizations representing diverse  
307.12 communities; health plan companies; providers; quality measurement organizations; and  
307.13 safety net providers that primarily serve communities and patient populations with health  
307.14 disparities. The commissioner shall use culturally appropriate methods of consultation and  
307.15 engagement with consumer and advocacy organizations led by and representing diverse  
307.16 communities by race, ethnicity, language, and sociodemographic factors.

307.17 **Sec. 11. DATA ON CHRONIC PAIN THERAPIES.**

307.18 (a) The commissioner of health shall gather the following data on the provision of  
307.19 chronic pain treatment procedures by physicians, doctors of osteopathy, and certified  
307.20 registered nurse anesthetists who perform these procedures:

307.21 (1) the types and number of chronic pain management procedures performed within  
307.22 the last 36 months;

307.23 (2) the types of health professionals who perform chronic pain treatment procedures  
307.24 and the professional licenses they hold; and

307.25 (3) the location and type of facility in which the chronic pain treatment procedures  
307.26 are performed.

307.27 (b) The commissioner shall submit a report with the compiled data to the chairs and  
307.28 ranking minority members of the house and senate committees with jurisdiction over  
307.29 health and human services finance and policy by January 15, 2015.

307.30 (c) The commissioner of health may use the data submitted under Minnesota Statutes,  
307.31 section 62U.04, subdivision 4, paragraph (a), to carry out the requirements of this section.

307.32 **Sec. 12. STUDY AND REPORT ABOUT CLIENT BILLS OF RIGHTS.**

307.33 The commissioner of health shall consult with Aging Services of Minnesota, Care  
307.34 Providers of Minnesota, Minnesota Home Care Association, the commissioner of human

308.1 services, the Office of the Ombudsman for Long-Term Care, and other stakeholders to  
308.2 evaluate and determine how to streamline the requirements related to the clients' rights in  
308.3 Minnesota Statutes, sections 144A.44, 144A.441, and 245D.04, for applicable providers,  
308.4 while assuring and maintaining the health and safety of clients. The evaluation must  
308.5 consider the federal client bill of rights requirements for Medicare-certified home care  
308.6 providers. The evaluation must determine if there are duplications or conflicts of client  
308.7 rights, evaluate how to reduce the complexity of the requirements related to clients' rights  
308.8 for providers and consumers, determine which rights must be included in a consolidated  
308.9 client bill of rights document, and develop options to inform consumers of their rights.  
308.10 The commissioner shall report to the chairs and ranking minority members of the health  
308.11 and human services committees of the legislature no later than February 15, 2015, and  
308.12 include any recommendations for legislative changes.

## 308.13 **ARTICLE 24**

### 308.14 **HEALTH CARE**

308.15 Section 1. Minnesota Statutes 2013 Supplement, section 16A.724, subdivision 3,  
308.16 is amended to read:

308.17 Subd. 3. **MinnesotaCare federal receipts.** All federal funding received by  
308.18 Minnesota for implementation and administration of MinnesotaCare as a basic health  
308.19 program, as authorized in section 1331 of the Affordable Care Act, Public Law 111-148,  
308.20 as amended by Public Law 111-152, ~~is dedicated to that program and shall be deposited~~  
308.21 ~~into the health care access fund~~ is appropriated to the commissioner of human services  
308.22 to be used only for the MinnesotaCare program under chapter 256L. Federal funding  
308.23 that is received for implementing and administering MinnesotaCare as a basic health  
308.24 program ~~and deposited in the fund~~ shall be used only for that program to purchase health  
308.25 care coverage for enrollees and reduce enrollee premiums and cost-sharing or provide  
308.26 additional enrollee benefits.

308.27 Sec. 2. Minnesota Statutes 2012, section 256.01, is amended by adding a subdivision  
308.28 to read:

308.29 Subd. 38. **Contract to match recipient third-party liability information.** The  
308.30 commissioner may enter into a contract with a national organization to match recipient  
308.31 third-party liability information and provide coverage and insurance primacy information  
308.32 to the department at no charge to providers and the clearinghouses.

308.33 Sec. 3. Minnesota Statutes 2012, section 256.9685, subdivision 1, is amended to read:

309.1 Subdivision 1. **Authority.** (a) The commissioner shall establish procedures for  
309.2 determining medical assistance ~~and general assistance medical care~~ payment rates under  
309.3 a prospective payment system for inpatient hospital services in hospitals that qualify as  
309.4 vendors of medical assistance. The commissioner shall establish, by rule, procedures for  
309.5 implementing this section and sections 256.9686, 256.969, and 256.9695. Services must  
309.6 meet the requirements of section 256B.04, subdivision 15, ~~or 256D.03, subdivision 7,~~  
309.7 ~~paragraph (b),~~ to be eligible for payment.

309.8 (b) The commissioner may reduce the types of inpatient hospital admissions that  
309.9 are required to be certified as medically necessary after notice in the State Register and a  
309.10 30-day comment period.

309.11 Sec. 4. Minnesota Statutes 2012, section 256.9685, subdivision 1a, is amended to read:

309.12 Subd. 1a. **Administrative reconsideration.** Notwithstanding ~~sections~~ section  
309.13 256B.04, subdivision 15, ~~and 256D.03, subdivision 7,~~ the commissioner shall establish  
309.14 an administrative reconsideration process for appeals of inpatient hospital services  
309.15 determined to be medically unnecessary. A physician or hospital may request a  
309.16 reconsideration of the decision that inpatient hospital services are not medically necessary  
309.17 by submitting a written request for review to the commissioner within 30 days after  
309.18 receiving notice of the decision. The reconsideration process shall take place prior to the  
309.19 procedures of subdivision 1b and shall be conducted by physicians that are independent  
309.20 of the case under reconsideration. A majority decision by the physicians is necessary to  
309.21 make a determination that the services were not medically necessary.

309.22 Sec. 5. Minnesota Statutes 2012, section 256.9686, subdivision 2, is amended to read:

309.23 Subd. 2. **Base year.** "Base year" means a hospital's fiscal year or years that  
309.24 is recognized by the Medicare program or a hospital's fiscal year specified by the  
309.25 commissioner if a hospital is not required to file information by the Medicare program  
309.26 from which cost and statistical data are used to establish medical assistance ~~and general~~  
309.27 ~~assistance medical care~~ payment rates.

309.28 Sec. 6. Minnesota Statutes 2012, section 256.969, subdivision 1, is amended to read:

309.29 Subdivision 1. **Hospital cost index.** (a) The hospital cost index shall be the change  
309.30 in the Consumer Price Index-All Items (United States city average) (CPI-U) forecasted  
309.31 by Data Resources, Inc. The commissioner shall use the indices as forecasted in the  
309.32 third quarter of the calendar year prior to the rate year. The hospital cost index may be

310.1 used to adjust the base year operating payment rate through the rate year on an annually  
310.2 compounded basis.

310.3 (b) For fiscal years beginning on or after July 1, 1993, the commissioner of human  
310.4 services shall not provide automatic annual inflation adjustments for hospital payment  
310.5 rates under medical assistance, ~~nor under general assistance medical care, except that~~  
310.6 ~~the inflation adjustments under paragraph (a) for medical assistance, excluding general~~  
310.7 ~~assistance medical care, shall apply through calendar year 2001. The index for calendar~~  
310.8 ~~year 2000 shall be reduced 2.5 percentage points to recover overprojections of the index~~  
310.9 ~~from 1994 to 1996.~~ The commissioner of management and budget shall include as a  
310.10 budget change request in each biennial detailed expenditure budget submitted to the  
310.11 legislature under section 16A.11 annual adjustments in hospital payment rates under  
310.12 medical assistance ~~and general assistance medical care~~, based upon the hospital cost index.

310.13 Sec. 7. Minnesota Statutes 2012, section 256.969, subdivision 2, is amended to read:

310.14 Subd. 2. **Diagnostic categories.** The commissioner shall use to the extent possible  
310.15 existing diagnostic classification systems, including such as the system used by the  
310.16 Medicare program all patient-refined diagnosis-related groups (APR-DRGs) or other  
310.17 similar classification programs to determine the relative values of inpatient services  
310.18 and case mix indices. The commissioner may combine diagnostic classifications into  
310.19 diagnostic categories and may establish separate categories and numbers of categories  
310.20 based on ~~program eligibility~~ or hospital peer group. Relative values shall be ~~recalculated~~  
310.21 recalibrated when the base year is changed. Relative value determinations shall include  
310.22 paid claims for admissions during each hospital's base year. The commissioner may  
310.23 ~~extend the time period forward to obtain sufficiently valid information to establish relative~~  
310.24 values supplement the diagnostic classification systems data with national averages.  
310.25 Relative value determinations shall not include ~~property cost data~~, Medicare crossover  
310.26 data; and data on admissions that are paid a per day transfer rate under subdivision 14. The  
310.27 computation of the base year cost per admission must include identified outlier cases and  
310.28 their weighted costs up to the point that they become outlier cases, but must exclude costs  
310.29 recognized in outlier payments beyond that point. The commissioner may recategorize the  
310.30 diagnostic classifications and ~~recalculate~~ recalibrate relative values and case mix indices  
310.31 to reflect actual hospital practices, the specific character of specialty hospitals, or to reduce  
310.32 variances within the diagnostic categories after notice in the State Register and a 30-day  
310.33 comment period. ~~The commissioner shall recategorize the diagnostic classifications and~~  
310.34 ~~recalculate relative values and case mix indices based on the two-year schedule in effect~~  
310.35 ~~prior to January 1, 2013, reflected in subdivision 2b. The first recategorization shall occur~~

311.1 ~~January 1, 2013, and shall occur every two years after. When rates are not rebased under~~  
 311.2 ~~subdivision 2b, the commissioner may establish relative values and case mix indices based~~  
 311.3 ~~on charge data and may update the base year to the most recent data available.~~

311.4 Sec. 8. Minnesota Statutes 2012, section 256.969, subdivision 2b, is amended to read:

311.5 Subd. 2b. **Operating Hospital payment rates.** ~~In determining operating payment~~  
 311.6 ~~rates for admissions occurring on or after the rate year beginning January 1, 1991,~~  
 311.7 ~~and every two years after, or more frequently as determined by the commissioner,~~  
 311.8 ~~the commissioner shall obtain operating data from an updated base year and establish~~  
 311.9 ~~operating payment rates per admission for each hospital based on the cost-finding methods~~  
 311.10 ~~and allowable costs of the Medicare program in effect during the base year. Rates under~~  
 311.11 ~~the general assistance medical care, medical assistance, and MinnesotaCare programs shall~~  
 311.12 ~~not be rebased to more current data on January 1, 1997, January 1, 2005, for the first 24~~  
 311.13 ~~months of the rebased period beginning January 1, 2009~~ (a) For discharges occurring on  
 311.14 or after November 1, 2014, hospital inpatient services for hospitals located in Minnesota  
 311.15 shall be paid according to the following:

311.16 (1) critical access hospitals as defined by Medicare shall be paid using a cost-based  
 311.17 methodology;

311.18 (2) long-term hospitals as defined by Medicare shall be paid on a per diem  
 311.19 methodology under subdivision 25;

311.20 (3) rehabilitation hospitals or units of hospitals that are recognized as rehabilitation  
 311.21 distinct parts as defined by Medicare shall be paid according to the methodology under  
 311.22 subdivision 12; and

311.23 (4) all other hospitals shall be paid on a diagnosis-related group (DRG) methodology.

311.24 (b) For the rebased period beginning January 1, 2011, through October 31, 2014,  
 311.25 rates shall not be rebased, except that a Minnesota long-term hospital shall be rebased  
 311.26 effective January 1, 2011, based on its most recent Medicare cost report ending on or  
 311.27 before September 1, 2008, with the provisions under subdivisions 9 and 23, based on the  
 311.28 rates in effect on December 31, 2010. For subsequent rate setting periods after November  
 311.29 1, 2014, in which the base years are updated, a Minnesota long-term hospital's base year  
 311.30 shall remain within the same period as other hospitals. Effective January 1, 2013, and  
 311.31 after, rates shall not be rebased.

311.32 (c) Effective for discharges occurring on and after November 1, 2014, payment rates  
 311.33 for hospital inpatient services provided by hospitals located in Minnesota or the local trade  
 311.34 area, except for the hospitals paid under the methodologies described in paragraph (a),  
 311.35 clauses (2) and (3), shall be rebased, incorporating cost and payment methodologies in a

312.1 manner similar to Medicare. The base year for the rates effective November 1, 2014, shall  
312.2 be calendar year 2012. The rebasing under this paragraph shall be budget neutral, ensuring  
312.3 that the total aggregate payments under the rebased system are equal to the total aggregate  
312.4 payments that were made for the same number and types of services in the base year.  
312.5 Separate budget neutrality calculations shall be determined for payments made to critical  
312.6 access hospitals and payments made to hospitals paid under the DRG system. Only the rate  
312.7 increases or decreases under subdivision 3a or 3c that applied to the hospitals being rebased  
312.8 during the entire base period shall be incorporated into the budget neutrality calculation.

312.9 (d) For discharges occurring on or after November 1, 2014, through June 30, 2016,  
312.10 the rebased rates under paragraph (c) shall include adjustments to the projected rates that  
312.11 result in no greater than a five percent increase or decrease from the base year payments  
312.12 for any hospital. Any adjustments to the rates made by the commissioner under this  
312.13 paragraph and paragraph (e) shall maintain budget neutrality as described in paragraph (c).

312.14 (e) For discharges occurring on or after November 1, 2014, through June 30, 2016,  
312.15 the commissioner may make additional adjustments to the rebased rates, and when  
312.16 evaluating whether additional adjustments should be made, the commissioner shall  
312.17 consider the impact of the rates on the following:

312.18 (1) pediatric services;

312.19 (2) behavioral health services;

312.20 (3) trauma services as defined by the National Uniform Billing Committee;

312.21 (4) transplant services;

312.22 (5) obstetric services, newborn services, and behavioral health services provided  
312.23 by hospitals outside the seven-county metropolitan area;

312.24 (6) outlier admissions;

312.25 (7) low-volume providers; and

312.26 (8) services provided by small rural hospitals that are not critical access hospitals.

312.27 (f) Hospital payment rates established under paragraph (c) must incorporate the  
312.28 following:

312.29 (1) for hospitals paid under the DRG methodology, the base year operating payment  
312.30 rate per admission is standardized by the case mix index and adjusted by the hospital cost  
312.31 index, relative values, and disproportionate population adjustment. applicable Medicare  
312.32 wage index and adjusted by the hospital's disproportionate population adjustment;

312.33 (2) for critical access hospitals, interim per diem payment rates shall be based on the  
312.34 ratio of cost and charges reported on the base year Medicare cost report or reports and  
312.35 applied to medical assistance utilization data. Final settlement payments for a state fiscal



313.1 year must be determined based on a review of the medical assistance cost report required  
313.2 under subdivision 4b for the applicable state fiscal year;

313.3 (3) the cost and charge data used to establish ~~operating~~ hospital payment rates shall  
313.4 must only reflect inpatient services covered by medical assistance and shall not include  
313.5 property cost information and costs recognized in outlier payments; and

313.6 (4) in determining hospital payment rates for discharges occurring on or after the  
313.7 rate year beginning January 1, 2011, through December 31, 2012, the hospital payment  
313.8 rate per discharge shall be based on the cost-finding methods and allowable costs of the  
313.9 Medicare program in effect during the base year or years.

313.10 (g) The commissioner shall validate the rates effective November 1, 2014, by  
313.11 applying the rates established under paragraph (c), and any adjustments made to the rates  
313.12 under paragraph (d) or (e), to hospital claims paid in calendar year 2013 to determine  
313.13 whether the total aggregate payments for the same number and types of services under the  
313.14 rebased rates are equal to the total aggregate payments made during calendar year 2013.

313.15 (h) Effective for discharges occurring on or after July 1, 2017, and every two  
313.16 years thereafter, payment rates under this section shall be rebased to reflect only those  
313.17 changes in hospital costs between the existing base year and the next base year. The  
313.18 commissioner shall establish the base year for each rebasing period considering the most  
313.19 recent year for which filed Medicare cost reports are available. The estimated change in  
313.20 the average payment per hospital discharge resulting from a scheduled rebasing must be  
313.21 calculated and made available to the legislature by January 15 of each year in which  
313.22 rebasing is scheduled to occur, and must include by hospital the differential in payment  
313.23 rates compared to the individual hospital's costs.

313.24 Sec. 9. Minnesota Statutes 2012, section 256.969, is amended by adding a subdivision  
313.25 to read:

313.26 Subd. 2d. **Interim payments.** Notwithstanding subdivision 2b, paragraph (c),  
313.27 for discharges occurring on or after November 1, 2014, through June 30, 2015, the  
313.28 commissioner may implement an interim payment process to pay hospitals, including  
313.29 payments based on each hospital's average payments per claim for state fiscal years  
313.30 2011 and 2012. These interim payments may be used to pay hospitals if the rebasing  
313.31 under subdivision 2b, paragraph (c), is not implemented by November 1, 2014. Claims  
313.32 paid at interim payment rates shall be reprocessed and paid at the rates established under  
313.33 subdivision 2b, paragraphs (c) and (d), upon implementation of the rebased rates.

314.1 Sec. 10. Minnesota Statutes 2012, section 256.969, is amended by adding a subdivision  
314.2 to read:

314.3 Subd. 2e. **Report required.** (a) The commissioner shall report to the legislature by  
314.4 March 1, 2015, and by March 1, 2016, on the financial impacts by hospital and policy  
314.5 ramifications, if any, resulting from payment methodology changes implemented after  
314.6 October 31, 2014, and before December 15, 2015.

314.7 (b) The commissioner shall report, at a minimum, the following information:

314.8 (1) case-mix adjusted calculations of net payment impacts for each hospital resulting  
314.9 from the difference between the payments each hospital would have received under the  
314.10 payment methodology for discharges before October 31, 2014, and the payments each  
314.11 hospital has received or is expected to receive for the same number and types of services  
314.12 under the payment methodology implemented effective November 1, 2014;

314.13 (2) any adjustments that the commissioner made and the impacts of those  
314.14 adjustments for each hospital;

314.15 (3) any difference in total aggregate payments resulting from the validation process  
314.16 under calendar year 2013 claims; and

314.17 (4) recommendations for further refinement or improvement of the hospital inpatient  
314.18 payment system or methodologies.

314.19 Sec. 11. Minnesota Statutes 2012, section 256.969, subdivision 3a, is amended to read:

314.20 Subd. 3a. **Payments.** (a) Acute care hospital billings under the medical  
314.21 assistance program must not be submitted until the recipient is discharged. However,  
314.22 the commissioner shall establish monthly interim payments for inpatient hospitals that  
314.23 have individual patient lengths of stay over 30 days regardless of diagnostic category.  
314.24 Except as provided in section 256.9693, medical assistance reimbursement for treatment  
314.25 of mental illness shall be reimbursed based on diagnostic classifications. Individual  
314.26 hospital payments established under this section and sections 256.9685, 256.9686, and  
314.27 256.9695, in addition to third-party and recipient liability, for discharges occurring during  
314.28 the rate year shall not exceed, in aggregate, the charges for the medical assistance covered  
314.29 inpatient services paid for the same period of time to the hospital. ~~This payment limitation~~  
314.30 ~~shall be calculated separately for medical assistance and general assistance medical~~  
314.31 ~~care services. The limitation on general assistance medical care shall be effective for~~  
314.32 ~~admissions occurring on or after July 1, 1991.~~ Services that have rates established under  
314.33 subdivision 11 or 12, must be limited separately from other services. After consulting with  
314.34 the affected hospitals, the commissioner may consider related hospitals one entity and may  
314.35 merge the payment rates while maintaining separate provider numbers. The operating and

315.1 property base rates per admission or per day shall be derived from the best Medicare and  
315.2 claims data available when rates are established. The commissioner shall determine the  
315.3 best Medicare and claims data, taking into consideration variables of recency of the data,  
315.4 audit disposition, settlement status, and the ability to set rates in a timely manner. The  
315.5 commissioner shall notify hospitals of payment rates ~~by December 1 of the year preceding~~  
315.6 ~~the rate year~~ 30 days prior to implementation. The rate setting data must reflect the  
315.7 admissions data used to establish relative values. ~~Base year changes from 1981 to the base~~  
315.8 ~~year established for the rate year beginning January 1, 1991, and for subsequent rate years,~~  
315.9 ~~shall not be limited to the limits ending June 30, 1987, on the maximum rate of increase~~  
315.10 ~~under subdivision 1.~~ The commissioner may adjust base year cost, relative value, and case  
315.11 mix index data to exclude the costs of services that have been discontinued by the October  
315.12 1 of the year preceding the rate year or that are paid separately from inpatient services.  
315.13 Inpatient stays that encompass portions of two or more rate years shall have payments  
315.14 established based on payment rates in effect at the time of admission unless the date of  
315.15 admission preceded the rate year in effect by six months or more. In this case, operating  
315.16 payment rates for services rendered during the rate year in effect and established based on  
315.17 the date of admission shall be adjusted to the rate year in effect by the hospital cost index.

315.18 (b) For fee-for-service admissions occurring on or after July 1, 2002, the total  
315.19 payment, before third-party liability and spenddown, made to hospitals for inpatient  
315.20 services is reduced by .5 percent from the current statutory rates.

315.21 (c) In addition to the reduction in paragraph (b), the total payment for fee-for-service  
315.22 admissions occurring on or after July 1, 2003, made to hospitals for inpatient services before  
315.23 third-party liability and spenddown, is reduced five percent from the current statutory  
315.24 rates. Mental health services within diagnosis related groups 424 to 432 or corresponding  
315.25 APR-DRGs, and facilities defined under subdivision 16 are excluded from this paragraph.

315.26 (d) In addition to the reduction in paragraphs (b) and (c), the total payment for  
315.27 fee-for-service admissions occurring on or after August 1, 2005, made to hospitals for  
315.28 inpatient services before third-party liability and spenddown, is reduced 6.0 percent from  
315.29 the current statutory rates. Mental health services within diagnosis related groups 424  
315.30 to 432 or corresponding APR-DRGs, and facilities defined under subdivision 16 are  
315.31 excluded from this paragraph. ~~Notwithstanding section 256.9686, subdivision 7, for~~  
315.32 ~~purposes of this paragraph, medical assistance does not include general assistance medical~~  
315.33 ~~care.~~ Payments made to managed care plans shall be reduced for services provided on or  
315.34 after January 1, 2006, to reflect this reduction.

315.35 (e) In addition to the reductions in paragraphs (b), (c), and (d), the total payment for  
315.36 fee-for-service admissions occurring on or after July 1, 2008, through June 30, 2009, made

316.1 to hospitals for inpatient services before third-party liability and spenddown, is reduced  
316.2 3.46 percent from the current statutory rates. Mental health services with diagnosis  
316.3 related groups 424 to 432 or corresponding APR-DRGs, and facilities defined under  
316.4 subdivision 16 are excluded from this paragraph. Payments made to managed care plans  
316.5 shall be reduced for services provided on or after January 1, 2009, through June 30, 2009,  
316.6 to reflect this reduction.

316.7 (f) In addition to the reductions in paragraphs (b), (c), and (d), the total payment  
316.8 for fee-for-service admissions occurring on or after July 1, 2009, through June 30, 2011,  
316.9 made to hospitals for inpatient services before third-party liability and spenddown, is  
316.10 reduced 1.9 percent from the current statutory rates. Mental health services with diagnosis  
316.11 related groups 424 to 432 or corresponding APR-DRGs, and facilities defined under  
316.12 subdivision 16 are excluded from this paragraph. Payments made to managed care plans  
316.13 shall be reduced for services provided on or after July 1, 2009, through June 30, 2011,  
316.14 to reflect this reduction.

316.15 (g) In addition to the reductions in paragraphs (b), (c), and (d), the total payment  
316.16 for fee-for-service admissions occurring on or after July 1, 2011, made to hospitals for  
316.17 inpatient services before third-party liability and spenddown, is reduced 1.79 percent from  
316.18 the current statutory rates. Mental health services with diagnosis related groups 424 to 432  
316.19 or corresponding APR-DRGs, and facilities defined under subdivision 16 are excluded  
316.20 from this paragraph. Payments made to managed care plans shall be reduced for services  
316.21 provided on or after July 1, 2011, to reflect this reduction.

316.22 (h) In addition to the reductions in paragraphs (b), (c), (d), (f), and (g), the total  
316.23 payment for fee-for-service admissions occurring on or after July 1, 2009, made to  
316.24 hospitals for inpatient services before third-party liability and spenddown, is reduced  
316.25 one percent from the current statutory rates. Facilities defined under subdivision 16 are  
316.26 excluded from this paragraph. Payments made to managed care plans shall be reduced for  
316.27 services provided on or after October 1, 2009, to reflect this reduction.

316.28 (i) In addition to the reductions in paragraphs (b), (c), (d), (g), and (h), the total  
316.29 payment for fee-for-service admissions occurring on or after July 1, 2011, made to  
316.30 hospitals for inpatient services before third-party liability and spenddown, is reduced  
316.31 1.96 percent from the current statutory rates. Facilities defined under subdivision 16 are  
316.32 excluded from this paragraph. Payments made to managed care plans shall be reduced for  
316.33 services provided on or after January 1, 2011, to reflect this reduction.

316.34 (j) Effective for discharges on and after November 1, 2014, from hospitals paid  
316.35 under subdivision 2b, paragraph (a), clauses (1) and (4), the rate adjustments in this

317.1 subdivision must be incorporated into the rebased rates established under subdivision 2b,  
317.2 paragraph (c), and must not be applied to each claim.

317.3 Sec. 12. Minnesota Statutes 2012, section 256.969, subdivision 3b, is amended to read:

317.4 Subd. 3b. **Nonpayment for hospital-acquired conditions and for certain**  
317.5 **treatments.** (a) The commissioner must not make medical assistance payments to a  
317.6 hospital for any costs of care that result from a condition listed identified in paragraph  
317.7 (c), if the condition was hospital acquired.

317.8 (b) For purposes of this subdivision, a condition is hospital acquired if it is not  
317.9 identified by the hospital as present on admission. For purposes of this subdivision,  
317.10 medical assistance includes ~~general assistance medical care and~~ MinnesotaCare.

317.11 (c) The prohibition in paragraph (a) applies to payment for each hospital-acquired  
317.12 condition ~~listed in this paragraph that is~~ identified in this paragraph that is represented  
317.13 by an ICD-9-CM or ICD-10-CM diagnosis code ~~and is designated as a complicating~~  
317.14 ~~condition or a major complicating condition:~~

317.15 (1) ~~foreign object retained after surgery (ICD-9-CM codes 998.4 or 998.7);~~

317.16 (2) ~~air embolism (ICD-9-CM code 999.1);~~

317.17 (3) ~~blood incompatibility (ICD-9-CM code 999.6);~~

317.18 (4) ~~pressure ulcers stage III or IV (ICD-9-CM codes 707.23 or 707.24);~~

317.19 (5) ~~falls and trauma, including fracture, dislocation, intracranial injury, crushing~~  
317.20 ~~injury, burn, and electric shock (ICD-9-CM codes with these ranges on the complicating~~  
317.21 ~~condition and major complicating condition list: 800-829; 830-839; 850-854; 925-929;~~  
317.22 ~~940-949; and 991-994);~~

317.23 (6) ~~catheter-associated urinary tract infection (ICD-9-CM code 996.64);~~

317.24 (7) ~~vascular catheter-associated infection (ICD-9-CM code 999.31);~~

317.25 (8) ~~manifestations of poor glycemic control (ICD-9-CM codes 249.10; 249.11;~~  
317.26 ~~249.20; 249.21; 250.10; 250.11; 250.12; 250.13; 250.20; 250.21; 250.22; 250.23; and~~  
317.27 ~~251.0);~~

317.28 (9) ~~surgical site infection (ICD-9-CM codes 996.67 or 998.59) following certain~~  
317.29 ~~orthopedic procedures (procedure codes 81.01; 81.02; 81.03; 81.04; 81.05; 81.06; 81.07;~~  
317.30 ~~81.08; 81.23; 81.24; 81.31; 81.32; 81.33; 81.34; 81.35; 81.36; 81.37; 81.38; 81.83; and~~  
317.31 ~~81.85);~~

317.32 (10) ~~surgical site infection (ICD-9-CM code 998.59) following bariatric surgery~~  
317.33 ~~(procedure codes 44.38; 44.39; or 44.95) for a principal diagnosis of morbid obesity~~  
317.34 ~~(ICD-9-CM code 278.01);~~

318.1 (11) surgical site infection, mediastinitis (ICD-9-CM code 519.2) following coronary  
318.2 artery bypass graft (procedure codes 36.10 to 36.19); and

318.3 (12) deep vein thrombosis (ICD-9-CM codes 453.40 to 453.42) or pulmonary  
318.4 embolism (ICD-9-CM codes 415.11 or 415.19) following total knee replacement  
318.5 (procedure code 81.54) or hip replacement (procedure codes 00.85 to 00.87 or 81.51 to  
318.6 81.52). The list of conditions shall be the hospital-acquired conditions (HAC) list defined  
318.7 by the Centers for Medicare and Medicaid Services on an annual basis.

318.8 (d) The prohibition in paragraph (a) applies to any additional payments that result  
318.9 from a hospital-acquired condition ~~listed~~ identified in paragraph (c), including, but not  
318.10 limited to, additional treatment or procedures, readmission to the facility after discharge,  
318.11 increased length of stay, change to a higher diagnostic category, or transfer to another  
318.12 hospital. In the event of a transfer to another hospital, the hospital where the condition  
318.13 ~~listed~~ identified under paragraph (c) was acquired is responsible for any costs incurred at  
318.14 the hospital to which the patient is transferred.

318.15 (e) A hospital shall not bill a recipient of services for any payment disallowed under  
318.16 this subdivision.

318.17 Sec. 13. Minnesota Statutes 2012, section 256.969, subdivision 3c, is amended to read:

318.18 Subd. 3c. **Rateable reduction and readmissions reduction.** (a) The total payment  
318.19 for fee for service admissions occurring on or after September 1, 2011, ~~through June 30,~~  
318.20 ~~2015~~ to October 31, 2014, made to hospitals for inpatient services before third-party  
318.21 liability and spenddown, is reduced ten percent from the current statutory rates. Facilities  
318.22 defined under subdivision 16, long-term hospitals as determined under the Medicare  
318.23 program, children's hospitals whose inpatients are predominantly under 18 years of age,  
318.24 and payments under managed care are excluded from this paragraph.

318.25 (b) Effective for admissions occurring during calendar year 2010 and each year  
318.26 after, the commissioner shall calculate a ~~regional~~ readmission rate for admissions to all  
318.27 hospitals occurring within 30 days of a previous discharge using data from the Reducing  
318.28 Avoidable Readmissions Effectively (RARE) campaign. The commissioner may adjust  
318.29 the readmission rate taking into account factors such as the medical relationship,  
318.30 complicating conditions, and sequencing of treatment between the initial admission and  
318.31 subsequent readmissions.

318.32 (c) Effective for payments to all hospitals on or after July 1, 2013, ~~through June 30,~~  
318.33 ~~2015~~ October 31, 2014, the reduction in paragraph (a) is reduced one percentage point for  
318.34 every percentage point reduction in the overall readmissions rate between the two previous  
318.35 calendar years to a maximum of five percent.

319.1 (d) The exclusion from the rate reduction in paragraph (a) shall apply to a hospital  
319.2 located in Hennepin County with a licensed capacity of 1,700 beds as of September 1,  
319.3 2011, for admissions of children under 18 years of age occurring on or after September 1,  
319.4 2011, through August 31, 2013, but shall not apply to payments for admissions occurring  
319.5 on or after September 1, 2013, through October 31, 2014.

319.6 (e) Effective for discharges on or after November 1, 2014, from hospitals paid under  
319.7 subdivision 2b, paragraph (a), clauses (1) and (4), the rate adjustments in this subdivision  
319.8 must be incorporated into the rebased rates established under subdivision 2b, paragraph  
319.9 (c), and must not be applied to each claim.

319.10 **EFFECTIVE DATE.** Paragraph (d) is effective retroactively from September 1,  
319.11 2011, and applies to admissions on or after that date.

319.12 Sec. 14. Minnesota Statutes 2012, section 256.969, is amended by adding a subdivision  
319.13 to read:

319.14 **Subd. 4b. Medical assistance cost reports for services.** (a) A hospital that meets  
319.15 one of the following criteria must annually submit to the commissioner medical assistance  
319.16 cost reports within six months of the end of the hospital's fiscal year:

319.17 (1) a hospital designated as a critical access hospital that receives medical assistance  
319.18 payments; or

319.19 (2) a Minnesota hospital or out-of-state hospital located within a Minnesota local  
319.20 trade area that receives a disproportionate population adjustment under subdivision 9.

319.21 For purposes of this subdivision, local trade area has the meaning given in  
319.22 subdivision 17.

319.23 (b) The commissioner shall suspend payments to any hospital that fails to submit a  
319.24 report required under this subdivision. Payments must remain suspended until the report  
319.25 has been filed with and accepted by the commissioner.

319.26 Sec. 15. Minnesota Statutes 2012, section 256.969, subdivision 6a, is amended to read:

319.27 **Subd. 6a. Special considerations.** In determining the payment rates, the  
319.28 commissioner shall consider whether the circumstances in subdivisions 7 8 to 14 exist.

319.29 Sec. 16. Minnesota Statutes 2012, section 256.969, subdivision 8, is amended to read:

319.30 **Subd. 8. Unusual length of stay experience.** (a) The commissioner shall establish  
319.31 day outlier thresholds for each diagnostic category established under subdivision 2 at  
319.32 two standard deviations beyond the mean length of stay. Payment for the days beyond  
319.33 the outlier threshold shall be in addition to the operating and property payment rates per

320.1 admission established under subdivisions 2, and 2b, and 2e. Payment for outliers shall  
 320.2 be at 70 percent of the allowable operating cost, after adjustment by the case mix index,  
 320.3 hospital cost index, relative values and the disproportionate population adjustment. The  
 320.4 outlier threshold for neonatal and burn diagnostic categories shall be established at one  
 320.5 standard deviation beyond the mean length of stay, and payment shall be at 90 percent  
 320.6 of allowable operating cost calculated in the same manner as other outliers. A hospital  
 320.7 may choose an alternative to the 70 percent outlier payment that is at a minimum of 60  
 320.8 percent and a maximum of 80 percent if the commissioner is notified in writing of the  
 320.9 request by October 1 of the year preceding the rate year. The chosen percentage applies  
 320.10 to all diagnostic categories except burns and neonates. The percentage of allowable cost  
 320.11 that is unrecognized by the outlier payment shall be added back to the base year operating  
 320.12 payment rate per admission.

320.13 (b) Effective for transfers occurring on and after November 1, 2014, the commissioner  
 320.14 shall establish payment rates for acute transfers that are based on Medicare methodologies.

320.15 Sec. 17. Minnesota Statutes 2012, section 256.969, subdivision 8a, is amended to read:

320.16 Subd. 8a. **Short length of stay Neonatal admissions.** ~~Except as provided in~~  
 320.17 ~~subdivision 13, for admissions occurring on or after July 1, 1995, payment shall be~~  
 320.18 ~~determined as follows and shall be included in the base year for rate setting purposes:~~

320.19 ~~(1) for an admission that is categorized to a neonatal diagnostic related group~~  
 320.20 ~~in which the length of stay is less than 50 percent of the average length of stay for the~~  
 320.21 ~~category in the base year and the patient at admission is equal to or greater than the age of~~  
 320.22 ~~one, payments shall be established according to the methods of subdivision 14;~~

320.23 ~~(2) For an admission that is categorized to a diagnostic category that includes~~  
 320.24 ~~neonatal respiratory distress syndrome, the hospital must have a level II or level III~~  
 320.25 ~~nursery and the patient must receive treatment in that unit or payment will be made~~  
 320.26 ~~without regard to the syndrome condition.~~

320.27 **EFFECTIVE DATE.** This section is effective November 1, 2014.

320.28 Sec. 18. Minnesota Statutes 2012, section 256.969, is amended by adding a subdivision  
 320.29 to read:

320.30 Subd. 8c. **Hospital residents.** For discharges occurring on or after November 1,  
 320.31 2014, payments for hospital residents shall be made as follows:

320.32 (1) payments for the first 180 days of inpatient care shall be the APR-DRG system  
 320.33 plus any outliers; and



321.1 (2) payment for all medically necessary patient care subsequent to the first 180 days  
321.2 shall be reimbursed at a rate computed by multiplying the statewide average cost-to-charge  
321.3 ratio by the usual and customary charges.

321.4 Sec. 19. Minnesota Statutes 2012, section 256.969, subdivision 9, is amended to read:

321.5 Subd. 9. **Disproportionate numbers of low-income patients served.** (a) For  
321.6 admissions occurring on or after October 1, 1992, through December 31, 1992, the  
321.7 medical assistance disproportionate population adjustment shall comply with federal law  
321.8 and shall be paid to a hospital, excluding regional treatment centers and facilities of the  
321.9 federal Indian Health Service, with a medical assistance inpatient utilization rate in excess  
321.10 of the arithmetic mean. The adjustment must be determined as follows:

321.11 (1) for a hospital with a medical assistance inpatient utilization rate above the  
321.12 arithmetic mean for all hospitals excluding regional treatment centers and facilities of the  
321.13 federal Indian Health Service but less than or equal to one standard deviation above the  
321.14 mean, the adjustment must be determined by multiplying the total of the operating and  
321.15 property payment rates by the difference between the hospital's actual medical assistance  
321.16 inpatient utilization rate and the arithmetic mean for all hospitals excluding regional  
321.17 treatment centers and facilities of the federal Indian Health Service; and

321.18 (2) for a hospital with a medical assistance inpatient utilization rate above one  
321.19 standard deviation above the mean, the adjustment must be determined by multiplying  
321.20 the adjustment that would be determined under clause (1) for that hospital by 1.1. If  
321.21 federal matching funds are not available for all adjustments under this subdivision, the  
321.22 commissioner shall reduce payments on a pro rata basis so that all adjustments qualify for  
321.23 federal match. ~~The commissioner may establish a separate disproportionate population~~  
321.24 ~~operating payment rate adjustment under the general assistance medical care program.~~  
321.25 ~~For purposes of this subdivision medical assistance does not include general assistance~~  
321.26 ~~medical care.~~ The commissioner shall report annually on the number of hospitals likely to  
321.27 receive the adjustment authorized by this paragraph. The commissioner shall specifically  
321.28 report on the adjustments received by public hospitals and public hospital corporations  
321.29 located in cities of the first class.

321.30 (b) For admissions occurring on or after July 1, 1993, the medical assistance  
321.31 disproportionate population adjustment shall comply with federal law and shall be paid to  
321.32 a hospital, excluding regional treatment centers and facilities of the federal Indian Health  
321.33 Service, with a medical assistance inpatient utilization rate in excess of the arithmetic  
321.34 mean. The adjustment must be determined as follows:

322.1 (1) for a hospital with a medical assistance inpatient utilization rate above the  
322.2 arithmetic mean for all hospitals excluding regional treatment centers and facilities of the  
322.3 federal Indian Health Service but less than or equal to one standard deviation above the  
322.4 mean, the adjustment must be determined by multiplying the total of the operating and  
322.5 property payment rates by the difference between the hospital's actual medical assistance  
322.6 inpatient utilization rate and the arithmetic mean for all hospitals excluding regional  
322.7 treatment centers and facilities of the federal Indian Health Service; and

322.8 (2) for a hospital with a medical assistance inpatient utilization rate above one  
322.9 standard deviation above the mean, the adjustment must be determined by multiplying  
322.10 the adjustment that would be determined under clause (1) for that hospital by 1.1. The  
322.11 commissioner may establish a separate disproportionate population ~~operating~~ payment  
322.12 rate adjustment ~~under the general assistance medical care program. For purposes of~~  
322.13 ~~this subdivision, medical assistance does not include general assistance medical care~~  
322.14 for critical access hospitals. The commissioner shall report annually on the number of  
322.15 hospitals likely to receive the adjustment authorized by this paragraph. The commissioner  
322.16 shall specifically report on the adjustments received by public hospitals and public hospital  
322.17 corporations located in cities of the first class;

322.18 ~~(3) for a hospital that had medical assistance fee-for-service payment volume during~~  
322.19 ~~calendar year 1991 in excess of 13 percent of total medical assistance fee-for-service~~  
322.20 ~~payment volume, a medical assistance disproportionate population adjustment shall be~~  
322.21 ~~paid in addition to any other disproportionate payment due under this subdivision as~~  
322.22 ~~follows: \$1,515,000 due on the 15th of each month after noon, beginning July 15, 1995.~~  
322.23 ~~For a hospital that had medical assistance fee-for-service payment volume during calendar~~  
322.24 ~~year 1991 in excess of eight percent of total medical assistance fee-for-service payment~~  
322.25 ~~volume and was the primary hospital affiliated with the University of Minnesota, a~~  
322.26 ~~medical assistance disproportionate population adjustment shall be paid in addition to any~~  
322.27 ~~other disproportionate payment due under this subdivision as follows: \$505,000 due on~~  
322.28 ~~the 15th of each month after noon, beginning July 15, 1995; and~~

322.29 ~~(4) effective August 1, 2005, the payments in paragraph (b), clause (3), shall be~~  
322.30 ~~reduced to zero.~~

322.31 ~~(c) The commissioner shall adjust rates paid to a health maintenance organization~~  
322.32 ~~under contract with the commissioner to reflect rate increases provided in paragraph (b),~~  
322.33 ~~clauses (1) and (2), on a nondiscounted hospital-specific basis but shall not adjust those~~  
322.34 ~~rates to reflect payments provided in clause (3).~~

323.1 ~~(d) If federal matching funds are not available for all adjustments under paragraph~~  
323.2 ~~(b), the commissioner shall reduce payments under paragraph (b), clauses (1) and (2), on a~~  
323.3 ~~pro rata basis so that all adjustments under paragraph (b) qualify for federal match.~~

323.4 ~~(e) For purposes of this subdivision, medical assistance does not include general~~  
323.5 ~~assistance medical care.~~

323.6 ~~(f) For hospital services occurring on or after July 1, 2005, to June 30, 2007:~~

323.7 ~~(1) general assistance medical care expenditures for fee-for-service inpatient and~~  
323.8 ~~outpatient hospital payments made by the department shall be considered Medicaid~~  
323.9 ~~disproportionate share hospital payments, except as limited below:~~

323.10 ~~(i) only the portion of Minnesota's disproportionate share hospital allotment under~~  
323.11 ~~section 1923(f) of the Social Security Act that is not spent on the disproportionate~~  
323.12 ~~population adjustments in paragraph (b), clauses (1) and (2), may be used for general~~  
323.13 ~~assistance medical care expenditures;~~

323.14 ~~(ii) only those general assistance medical care expenditures made to hospitals that~~  
323.15 ~~qualify for disproportionate share payments under section 1923 of the Social Security Act~~  
323.16 ~~and the Medicaid state plan may be considered disproportionate share hospital payments;~~

323.17 ~~(iii) only those general assistance medical care expenditures made to an individual~~  
323.18 ~~hospital that would not cause the hospital to exceed its individual hospital limits under~~  
323.19 ~~section 1923 of the Social Security Act may be considered; and~~

323.20 ~~(iv) general assistance medical care expenditures may be considered only to the~~  
323.21 ~~extent of Minnesota's aggregate allotment under section 1923 of the Social Security Act.~~

323.22 ~~All hospitals and prepaid health plans participating in general assistance medical care~~  
323.23 ~~must provide any necessary expenditure, cost, and revenue information required by the~~  
323.24 ~~commissioner as necessary for purposes of obtaining federal Medicaid matching funds for~~  
323.25 ~~general assistance medical care expenditures; and~~

323.26 ~~(2) (c)~~ Certified public expenditures made by Hennepin County Medical Center shall  
323.27 be considered Medicaid disproportionate share hospital payments. Hennepin County  
323.28 and Hennepin County Medical Center shall report by June 15, 2007, on payments made  
323.29 beginning July 1, 2005, or another date specified by the commissioner, that may qualify  
323.30 for reimbursement under federal law. Based on these reports, the commissioner shall  
323.31 apply for federal matching funds.

323.32 ~~(g) (d)~~ Upon federal approval of the related state plan amendment, paragraph ~~(f) (c)~~  
323.33 is effective retroactively from July 1, 2005, or the earliest effective date approved by the  
323.34 Centers for Medicare and Medicaid Services.

323.35 Sec. 20. Minnesota Statutes 2012, section 256.969, subdivision 10, is amended to read:

324.1 Subd. 10. **Separate billing by certified registered nurse anesthetists.** Hospitals  
324.2 ~~may~~ must exclude certified registered nurse anesthetist costs from the operating payment  
324.3 rate as allowed by section 256B.0625, subdivision 11. ~~To be eligible, a hospital must~~  
324.4 ~~notify the commissioner in writing by October 1 of even-numbered years to exclude~~  
324.5 ~~certified registered nurse anesthetist costs. The hospital must agree that all hospital~~  
324.6 ~~claims for the cost and charges of certified registered nurse anesthetist services will not~~  
324.7 ~~be included as part of the rates for inpatient services provided during the rate year. In~~  
324.8 ~~this case, the operating payment rate shall be adjusted to exclude the cost of certified~~  
324.9 ~~registered nurse anesthetist services.~~

324.10 ~~For admissions occurring on or after July 1, 1991, and until the expiration date of~~  
324.11 ~~section 256.9695, subdivision 3, services of certified registered nurse anesthetists provided~~  
324.12 ~~on an inpatient basis may be paid as allowed by section 256B.0625, subdivision 11, when~~  
324.13 ~~the hospital's base year did not include the cost of these services. To be eligible, a hospital~~  
324.14 ~~must notify the commissioner in writing by July 1, 1991, of the request and must comply~~  
324.15 ~~with all other requirements of this subdivision.~~

324.16 Sec. 21. Minnesota Statutes 2012, section 256.969, subdivision 12, is amended to read:

324.17 Subd. 12. **Rehabilitation hospitals and distinct parts.** (a) Units of hospitals that  
324.18 are recognized as rehabilitation distinct parts by the Medicare program shall have separate  
324.19 provider numbers under the medical assistance program for rate establishment and billing  
324.20 purposes only. These units shall also have operating ~~and property~~ payment rates and the  
324.21 disproportionate population adjustment, if allowed by federal law, established separately  
324.22 from other inpatient hospital services.

324.23 (b) The commissioner ~~may~~ shall establish separate relative values under subdivision  
324.24 2 for rehabilitation hospitals and distinct parts as defined by the Medicare program.  
324.25 Effective for discharges occurring on and after November 1, 2014, the commissioner, to  
324.26 the extent possible, shall replicate the existing payment rate methodology under the new  
324.27 diagnostic classification system. The result must be budget neutral, ensuring that the total  
324.28 aggregate payments under the new system are equal to the total aggregate payments made  
324.29 for the same number and types of services in the base year, calendar year 2012.

324.30 (c) For individual hospitals that did not have separate medical assistance  
324.31 rehabilitation provider numbers or rehabilitation distinct parts in the base year, hospitals  
324.32 shall provide the information needed to separate rehabilitation distinct part cost and claims  
324.33 data from other inpatient service data.

324.34 Sec. 22. Minnesota Statutes 2012, section 256.969, subdivision 14, is amended to read:

325.1 Subd. 14. **Transfers.** ~~Except as provided in subdivisions 11 and 13,~~ (a) Operating  
325.2 and property payment rates for admissions that result in transfers and transfers shall be  
325.3 established on a per day payment system. The per day payment rate shall be the sum of  
325.4 the adjusted operating and property payment rates determined under this subdivision and  
325.5 subdivisions 2, 2b, ~~2e,~~ 3a, 4a, 5a, and ~~7~~ 8 to 12, divided by the arithmetic mean length  
325.6 of stay for the diagnostic category. Each admission that results in a transfer and each  
325.7 transfer is considered a separate admission to each hospital, and the total of the admission  
325.8 and transfer payments to each hospital must not exceed the total per admission payment  
325.9 that would otherwise be made to each hospital under this subdivision and subdivisions  
325.10 2, 2b, ~~2e,~~ 3a, 4a, 5a, and ~~7 to 13~~ 8 to 12.

325.11 (b) Effective for transfers occurring on and after November 1, 2014, the commissioner  
325.12 shall establish payment rates for acute transfers that are based on Medicare methodologies.

325.13 Sec. 23. Minnesota Statutes 2012, section 256.969, subdivision 17, is amended to read:

325.14 Subd. 17. **Out-of-state hospitals in local trade areas.** Out-of-state hospitals that  
325.15 are located within a Minnesota local trade area and that have more than 20 admissions in  
325.16 the base year or years shall have rates established using the same procedures and methods  
325.17 that apply to Minnesota hospitals. For this subdivision and subdivision 18, local trade area  
325.18 means a county contiguous to Minnesota and located in a metropolitan statistical area as  
325.19 determined by Medicare for October 1 prior to the most current rebased rate year. Hospitals  
325.20 that are not required by law to file information in a format necessary to establish rates shall  
325.21 have rates established based on the commissioner's estimates of the information. Relative  
325.22 values of the diagnostic categories shall not be redetermined under this subdivision until  
325.23 required by ~~rule~~ statute. Hospitals affected by this subdivision shall then be included in  
325.24 determining relative values. However, hospitals that have rates established based upon  
325.25 the commissioner's estimates of information shall not be included in determining relative  
325.26 values. This subdivision is effective for hospital fiscal years beginning on or after July  
325.27 1, 1988. A hospital shall provide the information necessary to establish rates under this  
325.28 subdivision at least 90 days before the start of the hospital's fiscal year.

325.29 Sec. 24. Minnesota Statutes 2012, section 256.969, subdivision 18, is amended to read:

325.30 Subd. 18. **Out-of-state hospitals outside local trade areas.** Hospitals that are  
325.31 not located within Minnesota or a Minnesota local trade area shall have ~~operating and~~  
325.32 ~~property~~ inpatient hospital rates established at the average of statewide and local trade area  
325.33 rates or, at the commissioner's discretion, at an amount negotiated by the commissioner.  
325.34 Relative values shall not include data from hospitals that have rates established under this

326.1 subdivision. Payments, including third-party and recipient liability, established under this  
326.2 subdivision may not exceed the charges on a claim specific basis for inpatient services that  
326.3 are covered by medical assistance.

326.4 Sec. 25. Minnesota Statutes 2012, section 256.969, subdivision 25, is amended to read:

326.5 Subd. 25. **Long-term hospital rates.** (a) Long-term hospitals shall be paid on a  
326.6 per diem basis.

326.7 (b) For admissions occurring on or after April 1, 1995, a long-term hospital as  
326.8 designated by Medicare that does not have admissions in the base year shall have  
326.9 inpatient rates established at the average of other hospitals with the same designation. For  
326.10 subsequent rate-setting periods in which base years are updated, the hospital's base year  
326.11 shall be the first Medicare cost report filed with the long-term hospital designation and  
326.12 shall remain in effect until it falls within the same period as other hospitals.

326.13 Sec. 26. Minnesota Statutes 2012, section 256.969, subdivision 30, is amended to read:

326.14 Subd. 30. **Payment rates for births.** (a) For admissions occurring on or after  
326.15 ~~October 1, 2009~~ November 1, 2014, the total operating and property payment rate,  
326.16 excluding disproportionate population adjustment, for the following diagnosis-related  
326.17 groups, as they fall within the diagnostic APR-DRG categories: (1) ~~371 cesarean section~~  
326.18 ~~without complicating diagnosis~~ 5601, 5602, 5603, 5604 vaginal delivery; and (2) ~~372~~  
326.19 ~~vaginal delivery with complicating diagnosis~~; and (3) ~~373 vaginal delivery without~~  
326.20 ~~complicating diagnosis~~ 5401, 5402, 5403, 5404 cesarean section, shall be no greater  
326.21 than \$3,528.

326.22 (b) The rates described in this subdivision do not include newborn care.

326.23 (c) Payments to managed care and county-based purchasing plans under section  
326.24 256B.69, 256B.692, or 256L.12 shall be reduced for services provided on or after October  
326.25 1, 2009, to reflect the adjustments in paragraph (a).

326.26 (d) Prior authorization shall not be required before reimbursement is paid for a  
326.27 cesarean section delivery.

326.28 Sec. 27. Minnesota Statutes 2012, section 256B.04, is amended by adding a  
326.29 subdivision to read:

326.30 Subd. 24. **Medicaid waiver requests and state plan amendments.** Prior to  
326.31 submitting any Medicaid waiver request or Medicaid state plan amendment to the federal  
326.32 government for approval, the commissioner shall publish the text of the waiver request or  
326.33 state plan amendment, and a summary of and explanation of the need for the request, on

327.1 the agency's Web site and provide a 30-day public comment period. The commissioner  
 327.2 shall notify the public of the availability of this information through the agency's electronic  
 327.3 subscription service. The commissioner shall consider public comments when preparing  
 327.4 the final waiver request or state plan amendment that is to be submitted to the federal  
 327.5 government for approval. The commissioner shall also publish on the agency's Web site  
 327.6 notice of any federal decision related to the state request for approval, within 30 days of  
 327.7 the decision. This notice must describe any modifications to the state request that have  
 327.8 been agreed to by the commissioner as a condition of receiving federal approval.

327.9 Sec. 28. Minnesota Statutes 2013 Supplement, section 256B.0625, subdivision 17,  
 327.10 is amended to read:

327.11 Subd. 17. **Transportation costs.** (a) "Nonemergency medical transportation  
 327.12 service" means motor vehicle transportation provided by a public or private person  
 327.13 that serves Minnesota health care program beneficiaries who do not require emergency  
 327.14 ambulance service, as defined in section 144E.001, subdivision 3, to obtain covered  
 327.15 medical services. Nonemergency medical transportation service includes, but is not  
 327.16 limited to, special transportation service, defined in section 174.29, subdivision 1.

327.17 ~~(a)~~ (b) Medical assistance covers medical transportation costs incurred solely for  
 327.18 obtaining emergency medical care or transportation costs incurred by eligible persons in  
 327.19 obtaining emergency or nonemergency medical care when paid directly to an ambulance  
 327.20 company, common carrier, or other recognized providers of transportation services.

327.21 Medical transportation must be provided by:

327.22 ~~(1) an ambulance~~ nonemergency medical transportation providers who meet the  
 327.23 requirements of this subdivision;

327.24 (2) ambulances, as defined in section 144E.001, subdivision 2;

327.25 ~~(2) special transportation; or~~

327.26 ~~(3) common carrier including, but not limited to, bus, taxicab, other commercial~~  
 327.27 ~~carrier, or private automobile~~ taxicabs and public transit, as defined in section 174.22,  
 327.28 subdivision 7; or

327.29 (4) not-for-hire vehicles, including volunteer drivers.

327.30 ~~(b)~~ (c) Medical assistance covers ~~special transportation, as defined in Minnesota~~  
 327.31 ~~Rules, part 9505.0315, subpart 1, item F, if the recipient has a physical or mental~~  
 327.32 ~~impairment that would prohibit the recipient from safely accessing and using a bus,~~  
 327.33 ~~taxi, other commercial transportation, or private automobile.~~ nonemergency medical  
 327.34 transportation provided by nonemergency medical transportation providers enrolled in  
 327.35 the Minnesota health care programs. All nonemergency medical transportation providers

328.1 must comply with the operating standards for special transportation service as defined in  
328.2 sections 174.29 to 174.30 and Minnesota Rules, chapter 8840, and in consultation with  
328.3 the Minnesota Department of Transportation. All nonemergency medical transportation  
328.4 providers shall bill for nonemergency medical transportation services in accordance with  
328.5 Minnesota health care programs criteria. Publicly operated transit systems, volunteers,  
328.6 and not-for-hire vehicles are exempt from the requirements outlined in this paragraph.

328.7 (d) The administrative agency of nonemergency medical transportation must:

328.8 (1) adhere to the policies defined by the commissioner in consultation with the  
328.9 Nonemergency Medical Transportation Advisory Committee;

328.10 (2) pay nonemergency medical transportation providers for services provided to  
328.11 Minnesota health care programs beneficiaries to obtain covered medical services;

328.12 (3) provide data monthly to the commissioner on appeals, complaints, no-shows,  
328.13 canceled trips, and number of trips by mode; and

328.14 (4) by July 1, 2016, in accordance with subdivision 18e, utilize a Web-based single  
328.15 administrative structure assessment tool that meets the technical requirements established  
328.16 by the commissioner, reconciles trip information with claims being submitted by  
328.17 providers, and ensures prompt payment for nonemergency medical transportation services.

328.18 (e) Until the commissioner implements the single administrative structure and  
328.19 delivery system under subdivision 18e, clients shall obtain their level-of-service certificate  
328.20 from the commissioner or an entity approved by the commissioner that does not dispatch  
328.21 rides for clients using modes under paragraph (h), clauses (4), (5), (6), and (7).

328.22 (f) The commissioner may use an order by the recipient's attending physician  
328.23 or a medical or mental health professional to certify that the recipient requires  
328.24 special transportation services nonemergency medical transportation services. ~~Special~~  
328.25 Nonemergency medical transportation providers shall perform driver-assisted services for  
328.26 eligible individuals, when appropriate. Driver-assisted service includes passenger pickup  
328.27 at and return to the individual's residence or place of business, assistance with admittance  
328.28 of the individual to the medical facility, and assistance in passenger securement or in  
328.29 securing of wheelchairs or stretchers in the vehicle. ~~Special Nonemergency medical~~  
328.30 transportation providers must obtain written documentation from the health care service  
328.31 provider who is serving the recipient being transported, identifying the time that the  
328.32 recipient arrived. ~~Special~~ have trip logs, which include pickup and drop-off times, signed  
328.33 by the medical provider or client attesting mileage traveled to obtain covered medical  
328.34 services, whichever is deemed most appropriate. Nonemergency medical transportation  
328.35 providers may not bill for separate base rates for the continuation of a trip beyond the  
328.36 original destination. ~~Special Nonemergency medical~~ transportation providers must take



329.1 ~~recipients~~ clients to the health care provider, using the most direct route, and must not  
329.2 exceed 30 miles for a trip to a primary care provider or 60 miles for a trip to a specialty  
329.3 care provider, unless the ~~recipient~~ client receives authorization from the local agency. The  
329.4 minimum medical assistance reimbursement rates for special transportation services are:

329.5 (1)(i) \$17 for the base rate and \$1.35 per mile for special transportation services to  
329.6 eligible persons who need a wheelchair-accessible van;

329.7 (ii) \$11.50 for the base rate and \$1.30 per mile for special transportation services to  
329.8 eligible persons who do not need a wheelchair-accessible van; and

329.9 (iii) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip,  
329.10 for special transportation services to eligible persons who need a stretcher-accessible  
329.11 vehicle; and

329.12 (2) clients requesting client mileage reimbursement must sign the trip log attesting  
329.13 mileage traveled to obtain covered medical services.

329.14 (g) The covered modes of nonemergency medical transportation include  
329.15 transportation provided directly by clients or family members of clients with their own  
329.16 transportation, volunteers using their own vehicles, taxicabs, and public transit, or  
329.17 provided to a client who needs a stretcher-accessible vehicle, a lift/ramp equipped vehicle,  
329.18 or a vehicle that is not stretcher-accessible or lift/ramp equipped designed to transport ten  
329.19 or fewer persons. Upon implementation of a new rate structure, a new covered mode of  
329.20 nonemergency medical transportation shall include transportation provided to a client who  
329.21 needs a protected vehicle that is not an ambulance or police car and has safety locks, a  
329.22 video recorder, and a transparent thermoplastic partition between the passenger and the  
329.23 vehicle driver.

329.24 (h) The administrative agency shall use the level of service process established by the  
329.25 commissioner in consultation with the Nonemergency Medical Transportation Advisory  
329.26 Committee to determine the client's most appropriate mode of transportation. If public  
329.27 transit or a certified transportation provider is not available to provide the appropriate  
329.28 service mode for the client, the client may receive a onetime service upgrade. The new  
329.29 modes of transportation, which may not be implemented without a new rate structure, are:

329.30 (1) client reimbursement, which includes client mileage reimbursement provided  
329.31 to clients who have their own transportation or family who provides transportation to  
329.32 the client;

329.33 (2) volunteer transport, which includes transportation by volunteers using their  
329.34 own vehicle;

329.35 (3) unassisted transport, which includes transportation provided to a client by a  
329.36 taxicab or public transit. If a taxicab or publicly operated transit system is not available,

330.1 the client can receive transportation from another nonemergency medical transportation  
330.2 provider;

330.3 (4) assisted transport, which includes transport provided to clients who require  
330.4 assistance by a nonemergency medical transportation provider;

330.5 (5) lift-equipped/ramp transport, which includes transport provided to a client who  
330.6 is dependent on a device and requires a nonemergency medical transportation provider  
330.7 with a vehicle containing a lift or ramp;

330.8 (6) protected transport, which includes transport to a client who has received a  
330.9 prescreening that has deemed other forms of transportation inappropriate and who requires  
330.10 a provider certified as a protected transport provider; and

330.11 (7) stretcher transport, which includes transport for a client in a prone or supine  
330.12 position and requires a nonemergency medical transportation provider with a vehicle that  
330.13 can transport a client in a prone or supine position.

330.14 (i) In accordance with subdivision 18e, by July 1, 2016, the local agency shall be  
330.15 the single administrative agency and shall administer and reimburse for modes defined in  
330.16 paragraph (h) according to a new rate structure, once this is adopted.

330.17 (j) The commissioner shall:

330.18 (1) in consultation with the Nonemergency Medical Transportation Advisory  
330.19 Committee, verify that the mode and use of nonemergency medical transportation is  
330.20 appropriate;

330.21 (2) verify that the client is going to an approved medical appointment; and

330.22 (3) investigate all complaints and appeals.

330.23 (k) The administrative agency shall pay for the services provided in this subdivision  
330.24 and seek reimbursement from the commissioner, if appropriate. As vendors of medical  
330.25 care, local agencies are subject to the provisions in section 256B.041, the sanctions and  
330.26 monetary recovery actions in section 256B.064, and Minnesota Rules parts 9505.2160  
330.27 to 9505.2245.

330.28 (l) The base rates for special transportation services in areas defined under RUCA  
330.29 to be super rural shall be equal to the reimbursement rate established in paragraph (f),  
330.30 clause (1), plus 11.3 percent; and

330.31 ~~(3)~~ for special transportation services in areas defined under RUCA to be rural  
330.32 or super rural areas:

330.33 (i) for a trip equal to 17 miles or less, mileage reimbursement shall be equal to 125  
330.34 percent of the respective mileage rate in paragraph (f), clause (1); and

330.35 (ii) for a trip between 18 and 50 miles, mileage reimbursement shall be equal to  
330.36 112.5 percent of the respective mileage rate in paragraph (f), clause (1).

331.1 (e) ~~(m)~~ For purposes of reimbursement rates for special transportation services under  
331.2 paragraph (b), the zip code of the recipient's place of residence shall determine whether  
331.3 the urban, rural, or super rural reimbursement rate applies.

331.4 ~~(d)~~ ~~(n)~~ For purposes of this subdivision, "rural urban commuting area" or "RUCA"  
331.5 means a census-tract based classification system under which a geographical area is  
331.6 determined to be urban, rural, or super rural.

331.7 ~~(e)~~ ~~(o)~~ Effective for services provided on or after September 1, 2011, nonemergency  
331.8 transportation rates, including special transportation, taxi, and other commercial carriers,  
331.9 are reduced 4.5 percent. Payments made to managed care plans and county-based  
331.10 purchasing plans must be reduced for services provided on or after January 1, 2012,  
331.11 to reflect this reduction.

331.12 Sec. 29. Minnesota Statutes 2012, section 256B.0625, subdivision 18b, is amended to  
331.13 read:

331.14 Subd. 18b. **Broker dispatching prohibition.** Except for establishing level of  
331.15 service process, the commissioner shall not use a broker or coordinator for any purpose  
331.16 related to nonemergency medical transportation services under subdivision 18.

331.17 Sec. 30. Minnesota Statutes 2012, section 256B.0625, subdivision 18c, is amended to  
331.18 read:

331.19 Subd. 18c. **Nonemergency Medical Transportation Advisory Committee.**

331.20 (a) The Nonemergency Medical Transportation Advisory Committee shall advise the  
331.21 commissioner on the administration of nonemergency medical transportation covered  
331.22 under medical assistance. The advisory committee shall meet at least quarterly the first  
331.23 year following January 1, 2015, and at least biannually thereafter and may meet more  
331.24 frequently as required by the commissioner. The advisory committee shall annually  
331.25 elect a chair from among its members, who shall work with the commissioner or the  
331.26 commissioner's designee to establish the agenda for each meeting. The commissioner, or  
331.27 the commissioner's designee, shall attend all advisory committee meetings.

331.28 (b) The Nonemergency Medical Transportation Advisory Committee shall advise  
331.29 and make recommendations to the commissioner on:

331.30 (1) ~~the development of, and periodic updates to, a~~ the nonemergency medical  
331.31 transportation policy manual for nonemergency medical transportation services;

331.32 ~~(2) policies and a funding source for reimbursing no-load miles;~~

331.33 ~~(3) policies to prevent waste, fraud, and abuse, and to improve the efficiency of the~~  
331.34 ~~nonemergency medical transportation system;~~

- 332.1 ~~(4) other issues identified in the 2011 evaluation report by the Office of the~~  
 332.2 ~~Legislative Auditor on medical nonemergency transportation; and~~
- 332.3 ~~(5) (2) other aspects of the nonemergency medical transportation system, as~~  
 332.4 ~~requested by the commissioner; and~~
- 332.5 (3) other aspects of the nonemergency medical transportation system, as requested by:  
 332.6 (i) a committee member, who may request an item to be placed on the agenda for  
 332.7 a future meeting. The request may be considered by the committee and voted upon.  
 332.8 If the motion carries, the meeting agenda item may be developed for presentation to  
 332.9 the committee; and
- 332.10 (ii) a member of the public, who may approach the committee by letter or e-mail  
 332.11 requesting that an item be placed on a future meeting agenda. The request may be  
 332.12 considered by the committee and voted upon. If the motion carries, the agenda item may  
 332.13 be developed for presentation to the committee.
- 332.14 (c) The Nonemergency Medical Transportation Advisory Committee shall  
 332.15 coordinate its activities with the Minnesota Council on Transportation Access established  
 332.16 under section 174.285. The chair of the advisory committee, or the chair's designee, shall  
 332.17 attend all meetings of the Minnesota Council on Transportation Access.
- 332.18 (d) The Nonemergency Medical Transportation Advisory Committee shall expire  
 332.19 December 1, ~~2014~~ 2019.

332.20 Sec. 31. Minnesota Statutes 2012, section 256B.0625, subdivision 18d, is amended to  
 332.21 read:

332.22 Subd. 18d. **Advisory committee members.** (a) The Nonemergency Medical  
 332.23 Transportation Advisory Committee consists of:

- 332.24 ~~(1) two voting members who represent counties, at least one of whom must represent~~  
 332.25 ~~a county or counties other than Anoka, Carver, Chisago, Dakota, Hennepin, Isanti,~~  
 332.26 ~~Ramsey, Scott, Sherburne, Washington, and Wright~~ four voting members who represent  
 332.27 counties, utilizing the rural urban commuting area classification system. As defined in  
 332.28 subdivision 17, these members shall be designated as follows:
- 332.29 (i) two counties within the 11-county metropolitan area;  
 332.30 (ii) one county representing the rural area of the state; and  
 332.31 (iii) one county representing the super rural area of the state.

332.32 The Association of Minnesota Counties shall appoint one county within the 11-county  
 332.33 metropolitan area and one county representing the super rural area of the state. The  
 332.34 Minnesota Inter-County Association shall appoint one county within the 11-county  
 332.35 metropolitan area and one county representing the rural area of the state;

333.1 (2) ~~four~~ three voting members who represent medical assistance recipients, including  
 333.2 persons with physical and developmental disabilities, persons with mental illness, seniors,  
 333.3 children, and low-income individuals;

333.4 (3) four voting members who represent providers that deliver nonemergency medical  
 333.5 transportation services to medical assistance enrollees;

333.6 (4) two voting members of the house of representatives, one from the majority  
 333.7 party and one from the minority party, appointed by the speaker of the house, and two  
 333.8 voting members from the senate, one from the majority party and one from the minority  
 333.9 party, appointed by the Subcommittee on Committees of the Committee on Rules and  
 333.10 Administration;

333.11 (5) one voting member who represents demonstration providers as defined in section  
 333.12 256B.69, subdivision 2;

333.13 (6) one voting member who represents an organization that contracts with state or  
 333.14 local governments to coordinate transportation services for medical assistance enrollees;  
 333.15 ~~and~~

333.16 (7) one voting member who represents the Minnesota State Council on Disability;

333.17 (8) the commissioner of transportation or the commissioner's designee, who shall  
 333.18 serve as a voting member;

333.19 (9) one voting member appointed by the Minnesota Ambulance Association; and

333.20 (10) one voting member appointed by the Minnesota Hospital Association.

333.21 (b) Members of the advisory committee shall not be employed by the Department of  
 333.22 Human Services. Members of the advisory committee shall receive no compensation.

333.23 Sec. 32. Minnesota Statutes 2013 Supplement, section 256B.0625, subdivision 18e,  
 333.24 is amended to read:

333.25 Subd. 18e. **Single administrative structure and delivery system.** (a) The  
 333.26 commissioner shall implement a single administrative structure and delivery system  
 333.27 for nonemergency medical transportation, beginning the latter of the date the single  
 333.28 administrative assessment tool required in this paragraph is available for use, as  
 333.29 determined by the commissioner or by July 1, 2014 2016. ~~The single administrative~~  
 333.30 ~~structure and delivery system must:~~

333.31 (1) ~~eliminate the distinction between access transportation services and special~~  
 333.32 ~~transportation services;~~

333.33 (2) ~~enable all medical assistance recipients to follow the same process to obtain~~  
 333.34 ~~nonemergency medical transportation, regardless of their level of need;~~

334.1 ~~(3) provide a single oversight framework for all providers of nonemergency medical~~  
334.2 ~~transportation; and~~

334.3 ~~(4) provide flexibility in service delivery, recognizing that clients fall along a~~  
334.4 ~~continuum of needs and resources.~~

334.5 ~~(b) The commissioner shall present to the legislature, by January 15, 2014,~~  
334.6 ~~legislation necessary to implement the single administrative structure and delivery system~~  
334.7 ~~for nonemergency medical transportation.~~

334.8 ~~(c) In developing the single administrative structure and delivery system and the draft~~  
334.9 ~~legislation, the commissioner shall consult with the Nonemergency Medical Transportation~~  
334.10 ~~Advisory Committee. In coordination with the Department of Transportation, the~~  
334.11 ~~commissioner shall develop and authorize a Web-based single administrative structure~~  
334.12 ~~and assessment tool, which must operate 24 hours a day, seven days a week, to facilitate~~  
334.13 ~~the enrollee assessment process for nonemergency medical transportation services.~~

334.14 ~~The Web-based tool shall facilitate the transportation eligibility determination process~~  
334.15 ~~initiated by clients and client advocates; shall include an accessible automated intake~~  
334.16 ~~and assessment process and real-time identification of level of service eligibility; and~~  
334.17 ~~shall authorize an appropriate and auditable mode of transportation authorization. The~~  
334.18 ~~tool shall provide a single framework for reconciling trip information with claiming and~~  
334.19 ~~collecting complaints regarding inappropriate level of need determinations, inappropriate~~  
334.20 ~~transportation modes utilized, and interference with accessing nonemergency medical~~  
334.21 ~~transportation. The Web-based single administrative structure shall operate on a trial~~  
334.22 ~~basis for one year from implementation and, if approved by the commissioner, shall be~~  
334.23 ~~permanent thereafter. The commissioner shall seek input from the Nonemergency Medical~~  
334.24 ~~Transportation Advisory Committee to ensure the software is effective and user-friendly~~  
334.25 ~~and make recommendations regarding funding of the single administrative system.~~

334.26 Sec. 33. Minnesota Statutes 2012, section 256B.0625, subdivision 18g, is amended to  
334.27 read:

334.28 Subd. 18g. **Use of standardized measures.** ~~The commissioner, in consultation~~  
334.29 ~~with the Nonemergency Medical Transportation Advisory Committee, shall establish~~  
334.30 ~~performance measures to assess the cost-effectiveness and quality of nonemergency~~  
334.31 ~~medical transportation. At a minimum, performance measures should include the number~~  
334.32 ~~of unique participants served by type of transportation provider, number of trips provided~~  
334.33 ~~by type of transportation provider, and cost per trip by type of transportation provider. The~~  
334.34 ~~commissioner must also consider the measures identified in the January 2012 Department~~  
334.35 ~~of Human Services report to the legislature on nonemergency medical transportation.~~

335.1 Beginning in calendar year ~~2013~~ 2015, the commissioner shall collect, audit, and analyze  
335.2 performance data on nonemergency medical transportation annually and report this  
335.3 information on the agency's Web site. The commissioner shall periodically supplement  
335.4 this information with the results of consumer surveys of the quality of services, and shall  
335.5 make these survey findings available to the public on the agency Web site.

335.6 Sec. 34. Minnesota Statutes 2012, section 256B.0625, is amended by adding a  
335.7 subdivision to read:

335.8 Subd. 18h. **Managed care.** The following subdivisions do not apply to managed  
335.9 care plans and county-based purchasing plans:

335.10 (1) subdivision 17, paragraphs (d) to (k);

335.11 (2) subdivision 18e; and

335.12 (3) subdivision 18g.

335.13 Sec. 35. Minnesota Statutes 2012, section 256B.0625, subdivision 30, is amended to  
335.14 read:

335.15 Subd. 30. **Other clinic services.** (a) Medical assistance covers rural health clinic  
335.16 services, federally qualified health center services, nonprofit community health clinic  
335.17 services, and public health clinic services. Rural health clinic services and federally  
335.18 qualified health center services mean services defined in United States Code, title 42,  
335.19 section 1396d(a)(2)(B) and (C). Payment for rural health clinic and federally qualified  
335.20 health center services shall be made according to applicable federal law and regulation.

335.21 (b) A federally qualified health center that is beginning initial operation shall submit  
335.22 an estimate of budgeted costs and visits for the initial reporting period in the form and  
335.23 detail required by the commissioner. A federally qualified health center that is already in  
335.24 operation shall submit an initial report using actual costs and visits for the initial reporting  
335.25 period. Within 90 days of the end of its reporting period, a federally qualified health  
335.26 center shall submit, in the form and detail required by the commissioner, a report of  
335.27 its operations, including allowable costs actually incurred for the period and the actual  
335.28 number of visits for services furnished during the period, and other information required  
335.29 by the commissioner. Federally qualified health centers that file Medicare cost reports  
335.30 shall provide the commissioner with a copy of the most recent Medicare cost report filed  
335.31 with the Medicare program intermediary for the reporting year which support the costs  
335.32 claimed on their cost report to the state.

335.33 (c) In order to continue cost-based payment under the medical assistance program  
335.34 according to paragraphs (a) and (b), a federally qualified health center or rural health clinic

336.1 must apply for designation as an essential community provider within six months of final  
336.2 adoption of rules by the Department of Health according to section 62Q.19, subdivision  
336.3 7. For those federally qualified health centers and rural health clinics that have applied  
336.4 for essential community provider status within the six-month time prescribed, medical  
336.5 assistance payments will continue to be made according to paragraphs (a) and (b) for the  
336.6 first three years after application. For federally qualified health centers and rural health  
336.7 clinics that either do not apply within the time specified above or who have had essential  
336.8 community provider status for three years, medical assistance payments for health services  
336.9 provided by these entities shall be according to the same rates and conditions applicable  
336.10 to the same service provided by health care providers that are not federally qualified  
336.11 health centers or rural health clinics.

336.12 (d) Effective July 1, 1999, the provisions of paragraph (c) requiring a federally  
336.13 qualified health center or a rural health clinic to make application for an essential  
336.14 community provider designation in order to have cost-based payments made according  
336.15 to paragraphs (a) and (b) no longer apply.

336.16 (e) Effective January 1, 2000, payments made according to paragraphs (a) and (b)  
336.17 shall be limited to the cost phase-out schedule of the Balanced Budget Act of 1997.

336.18 (f) Effective January 1, 2001, each federally qualified health center and rural health  
336.19 clinic may elect to be paid either under the prospective payment system established  
336.20 in United States Code, title 42, section 1396a(aa), or under an alternative payment  
336.21 methodology consistent with the requirements of United States Code, title 42, section  
336.22 1396a(aa), and approved by the Centers for Medicare and Medicaid Services. The  
336.23 alternative payment methodology shall be 100 percent of cost as determined according to  
336.24 Medicare cost principles.

336.25 (g) For purposes of this section, "nonprofit community clinic" is a clinic that:

336.26 (1) has nonprofit status as specified in chapter 317A;

336.27 (2) has tax exempt status as provided in Internal Revenue Code, section 501(c)(3);

336.28 (3) is established to provide health services to low-income population groups,  
336.29 uninsured, high-risk and special needs populations, underserved and other special needs  
336.30 populations;

336.31 (4) employs professional staff at least one-half of which are familiar with the  
336.32 cultural background of their clients;

336.33 (5) charges for services on a sliding fee scale designed to provide assistance to  
336.34 low-income clients based on current poverty income guidelines and family size; and

336.35 (6) does not restrict access or services because of a client's financial limitations or  
336.36 public assistance status and provides no-cost care as needed.



337.1 (h) Effective for services provided on or after January 1, 2015, all claims for  
337.2 payment of clinic services provided by federally qualified health centers and rural health  
337.3 clinics shall be paid by the commissioner. The commissioner shall determine the most  
337.4 feasible method for paying claims from the following options:

337.5 (1) federally qualified health centers and rural health clinics submit claims directly  
337.6 to the commissioner for payment, and the commissioner provides claims information for  
337.7 recipients enrolled in a managed care or county-based purchasing plan to the plan, on  
337.8 a regular basis; or

337.9 (2) federally qualified health centers and rural health clinics submit claims for  
337.10 recipients enrolled in a managed care or county-based purchasing plan to the plan, and  
337.11 those claims are submitted by the plan to the commissioner for payment to the clinic.

337.12 (i) For clinic services provided prior to January 1, 2015, the commissioner shall  
337.13 calculate and pay monthly the proposed managed care supplemental payments to clinics,  
337.14 and clinics shall conduct a timely review of the payment calculation data in order to  
337.15 finalize all supplemental payments in accordance with federal law. Any issues arising  
337.16 from a clinic's review must be reported to the commissioner by January 1, 2017. Upon  
337.17 final agreement between the commissioner and a clinic on issues identified under this  
337.18 subdivision, and in accordance with United States Code, title 42, section 1396a(bb), no  
337.19 supplemental payments for managed care plan or county-based purchasing plan claims  
337.20 for services provided prior to January 1, 2015, shall be made after June 30, 2017. If the  
337.21 commissioner and clinics are unable to resolve issues under this subdivision, the parties  
337.22 shall submit the dispute to the arbitration process under section 14.57.

337.23 Sec. 36. Minnesota Statutes 2012, section 256B.0751, is amended by adding a  
337.24 subdivision to read:

337.25 Subd. 10. **Health care homes advisory committee.** (a) The commissioners of  
337.26 health and human services shall establish a health care homes advisory committee to  
337.27 advise the commissioners on the ongoing statewide implementation of the health care  
337.28 homes program authorized in this section.

337.29 (b) The commissioners shall establish an advisory committee that includes  
337.30 representatives of the health care professions such as primary care providers; mental  
337.31 health providers; nursing and care coordinators; certified health care home clinics with  
337.32 statewide representation; health plan companies; state agencies; employers; academic  
337.33 researchers; consumers; and organizations that work to improve health care quality in  
337.34 Minnesota. At least 25 percent of the committee members must be consumers or patients

338.1 in health care homes. The commissioners, in making appointments to the committee, shall  
 338.2 ensure geographic representation of all regions of the state.

338.3 (c) The advisory committee shall advise the commissioners on ongoing  
 338.4 implementation of the health care homes program, including, but not limited to, the  
 338.5 following activities:

338.6 (1) implementation of certified health care homes across the state on performance  
 338.7 management and implementation of benchmarking;

338.8 (2) implementation of modifications to the health care homes program based on  
 338.9 results of the legislatively mandated health care home evaluation;

338.10 (3) statewide solutions for engagement of employers and commercial payers;

338.11 (4) potential modifications of the health care home rules or statutes;

338.12 (5) consumer engagement, including patient and family-centered care, patient  
 338.13 activation in health care, and shared decision making;

338.14 (6) oversight for health care home subject matter task forces or workgroups; and

338.15 (7) other related issues as requested by the commissioners.

338.16 (d) The advisory committee shall have the ability to establish subcommittees on  
 338.17 specific topics. The advisory committee is governed by section 15.059. Notwithstanding  
 338.18 section 15.059, the advisory committee does not expire.

338.19 Sec. 37. Minnesota Statutes 2012, section 256B.199, is amended to read:

338.20 **256B.199 PAYMENTS REPORTED BY GOVERNMENTAL ENTITIES.**

338.21 ~~(a) Effective July 1, 2007, The commissioner shall apply for federal matching~~  
 338.22 ~~funds for the expenditures in paragraphs (b) and (c). Effective September 1, 2011, the~~  
 338.23 ~~commissioner shall apply for matching funds for expenditures in paragraph (c).~~

338.24 (b) The commissioner shall apply for federal matching funds for certified public  
 338.25 expenditures as follows:

338.26 (1) Hennepin County, Hennepin County Medical Center, Ramsey County, and  
 338.27 ~~Regions Hospital, the University of Minnesota, and Fairview-University Medical Center~~  
 338.28 shall report quarterly to the commissioner beginning June 1, 2007, payments made during  
 338.29 the second previous quarter that may qualify for reimbursement under federal law;

338.30 (2) based on these reports, the commissioner shall apply for federal matching  
 338.31 funds. ~~These funds are appropriated to the commissioner for the payments under section~~  
 338.32 ~~256.969, subdivision 27; and~~

338.33 (3) by May 1 of each year, beginning May 1, 2007, the commissioner shall inform  
 338.34 the nonstate entities listed in paragraph (a) of the amount of federal disproportionate share  
 338.35 hospital payment money expected to be available in the current federal fiscal year.

339.1 ~~(e) The commissioner shall apply for federal matching funds for general assistance~~  
339.2 ~~medical care expenditures as follows:~~

339.3 ~~(1) for hospital services occurring on or after July 1, 2007, general assistance medical~~  
339.4 ~~care expenditures for fee-for-service inpatient and outpatient hospital payments made by~~  
339.5 ~~the department shall be used to apply for federal matching funds, except as limited below:~~

339.6 ~~(i) only those general assistance medical care expenditures made to an individual~~  
339.7 ~~hospital that would not cause the hospital to exceed its individual hospital limits under~~  
339.8 ~~section 1923 of the Social Security Act may be considered; and~~

339.9 ~~(ii) general assistance medical care expenditures may be considered only to the extent~~  
339.10 ~~of Minnesota's aggregate allotment under section 1923 of the Social Security Act; and~~

339.11 ~~(2) all hospitals must provide any necessary expenditure, cost, and revenue~~  
339.12 ~~information required by the commissioner as necessary for purposes of obtaining federal~~  
339.13 ~~Medicaid matching funds for general assistance medical care expenditures.~~

339.14 ~~(d) (c)~~ For the period from April 1, 2009, to September 30, 2010, the commissioner  
339.15 shall apply for additional federal matching funds available as disproportionate share  
339.16 hospital payments under the American Recovery and Reinvestment Act of 2009. These  
339.17 funds shall be made available as the state share of payments ~~under section 256.969,~~  
339.18 ~~subdivision 28.~~ The entities required to report certified public expenditures under  
339.19 paragraph (b), clause (1), shall report additional certified public expenditures as necessary  
339.20 under this paragraph.

339.21 ~~(e) (d)~~ For services provided on or after September 1, 2011, the commissioner shall  
339.22 apply for additional federal matching funds available as disproportionate share hospital  
339.23 payments under the MinnesotaCare program ~~according to the requirements and conditions~~  
339.24 ~~of paragraph (e).~~ A hospital may elect on an annual basis to not be a disproportionate  
339.25 share hospital for purposes of this paragraph, if the hospital does not qualify for a payment  
339.26 under section 256.969, subdivision 9, paragraph (b).

339.27 Sec. 38. Minnesota Statutes 2012, section 256B.35, subdivision 1, is amended to read:

339.28 Subdivision 1. **Personal needs allowance.** (a) Notwithstanding any law to the  
339.29 contrary, welfare allowances for clothing and personal needs for individuals receiving  
339.30 medical assistance while residing in any skilled nursing home, intermediate care facility,  
339.31 or medical institution including recipients of Supplemental Security Income, in this state  
339.32 shall not be less than \$45 per month from all sources. When benefit amounts for Social  
339.33 Security or Supplemental Security Income recipients are increased pursuant to United  
339.34 States Code, title 42, sections 415(i) and 1382f, the commissioner shall, effective in the  
339.35 month in which the increase takes effect, increase by the same percentage to the nearest

340.1 whole dollar the clothing and personal needs allowance for individuals receiving medical  
340.2 assistance while residing in any skilled nursing home, medical institution, or intermediate  
340.3 care facility. The commissioner shall provide timely notice to local agencies, providers,  
340.4 and recipients of increases under this provision.

340.5 (b) The personal needs allowance may be paid as part of the Minnesota supplemental  
340.6 aid program, and payments to recipients of Minnesota supplemental aid may be made once  
340.7 each three months covering liabilities that accrued during the preceding three months.

340.8 (c) The personal needs allowance shall be increased to include income garnished  
340.9 for child support under a court order, up to a maximum of \$250 per month but only to  
340.10 the extent that the amount garnished is not deducted as a monthly allowance for children  
340.11 under section 256B.0575, paragraph (a), clause (5).

340.12 (d) Solely for the purpose of section 256B.0575, subdivision 1, paragraph (a), clause  
340.13 (1), the personal needs allowance shall be increased to include income garnished for  
340.14 spousal maintenance under a judgment and decree for dissolution of marriage, and any  
340.15 administrative fees garnished for collection efforts.

340.16 Sec. 39. Minnesota Statutes 2013 Supplement, section 256B.69, subdivision 34,  
340.17 is amended to read:

340.18 Subd. 34. **Supplemental recovery program.** The commissioner shall conduct a  
340.19 supplemental recovery program for third-party liabilities identified through coordination  
340.20 of benefits not recovered by managed care plans and county-based purchasing plans for  
340.21 state public health programs. Any third-party liability identified through coordination of  
340.22 benefits and recovered by the commissioner more than ~~six~~ eight months after the date  
340.23 a managed care plan or county-based purchasing plan ~~receives~~ adjudicates a health  
340.24 care claim shall be retained by the commissioner and deposited in the general fund.  
340.25 The commissioner shall establish a mechanism, including a reconciliation process, for  
340.26 managed care plans and county-based purchasing plans to coordinate third-party liability  
340.27 collections efforts resulting from coordination of benefits under this subdivision with the  
340.28 commissioner to ensure there is no duplication of efforts. The coordination mechanism  
340.29 must be consistent with the reporting requirements in subdivision 9c. The commissioner  
340.30 shall share accurate and timely third-party liability data with managed care plans and  
340.31 county-based purchasing plans.

340.32 Sec. 40. Minnesota Statutes 2013 Supplement, section 256B.766, is amended to read:

340.33 **256B.766 REIMBURSEMENT FOR BASIC CARE SERVICES.**

341.1 (a) Effective for services provided on or after July 1, 2009, total payments for basic  
341.2 care services, shall be reduced by three percent, except that for the period July 1, 2009,  
341.3 through June 30, 2011, total payments shall be reduced by 4.5 percent for the medical  
341.4 assistance and general assistance medical care programs, prior to third-party liability and  
341.5 spenddown calculation. Effective July 1, 2010, the commissioner shall classify physical  
341.6 therapy services, occupational therapy services, and speech-language pathology and  
341.7 related services as basic care services. The reduction in this paragraph shall apply to  
341.8 physical therapy services, occupational therapy services, and speech-language pathology  
341.9 and related services provided on or after July 1, 2010.

341.10 (b) Payments made to managed care plans and county-based purchasing plans shall  
341.11 be reduced for services provided on or after October 1, 2009, to reflect the reduction  
341.12 effective July 1, 2009, and payments made to the plans shall be reduced effective October  
341.13 1, 2010, to reflect the reduction effective July 1, 2010.

341.14 (c) Effective for services provided on or after September 1, 2011, through June 30,  
341.15 2013, total payments for outpatient hospital facility fees shall be reduced by five percent  
341.16 from the rates in effect on August 31, 2011.

341.17 (d) Effective for services provided on or after September 1, 2011, through June  
341.18 30, 2013, total payments for ambulatory surgery centers facility fees, medical supplies  
341.19 and durable medical equipment not subject to a volume purchase contract, prosthetics  
341.20 and orthotics, renal dialysis services, laboratory services, public health nursing services,  
341.21 physical therapy services, occupational therapy services, speech therapy services,  
341.22 eyeglasses not subject to a volume purchase contract, hearing aids not subject to a volume  
341.23 purchase contract, and anesthesia services shall be reduced by three percent from the  
341.24 rates in effect on August 31, 2011.

341.25 (e) Effective for services provided on or after September 1, 2014, payments for  
341.26 ambulatory surgery centers facility fees, ~~medical supplies and durable medical equipment~~  
341.27 ~~not subject to a volume purchase contract, prosthetics and orthotics~~, hospice services, renal  
341.28 dialysis services, laboratory services, public health nursing services, eyeglasses not subject  
341.29 to a volume purchase contract, and hearing aids not subject to a volume purchase contract  
341.30 shall be increased by three percent and payments for outpatient hospital facility fees shall  
341.31 be increased by three percent. Payments made to managed care plans and county-based  
341.32 purchasing plans shall not be adjusted to reflect payments under this paragraph.

341.33 (f) Payments for medical supplies and durable medical equipment not subject to a  
341.34 volume purchase contract, prosthetics and orthotics, provided on or after July 1, 2014,  
341.35 through June 30, 2015, shall be decreased by .33 percent. Payments for medical supplies  
341.36 and durable medical equipment not subject to a volume purchase contract, prosthetics and

342.1 orthotics, provided on or after July 1, 2015, shall be increased by three percent from the  
342.2 rates in effect on June 30, 2014.

342.3 (f) (g) This section does not apply to physician and professional services, inpatient  
342.4 hospital services, family planning services, mental health services, dental services,  
342.5 prescription drugs, medical transportation, federally qualified health centers, rural health  
342.6 centers, Indian health services, and Medicare cost-sharing.

342.7 Sec. 41. Minnesota Statutes 2013 Supplement, section 256B.767, is amended to read:

342.8 **256B.767 MEDICARE PAYMENT LIMIT.**

342.9 (a) Effective for services rendered on or after July 1, 2010, fee-for-service payment  
342.10 rates for physician and professional services under section 256B.76, subdivision 1, and  
342.11 basic care services subject to the rate reduction specified in section 256B.766, shall not  
342.12 exceed the Medicare payment rate for the applicable service, as adjusted for any changes  
342.13 in Medicare payment rates after July 1, 2010. The commissioner shall implement this  
342.14 section after any other rate adjustment that is effective July 1, 2010, and shall reduce rates  
342.15 under this section by first reducing or eliminating provider rate add-ons.

342.16 (b) This section does not apply to services provided by advanced practice certified  
342.17 nurse midwives licensed under chapter 148 or traditional midwives licensed under chapter  
342.18 147D. Notwithstanding this exemption, medical assistance fee-for-service payment rates  
342.19 for advanced practice certified nurse midwives and licensed traditional midwives shall  
342.20 equal and shall not exceed the medical assistance payment rate to physicians for the  
342.21 applicable service.

342.22 (c) This section does not apply to mental health services or physician services billed  
342.23 by a psychiatrist or an advanced practice registered nurse with a specialty in mental health.

342.24 (d) Effective for durable medical equipment, prosthetics, orthotics, or supplies  
342.25 provided on or after July 1, 2013, through June 30, ~~2014~~ 2015, the payment rate for items  
342.26 that are subject to the rates established under Medicare's National Competitive Bidding  
342.27 Program shall be equal to the rate that applies to the same item when not subject to the  
342.28 rate established under Medicare's National Competitive Bidding Program. This paragraph  
342.29 does not apply to mail-order diabetic supplies and does not apply to items provided to  
342.30 dually eligible recipients when Medicare is the primary payer of the item.

342.31 Sec. 42. Laws 2013, chapter 108, article 1, section 24, the effective date, is amended to  
342.32 read:

342.33 **EFFECTIVE DATE.** This section is effective ~~January~~ July 1, 2014.

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

343.2 Sec. 43. Laws 2014, chapter 235, section 43, is amended to read:

343.3 Sec. 43. **EFFECTIVE DATE.**

343.4 Sections 1 to 40, and 42, are effective January 1, 2015.

343.5 Sec. 44. **MEDICAL ASSISTANCE SPENDDOWN REQUIREMENTS.**

343.6 The commissioner of human services, in consultation with interested stakeholders,  
343.7 shall review medical assistance spenddown requirements and processes, including those  
343.8 used in other states, for individuals with disabilities and seniors age 65 years of age or  
343.9 older. Based on this review, the commissioner shall recommend alternative medical  
343.10 assistance spenddown payment requirements and processes that:

343.11 (1) are practical for current and potential medical assistance recipients, providers,  
343.12 and the Department of Human Services;

343.13 (2) improve the medical assistance payment process for providers; and

343.14 (3) allow current and potential medical assistance recipients to obtain consistent  
343.15 and affordable medical coverage.

343.16 The commissioner shall report these recommendations, along with the projected cost,  
343.17 to the chairs and ranking minority members of the legislative committees and divisions  
343.18 with jurisdiction over health and human services policy and finance by February 15, 2015.

343.19 Sec. 45. **WAIVER APPLICATIONS FOR NONEMERGENCY MEDICAL**  
343.20 **TRANSPORTATION SERVICE PROVIDERS.**

343.21 Subdivision 1. **Definitions.** For purposes of this section, the following definitions  
343.22 apply:

343.23 (1) "new provider" is a nonemergency medical transportation service provider that  
343.24 has not been enrolled prior to the effective date of this act and is delivering a mode that  
343.25 was not required to comply with special transportation service operating standards before  
343.26 the effective date of this act; and

343.27 (2) "commissioner" is the commissioner of human services.

343.28 Subd. 2. **Application for and terms of variance.** A new provider may apply to the  
343.29 commissioner, on a form supplied by the commissioner for this purpose, for a variance  
343.30 from special transportation service operating standards. The commissioner may grant or  
343.31 deny the variance application. Variances expire on the earlier of, February 1, 2016, or the  
343.32 date that the commissioner of transportation begins certifying new providers under the  
343.33 terms of this act and successor legislation.

344.1 Subd. 3. **Information concerning variances.** The commissioner shall periodically  
344.2 transmit to the Department of Transportation the number of variance applications received  
344.3 and the number granted.

344.4 Subd. 4. **Report by commissioner of transportation.** On or before February  
344.5 1, 2015, the commissioner of transportation shall report to the chairs and ranking  
344.6 minority members of the senate and house of representatives committees and divisions  
344.7 with jurisdiction over transportation and human services concerning implementing the  
344.8 nonemergency medical transportation services provisions. The report must contain  
344.9 recommendations of the commissioner of transportation concerning statutes, session  
344.10 laws, and rules that must be amended, repealed, enacted, or adopted to implement the  
344.11 nonemergency medical transportation services provisions. The recommendations must  
344.12 include, without limitation, the amount of the fee that would be required to cover the costs  
344.13 of Department of Transportation supervision of inspection and certification, as well as  
344.14 any needed statutory rulemaking or other authority to be granted to the commissioner of  
344.15 transportation.

344.16 Sec. 46. **FEDERAL AUTHORITY; EMERGENCY MEDICAL ASSISTANCE**  
344.17 **PROGRAM.**

344.18 The commissioner, in consultation with providers who participate in the emergency  
344.19 medical assistance program and representatives of patients served by the program, shall  
344.20 assess the program's covered services, care plan requirements, conditions of eligibility  
344.21 for covered services, and other program requirements to identify potential changes to  
344.22 program requirements that are likely to reduce the use of more costly services, including  
344.23 emergency and inpatient hospital services. The commissioner shall report any changes  
344.24 to program requirements that produce credible savings to the cost of federally funded  
344.25 services provided to eligible individuals, including the estimated fiscal effect of these  
344.26 changes to the chairs and ranking minority members of the legislative committees and  
344.27 divisions with jurisdiction over health and human services policy and finance by January  
344.28 15, 2015. If additional resources are required to establish cost savings, the report shall  
344.29 identify the necessary resources and anticipated costs associated with the analysis.

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

344.31 Sec. 47. **ORAL HEALTH DELIVERY AND REIMBURSEMENT SYSTEM.**

344.32 (a) The commissioner of human services, in consultation with the commissioner of  
344.33 health, shall convene a work group to develop a new delivery and reimbursement system  
344.34 for oral health and dental services that are provided to enrollees of the state public health



345.1 care programs. The new system must ensure cost-effective delivery and an increase in  
 345.2 access to services.

345.3 (b) The commissioner shall consult with dental providers enrolled in the state public  
 345.4 health programs, including providers who serve substantial numbers of low-income  
 345.5 and uninsured patients and are currently receiving critical access dental payments;  
 345.6 private practicing dentists; nonprofit community clinics; managed care and county-based  
 345.7 purchasing plans; and health plan companies that provide either directly or through  
 345.8 contracts with providers dental services to enrollees of state public health care programs.

345.9 (c) The commissioner shall submit a report containing the proposed delivery and  
 345.10 reimbursement system, including draft legislation to the chairs and ranking minority  
 345.11 members of the legislative committees and divisions with jurisdiction over health and  
 345.12 human services policy and finance by January 15, 2015.

345.13 Sec. 48. **REPEALER.**

345.14 (a) Minnesota Statutes 2012, sections 256.969, subdivisions 2c, 8b, 9a, 9b, 11, 13,  
 345.15 20, 21, 22, 26, 27, and 28; and 256.9695, subdivisions 3 and 4, are repealed effective  
 345.16 November 1, 2014.

345.17 (b) Minnesota Statutes 2013 Supplement, section 256B.0625, subdivision 18f, is  
 345.18 repealed.

## 345.19 **ARTICLE 25**

### 345.20 **CHILDREN, FAMILIES, AND NORTHSTAR CARE FOR CHILDREN**

345.21 Section 1. Minnesota Statutes 2012, section 119B.09, subdivision 9a, is amended to  
 345.22 read:

345.23 Subd. 9a. **Child care centers; assistance.** (a) For the purposes of this subdivision,  
 345.24 "qualifying child" means a child who ~~satisfies both of the following:~~

345.25 ~~(1) is not a child or dependent of an employee of the child care provider; and~~

345.26 ~~(2) does not reside with an employee of the child care provider.~~

345.27 (b) Funds distributed under this chapter must not be paid for child care services that  
 345.28 are provided for a child ~~by a child care provider who employs either the parent of the child~~  
 345.29 ~~or a person who resides with the child; or dependent of an employee under paragraph (a)~~  
 345.30 unless at all times at least 50 percent of the children for whom the child care provider is  
 345.31 providing care are qualifying children under paragraph (a).

345.32 (c) If a child care provider satisfies the requirements for payment under paragraph  
 345.33 (b), but the percentage of qualifying children under paragraph (a) for whom the provider  
 345.34 is providing care falls below 50 percent, the provider shall have four weeks to raise the

346.1 percentage of qualifying children for whom the provider is providing care to at least 50  
346.2 percent before payments to the provider are discontinued for child care services provided  
346.3 for a child who is not a qualifying child.

346.4 (d) This subdivision shall be implemented as follows:

346.5 (1) no later than August 1, 2014, the commissioner shall issue a notice to providers  
346.6 who have been identified as ineligible for funds distributed under this chapter as described  
346.7 in paragraph (b); and

346.8 (2) no later than January 5, 2015, payments to providers who do not comply with  
346.9 paragraph (c) will be discontinued for child care services provided for children who are  
346.10 not qualifying children.

346.11 (e) If a child's authorization for child care assistance is terminated under this  
346.12 subdivision, the county shall send a notice of adverse action to the provider and to the  
346.13 child's parent or guardian, including information on the right to appeal, under Minnesota  
346.14 Rules, part 3400.0185.

346.15 (f) Funds paid to providers during the period of time between the issuance of a  
346.16 notice under paragraph (d), clause (1), and discontinuation of payments under paragraph  
346.17 (d), clause (2), must not be treated as overpayments under section 119B.11, subdivision  
346.18 2a, due to noncompliance with this subdivision.

346.19 (g) Nothing in this subdivision precludes the commissioner from conducting  
346.20 fraud investigations relating to child care assistance, imposing sanctions, and obtaining  
346.21 monetary recovery as otherwise provided by law.

346.22 Sec. 2. Minnesota Statutes 2012, section 245A.03, subdivision 2c, is amended to read:

346.23 Subd. 2c. **School-age child care licensing moratorium.** A school-age program  
346.24 whose sole purpose is to provide only services to school-age children during out-of-school  
346.25 times is exempt from the human services licensing requirements in this chapter until  
346.26 July 1, ~~2014~~ 2015. Nothing in this section prohibits an already licensed school-age-only  
346.27 program from continuing its license or a school-age program from seeking licensure.

346.28 Sec. 3. Minnesota Statutes 2012, section 245C.05, subdivision 5, is amended to read:

346.29 Subd. 5. **Fingerprints.** (a) Except as provided in paragraph (c), for any background  
346.30 study completed under this chapter, when the commissioner has reasonable cause to  
346.31 believe that further pertinent information may exist on the subject of the background  
346.32 study, the subject shall provide the commissioner with a set of classifiable fingerprints  
346.33 obtained from an authorized agency.

347.1 (b) For purposes of requiring fingerprints, the commissioner has reasonable cause  
347.2 when, but not limited to, the:

347.3 (1) information from the Bureau of Criminal Apprehension indicates that the subject  
347.4 is a multistate offender;

347.5 (2) information from the Bureau of Criminal Apprehension indicates that multistate  
347.6 offender status is undetermined; or

347.7 (3) commissioner has received a report from the subject or a third party indicating  
347.8 that the subject has a criminal history in a jurisdiction other than Minnesota.

347.9 (c) Except as specified under section 245C.04, subdivision 1, paragraph (d), for  
347.10 background studies conducted by the commissioner for child foster care ~~or~~, adoptions, or a  
347.11 transfer of permanent legal and physical custody of a child, the subject of the background  
347.12 study, who is 18 years of age or older, shall provide the commissioner with a set of  
347.13 classifiable fingerprints obtained from an authorized agency.

347.14 Sec. 4. Minnesota Statutes 2013 Supplement, section 245C.08, subdivision 1, is  
347.15 amended to read:

347.16 Subdivision 1. **Background studies conducted by Department of Human**  
347.17 **Services.** (a) For a background study conducted by the Department of Human Services,  
347.18 the commissioner shall review:

347.19 (1) information related to names of substantiated perpetrators of maltreatment of  
347.20 vulnerable adults that has been received by the commissioner as required under section  
347.21 626.557, subdivision 9c, paragraph (j);

347.22 (2) the commissioner's records relating to the maltreatment of minors in licensed  
347.23 programs, and from findings of maltreatment of minors as indicated through the social  
347.24 service information system;

347.25 (3) information from juvenile courts as required in subdivision 4 for individuals  
347.26 listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

347.27 (4) information from the Bureau of Criminal Apprehension, including information  
347.28 regarding a background study subject's registration in Minnesota as a predatory offender  
347.29 under section 243.166;

347.30 (5) except as provided in clause (6), information from the national crime information  
347.31 system when the commissioner has reasonable cause as defined under section 245C.05,  
347.32 subdivision 5; and

347.33 (6) for a background study related to a child foster care application for licensure, a  
347.34 transfer of permanent legal and physical custody of a child under sections 260C.503 to  
347.35 260C.515, or adoptions, the commissioner shall also review:

348.1 (i) information from the child abuse and neglect registry for any state in which the  
348.2 background study subject has resided for the past five years; and

348.3 (ii) information from national crime information databases, when the background  
348.4 study subject is 18 years of age or older.

348.5 (b) Notwithstanding expungement by a court, the commissioner may consider  
348.6 information obtained under paragraph (a), clauses (3) and (4), unless the commissioner  
348.7 received notice of the petition for expungement and the court order for expungement is  
348.8 directed specifically to the commissioner.

348.9 (c) The commissioner shall also review criminal case information received according  
348.10 to section 245C.04, subdivision 4a, from the Minnesota court information system that  
348.11 relates to individuals who have already been studied under this chapter and who remain  
348.12 affiliated with the agency that initiated the background study.

348.13 Sec. 5. Minnesota Statutes 2012, section 245C.33, subdivision 1, is amended to read:

348.14 Subdivision 1. **Adoption and transfer of permanent legal and physical custody;**  
348.15 **Background studies conducted by commissioner study requirements.** (a) Before  
348.16 placement of a child for purposes of adoption, the commissioner shall conduct a  
348.17 background study on individuals listed in ~~section~~ sections 259.41, subdivision 3, and  
348.18 260C.611, for county agencies and private agencies licensed to place children for adoption.  
348.19 When a prospective adoptive parent is seeking to adopt a child who is currently placed in  
348.20 the prospective adoptive parent's home and is under the guardianship of the commissioner  
348.21 according to section 260C.325, subdivision 1, paragraph (b), and the prospective adoptive  
348.22 parent holds a child foster care license, a new background study is not required when:

348.23 (1) a background study was completed on persons required to be studied under section  
348.24 245C.03 in connection with the application for child foster care licensure after July 1, 2007;

348.25 (2) the background study included a review of the information in section 245C.08,  
348.26 subdivisions 1, 3, and 4; and

348.27 (3) as a result of the background study, the individual was either not disqualified  
348.28 or, if disqualified, the disqualification was set aside under section 245C.22, or a variance  
348.29 was issued under section 245C.30.

348.30 (b) Before the kinship placement agreement is signed for the purpose of transferring  
348.31 permanent legal and physical custody to a relative under sections 260C.503 to 260C.515,  
348.32 the commissioner shall conduct a background study on each person age 13 or older living  
348.33 in the home. When a prospective relative custodian has a child foster care license, a new  
348.34 background study is not required when:

349.1           (1) a background study was completed on persons required to be studied under section  
349.2 245C.03 in connection with the application for child foster care licensure after July 1, 2007;  
349.3           (2) the background study included a review of the information in section 245C.08,  
349.4 subdivisions 1, 3, and 4; and  
349.5           (3) as a result of the background study, the individual was either not disqualified or,  
349.6 if disqualified, the disqualification was set aside under section 245C.22, or a variance was  
349.7 issued under section 245C.30. The commissioner and the county agency shall expedite any  
349.8 request for a set-aside or variance for a background study required under chapter 256N.

349.9           Sec. 6. Minnesota Statutes 2012, section 245C.33, subdivision 4, is amended to read:

349.10           Subd. 4. **Information commissioner reviews.** (a) The commissioner shall review  
349.11 the following information regarding the background study subject:

349.12           (1) the information under section 245C.08, subdivisions 1, 3, and 4;

349.13           (2) information from the child abuse and neglect registry for any state in which the  
349.14 subject has resided for the past five years; and

349.15           (3) information from national crime information databases, when required under  
349.16 section 245C.08.

349.17           (b) The commissioner shall provide any information collected under this subdivision  
349.18 to the county or private agency that initiated the background study. The commissioner  
349.19 shall also provide the agency:

349.20           (1) notice whether the information collected shows that the subject of the background  
349.21 study has a conviction listed in United States Code, title 42, section 671(a)(20)(A); and

349.22           (2) for background studies conducted under subdivision 1, paragraph (a), the date of  
349.23 all adoption-related background studies completed on the subject by the commissioner  
349.24 after June 30, 2007, and the name of the county or private agency that initiated the  
349.25 adoption-related background study.

349.26           Sec. 7. Minnesota Statutes 2013 Supplement, section 256B.055, subdivision 1, is  
349.27 amended to read:

349.28           Subdivision 1. **Children eligible for subsidized adoption assistance.** Medical  
349.29 assistance may be paid for a child eligible for or receiving adoption assistance payments  
349.30 under title IV-E of the Social Security Act, United States Code, title 42, sections 670 to  
349.31 676, and to any child who is not title IV-E eligible but who was determined eligible for  
349.32 adoption assistance under chapter 256N or section 259A.10, subdivision 2, and has a  
349.33 special need for medical or rehabilitative care.

350.1 Sec. 8. Minnesota Statutes 2012, section 256J.49, subdivision 13, is amended to read:

350.2 Subd. 13. **Work activity.** (a) "Work activity" means any activity in a participant's  
350.3 approved employment plan that leads to employment. For purposes of the MFIP program,  
350.4 this includes activities that meet the definition of work activity under the participation  
350.5 requirements of TANF. Work activity includes:

350.6 (1) unsubsidized employment, including work study and paid apprenticeships or  
350.7 internships;

350.8 (2) subsidized private sector or public sector employment, including grant diversion  
350.9 as specified in section 256J.69, on-the-job training as specified in section 256J.66, paid  
350.10 work experience, and supported work when a wage subsidy is provided;

350.11 (3) unpaid work experience, including community service, volunteer work,  
350.12 the community work experience program as specified in section 256J.67, unpaid  
350.13 apprenticeships or internships, and supported work when a wage subsidy is not provided.  
350.14 Unpaid work experience is only an option if the participant has been unable to obtain or  
350.15 maintain paid employment in the competitive labor market, and no paid work experience  
350.16 programs are available to the participant. Prior to placing a participant in unpaid work,  
350.17 the county must inform the participant that the participant will be notified if a paid work  
350.18 experience or supported work position becomes available. Unless a participant consents in  
350.19 writing to participate in unpaid work experience, the participant's employment plan may  
350.20 only include unpaid work experience if including the unpaid work experience in the plan  
350.21 will meet the following criteria:

350.22 (i) the unpaid work experience will provide the participant specific skills or  
350.23 experience that cannot be obtained through other work activity options where the  
350.24 participant resides or is willing to reside; and

350.25 (ii) the skills or experience gained through the unpaid work experience will result  
350.26 in higher wages for the participant than the participant could earn without the unpaid  
350.27 work experience;

350.28 (4) job search including job readiness assistance, job clubs, job placement,  
350.29 job-related counseling, and job retention services;

350.30 (5) job readiness education, including English as a second language (ESL) or  
350.31 functional work literacy classes ~~as limited by the provisions of section 256J.531,~~  
350.32 ~~subdivision 2,~~ general educational development (GED) or adult high school diploma  
350.33 course work, high school completion, and adult basic education as limited by the  
350.34 ~~provisions of section 256J.531, subdivision 1;~~

351.1 (6) job skills training directly related to employment, including postsecondary  
 351.2 education and training that can reasonably be expected to lead to employment, ~~as limited~~  
 351.3 ~~by the provisions of section 256J.53;~~

351.4 (7) providing child care services to a participant who is working in a community  
 351.5 service program;

351.6 (8) activities included in the employment plan that is developed under section  
 351.7 256J.521, subdivision 3; and

351.8 (9) preemployment activities including chemical and mental health assessments,  
 351.9 treatment, and services; learning disabilities services; child protective services; family  
 351.10 stabilization services; or other programs designed to enhance employability.

351.11 (b) "Work activity" does not include activities done for political purposes as defined  
 351.12 in section 211B.01, subdivision 6.

351.13 Sec. 9. Minnesota Statutes 2012, section 256J.53, subdivision 1, is amended to read:

351.14 Subdivision 1. **Length of program.** (a) In order for a postsecondary education  
 351.15 or training program to be an approved work activity as defined in section 256J.49,  
 351.16 subdivision 13, clause (6), it must be a program lasting ~~24 months~~ four years or less, and  
 351.17 the participant must meet the requirements of subdivisions 2, 3, and 5.

351.18 (b) Participants with a high school diploma, general educational development  
 351.19 (GED) credential, or an adult high school diploma must be informed of the opportunity  
 351.20 to participate in postsecondary education or training while in the Minnesota family  
 351.21 investment program.

351.22 Sec. 10. Minnesota Statutes 2012, section 256J.53, subdivision 2, is amended to read:

351.23 Subd. 2. **Approval of Postsecondary education or training.** (a) ~~In order for a~~  
 351.24 ~~postsecondary education or training program to be an approved activity in an employment~~  
 351.25 ~~plan, the plan must include additional work activities if the education and training~~  
 351.26 ~~activities do not meet the minimum hours required to meet the federal work participation~~  
 351.27 ~~rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35.~~

351.28 (b) ~~Participants seeking approval of a postsecondary education or training plan~~  
 351.29 ~~must provide documentation that:~~

351.30 (1) ~~the employment goal can only be met with the additional education or training;~~  
 351.31 Participants who are interested in participating in postsecondary education or training as  
 351.32 part of their employment plan must discuss their education plans with their job counselor.  
 351.33 Job counselors will work with participants to evaluate the options by:

352.1 ~~(2) (1) advising whether there are suitable employment opportunities that require~~  
 352.2 ~~the specific education or training in the area in which the participant resides or is willing~~  
 352.3 ~~to reside;~~

352.4 ~~(3) the education or training will result in significantly higher wages for the~~  
 352.5 ~~participant than the participant could earn without the education or training;~~

352.6 ~~(4) (2) assisting the participant in exploring whether the participant can meet the~~  
 352.7 ~~requirements for admission into the program; and~~

352.8 ~~(5) there is a reasonable expectation that the participant will complete the training~~  
 352.9 ~~program based on such factors as (3) discussing the participant's strengths and challenges~~  
 352.10 ~~based on the participant's MFIP assessment, previous education, training, and work~~  
 352.11 ~~history; current motivation; and changes in previous circumstances.~~

352.12 (b) The requirements of this subdivision do not apply to participants who are in:

352.13 (1) a recognized career pathway program that leads to stackable credentials;

352.14 (2) a training program lasting 12 weeks or fewer; or

352.15 (3) the final year of a multiyear postsecondary education or training program.

352.16 Sec. 11. Minnesota Statutes 2012, section 256J.53, subdivision 5, is amended to read:

352.17 **Subd. 5. Requirements after postsecondary education or training.** Upon  
 352.18 completion of an approved education or training program, a participant who does not meet  
 352.19 the participation requirements in section 256J.55, subdivision 1, through unsubsidized  
 352.20 employment must participate in job search. If, after ~~six~~ 12 weeks of job search, the  
 352.21 participant does not find a full-time job consistent with the employment goal, the  
 352.22 participant must accept any offer of full-time suitable employment, or meet with the job  
 352.23 counselor to revise the employment plan to include additional work activities necessary to  
 352.24 meet hourly requirements.

352.25 Sec. 12. Minnesota Statutes 2012, section 256J.531, is amended to read:

352.26 **256J.531 BASIC EDUCATION; ENGLISH AS A SECOND LANGUAGE.**

352.27 Subdivision 1. **Approval of adult basic education.** ~~With the exception of classes~~  
 352.28 ~~related to obtaining a general educational development credential (GED), a participant~~  
 352.29 ~~must have reading or mathematics proficiency below a ninth grade level in order for~~  
 352.30 ~~adult basic education classes to be an~~ A participant who lacks a high school diploma,  
 352.31 general educational development (GED) credential, or an adult high school diploma  
 352.32 must be allowed to pursue these credentials as an approved work activity, provided  
 352.33 that the participant is making satisfactory progress. Participants eligible to pursue  
 352.34 a general educational development (GED) credential or adult high school diploma



353.1 under this subdivision must be informed of the opportunity to participate while in the  
 353.2 Minnesota family investment program. The employment plan must also specify that  
 353.3 the participant fulfill no more than one-half of the participation requirements in section  
 353.4 256J.55, subdivision 1, through attending adult basic education or general educational  
 353.5 development classes.

353.6 Subd. 2. **Approval of English as a second language.** In order for English as a  
 353.7 second language (ESL) classes to be an approved work activity in an employment plan, a  
 353.8 participant must be below a spoken language proficiency level of SPL6 or its equivalent,  
 353.9 as measured by a nationally recognized test. In approving ESL as a work activity, the job  
 353.10 counselor must give preference to enrollment in a functional work literacy program,  
 353.11 if one is available, over a regular ESL program. ~~A participant may not be approved~~  
 353.12 ~~for more than a combined total of 24 months of ESL classes while participating in the~~  
 353.13 ~~diversionary work program and the employment and training services component of~~  
 353.14 ~~MFIP. The employment plan must also specify that the participant fulfill no more than~~  
 353.15 ~~one-half of the participation requirements in section 256J.55, subdivision 1, through~~  
 353.16 ~~attending ESL classes. For participants enrolled in functional work literacy classes, no~~  
 353.17 ~~more than two-thirds of the participation requirements in section 256J.55, subdivision 1,~~  
 353.18 ~~may be met through attending functional work literacy classes.~~

353.19 Sec. 13. Minnesota Statutes 2013 Supplement, section 256N.02, is amended by adding  
 353.20 a subdivision to read:

353.21 Subd. 14a. **Licensed child foster parent.** "Licensed child foster parent" means a  
 353.22 person who is licensed for child foster care under Minnesota Rules, parts 2960.3000 to  
 353.23 2960.3340, or licensed by a Minnesota tribe in accordance with tribal standards.

353.24 Sec. 14. Minnesota Statutes 2013 Supplement, section 256N.21, subdivision 2, is  
 353.25 amended to read:

353.26 Subd. 2. **Placement in foster care.** To be eligible for foster care benefits under this  
 353.27 section, the child must be in placement away from the child's legal parent or guardian, or  
 353.28 Indian custodian as defined in section 260.755, subdivision 10, and all of the following  
 353.29 criteria must be met must meet one of the criteria in clause (1) and either clause (2) or (3):

353.30 (1) ~~the legally responsible agency must have placement authority and care~~  
 353.31 ~~responsibility, including for a child 18 years old or older and under age 21, who maintains~~  
 353.32 ~~eligibility for foster care consistent with section 260C.451;~~

353.33 (2) (1) the legally responsible agency must have placement authority to place the  
 353.34 child with: (i) a voluntary placement agreement or a court order, consistent with sections

354.1 260B.198, 260C.001, and 260D.01, or ~~continued eligibility~~ consistent with section  
354.2 260C.451 for a child 18 years old or older and under age 21 who maintains eligibility for  
354.3 foster care; or (ii) a voluntary placement agreement or court order by a Minnesota tribe  
354.4 that is consistent with United States Code, title 42, section 672(a)(2); and  
354.5 ~~(3) (2) the child must be is placed in an emergency relative placement under section~~  
354.6 ~~245A.035, with a licensed foster family setting, foster residence setting, or treatment~~  
354.7 ~~foster care setting licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, a~~  
354.8 ~~family foster home licensed or approved by a tribal agency or, for a child 18 years old or~~  
354.9 ~~older and under age 21, child foster parent; or~~  
354.10 (3) the child is placed in one of the following unlicensed child foster care settings:  
354.11 (i) an emergency relative placement under tribal licensing regulations or section  
354.12 245A.035, with the legally responsible agency ensuring the relative completes the required  
354.13 child foster care application process;  
354.14 (ii) a licensed adult foster home with an approved age variance under section  
354.15 245A.16 for no more than six months;  
354.16 (iii) for a child 18 years old or older and under age 21 who is eligible for extended  
354.17 foster care under section 260C.451, an unlicensed supervised independent living setting  
354.18 approved by the agency responsible for the youth's child's care; or  
354.19 (iv) a preadoptive placement in a home specified in section 245A.03, subdivision  
354.20 2, paragraph (a), clause (9), with an approved adoption home study and signed adoption  
354.21 placement agreement.

354.22 Sec. 15. Minnesota Statutes 2013 Supplement, section 256N.21, is amended by adding  
354.23 a subdivision to read:

354.24 Subd. 7. **Background study.** (a) A county or private agency conducting a  
354.25 background study for purposes of child foster care licensing or approval must conduct  
354.26 the study in accordance with chapter 245C and must meet the requirements in United  
354.27 States Code, title 42, section 671(a)(20).

354.28 (b) A Minnesota tribe conducting a background study for purposes of child foster  
354.29 care licensing or approval must conduct the study in accordance with the requirements in  
354.30 United States Code, title 42, section 671(a)(20), when applicable.

354.31 Sec. 16. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 1, is  
354.32 amended to read:

354.33 Subdivision 1. **General eligibility requirements.** (a) To be eligible for guardianship  
354.34 assistance under this section, there must be a judicial determination under section

355.1 260C.515, subdivision 4, that a transfer of permanent legal and physical custody to a  
355.2 relative is in the child's best interest. For a child under jurisdiction of a tribal court, a  
355.3 judicial determination under a similar provision in tribal code indicating that a relative  
355.4 will assume the duty and authority to provide care, control, and protection of a child who  
355.5 is residing in foster care, and to make decisions regarding the child's education, health  
355.6 care, and general welfare until adulthood, and that this is in the child's best interest is  
355.7 considered equivalent. Additionally, a child must:

355.8 (1) have been removed from the child's home pursuant to a voluntary placement  
355.9 agreement or court order;

355.10 (2)(i) have resided ~~in~~ with the prospective relative custodian who has been a  
355.11 licensed child foster care parent for at least six consecutive months ~~in the home of the~~  
355.12 ~~prospective relative custodian~~; or

355.13 (ii) have received from the commissioner an exemption from the requirement in item  
355.14 (i) ~~from the court~~ that the prospective relative custodian has been a licensed child foster  
355.15 parent for at least six consecutive months, based on a determination that:

355.16 (A) an expedited move to permanency is in the child's best interest;

355.17 (B) expedited permanency cannot be completed without provision of guardianship  
355.18 assistance; ~~and~~

355.19 (C) the prospective relative custodian is uniquely qualified to meet the child's needs,  
355.20 as defined in section 260C.212, subdivision 2, on a permanent basis;

355.21 (D) the child and prospective relative custodian meet the eligibility requirements  
355.22 of this section; and

355.23 (E) efforts were made by the legally responsible agency to place the child with the  
355.24 prospective relative custodian as a licensed child foster parent for six consecutive months  
355.25 before permanency, or an explanation why these efforts were not in the child's best interests;

355.26 (3) meet the agency determinations regarding permanency requirements in  
355.27 subdivision 2;

355.28 (4) meet the applicable citizenship and immigration requirements in subdivision 3;

355.29 (5) have been consulted regarding the proposed transfer of permanent legal and  
355.30 physical custody to a relative, if the child is at least 14 years of age or is expected to attain  
355.31 14 years of age prior to the transfer of permanent legal and physical custody; and

355.32 (6) have a written, binding agreement under section 256N.25 among the caregiver or  
355.33 caregivers, the financially responsible agency, and the commissioner established prior to  
355.34 transfer of permanent legal and physical custody.

356.1 (b) In addition to the requirements in paragraph (a), the child's prospective relative  
356.2 custodian or custodians must meet the applicable background study requirements in  
356.3 subdivision 4.

356.4 (c) To be eligible for title IV-E guardianship assistance, a child must also meet any  
356.5 additional criteria in section 473(d) of the Social Security Act. The sibling of a child  
356.6 who meets the criteria for title IV-E guardianship assistance in section 473(d) of the  
356.7 Social Security Act is eligible for title IV-E guardianship assistance if the child and  
356.8 sibling are placed with the same prospective relative custodian or custodians, and the  
356.9 legally responsible agency, relatives, and commissioner agree on the appropriateness of  
356.10 the arrangement for the sibling. A child who meets all eligibility criteria except those  
356.11 specific to title IV-E guardianship assistance is entitled to guardianship assistance paid  
356.12 through funds other than title IV-E.

356.13 Sec. 17. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 2, is  
356.14 amended to read:

356.15 Subd. 2. **Agency determinations regarding permanency.** (a) To be eligible for  
356.16 guardianship assistance, the legally responsible agency must complete the following  
356.17 determinations regarding permanency for the child prior to the transfer of permanent  
356.18 legal and physical custody:

356.19 (1) a determination that reunification and adoption are not appropriate permanency  
356.20 options for the child; and

356.21 (2) a determination that the child demonstrates a strong attachment to the prospective  
356.22 relative custodian and the prospective relative custodian has a strong commitment to  
356.23 caring permanently for the child.

356.24 (b) The legally responsible agency shall document the determinations in paragraph  
356.25 (a) and ~~the~~ eligibility requirements in this section that comply with United States Code,  
356.26 title 42, sections 673(d) and 675(1)(F). These determinations must be documented in a  
356.27 kinship placement agreement, which must be in the format prescribed by the commissioner  
356.28 and must be signed by the prospective relative custodian and the legally responsible  
356.29 agency. In the case of a Minnesota tribe, the determinations and eligibility requirements  
356.30 in this section may be provided in an alternative format approved by the commissioner.  
356.31 Supporting information for completing each determination must be documented in the  
356.32 legally responsible agency's case file and ~~make them~~ available for review as requested  
356.33 by the financially responsible agency and the commissioner during the guardianship  
356.34 assistance eligibility determination process.

357.1 Sec. 18. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 4, is  
357.2 amended to read:

357.3 Subd. 4. **Background study.** (a) A background study ~~under section 245C.33~~ must be  
357.4 completed on each prospective relative custodian and any other adult residing in the home  
357.5 of the prospective relative custodian. The background study must meet the requirements of  
357.6 United States Code, title 42, section 671(a)(20). A study completed under section 245C.33  
357.7 meets this requirement. A background study on the prospective relative custodian or adult  
357.8 residing in the household previously completed under ~~section 245C.04~~ chapter 245C for the  
357.9 purposes of child foster care licensure ~~may~~ under chapter 245A or licensure by a Minnesota  
357.10 tribe, shall be used for the purposes of this section, provided that the background study is  
357.11 current meets the requirements of this subdivision and the prospective relative custodian is  
357.12 a licensed child foster parent at the time of the application for guardianship assistance.

357.13 (b) If the background study reveals:

357.14 (1) a felony conviction at any time for:

357.15 (i) child abuse or neglect;

357.16 (ii) spousal abuse;

357.17 (iii) a crime against a child, including child pornography; or

357.18 (iv) a crime involving violence, including rape, sexual assault, or homicide, but not  
357.19 including other physical assault or battery; or

357.20 (2) a felony conviction within the past five years for:

357.21 (i) physical assault;

357.22 (ii) battery; or

357.23 (iii) a drug-related offense;

357.24 the prospective relative custodian is prohibited from receiving guardianship assistance  
357.25 on behalf of an otherwise eligible child.

357.26 Sec. 19. Minnesota Statutes 2013 Supplement, section 256N.22, subdivision 6, is  
357.27 amended to read:

357.28 Subd. 6. **Exclusions.** (a) A child with a guardianship assistance agreement under  
357.29 Northstar Care for Children is not eligible for the Minnesota family investment program  
357.30 child-only grant under chapter 256J.

357.31 (b) The commissioner shall not enter into a guardianship assistance agreement with:

357.32 (1) a child's biological parent or stepparent;

357.33 (2) an individual assuming permanent legal and physical custody of a child or the  
357.34 equivalent under tribal code without involvement of the child welfare system; or

358.1 (3) an individual assuming permanent legal and physical custody of a child who was  
358.2 placed in Minnesota by another state or a tribe outside of Minnesota.

358.3 Sec. 20. Minnesota Statutes 2013 Supplement, section 256N.23, subdivision 1, is  
358.4 amended to read:

358.5 Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar  
358.6 adoption assistance under this section, a child must:

358.7 (1) be determined to be a child with special needs under subdivision 2;

358.8 (2) meet the applicable citizenship and immigration requirements in subdivision 3;

358.9 (3)(i) meet the criteria in section 473 of the Social Security Act; or

358.10 (ii) have had foster care payments paid on the child's behalf while in out-of-home

358.11 placement through the county social service agency or ~~tribe and be either under the~~

358.12 tribal social service agency prior to the issuance of a court order transferring the child's

358.13 guardianship of to the commissioner or under the jurisdiction of a Minnesota tribe and

358.14 adoption, according to tribal law, is in the child's documented permanency plan making

358.15 the child a ward of the tribe; and

358.16 (4) have a written, binding agreement under section 256N.25 among the adoptive

358.17 parent, the financially responsible agency, or, if there is no financially responsible agency,

358.18 the agency designated by the commissioner, and the commissioner established prior to

358.19 finalization of the adoption.

358.20 (b) In addition to the requirements in paragraph (a), an eligible child's adoptive parent

358.21 or parents must meet the applicable background study requirements in subdivision 4.

358.22 (c) A child who meets all eligibility criteria except those specific to title IV-E adoption

358.23 assistance shall receive adoption assistance paid through funds other than title IV-E.

358.24 (d) A child receiving Northstar kinship assistance payments under section 256N.22

358.25 is eligible for Northstar adoption assistance when the criteria in paragraph (a) are met and

358.26 the child's legal custodian is adopting the child.

358.27 Sec. 21. Minnesota Statutes 2013 Supplement, section 256N.23, subdivision 4, is

358.28 amended to read:

358.29 Subd. 4. **Background study.** (a) A background study under section 259.41 must be

358.30 completed on each prospective adoptive parent: and all other adults residing in the home.

358.31 A background study must meet the requirements of United States Code, title 42, section

358.32 671(a)(20). A study completed under section 245C.33 meets this requirement. If the

358.33 prospective adoptive parent is a licensed child foster parent licensed under chapter 245A

358.34 or by a Minnesota tribe, the background study previously completed for the purposes of

359.1 child foster care licensure shall be used for the purpose of this section, provided that the  
 359.2 background study meets all other requirements of this subdivision and the prospective  
 359.3 adoptive parent is a licensed child foster parent at the time of the application for adoption  
 359.4 assistance.

359.5 (b) If the background study reveals:

359.6 (1) a felony conviction at any time for:

359.7 (i) child abuse or neglect;

359.8 (ii) spousal abuse;

359.9 (iii) a crime against a child, including child pornography; or

359.10 (iv) a crime involving violence, including rape, sexual assault, or homicide, but not  
 359.11 including other physical assault or battery; or

359.12 (2) a felony conviction within the past five years for:

359.13 (i) physical assault;

359.14 (ii) battery; or

359.15 (iii) a drug-related offense;

359.16 the adoptive parent is prohibited from receiving adoption assistance on behalf of an  
 359.17 otherwise eligible child.

359.18 Sec. 22. Minnesota Statutes 2013 Supplement, section 256N.24, subdivision 9, is  
 359.19 amended to read:

359.20 Subd. 9. **Timing of and requests for reassessments.** Reassessments for an eligible  
 359.21 child must be completed within 30 days of any of the following events:

359.22 (1) for a child in continuous foster care, when six months have elapsed since  
 359.23 ~~completion of the last assessment~~ the initial assessment, and annually thereafter;

359.24 (2) for a child in continuous foster care, change of placement location;

359.25 (3) for a child in foster care, at the request of the financially responsible agency or  
 359.26 legally responsible agency;

359.27 (4) at the request of the commissioner; or

359.28 (5) at the request of the caregiver under subdivision 9 10.

359.29 Sec. 23. Minnesota Statutes 2013 Supplement, section 256N.24, subdivision 10,  
 359.30 is amended to read:

359.31 Subd. 10. **Caregiver requests for reassessments.** (a) A caregiver may initiate  
 359.32 a reassessment request for an eligible child in writing to the financially responsible  
 359.33 agency or, if there is no financially responsible agency, the agency designated by the  
 359.34 commissioner. The written request must include the reason for the request and the

360.1 name, address, and contact information of the caregivers. ~~For an eligible child with a~~  
360.2 ~~guardianship assistance or adoption assistance agreement,~~ The caregiver may request a  
360.3 reassessment if at least six months have elapsed since any ~~previously requested review~~  
360.4 previous assessment or reassessment. For an eligible foster child, a foster parent may  
360.5 request reassessment in less than six months with written documentation that there have  
360.6 been significant changes in the child's needs that necessitate an earlier reassessment.

360.7 (b) A caregiver may request a reassessment of an at-risk child for whom a  
360.8 ~~guardianship assistance or an~~ adoption assistance agreement has been executed if the  
360.9 caregiver has satisfied the commissioner with written documentation from a qualified  
360.10 expert that the potential disability upon which eligibility for the agreement was based has  
360.11 manifested itself, consistent with section 256N.25, subdivision 3, paragraph (b).

360.12 (c) If the reassessment cannot be completed within 30 days of the caregiver's request,  
360.13 the agency responsible for reassessment must notify the caregiver of the reason for the  
360.14 delay and a reasonable estimate of when the reassessment can be completed.

360.15 (d) Notwithstanding any provision to the contrary in paragraph (a) or subdivision 9,  
360.16 when a Northstar kinship assistance agreement or adoption assistance agreement under  
360.17 section 256N.25 has been signed by all parties, no reassessment may be requested or  
360.18 conducted until the court finalizes the transfer of permanent legal and physical custody or  
360.19 finalizes the adoption, or the assistance agreement expires according to section 256N.25,  
360.20 subdivision 1.

360.21 Sec. 24. Minnesota Statutes 2013 Supplement, section 256N.25, subdivision 2, is  
360.22 amended to read:

360.23 Subd. 2. **Negotiation of agreement.** (a) When a child is determined to be eligible  
360.24 for guardianship assistance or adoption assistance, the financially responsible agency, or,  
360.25 if there is no financially responsible agency, the agency designated by the commissioner,  
360.26 must negotiate with the caregiver to develop an agreement under subdivision 1. If and when  
360.27 the caregiver and agency reach concurrence as to the terms of the agreement, both parties  
360.28 shall sign the agreement. The agency must submit the agreement, along with the eligibility  
360.29 determination outlined in sections 256N.22, subdivision 7, and 256N.23, subdivision 7, to  
360.30 the commissioner for final review, approval, and signature according to subdivision 1.

360.31 (b) A monthly payment is provided as part of the adoption assistance or guardianship  
360.32 assistance agreement to support the care of children unless the child is eligible for adoption  
360.33 assistance and determined to be an at-risk child, in which case ~~the special at-risk monthly~~  
360.34 payment under section 256N.26, subdivision 7, must no payment will be made unless and



361.1 until the caregiver obtains written documentation from a qualified expert that the potential  
361.2 disability upon which eligibility for the agreement was based has manifested itself.

361.3 (1) The amount of the payment made on behalf of a child eligible for guardianship  
361.4 assistance or adoption assistance is determined through agreement between the prospective  
361.5 relative custodian or the adoptive parent and the financially responsible agency, or, if there  
361.6 is no financially responsible agency, the agency designated by the commissioner, using  
361.7 the assessment tool established by the commissioner in section 256N.24, subdivision 2,  
361.8 and the associated benefit and payments outlined in section 256N.26. Except as provided  
361.9 under section 256N.24, subdivision 1, paragraph (c), the assessment tool establishes  
361.10 the monthly benefit level for a child under foster care. The monthly payment under a  
361.11 guardianship assistance agreement or adoption assistance agreement may be negotiated up  
361.12 to the monthly benefit level under foster care. In no case may the amount of the payment  
361.13 under a guardianship assistance agreement or adoption assistance agreement exceed the  
361.14 foster care maintenance payment which would have been paid during the month if the  
361.15 child with respect to whom the guardianship assistance or adoption assistance payment is  
361.16 made had been in a foster family home in the state.

361.17 (2) The rate schedule for the agreement is determined based on the age of the  
361.18 child on the date that the prospective adoptive parent or parents or relative custodian or  
361.19 custodians sign the agreement.

361.20 (3) The income of the relative custodian or custodians or adoptive parent or parents  
361.21 must not be taken into consideration when determining eligibility for guardianship  
361.22 assistance or adoption assistance or the amount of the payments under section 256N.26.

361.23 (4) With the concurrence of the relative custodian or adoptive parent, the amount of  
361.24 the payment may be adjusted periodically using the assessment tool established by the  
361.25 commissioner in section 256N.24, subdivision 2, and the agreement renegotiated under  
361.26 subdivision 3 when there is a change in the child's needs or the family's circumstances.

361.27 ~~(5) The guardianship assistance or adoption assistance agreement of a child who is~~  
361.28 ~~identified as at-risk receives the special at-risk monthly payment under section 256N.26,~~  
361.29 ~~subdivision 7, unless and until the potential disability manifests itself, as documented by~~  
361.30 ~~an appropriate professional, and the commissioner authorizes commencement of payment~~  
361.31 ~~by modifying the agreement accordingly. A relative custodian or An adoptive parent~~  
361.32 ~~of an at-risk child with a guardianship assistance or an adoption assistance agreement~~  
361.33 ~~may request a reassessment of the child under section 256N.24, subdivision 9 10, and~~  
361.34 ~~renegotiation of the guardianship assistance or adoption assistance agreement under~~  
361.35 ~~subdivision 3 to include a monthly payment, if the caregiver has written documentation~~  
361.36 ~~from a qualified expert that the potential disability upon which eligibility for the agreement~~

362.1 was based has manifested itself. Documentation of the disability must be limited to  
362.2 evidence deemed appropriate by the commissioner.

362.3 (c) For guardianship assistance agreements:

362.4 (1) the initial amount of the monthly guardianship assistance payment must be  
362.5 equivalent to the foster care rate in effect at the time that the agreement is signed less any  
362.6 offsets under section 256N.26, subdivision 11, or a lesser negotiated amount if agreed to  
362.7 by the prospective relative custodian and specified in that agreement, unless ~~the child is~~  
362.8 ~~identified as at-risk~~ or the guardianship assistance agreement is entered into when a child  
362.9 is under the age of six; and

362.10 ~~(2) an at-risk child must be assigned level A as outlined in section 256N.26 and~~  
362.11 ~~receive the special at-risk monthly payment under section 256N.26, subdivision 7, unless~~  
362.12 ~~and until the potential disability manifests itself, as documented by a qualified expert, and~~  
362.13 ~~the commissioner authorizes commencement of payment by modifying the agreement~~  
362.14 ~~accordingly; and~~

362.15 ~~(3)~~ (2) the amount of the monthly payment for a guardianship assistance agreement  
362.16 for a child, ~~other than an at-risk child~~, who is under the age of six must be as specified in  
362.17 section 256N.26, subdivision 5.

362.18 (d) For adoption assistance agreements:

362.19 (1) for a child in foster care with the prospective adoptive parent immediately prior  
362.20 to adoptive placement, the initial amount of the monthly adoption assistance payment  
362.21 must be equivalent to the foster care rate in effect at the time that the agreement is signed  
362.22 less any offsets in section 256N.26, subdivision 11, or a lesser negotiated amount if agreed  
362.23 to by the prospective adoptive parents and specified in that agreement, unless the child is  
362.24 identified as at-risk or the adoption assistance agreement is entered into when a child is  
362.25 under the age of six;

362.26 (2) for an at-risk child who must be assigned level A as outlined in section  
362.27 ~~256N.26 and receive the special at-risk monthly payment under section 256N.26,~~  
362.28 ~~subdivision 7, no payment will be made~~ unless and until the potential disability manifests  
362.29 itself, as documented by an appropriate professional, and the commissioner authorizes  
362.30 commencement of payment by modifying the agreement accordingly;

362.31 (3) the amount of the monthly payment for an adoption assistance agreement for  
362.32 a child under the age of six, other than an at-risk child, must be as specified in section  
362.33 256N.26, subdivision 5;

362.34 (4) for a child who is in the guardianship assistance program immediately prior  
362.35 to adoptive placement, the initial amount of the adoption assistance payment must be  
362.36 equivalent to the guardianship assistance payment in effect at the time that the adoption

363.1 assistance agreement is signed or a lesser amount if agreed to by the prospective adoptive  
363.2 parent and specified in that agreement, unless the child is identified as an at-risk child; and  
363.3 (5) for a child who is not in foster care placement or the guardianship assistance  
363.4 program immediately prior to adoptive placement or negotiation of the adoption assistance  
363.5 agreement, the initial amount of the adoption assistance agreement must be determined  
363.6 using the assessment tool and process in this section and the corresponding payment  
363.7 amount outlined in section 256N.26.

363.8 Sec. 25. Minnesota Statutes 2013 Supplement, section 256N.25, subdivision 3, is  
363.9 amended to read:

363.10 Subd. 3. **Renegotiation of agreement.** (a) A relative custodian or adoptive  
363.11 parent of a child with a guardianship assistance or adoption assistance agreement may  
363.12 request renegotiation of the agreement when there is a change in the needs of the child  
363.13 or in the family's circumstances. When a relative custodian or adoptive parent requests  
363.14 renegotiation of the agreement, a reassessment of the child must be completed consistent  
363.15 with section 256N.24, subdivisions 9 and 10. If the reassessment indicates that the  
363.16 child's level has changed, the financially responsible agency or, if there is no financially  
363.17 responsible agency, the agency designated by the commissioner or the commissioner's  
363.18 designee, and the caregiver must renegotiate the agreement to include a payment with  
363.19 the level determined through the reassessment process. The agreement must not be  
363.20 renegotiated unless the commissioner, the financially responsible agency, and the caregiver  
363.21 mutually agree to the changes. The effective date of any renegotiated agreement must be  
363.22 determined by the commissioner.

363.23 (b) ~~A relative custodian or~~ An adoptive parent of an at-risk child with a ~~guardianship~~  
363.24 ~~assistance or an~~ adoption assistance agreement may request renegotiation of the agreement  
363.25 to include a monthly payment ~~higher than the special at-risk monthly payment~~ under  
363.26 ~~section 256N.26, subdivision 7,~~ if the caregiver has written documentation from a  
363.27 qualified expert that the potential disability upon which eligibility for the agreement  
363.28 was based has manifested itself. Documentation of the disability must be limited to  
363.29 evidence deemed appropriate by the commissioner. Prior to renegotiating the agreement, a  
363.30 reassessment of the child must be conducted as outlined in section 256N.24, subdivision  
363.31 9. The reassessment must be used to renegotiate the agreement to include an appropriate  
363.32 monthly payment. The agreement must not be renegotiated unless the commissioner, the  
363.33 financially responsible agency, and the caregiver mutually agree to the changes. The  
363.34 effective date of any renegotiated agreement must be determined by the commissioner.

364.1 (c) Renegotiation of a guardianship assistance or adoption assistance agreement is  
364.2 required when one of the circumstances outlined in section 256N.26, subdivision 13,  
364.3 occurs.

364.4 Sec. 26. Minnesota Statutes 2013 Supplement, section 256N.26, subdivision 1, is  
364.5 amended to read:

364.6 Subdivision 1. **Benefits.** (a) There are three benefits under Northstar Care for  
364.7 Children: medical assistance, basic payment, and supplemental difficulty of care payment.

364.8 (b) A child is eligible for medical assistance under subdivision 2.

364.9 (c) A child is eligible for the basic payment under subdivision 3, except for a child  
364.10 assigned level A under section 256N.24, subdivision 1, because the child is determined to  
364.11 be an at-risk child receiving ~~guardianship assistance or adoption assistance.~~

364.12 (d) A child, including a foster child age 18 to 21, is eligible for an additional  
364.13 supplemental difficulty of care payment under subdivision 4, as determined by the  
364.14 assessment under section 256N.24.

364.15 (e) An eligible child entering guardianship assistance or adoption assistance under  
364.16 the age of six receives a basic payment and supplemental difficulty of care payment as  
364.17 specified in subdivision 5.

364.18 (f) A child transitioning in from a pre-Northstar Care for Children program under  
364.19 section 256N.28, subdivision 7, shall receive basic and difficulty of care supplemental  
364.20 payments according to those provisions.

364.21 Sec. 27. Minnesota Statutes 2013 Supplement, section 256N.27, subdivision 4, is  
364.22 amended to read:

364.23 Subd. 4. **Nonfederal share.** (a) The commissioner shall establish a percentage share  
364.24 of the maintenance payments, reduced by federal reimbursements under title IV-E of the  
364.25 Social Security Act, to be paid by the state and to be paid by the financially responsible  
364.26 agency.

364.27 (b) These state and local shares must initially be calculated based on the ratio of the  
364.28 average appropriate expenditures made by the state and all financially responsible agencies  
364.29 during calendar years 2011, 2012, 2013, and 2014. For purposes of this calculation,  
364.30 appropriate expenditures for the financially responsible agencies must include basic and  
364.31 difficulty of care payments for foster care reduced by federal reimbursements, but not  
364.32 including any initial clothing allowance, administrative payments to child care agencies  
364.33 specified in section 317A.907, child care, or other support or ancillary expenditures. For

365.1 purposes of this calculation, appropriate expenditures for the state shall include adoption  
365.2 assistance and relative custody assistance, reduced by federal reimbursements.

365.3 (c) For each of the periods January 1, 2015, to June 30, 2016, and fiscal years 2017,  
365.4 2018, and 2019, the commissioner shall adjust this initial percentage of state and local  
365.5 shares to reflect the relative expenditure trends during calendar years 2011, 2012, 2013, and  
365.6 2014, taking into account appropriations for Northstar Care for Children and the turnover  
365.7 rates of the components. In making these adjustments, the commissioner's goal shall be to  
365.8 make these state and local expenditures other than the appropriations for Northstar Care  
365.9 for Children to be the same as they would have been had Northstar Care for Children not  
365.10 been implemented, or if that is not possible, proportionally higher or lower, as appropriate.  
365.11 Except for adjustments so that the costs of the phase-in are borne by the state, the state and  
365.12 local share percentages for fiscal year 2019 must be used for all subsequent years.

365.13 Sec. 28. Minnesota Statutes 2012, section 257.85, subdivision 11, is amended to read:

365.14 Subd. 11. **Financial considerations.** (a) Payment of relative custody assistance  
365.15 under a relative custody assistance agreement is subject to the availability of state funds  
365.16 and payments may be reduced or suspended on order of the commissioner if insufficient  
365.17 funds are available.

365.18 (b) ~~Upon receipt from a local agency of a claim for reimbursement, the commissioner~~  
365.19 ~~shall reimburse the local agency in an amount equal to 100 percent of the relative custody~~  
365.20 ~~assistance payments provided to relative custodians. The~~ A local agency may not seek and  
365.21 the commissioner shall not provide reimbursement for the administrative costs associated  
365.22 with performing the duties described in subdivision 4.

365.23 (c) For the purposes of determining eligibility or payment amounts under MFIP,  
365.24 relative custody assistance payments shall be excluded in determining the family's  
365.25 available income.

365.26 (d) For expenditures made on or before December 31, 2014, upon receipt from a  
365.27 local agency of a claim for reimbursement, the commissioner shall reimburse the local  
365.28 agency in an amount equal to 100 percent of the relative custody assistance payments  
365.29 provided to relative custodians.

365.30 (e) For expenditures made on or after January 1, 2015, upon receipt from a local  
365.31 agency of a claim for reimbursement, the commissioner shall reimburse the local agency as  
365.32 part of the Northstar Care for Children fiscal reconciliation process under section 256N.27.

365.33 Sec. 29. Minnesota Statutes 2012, section 260C.212, subdivision 1, is amended to read:

366.1           Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan  
366.2 shall be prepared within 30 days after any child is placed in foster care by court order or a  
366.3 voluntary placement agreement between the responsible social services agency and the  
366.4 child's parent pursuant to section 260C.227 or chapter 260D.

366.5           (b) An out-of-home placement plan means a written document which is prepared  
366.6 by the responsible social services agency jointly with the parent or parents or guardian  
366.7 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the  
366.8 child is an Indian child, the child's foster parent or representative of the foster care facility,  
366.9 and, where appropriate, the child. For a child in voluntary foster care for treatment under  
366.10 chapter 260D, preparation of the out-of-home placement plan shall additionally include  
366.11 the child's mental health treatment provider. As appropriate, the plan shall be:

366.12           (1) submitted to the court for approval under section 260C.178, subdivision 7;

366.13           (2) ordered by the court, either as presented or modified after hearing, under section  
366.14 260C.178, subdivision 7, or 260C.201, subdivision 6; and

366.15           (3) signed by the parent or parents or guardian of the child, the child's guardian ad  
366.16 litem, a representative of the child's tribe, the responsible social services agency, and, if  
366.17 possible, the child.

366.18           (c) The out-of-home placement plan shall be explained to all persons involved in its  
366.19 implementation, including the child who has signed the plan, and shall set forth:

366.20           (1) a description of the foster care home or facility selected, including how the  
366.21 out-of-home placement plan is designed to achieve a safe placement for the child in the  
366.22 least restrictive, most family-like, setting available which is in close proximity to the home  
366.23 of the parent or parents or guardian of the child when the case plan goal is reunification,  
366.24 and how the placement is consistent with the best interests and special needs of the child  
366.25 according to the factors under subdivision 2, paragraph (b);

366.26           (2) the specific reasons for the placement of the child in foster care, and when  
366.27 reunification is the plan, a description of the problems or conditions in the home of the  
366.28 parent or parents which necessitated removal of the child from home and the changes the  
366.29 parent or parents must make in order for the child to safely return home;

366.30           (3) a description of the services offered and provided to prevent removal of the child  
366.31 from the home and to reunify the family including:

366.32           (i) the specific actions to be taken by the parent or parents of the child to eliminate  
366.33 or correct the problems or conditions identified in clause (2), and the time period during  
366.34 which the actions are to be taken; and

366.35           (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made  
366.36 to achieve a safe and stable home for the child including social and other supportive

367.1 services to be provided or offered to the parent or parents or guardian of the child, the  
367.2 child, and the residential facility during the period the child is in the residential facility;

367.3 (4) a description of any services or resources that were requested by the child or the  
367.4 child's parent, guardian, foster parent, or custodian since the date of the child's placement  
367.5 in the residential facility, and whether those services or resources were provided and if  
367.6 not, the basis for the denial of the services or resources;

367.7 (5) the visitation plan for the parent or parents or guardian, other relatives as defined  
367.8 in section 260C.007, subdivision 27, and siblings of the child if the siblings are not placed  
367.9 together in foster care, and whether visitation is consistent with the best interest of the  
367.10 child, during the period the child is in foster care;

367.11 (6) when a child cannot return to or be in the care of either parent, documentation of  
367.12 steps to finalize the permanency plan for the child, including:

367.13 (i) reasonable efforts to place the child for adoption or legal guardianship of the child  
367.14 if the court has issued an order terminating the rights of both parents of the child or of the  
367.15 only known, living parent of the child. At a minimum, the documentation must include  
367.16 consideration of whether adoption is in the best interests of the child, child-specific  
367.17 recruitment efforts such as relative search and the use of state, regional, and national  
367.18 adoption exchanges to facilitate orderly and timely placements in and outside of the state.  
367.19 A copy of this documentation shall be provided to the court in the review required under  
367.20 section 260C.317, subdivision 3, paragraph (b); and

367.21 (ii) documentation necessary to support the requirements of the kinship placement  
367.22 agreement under section 256N.22 when adoption is determined not to be in the child's  
367.23 best interests;

367.24 (7) efforts to ensure the child's educational stability while in foster care, including:

367.25 (i) efforts to ensure that the child remains in the same school in which the child was  
367.26 enrolled prior to placement or upon the child's move from one placement to another,  
367.27 including efforts to work with the local education authorities to ensure the child's  
367.28 educational stability; or

367.29 (ii) if it is not in the child's best interest to remain in the same school that the child  
367.30 was enrolled in prior to placement or move from one placement to another, efforts to  
367.31 ensure immediate and appropriate enrollment for the child in a new school;

367.32 (8) the educational records of the child including the most recent information  
367.33 available regarding:

367.34 (i) the names and addresses of the child's educational providers;

367.35 (ii) the child's grade level performance;

367.36 (iii) the child's school record;

368.1 (iv) a statement about how the child's placement in foster care takes into account  
368.2 proximity to the school in which the child is enrolled at the time of placement; and  
368.3 (v) any other relevant educational information;

368.4 (9) the efforts by the local agency to ensure the oversight and continuity of health  
368.5 care services for the foster child, including:

368.6 (i) the plan to schedule the child's initial health screens;

368.7 (ii) how the child's known medical problems and identified needs from the screens,  
368.8 including any known communicable diseases, as defined in section 144.4172, subdivision  
368.9 2, will be monitored and treated while the child is in foster care;

368.10 (iii) how the child's medical information will be updated and shared, including  
368.11 the child's immunizations;

368.12 (iv) who is responsible to coordinate and respond to the child's health care needs,  
368.13 including the role of the parent, the agency, and the foster parent;

368.14 (v) who is responsible for oversight of the child's prescription medications;

368.15 (vi) how physicians or other appropriate medical and nonmedical professionals  
368.16 will be consulted and involved in assessing the health and well-being of the child and  
368.17 determine the appropriate medical treatment for the child; and

368.18 (vii) the responsibility to ensure that the child has access to medical care through  
368.19 either medical insurance or medical assistance;

368.20 (10) the health records of the child including information available regarding:

368.21 (i) the names and addresses of the child's health care and dental care providers;

368.22 (ii) a record of the child's immunizations;

368.23 (iii) the child's known medical problems, including any known communicable  
368.24 diseases as defined in section 144.4172, subdivision 2;

368.25 (iv) the child's medications; and

368.26 (v) any other relevant health care information such as the child's eligibility for  
368.27 medical insurance or medical assistance;

368.28 (11) an independent living plan for a child age 16 or older. The plan should include,  
368.29 but not be limited to, the following objectives:

368.30 (i) educational, vocational, or employment planning;

368.31 (ii) health care planning and medical coverage;

368.32 (iii) transportation including, where appropriate, assisting the child in obtaining a  
368.33 driver's license;

368.34 (iv) money management, including the responsibility of the agency to ensure that  
368.35 the youth annually receives, at no cost to the youth, a consumer report as defined under  
368.36 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;



369.1 (v) planning for housing;  
369.2 (vi) social and recreational skills; and  
369.3 (vii) establishing and maintaining connections with the child's family and  
369.4 community; and

369.5 (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
369.6 and assessment information, specific services relating to meeting the mental health care  
369.7 needs of the child, and treatment outcomes.

369.8 (d) The parent or parents or guardian and the child each shall have the right to legal  
369.9 counsel in the preparation of the case plan and shall be informed of the right at the time  
369.10 of placement of the child. The child shall also have the right to a guardian ad litem.  
369.11 If unable to employ counsel from their own resources, the court shall appoint counsel  
369.12 upon the request of the parent or parents or the child or the child's legal guardian. The  
369.13 parent or parents may also receive assistance from any person or social services agency  
369.14 in preparation of the case plan.

369.15 After the plan has been agreed upon by the parties involved or approved or ordered  
369.16 by the court, the foster parents shall be fully informed of the provisions of the case plan  
369.17 and shall be provided a copy of the plan.

369.18 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and  
369.19 physical custodian, as appropriate, and the child, if appropriate, must be provided with  
369.20 a current copy of the child's health and education record.

369.21 Sec. 30. Minnesota Statutes 2012, section 260C.515, subdivision 4, is amended to read:

369.22 Subd. 4. **Custody to relative.** The court may order permanent legal and physical  
369.23 custody to a fit and willing relative in the best interests of the child according to the  
369.24 following ~~conditions~~ requirements:

369.25 (1) an order for transfer of permanent legal and physical custody to a relative shall  
369.26 only be made after the court has reviewed the suitability of the prospective legal and  
369.27 physical custodian;

369.28 (2) in transferring permanent legal and physical custody to a relative, the juvenile  
369.29 court shall follow the standards applicable under this chapter and chapter 260, and the  
369.30 procedures in the Minnesota Rules of Juvenile Protection Procedure;

369.31 (3) a transfer of legal and physical custody includes responsibility for the protection,  
369.32 education, care, and control of the child and decision making on behalf of the child;

369.33 (4) a permanent legal and physical custodian may not return a child to the permanent  
369.34 care of a parent from whom the court removed custody without the court's approval and  
369.35 without notice to the responsible social services agency;

370.1 (5) the social services agency may file a petition naming a fit and willing relative as  
370.2 a proposed permanent legal and physical custodian. A petition for transfer of permanent  
370.3 legal and physical custody to a relative who is not a parent shall be accompanied by a  
370.4 kinship placement agreement under section 256N.22, subdivision 2, between the agency  
370.5 and proposed permanent legal and physical custodian;

370.6 (6) another party to the permanency proceeding regarding the child may file a  
370.7 petition to transfer permanent legal and physical custody to a relative, ~~but the~~. The petition  
370.8 must include facts upon which the court can make the determination required under clause  
370.9 (7) and must be filed not later than the date for the required admit-deny hearing under  
370.10 section 260C.507; or if the agency's petition is filed under section 260C.503, subdivision  
370.11 2, the petition must be filed not later than 30 days prior to the trial required under section  
370.12 260C.509; and

370.13 (7) where a petition is for transfer of permanent legal and physical custody to a  
370.14 relative who is not a parent, the court must find that:

370.15 (i) transfer of permanent legal and physical custody and receipt of Northstar kinship  
370.16 assistance under chapter 256N, when requested and the child is eligible, is in the child's  
370.17 best interests;

370.18 (ii) adoption is not in the child's best interests based on the determinations in the  
370.19 kinship placement agreement required under section 256N.22, subdivision 2;

370.20 (iii) the agency made efforts to discuss adoption with the child's parent or parents,  
370.21 or the agency did not make efforts to discuss adoption and the reasons why efforts were  
370.22 not made; and

370.23 (iv) there are reasons to separate siblings during placement, if applicable;

370.24 (8) the court may defer finalization of an order transferring permanent legal and  
370.25 physical custody to a relative when deferring finalization is necessary to determine  
370.26 eligibility for Northstar kinship assistance under chapter 256N;

370.27 (9) the court may finalize a permanent transfer of physical and legal custody to a  
370.28 relative regardless of eligibility for Northstar kinship assistance under chapter 256N; and

370.29 ~~(7)~~ (10) the juvenile court may maintain jurisdiction over the responsible social  
370.30 services agency, the parents or guardian of the child, the child, and the permanent legal  
370.31 and physical custodian for purposes of ensuring appropriate services are delivered to the  
370.32 child and permanent legal custodian for the purpose of ensuring conditions ordered by the  
370.33 court related to the care and custody of the child are met.

370.34 Sec. 31. Minnesota Statutes 2012, section 260C.611, is amended to read:

370.35 **260C.611 ADOPTION STUDY REQUIRED.**

371.1           (a) An adoption study under section 259.41 approving placement of the child in the  
371.2 home of the prospective adoptive parent shall be completed before placing any child under  
371.3 the guardianship of the commissioner in a home for adoption. If a prospective adoptive  
371.4 parent has a current child foster care license under chapter 245A and is seeking to adopt  
371.5 a foster child who is placed in the prospective adoptive parent's home and is under the  
371.6 guardianship of the commissioner according to section 260C.325, subdivision 1, the child  
371.7 foster care home study meets the requirements of this section for an approved adoption  
371.8 home study if:

371.9           (1) the written home study on which the foster care license was based is completed  
371.10 in the commissioner's designated format, consistent with the requirements in sections  
371.11 259.41, subdivision 2; and 260C.215, subdivision 4, clause (5); and Minnesota Rules,  
371.12 part 2960.3060, subpart 4;

371.13           (2) the background studies on each prospective adoptive parent and all required  
371.14 household members were completed according to section 245C.33;

371.15           (3) the commissioner has not issued, within the last three years, a sanction on the  
371.16 license under section 245A.07 or an order of a conditional license under section 245A.06;  
371.17 and

371.18           (4) the legally responsible agency determines that the individual needs of the child  
371.19 are being met by the prospective adoptive parent through an assessment under section  
371.20 256N.24, subdivision 2, or a documented placement decision consistent with section  
371.21 260C.212, subdivision 2.

371.22           (b) If a prospective adoptive parent has previously held a foster care license or  
371.23 adoptive home study, any update necessary to the foster care license, or updated or new  
371.24 adoptive home study, if not completed by the licensing authority responsible for the  
371.25 previous license or home study, shall include collateral information from the previous  
371.26 licensing or approving agency, if available.

371.27           Sec. 32. **PARENT AWARE QUALITY RATING AND IMPROVEMENT**  
371.28 **SYSTEM ACCESSIBILITY REPORT.**

371.29           Subdivision 1. **Recommendations.** The commissioner of human services, in  
371.30 consultation with representatives from the child care and early childhood advocacy  
371.31 community, child care provider organizations, child care providers, organizations  
371.32 administering Parent Aware, the Departments of Education and Health, counties, and  
371.33 parents, shall make recommendations to the members of the legislative committees having  
371.34 jurisdiction over health and human services provisions and funding on increasing statewide  
371.35 accessibility for child care providers to the Parent Aware quality rating and improvement

372.1 system and for increasing access to Parent Aware-rated programs for families with  
372.2 children. The recommendations must address the following factors impacting accessibility:

372.3 (1) availability of rated and nonrated programs by child care provider type, within  
372.4 rural and underserved areas, and for different cultural and non-English-speaking groups;

372.5 (2) time and resources necessary for child care providers to participate in Parent  
372.6 Aware at various rating levels, including cultural and linguistic considerations;

372.7 (3) federal child care development fund regulations; and

372.8 (4) other factors as determined by the commissioner.

372.9 Subd. 2. **Report.** By February 15, 2015, the commissioner of human services  
372.10 shall report to the legislative committees with jurisdiction over the child care  
372.11 assistance programs and the Parent Aware quality rating and improvement system with  
372.12 recommendations to increase access for families and child care providers to Parent Aware,  
372.13 including benchmarks for achieving the maximum participation in Parent Aware-rated  
372.14 child care programs by families receiving child care assistance.

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

372.16 Sec. 33. **RECOMMENDATIONS FOR CULTURALLY APPROPRIATE**  
372.17 **OUTREACH.**

372.18 The Cultural and Ethnic Communities Leadership Council under Laws 2013,  
372.19 chapter 107, article 2, section 1, shall review with the commissioner of human services  
372.20 the department's existing competencies and strategies and provide recommendations on  
372.21 improving internal competencies for culturally appropriate outreach to New American  
372.22 community providers impacted by Minnesota Statutes, section 119B.09, subdivision 9a.

372.23 Sec. 34. **REVISOR'S INSTRUCTION.**

372.24 The revisor of statutes shall change the term "guardianship assistance" to "Northstar  
372.25 kinship assistance" wherever it appears in Minnesota Statutes and Minnesota Rules to  
372.26 refer to the program components related to Northstar Care for Children under Minnesota  
372.27 Statutes, chapter 256N.

372.28 Sec. 35. **REPEALER.**

372.29 Minnesota Statutes 2013 Supplement, section 256N.26, subdivision 7, is repealed.

## ARTICLE 26

## COMMUNITY FIRST SERVICES AND SUPPORTS

373.1

373.2

373.3 Section 1. Minnesota Statutes 2012, section 245C.03, is amended by adding a  
373.4 subdivision to read:

373.5 Subd. 8. **Community first services and supports organizations.** The  
373.6 commissioner shall conduct background studies on any individual required under section  
373.7 256B.85 to have a background study completed under this chapter.

373.8 Sec. 2. Minnesota Statutes 2012, section 245C.04, is amended by adding a subdivision  
373.9 to read:

373.10 Subd. 7. **Community first services and supports organizations.** (a) The  
373.11 commissioner shall conduct a background study of an individual required to be studied  
373.12 under section 245C.03, subdivision 8, at least upon application for initial enrollment  
373.13 under section 256B.85.

373.14 (b) Before an individual described in section 245C.03, subdivision 8, begins a  
373.15 position allowing direct contact with a person served by an organization required to initiate  
373.16 a background study under section 256B.85, the organization must receive a notice from  
373.17 the commissioner that the support worker is:

373.18 (1) not disqualified under section 245C.14; or

373.19 (2) disqualified, but the individual has received a set-aside of the disqualification  
373.20 under section 245C.22.

373.21 Sec. 3. Minnesota Statutes 2012, section 245C.10, is amended by adding a subdivision  
373.22 to read:

373.23 Subd. 10. **Community first services and supports organizations.** The  
373.24 commissioner shall recover the cost of background studies initiated by an agency-provider  
373.25 delivering services under section 256B.85, subdivision 11, or a financial management  
373.26 services contractor providing service functions under section 256B.85, subdivision 13,  
373.27 through a fee of no more than \$20 per study, charged to the organization responsible for  
373.28 submitting the background study form. The fees collected under this subdivision are  
373.29 appropriated to the commissioner for the purpose of conducting background studies.

373.30 Sec. 4. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 2, is  
373.31 amended to read:

374.1 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in  
374.2 this subdivision have the meanings given.

374.3 (b) "Activities of daily living" or "ADLs" means eating, toileting, grooming,  
374.4 dressing, bathing, mobility, positioning, and transferring.

374.5 (c) "Agency-provider model" means a method of CFSS under which a qualified  
374.6 agency provides services and supports through the agency's own employees and policies.  
374.7 The agency must allow the participant to have a significant role in the selection and  
374.8 dismissal of support workers of their choice for the delivery of their specific services  
374.9 and supports.

374.10 (d) "Behavior" means a description of a need for services and supports used to  
374.11 determine the home care rating and additional service units. The presence of Level I  
374.12 behavior is used to determine the home care rating. "Level I behavior" means physical  
374.13 aggression towards self or others or destruction of property that requires the immediate  
374.14 response of another person. If qualified for a home care rating as described in subdivision  
374.15 8, additional service units can be added as described in subdivision 8, paragraph (f), for  
374.16 the following behaviors:

374.17 (1) Level I behavior;

374.18 (2) increased vulnerability due to cognitive deficits or socially inappropriate  
374.19 behavior; or

374.20 (3) increased need for assistance for ~~recipients~~ participants who are verbally  
374.21 aggressive or resistive to care so that time needed to perform activities of daily living is  
374.22 increased.

374.23 (e) "Budget model" means a service delivery method of CFSS that allows the use of  
374.24 a service budget and assistance from a financial management services (FMS) contractor  
374.25 for a participant to directly employ support workers and purchase supports and goods.

374.26 ~~(e)~~ (f) "Complex health-related needs" means an intervention listed in clauses (1)  
374.27 to (8) that has been ordered by a physician, and is specified in a community support  
374.28 plan, including:

374.29 (1) tube feedings requiring:

374.30 (i) a gastrojejunostomy tube; or

374.31 (ii) continuous tube feeding lasting longer than 12 hours per day;

374.32 (2) wounds described as:

374.33 (i) stage III or stage IV;

374.34 (ii) multiple wounds;

374.35 (iii) requiring sterile or clean dressing changes or a wound vac; or

- 375.1 (iv) open lesions such as burns, fistulas, tube sites, or ostomy sites that require  
 375.2 specialized care;
- 375.3 (3) parenteral therapy described as:
- 375.4 (i) IV therapy more than two times per week lasting longer than four hours for  
 375.5 each treatment; or
- 375.6 (ii) total parenteral nutrition (TPN) daily;
- 375.7 (4) respiratory interventions, including:
- 375.8 (i) oxygen required more than eight hours per day;
- 375.9 (ii) respiratory vest more than one time per day;
- 375.10 (iii) bronchial drainage treatments more than two times per day;
- 375.11 (iv) sterile or clean suctioning more than six times per day;
- 375.12 (v) dependence on another to apply respiratory ventilation augmentation devices  
 375.13 such as BiPAP and CPAP; and
- 375.14 (vi) ventilator dependence under section 256B.0652;
- 375.15 (5) insertion and maintenance of catheter, including:
- 375.16 (i) sterile catheter changes more than one time per month;
- 375.17 (ii) clean intermittent catheterization, and including self-catheterization more than  
 375.18 six times per day; or
- 375.19 (iii) bladder irrigations;
- 375.20 (6) bowel program more than two times per week requiring more than 30 minutes to  
 375.21 perform each time;
- 375.22 (7) neurological intervention, including:
- 375.23 (i) seizures more than two times per week and requiring significant physical  
 375.24 assistance to maintain safety; or
- 375.25 (ii) swallowing disorders diagnosed by a physician and requiring specialized  
 375.26 assistance from another on a daily basis; and
- 375.27 (8) other congenital or acquired diseases creating a need for significantly increased  
 375.28 direct hands-on assistance and interventions in six to eight activities of daily living.
- 375.29 ~~(f)~~ (g) "Community first services and supports" or "CFSS" means the assistance and  
 375.30 supports program under this section needed for accomplishing activities of daily living,  
 375.31 instrumental activities of daily living, and health-related tasks through hands-on assistance  
 375.32 to accomplish the task or constant supervision and cueing to accomplish the task, or the  
 375.33 purchase of goods as defined in subdivision 7, ~~paragraph (a)~~, clause (3), that replace  
 375.34 the need for human assistance.
- 375.35 ~~(g)~~ (h) "Community first services and supports service delivery plan" or "service  
 375.36 delivery plan" means a written ~~summary of document~~ document detailing the services and supports

376.1 chosen by the participant to meet assessed needs that is are within the approved CFSS  
 376.2 service authorization amount. Services and supports are based on the community support  
 376.3 plan identified in section 256B.0911 and coordinated services and support plan and budget  
 376.4 identified in section 256B.0915, subdivision 6, if applicable, that is determined by the  
 376.5 participant to meet the assessed needs, using a person-centered planning process.

376.6 (i) "Consultation services" means a Minnesota health care program enrolled provider  
 376.7 organization that is under contract with the department and has the knowledge, skills,  
 376.8 and ability to assist CFSS participants in using either the agency-provider model under  
 376.9 subdivision 11 or the budget model under subdivision 13.

376.10 ~~(h)~~ (j) "Critical activities of daily living" means transferring, mobility, eating, and  
 376.11 toileting.

376.12 ~~(i)~~ (k) "Dependency" in activities of daily living means a person requires hands-on  
 376.13 assistance or constant supervision and cueing to accomplish one or more of the activities  
 376.14 of daily living every day or on the days during the week that the activity is performed;  
 376.15 however, a child may not be found to be dependent in an activity of daily living if,  
 376.16 because of the child's age, an adult would either perform the activity for the child or assist  
 376.17 the child with the activity and the assistance needed is the assistance appropriate for  
 376.18 a typical child of the same age.

376.19 ~~(j)~~ (l) "Extended CFSS" means CFSS services and supports under the  
 376.20 agency-provider model included in a service plan through one of the home and  
 376.21 community-based services waivers and as approved and authorized under sections  
 376.22 256B.0915; 256B.092, subdivision 5; and 256B.49, which exceed the amount, duration,  
 376.23 and frequency of the state plan CFSS services for participants.

376.24 ~~(k)~~ (m) "Financial management services contractor or vendor" or "FMS contractor"  
 376.25 means a qualified organization having required for participants using the budget model  
 376.26 under subdivision 13 that has a written contract with the department to provide vendor  
 376.27 fiscal/employer agent financial management services necessary to use the budget model  
 376.28 under subdivision 13 that (FMS). Services include but are not limited to: participant  
 376.29 education and technical assistance; CFSS service delivery planning and budgeting;  
 376.30 filing and payment of federal and state payroll taxes on behalf of the participant;  
 376.31 initiating criminal background checks; billing; making payments, and for approved CFSS  
 376.32 services with authorized funds; monitoring of spending expenditures; accounting for  
 376.33 and disbursing CFSS funds; providing assistance in obtaining and filing for liability,  
 376.34 workers' compensation, and unemployment coverage; and assisting providing participant  
 376.35 instruction and technical assistance to the participant in fulfilling employer-related  
 376.36 requirements in accordance with Section 3504 of the Internal Revenue Code and the



377.1 ~~Internal Revenue Service Revenue Procedure 70-6~~ related regulations and interpretations,  
377.2 including Code of Federal Regulations, title 26, section 31.3504-1.

377.3 ~~(l) "Budget model" means a service delivery method of CFSS that allows the use of~~  
377.4 ~~an individualized CFSS service delivery plan and service budget and provides assistance~~  
377.5 ~~from the financial management services contractor to facilitate participant employment of~~  
377.6 ~~support workers and the acquisition of supports and goods.~~

377.7 ~~(m)~~ (n) "Health-related procedures and tasks" means procedures and tasks related  
377.8 to the specific needs of an individual that can be ~~delegated~~ taught or assigned by a  
377.9 state-licensed healthcare or mental health professional and performed by a support worker.

377.10 ~~(n)~~ (o) "Instrumental activities of daily living" means activities related to  
377.11 living independently in the community, including but not limited to: meal planning,  
377.12 preparation, and cooking; shopping for food, clothing, or other essential items; laundry;  
377.13 housecleaning; assistance with medications; managing finances; communicating needs  
377.14 and preferences during activities; arranging supports; and assistance with traveling around  
377.15 and participating in the community.

377.16 ~~(o)~~ (p) "Legal representative" means parent of a minor, a court-appointed guardian,  
377.17 or another representative with legal authority to make decisions about services and  
377.18 supports for the participant. Other representatives with legal authority to make decisions  
377.19 include but are not limited to a health care agent or an attorney-in-fact authorized through  
377.20 a health care directive or power of attorney.

377.21 ~~(p)~~ (q) "Medication assistance" means providing verbal or visual reminders to take  
377.22 regularly scheduled medication, and includes any of the following supports listed in clauses  
377.23 (1) to (3) and other types of assistance, except that a support worker may not determine  
377.24 medication dose or time for medication or inject medications into veins, muscles, or skin:

377.25 (1) under the direction of the participant or the participant's representative, bringing  
377.26 medications to the participant including medications given through a nebulizer, opening a  
377.27 container of previously set-up medications, emptying the container into the participant's  
377.28 hand, opening and giving the medication in the original container to the participant, or  
377.29 bringing to the participant liquids or food to accompany the medication;

377.30 (2) organizing medications as directed by the participant or the participant's  
377.31 representative; and

377.32 (3) providing verbal or visual reminders to perform regularly scheduled medications.

377.33 ~~(q)~~ (r) "Participant's representative" means a parent, family member, advocate,  
377.34 or other adult authorized by the participant to serve as a representative in connection  
377.35 with the provision of CFSS. This authorization must be in writing or by another method  
377.36 that clearly indicates the participant's free choice. The participant's representative must

378.1 have no financial interest in the provision of any services included in the participant's  
 378.2 service delivery plan and must be capable of providing the support necessary to assist  
 378.3 the participant in the use of CFSS. If through the assessment process described in  
 378.4 subdivision 5 a participant is determined to be in need of a participant's representative, one  
 378.5 must be selected. If the participant is unable to assist in the selection of a participant's  
 378.6 representative, the legal representative shall appoint one. Two persons may be designated  
 378.7 as a participant's representative for reasons such as divided households and court-ordered  
 378.8 custodies. Duties of a participant's representatives may include:

378.9 (1) being available while ~~care is~~ services are provided in a method agreed upon by  
 378.10 the participant or the participant's legal representative and documented in the participant's  
 378.11 CFSS service delivery plan;

378.12 (2) monitoring CFSS services to ensure the participant's CFSS service delivery  
 378.13 plan is being followed; and

378.14 (3) reviewing and signing CFSS time sheets after services are provided to provide  
 378.15 verification of the CFSS services.

378.16 ~~(r)~~ (s) "Person-centered planning process" means a process that is directed by the  
 378.17 participant to plan for services and supports. The person-centered planning process must:

378.18 (1) include people chosen by the participant;

378.19 (2) provide necessary information and support to ensure that the participant directs  
 378.20 the process to the maximum extent possible, and is enabled to make informed choices  
 378.21 and decisions;

378.22 (3) be timely and occur at time and locations of convenience to the participant;

378.23 (4) reflect cultural considerations of the participant;

378.24 (5) include strategies for solving conflict or disagreement within the process,  
 378.25 including clear conflict-of-interest guidelines for all planning;

378.26 (6) provide the participant choices of the services and supports they receive and the  
 378.27 staff providing those services and supports;

378.28 (7) include a method for the participant to request updates to the plan; and

378.29 (8) record the alternative home and community-based settings that were considered  
 378.30 by the participant.

378.31 ~~(s)~~ (t) "Shared services" means the provision of CFSS services by the same CFSS  
 378.32 support worker to two or three participants who voluntarily enter into an agreement to  
 378.33 receive services at the same time and in the same setting by the same ~~provider~~ employer.

378.34 ~~(t)~~ "Support specialist" means a professional with the skills and ability to assist the  
 378.35 participant using either the agency-provider model under subdivision 11 or the flexible

379.1 ~~spending model under subdivision 13, in services including but not limited to assistance~~  
 379.2 ~~regarding:~~

379.3 ~~(1) the development, implementation, and evaluation of the CFSS service delivery~~  
 379.4 ~~plan under subdivision 6;~~

379.5 ~~(2) recruitment, training, or supervision, including supervision of health-related tasks~~  
 379.6 ~~or behavioral supports appropriately delegated or assigned by a health care professional,~~  
 379.7 ~~and evaluation of support workers; and~~

379.8 ~~(3) facilitating the use of informal and community supports, goods, or resources.~~

379.9 (u) "Support worker" means an a qualified and trained employee of the agency  
 379.10 provider agency-provider or of the participant employer under the budget model who  
 379.11 has direct contact with the participant and provides services as specified within the  
 379.12 participant's service delivery plan.

379.13 (v) "Wages and benefits" means the hourly wages and salaries, the employer's  
 379.14 share of FICA taxes, Medicare taxes, state and federal unemployment taxes, workers'  
 379.15 compensation, mileage reimbursement, health and dental insurance, life insurance,  
 379.16 disability insurance, long-term care insurance, uniform allowance, contributions to  
 379.17 employee retirement accounts, or other forms of employee compensation and benefits.

379.18 (w) "Worker training and development" means services for developing workers'  
 379.19 skills as required by the participant's individual CFSS delivery plan that are arranged for  
 379.20 or provided by the agency-provider or purchased by the participant employer. These  
 379.21 services include training, education, direct observation and supervision, and evaluation  
 379.22 and coaching of job skills and tasks, including supervision of health-related tasks or  
 379.23 behavioral supports.

379.24 Sec. 5. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 3, is  
 379.25 amended to read:

379.26 Subd. 3. **Eligibility.** (a) CFSS is available to a person who meets one of the  
 379.27 following:

379.28 (1) is ~~a recipient~~ an enrollee of medical assistance as determined under section  
 379.29 256B.055, 256B.056, or 256B.057, subdivisions 5 and 9;

379.30 (2) is ~~a recipient of~~ participant in the alternative care program under section  
 379.31 256B.0913;

379.32 (3) is a ~~waiver recipient~~ participant as defined under section 256B.0915, 256B.092,  
 379.33 256B.093, or 256B.49; or

379.34 (4) has medical services identified in a participant's individualized education  
 379.35 program and is eligible for services as determined in section 256B.0625, subdivision 26.

380.1 (b) In addition to meeting the eligibility criteria in paragraph (a), a person must also  
380.2 meet all of the following:

380.3 (1) require assistance and be determined dependent in one activity of daily living or  
380.4 Level I behavior based on assessment under section 256B.0911; and

380.5 (2) is not a ~~recipient of~~ participant under a family support grant under section 252.32;

380.6 (3) ~~lives in the person's own apartment or home including a family foster care setting~~  
380.7 ~~licensed under chapter 245A, but not in corporate foster care under chapter 245A; or a~~  
380.8 ~~noncertified boarding care home or a boarding and lodging establishment under chapter~~  
380.9 ~~157.~~

380.10 Sec. 6. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 5, is  
380.11 amended to read:

380.12 Subd. 5. **Assessment requirements.** (a) The assessment of functional need must:

380.13 (1) be conducted by a certified assessor according to the criteria established in  
380.14 section 256B.0911, subdivision 3a;

380.15 (2) be conducted face-to-face, initially and at least annually thereafter, or when there  
380.16 is a significant change in the participant's condition or a change in the need for services  
380.17 and supports, or at the request of the participant when the participant experiences a change  
380.18 in condition or needs a change in the services or supports; and

380.19 (3) be completed using the format established by the commissioner.

380.20 (b) ~~A participant who is residing in a facility may be assessed and choose CFSS for~~  
380.21 ~~the purpose of using CFSS to return to the community as described in subdivisions 3~~  
380.22 ~~and 7, paragraph (a), clause (5).~~

380.23 (e) ~~(b)~~ The results of the assessment and any recommendations and authorizations  
380.24 for CFSS must be determined and communicated in writing by the lead agency's certified  
380.25 assessor as defined in section 256B.0911 to the participant and the agency-provider or  
380.26 ~~financial management services provider~~ FMS contractor chosen by the participant within  
380.27 40 calendar days and must include the participant's right to appeal under section 256.045,  
380.28 subdivision 3.

380.29 (d) ~~(c)~~ The lead agency assessor may ~~request~~ authorize a temporary authorization  
380.30 for CFSS services to be provided under the agency-provider model. Authorization for  
380.31 a temporary level of CFSS services under the agency-provider model is limited to the  
380.32 time specified by the commissioner, but shall not exceed 45 days. The level of services  
380.33 authorized under this ~~provision~~ paragraph shall have no bearing on a future authorization.  
380.34 Participants approved for a temporary authorization shall access the consultation service  
380.35 to complete their orientation and selection of a service model.

381.1 Sec. 7. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 6, is  
381.2 amended to read:

381.3 Subd. 6. **Community first services and support service delivery plan.** (a) The  
381.4 CFSS service delivery plan must be developed, ~~implemented,~~ and evaluated through a  
381.5 person-centered planning process by the participant, or the participant's representative  
381.6 or legal representative who may be assisted by a ~~support specialist~~ consultation services  
381.7 provider. The CFSS service delivery plan must reflect the services and supports that  
381.8 are important to the participant and for the participant to meet the needs assessed  
381.9 by the certified assessor and identified in the community support plan under section  
381.10 256B.0911, subdivision 3, or the coordinated services and support plan identified in  
381.11 section 256B.0915, subdivision 6, if applicable. The CFSS service delivery plan must be  
381.12 reviewed by the participant, the consultation services provider, and the agency-provider  
381.13 or ~~financial management services~~ FMS contractor prior to starting services and at least  
381.14 annually upon reassessment, or when there is a significant change in the participant's  
381.15 condition, or a change in the need for services and supports.

381.16 (b) The commissioner shall establish the format and criteria for the CFSS service  
381.17 delivery plan.

381.18 (c) The CFSS service delivery plan must be person-centered and:

381.19 (1) specify the consultation services provider, agency-provider, or ~~financial~~  
381.20 ~~management services~~ FMS contractor selected by the participant;

381.21 (2) reflect the setting in which the participant resides that is chosen by the participant;

381.22 (3) reflect the participant's strengths and preferences;

381.23 (4) include the means to address the clinical and support needs as identified through  
381.24 an assessment of functional needs;

381.25 (5) include individually identified goals and desired outcomes;

381.26 (6) reflect the services and supports, paid and unpaid, that will assist the participant  
381.27 to achieve identified goals, including the costs of the services and supports, and the  
381.28 providers of those services and supports, including natural supports;

381.29 (7) identify the amount and frequency of face-to-face supports and amount and  
381.30 frequency of remote supports and technology that will be used;

381.31 (8) identify risk factors and measures in place to minimize them, including  
381.32 individualized backup plans;

381.33 (9) be understandable to the participant and the individuals providing support;

381.34 (10) identify the individual or entity responsible for monitoring the plan;

381.35 (11) be finalized and agreed to in writing by the participant and signed by all  
381.36 individuals and providers responsible for its implementation;

382.1 (12) be distributed to the participant and other people involved in the plan; ~~and~~  
 382.2 (13) prevent the provision of unnecessary or inappropriate care; ~~;~~  
 382.3 (14) include a detailed budget for expenditures for budget model participants or  
 382.4 participants under the agency-provider model if purchasing goods; and  
 382.5 (15) include a plan for worker training and development detailing what service  
 382.6 components will be used, when the service components will be used, how they will be  
 382.7 provided, and how these service components relate to the participant's individual needs  
 382.8 and CFSS support worker services.

382.9 (d) The total units of agency-provider services or the service budget allocation  
 382.10 amount for the budget model include both annual totals and a monthly average amount  
 382.11 that cover the number of months of the service authorization. The amount used each  
 382.12 month may vary, but additional funds must not be provided above the annual service  
 382.13 authorization amount unless a change in condition is assessed and authorized by the  
 382.14 certified assessor and documented in the community support plan, coordinated services  
 382.15 and supports plan, and CFSS service delivery plan.

382.16 (e) In assisting with the development or modification of the plan during the  
 382.17 authorization time period, the consultation services provider shall:

382.18 (1) consult with the FMS contractor on the spending budget when applicable; and

382.19 (2) consult with the participant or participant's representative, agency-provider, and  
 382.20 case manager/care coordinator.

382.21 (f) The service plan must be approved by the consultation services provider for  
 382.22 participants without a case manager/care coordinator. A case manager/care coordinator  
 382.23 must approve the plan for a waiver or alternative care program participant.

382.24 Sec. 8. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 7, is  
 382.25 amended to read:

382.26 Subd. 7. **Community first services and supports; covered services.** Within the  
 382.27 service unit authorization or service budget allocation amount, services and supports  
 382.28 covered under CFSS include:

382.29 (1) assistance to accomplish activities of daily living (ADLs), instrumental activities  
 382.30 of daily living (IADLs), and health-related procedures and tasks through hands-on  
 382.31 assistance to accomplish the task or constant supervision and cueing to accomplish the task;

382.32 (2) assistance to acquire, maintain, or enhance the skills necessary for the participant  
 382.33 to accomplish activities of daily living, instrumental activities of daily living, or  
 382.34 health-related tasks;

- 383.1 (3) expenditures for items, services, supports, environmental modifications, or  
 383.2 goods, including assistive technology. These expenditures must:
- 383.3 (i) relate to a need identified in a participant's CFSS service delivery plan;
- 383.4 (ii) increase independence or substitute for human assistance to the extent that  
 383.5 expenditures would otherwise be made for human assistance for the participant's assessed  
 383.6 needs;
- 383.7 (4) observation and redirection for behavior or symptoms where there is a need for  
 383.8 assistance. An assessment of behaviors must meet the criteria in this clause. A recipient  
 383.9 participant qualifies as having a need for assistance due to behaviors if the recipient's  
 383.10 participant's behavior requires assistance at least four times per week and shows one or  
 383.11 more of the following behaviors:
- 383.12 (i) physical aggression towards self or others, or destruction of property that requires  
 383.13 the immediate response of another person;
- 383.14 (ii) increased vulnerability due to cognitive deficits or socially inappropriate  
 383.15 behavior; or
- 383.16 (iii) increased need for assistance for ~~recipients~~ participants who are verbally  
 383.17 aggressive or resistive to care so that time needed to perform activities of daily living is  
 383.18 increased;
- 383.19 (5) back-up systems or mechanisms, such as the use of pagers or other electronic  
 383.20 devices, to ensure continuity of the participant's services and supports;
- 383.21 ~~(6) transition costs, including:~~
- 383.22 ~~(i) deposits for rent and utilities;~~
- 383.23 ~~(ii) first month's rent and utilities;~~
- 383.24 ~~(iii) bedding;~~
- 383.25 ~~(iv) basic kitchen supplies;~~
- 383.26 ~~(v) other necessities, to the extent that these necessities are not otherwise covered~~  
 383.27 ~~under any other funding that the participant is eligible to receive; and~~
- 383.28 ~~(vi) other required necessities for an individual to make the transition from a nursing~~  
 383.29 ~~facility, institution for mental diseases, or intermediate care facility for persons with~~  
 383.30 ~~developmental disabilities to a community-based home setting where the participant~~  
 383.31 ~~resides; and~~
- 383.32 ~~(7) (6) services provided by a support specialist consultation services provider under~~  
 383.33 ~~contract with the department and enrolled as a Minnesota health care program provider as~~  
 383.34 ~~defined under subdivision 2 that are chosen by the participant. 17;~~
- 383.35 (7) services provided by an FMS contractor under contract with the department  
 383.36 as defined under subdivision 13;

384.1 (8) CFSS services provided by a qualified support worker who is a parent, stepparent,  
384.2 or legal guardian of a participant under age 18, or who is the participant's spouse. These  
384.3 support workers shall not provide any medical assistance home and community-based  
384.4 services in excess of 40 hours per seven-day period regardless of the number of parents,  
384.5 combination of parents and spouses, or number of children who receive medical assistance  
384.6 services; and

384.7 (9) worker training and development services as defined in subdivision 2, paragraph  
384.8 (w), and described in subdivision 18a.

384.9 Sec. 9. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 8, is  
384.10 amended to read:

384.11 Subd. 8. **Determination of CFSS service methodology.** (a) All community first  
384.12 services and supports must be authorized by the commissioner or the commissioner's  
384.13 designee before services begin, except for the assessments established in section  
384.14 256B.0911. The authorization for CFSS must be completed as soon as possible following  
384.15 an assessment but no later than 40 calendar days from the date of the assessment.

384.16 (b) The amount of CFSS authorized must be based on the ~~recipient's~~ participant's  
384.17 home care rating described in paragraphs (d) and (e) and any additional service units for  
384.18 which the ~~person~~ participant qualifies as described in paragraph (f).

384.19 (c) The home care rating shall be determined by the commissioner or the  
384.20 commissioner's designee based on information submitted to the commissioner identifying  
384.21 the following for a ~~recipient~~ participant:

384.22 (1) the total number of dependencies of activities of daily living as defined in  
384.23 subdivision 2, paragraph (b);

384.24 (2) the presence of complex health-related needs as defined in subdivision 2,  
384.25 paragraph (e); and

384.26 (3) the presence of Level I behavior as defined in subdivision 2, paragraph (d);  
384.27 ~~clause (1).~~

384.28 (d) The methodology to determine the total service units for CFSS for each home  
384.29 care rating is based on the median paid units per day for each home care rating from  
384.30 fiscal year 2007 data for the PCA program.

384.31 (e) Each home care rating is designated by the letters P through Z and EN and has  
384.32 the following base number of service units assigned:

384.33 (1) P home care rating requires Level I behavior or one to three dependencies in  
384.34 ADLs and qualifies one for five service units;



385.1 (2) Q home care rating requires Level I behavior and one to three dependencies in  
385.2 ADLs and qualifies one for six service units;

385.3 (3) R home care rating requires a complex health-related need and one to three  
385.4 dependencies in ADLs and qualifies one for seven service units;

385.5 (4) S home care rating requires four to six dependencies in ADLs and qualifies  
385.6 one for ten service units;

385.7 (5) T home care rating requires four to six dependencies in ADLs and Level I  
385.8 behavior and qualifies one for 11 service units;

385.9 (6) U home care rating requires four to six dependencies in ADLs and a complex  
385.10 health-related need and qualifies one for 14 service units;

385.11 (7) V home care rating requires seven to eight dependencies in ADLs and qualifies  
385.12 one for 17 service units;

385.13 (8) W home care rating requires seven to eight dependencies in ADLs and Level I  
385.14 behavior and qualifies one for 20 service units;

385.15 (9) Z home care rating requires seven to eight dependencies in ADLs and a complex  
385.16 health-related need and qualifies one for 30 service units; and

385.17 (10) EN home care rating includes ventilator dependency as defined in section  
385.18 256B.0651, subdivision 1, paragraph (g). ~~Recipients~~ Participants who meet the definition  
385.19 of ventilator-dependent and the EN home care rating and utilize a combination of  
385.20 CFSS and other home care services are limited to a total of 96 service units per day for  
385.21 those services in combination. Additional units may be authorized when a ~~recipient's~~  
385.22 participant's assessment indicates a need for two staff to perform activities. Additional  
385.23 time is limited to 16 service units per day.

385.24 (f) Additional service units are provided through the assessment and identification of  
385.25 the following:

385.26 (1) 30 additional minutes per day for a dependency in each critical activity of daily  
385.27 living as defined in subdivision 2, paragraph ~~(h)~~ (j);

385.28 (2) 30 additional minutes per day for each complex health-related function as  
385.29 defined in subdivision 2, paragraph ~~(e)~~ (f); and

385.30 (3) 30 additional minutes per day for each behavior issue as defined in subdivision 2,  
385.31 paragraph (d).

385.32 (g) The service budget for budget model participants shall be based on:

385.33 (1) assessed units as determined by the home care rating; and

385.34 (2) an adjustment needed for administrative expenses.

386.1 Sec. 10. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 9, is  
386.2 amended to read:

386.3 Subd. 9. **Noncovered services.** (a) Services or supports that are not eligible for  
386.4 payment under this section include those that:

386.5 (1) are not authorized by the certified assessor or included in the written service  
386.6 delivery plan;

386.7 (2) are provided prior to the authorization of services and the approval of the written  
386.8 CFSS service delivery plan;

386.9 (3) are duplicative of other paid services in the written service delivery plan;

386.10 (4) supplant natural unpaid supports that appropriately meet a need in the service  
386.11 plan, are provided voluntarily to the participant, and are selected by the participant in lieu  
386.12 of other services and supports;

386.13 (5) are not effective means to meet the participant's needs; and

386.14 (6) are available through other funding sources, including, but not limited to, funding  
386.15 through title IV-E of the Social Security Act.

386.16 (b) Additional services, goods, or supports that are not covered include:

386.17 (1) those that are not for the direct benefit of the participant, except that services for  
386.18 caregivers such as training to improve the ability to provide CFSS are considered to directly  
386.19 benefit the participant if chosen by the participant and approved in the support plan;

386.20 (2) any fees incurred by the participant, such as Minnesota health care programs fees  
386.21 and co-pays, legal fees, or costs related to advocate agencies;

386.22 (3) insurance, except for insurance costs related to employee coverage;

386.23 (4) room and board costs for the participant ~~with the exception of allowable~~  
386.24 ~~transition costs in subdivision 7, clause (6);~~

386.25 (5) services, supports, or goods that are not related to the assessed needs;

386.26 (6) special education and related services provided under the Individuals with  
386.27 Disabilities Education Act and vocational rehabilitation services provided under the  
386.28 Rehabilitation Act of 1973;

386.29 (7) assistive technology devices and assistive technology services other than those  
386.30 for back-up systems or mechanisms to ensure continuity of service and supports listed in  
386.31 subdivision 7;

386.32 (8) medical supplies and equipment covered under medical assistance;

386.33 (9) environmental modifications, except as specified in subdivision 7;

386.34 (10) expenses for travel, lodging, or meals related to training the participant, or the  
386.35 participant's representative, or legal representative, ~~or paid or unpaid caregivers that~~  
386.36 ~~exceed \$500 in a 12-month period;~~

- 387.1 (11) experimental treatments;
- 387.2 (12) any service or good covered by other medical assistance state plan services,  
387.3 including prescription and over-the-counter medications, compounds, and solutions and  
387.4 related fees, including premiums and co-payments;
- 387.5 (13) membership dues or costs, except when the service is necessary and appropriate  
387.6 to treat a ~~physical~~ health condition or to improve or maintain the participant's ~~physical~~  
387.7 health condition. The condition must be identified in the participant's CFSS plan and  
387.8 monitored by a ~~physician enrolled in a Minnesota health care program~~ enrolled physician;
- 387.9 (14) vacation expenses other than the cost of direct services;
- 387.10 (15) vehicle maintenance or modifications not related to the disability, health  
387.11 condition, or physical need; ~~and~~
- 387.12 (16) tickets and related costs to attend sporting or other recreational or entertainment  
387.13 events;
- 387.14 (17) services provided and billed by a provider who is not an enrolled CFSS provider;
- 387.15 (18) CFSS provided by a participant's representative or paid legal guardian;
- 387.16 (19) services that are used solely as a child care or babysitting service;
- 387.17 (20) services that are the responsibility or in the daily rate of a residential or program  
387.18 license holder under the terms of a service agreement and administrative rules;
- 387.19 (21) sterile procedures;
- 387.20 (22) giving of injections into veins, muscles, or skin;
- 387.21 (23) homemaker services that are not an integral part of the assessed CFSS service;
- 387.22 (24) home maintenance or chore services;
- 387.23 (25) home care services, including hospice services if elected by the participant,  
387.24 covered by Medicare or any other insurance held by the participant;
- 387.25 (26) services to other members of the participant's household;
- 387.26 (27) services not specified as covered under medical assistance as CFSS;
- 387.27 (28) application of restraints or implementation of deprivation procedures;
- 387.28 (29) assessments by CFSS provider organizations or by independently enrolled  
387.29 registered nurses;
- 387.30 (30) services provided in lieu of legally required staffing in a residential or child  
387.31 care setting; and
- 387.32 (31) services provided by the residential or program license holder in a residence for  
387.33 more than four persons.

387.34 Sec. 11. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 10,  
387.35 is amended to read:

388.1 Subd. 10. **Provider Agency-provider and FMS contractor qualifications and,**  
 388.2 **general requirements, and duties.** (a) Agency-providers delivering services under the  
 388.3 agency-provider model under subdivision 11 or ~~financial management service (FMS)~~  
 388.4 FMS contractors under subdivision 13 shall:

388.5 (1) enroll as a medical assistance Minnesota health care programs provider and meet  
 388.6 all applicable provider standards and requirements;

388.7 ~~(2) comply with medical assistance provider enrollment requirements;~~  
 388.8 ~~(3)~~ (2) demonstrate compliance with ~~law~~ federal and state laws and policies ~~of~~ for  
 388.9 CFSS as determined by the commissioner;

388.10 ~~(4)~~ (3) comply with background study requirements under chapter 245C and  
 388.11 maintain documentation of background study requests and results;

388.12 ~~(5)~~ (4) verify and maintain records of all services and expenditures by the participant,  
 388.13 including hours worked by support workers ~~and support specialists~~;

388.14 ~~(6)~~ (5) not engage in any agency-initiated direct contact or marketing in person, by  
 388.15 telephone, or other electronic means to potential participants, guardians, family members,  
 388.16 or participants' representatives;

388.17 (6) directly provide services and not use a subcontractor or reporting agent;

388.18 (7) meet the financial requirements established by the commissioner for financial  
 388.19 solvency;

388.20 (8) have never had a lead agency contract or provider agreement discontinued due to  
 388.21 fraud, or have never had an owner, board member, or manager fail a state or FBI-based  
 388.22 criminal background check while enrolled or seeking enrollment as a Minnesota health  
 388.23 care programs provider;

388.24 (9) have established business practices that include written policies and procedures,  
 388.25 internal controls, and a system that demonstrates the organization's ability to deliver  
 388.26 quality CFSS; and

388.27 (10) have an office located in Minnesota.

388.28 (b) In conducting general duties, agency-providers and FMS contractors shall:

388.29 ~~(7)~~ (1) pay support workers ~~and support specialists~~ based upon actual hours of  
 388.30 services provided;

388.31 (2) pay for worker training and development services based upon actual hours of  
 388.32 services provided or the unit cost of the training session purchased;

388.33 ~~(8)~~ (3) withhold and pay all applicable federal and state payroll taxes;

388.34 ~~(9)~~ (4) make arrangements and pay unemployment insurance, taxes, workers'  
 388.35 compensation, liability insurance, and other benefits, if any;

389.1           ~~(4)~~ (5) enter into a written agreement with the participant, participant's  
389.2 representative, or legal representative that assigns roles and responsibilities to be  
389.3 performed before services, supports, or goods are provided using a format established by  
389.4 the commissioner;

389.5           ~~(11)~~ (6) report maltreatment as required under sections 626.556 and 626.557; ~~and~~  
389.6           ~~(12)~~ (7) provide the participant with a copy of the service-related rights under  
389.7 subdivision 20 at the start of services and supports; and

389.8           (8) comply with any data requests from the department consistent with the  
389.9 Minnesota Government Data Practices Act under chapter 13.

389.10          Sec. 12. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 11,  
389.11 is amended to read:

389.12           Subd. 11. **Agency-provider model.** (a) The agency-provider model ~~is limited to~~  
389.13 ~~the~~ includes services provided by support workers and ~~support specialists~~ staff providing  
389.14 worker training and development services who are employed by an agency-provider  
389.15 that is licensed according to chapter 245A or meets other criteria established by the  
389.16 commissioner, including required training.

389.17           (b) The agency-provider shall allow the participant to have a significant role in the  
389.18 selection and dismissal of the support workers for the delivery of the services and supports  
389.19 specified in the participant's service delivery plan.

389.20           (c) A participant may use authorized units of CFSS services as needed within a  
389.21 service authorization that is not greater than 12 months. Using authorized units in a  
389.22 flexible manner in either the agency-provider model or the budget model does not increase  
389.23 the total amount of services and supports authorized for a participant or included in the  
389.24 participant's service delivery plan.

389.25           (d) A participant may share CFSS services. Two or three CFSS participants may  
389.26 share services at the same time provided by the same support worker.

389.27           (e) The agency-provider must use a minimum of 72.5 percent of the revenue  
389.28 generated by the medical assistance payment for CFSS for support worker wages and  
389.29 benefits. The agency-provider must document how this requirement is being met. The  
389.30 revenue generated by the ~~support specialist~~ worker training and development services  
389.31 and the reasonable costs associated with the ~~support specialist~~ worker training and  
389.32 development services must not be used in making this calculation.

389.33           (f) The agency-provider model must be used by individuals who have been restricted  
389.34 by the Minnesota restricted recipient program under Minnesota Rules, parts 9505.2160  
389.35 to 9505.2245.

390.1 (g) Participants purchasing goods under this model, along with support worker  
 390.2 services, must:

390.3 (1) specify the goods in the service delivery plan and detailed budget for  
 390.4 expenditures that must be approved by the consultation services provider or the case  
 390.5 manager/care coordinator; and

390.6 (2) use the FMS contractor for the billing and payment of such goods.

390.7 Sec. 13. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 12,  
 390.8 is amended to read:

390.9 Subd. 12. **Requirements for enrollment of CFSS ~~provider~~ agency-provider**  
 390.10 **agencies.** (a) All CFSS ~~provider agencies~~ agency-providers must provide, at the time of  
 390.11 enrollment, reenrollment, and revalidation as a CFSS ~~provider agency~~ agency-provider in  
 390.12 a format determined by the commissioner, information and documentation that includes,  
 390.13 but is not limited to, the following:

390.14 (1) the CFSS ~~provider agency's~~ agency-provider's current contact information  
 390.15 including address, telephone number, and e-mail address;

390.16 (2) proof of surety bond coverage. Upon new enrollment, or if the ~~provider agency's~~  
 390.17 agency-provider's Medicaid revenue in the previous calendar year is less than or equal  
 390.18 to \$300,000, the ~~provider agency~~ agency-provider must purchase a performance bond of  
 390.19 \$50,000. If the ~~provider agency's~~ agency-provider's Medicaid revenue in the previous  
 390.20 calendar year is greater than \$300,000, the ~~provider agency~~ agency-provider must  
 390.21 purchase a performance bond of \$100,000. The performance bond must be in a form  
 390.22 approved by the commissioner, must be renewed annually, and must allow for recovery of  
 390.23 costs and fees in pursuing a claim on the bond;

390.24 (3) proof of fidelity bond coverage in the amount of \$20,000;

390.25 (4) proof of workers' compensation insurance coverage;

390.26 (5) proof of liability insurance;

390.27 (6) a description of the CFSS ~~provider agency's~~ agency-provider's organization  
 390.28 identifying the names of all owners, managing employees, staff, board of directors, and  
 390.29 the affiliations of the directors; and owners, ~~or staff~~ to other service providers;

390.30 (7) a copy of the CFSS ~~provider agency's~~ agency-provider's written policies and  
 390.31 procedures including: hiring of employees; training requirements; service delivery;  
 390.32 and employee and consumer safety including process for notification and resolution  
 390.33 of consumer grievances, identification and prevention of communicable diseases, and  
 390.34 employee misconduct;

391.1 (8) copies of all other forms the CFSS ~~provider agency~~ agency-provider uses in the  
391.2 course of daily business including, but not limited to:

391.3 (i) a copy of the CFSS ~~provider agency's~~ agency-provider's time sheet if the time  
391.4 sheet varies from the standard time sheet for CFSS services approved by the commissioner,  
391.5 and a letter requesting approval of the CFSS ~~provider agency's~~ agency-provider's  
391.6 nonstandard time sheet; and

391.7 (ii) ~~the~~ a copy of the participant's individual CFSS provider agency's template for the  
391.8 CFSS-care service delivery plan;

391.9 (9) a list of all training and classes that the CFSS ~~provider agency~~ agency-provider  
391.10 requires of its staff providing CFSS services;

391.11 (10) documentation that the CFSS ~~provider agency~~ agency-provider and staff have  
391.12 successfully completed all the training required by this section;

391.13 (11) documentation of the ~~agency's~~ agency-provider's marketing practices;

391.14 (12) disclosure of ownership, leasing, or management of all residential properties  
391.15 that are used or could be used for providing home care services;

391.16 (13) documentation that the ~~agency~~ agency-provider will use at least the following  
391.17 percentages of revenue generated from the medical assistance rate paid for CFSS services  
391.18 for ~~employee personal care assistant~~ CFSS support worker wages and benefits: 72.5  
391.19 percent of revenue from CFSS providers. The revenue generated by the ~~support specialist~~  
391.20 worker training and development services and the reasonable costs associated with the  
391.21 ~~support specialist~~ worker training and development services shall not be used in making  
391.22 this calculation; and

391.23 (14) documentation that the ~~agency~~ agency-provider does not burden recipients'  
391.24 participants' free exercise of their right to choose service providers by requiring ~~personal~~  
391.25 ~~care assistants~~ CFSS support workers to sign an agreement not to work with any particular  
391.26 CFSS ~~recipient~~ participant or for another CFSS ~~provider agency~~ agency-provider after  
391.27 leaving the agency and that the agency is not taking action on any such agreements or  
391.28 requirements regardless of the date signed.

391.29 (b) CFSS ~~provider agencies~~ agency-providers shall provide to the commissioner  
391.30 the information specified in paragraph (a).

391.31 (c) All CFSS ~~provider agencies~~ agency-providers shall require all employees in  
391.32 management and supervisory positions and owners of the agency who are active in the  
391.33 day-to-day management and operations of the agency to complete mandatory training as  
391.34 determined by the commissioner. Employees in management and supervisory positions  
391.35 and owners who are active in the day-to-day operations of an agency who have completed  
391.36 the required training as an employee with a CFSS ~~provider agency~~ agency-provider do

392.1 not need to repeat the required training if they are hired by another agency, if they have  
 392.2 completed the training within the past three years. ~~CFSS provider-agency agency-provider~~  
 392.3 ~~billing staff shall complete training about CFSS program financial management. Any new~~  
 392.4 ~~owners or employees in management and supervisory positions involved in the day-to-day~~  
 392.5 ~~operations are required to complete mandatory training as a requisite of working for the~~  
 392.6 ~~agency. CFSS provider agencies certified for participation in Medicare as home health~~  
 392.7 ~~agencies are exempt from the training required in this subdivision.~~

392.8 (d) The commissioner shall send annual review notifications to agency-providers 30  
 392.9 days prior to renewal. The notification must:

392.10 (1) list the materials and information the agency-provider is required to submit;

392.11 (2) provide instructions on submitting information to the commissioner; and

392.12 (3) provide a due date by which the commissioner must receive the requested  
 392.13 information.

392.14 Agency-providers shall submit the required documentation for annual review within  
 392.15 30 days of notification from the commissioner. If no documentation is submitted, the  
 392.16 agency-provider enrollment number must be terminated or suspended.

392.17 Sec. 14. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 13,  
 392.18 is amended to read:

392.19 Subd. 13. **Budget model.** (a) Under the budget model participants ~~can~~ may exercise  
 392.20 ~~more~~ responsibility and control over the services and supports described and budgeted  
 392.21 within the CFSS service delivery plan. Participants must use services provided by an FMS  
 392.22 contractor as defined in subdivision 2, paragraph (m). Under this model, participants may  
 392.23 use their approved service budget allocation to:

392.24 (1) directly employ support workers, and pay wages, federal and state payroll taxes,  
 392.25 and premiums for workers' compensation, liability, and health insurance coverage; and

392.26 (2) obtain supports and goods as defined in subdivision 7; and

392.27 (3) ~~choose a range of support assistance services from the financial management~~  
 392.28 ~~services (FMS) contractor related to:~~

392.29 (i) ~~assistance in managing the budget to meet the service delivery plan needs,~~  
 392.30 ~~consistent with federal and state laws and regulations;~~

392.31 (ii) ~~the employment, training, supervision, and evaluation of workers by the~~  
 392.32 ~~participant;~~

392.33 (iii) ~~acquisition and payment for supports and goods; and~~

392.34 (iv) ~~evaluation of individual service outcomes as needed for the scope of the~~  
 392.35 ~~participant's degree of control and responsibility.~~



393.1 (b) Participants who are unable to fulfill any of the functions listed in paragraph (a)  
 393.2 may authorize a legal representative or participant's representative to do so on their behalf.

393.3 (c) The commissioner shall disenroll or exclude participants from the budget model  
 393.4 and transfer them to the agency-provider model under, but not limited to, the following  
 393.5 circumstances:

393.6 (1) when a participant has been restricted by the Minnesota restricted recipient  
 393.7 program, in which case the participant may be excluded for a specified time period under  
 393.8 Minnesota Rules, parts 9505.2160 to 9505.2245;

393.9 (2) when a participant exits the budget model during the participant's service plan  
 393.10 year. Upon transfer, the participant shall not access the budget model for the remainder of  
 393.11 that service plan year; or

393.12 (3) when the department determines that the participant or participant's representative  
 393.13 or legal representative cannot manage participant responsibilities under the budget model.

393.14 The commissioner must develop policies for determining if a participant is unable to  
 393.15 manage responsibilities under the budget model.

393.16 (d) A participant may appeal in writing to the department under section 256.045,  
 393.17 subdivision 3, to contest the department's decision under paragraph (c), clause (3), to  
 393.18 disenroll or exclude the participant from the budget model.

393.19 ~~(e)~~ (e) The FMS contractor shall not provide CFSS services and supports under the  
 393.20 agency-provider service model.

393.21 (f) The FMS contractor shall provide service functions as determined by the  
 393.22 commissioner for budget model participants that include but are not limited to:

393.23 ~~(1) information and consultation about CFSS;~~

393.24 ~~(2)~~ (1) assistance with the development of the detailed budget for expenditures  
 393.25 portion of the service delivery plan and budget model as requested by the consultation  
 393.26 services provider or participant;

393.27 ~~(3)~~ (2) billing and making payments for budget model expenditures;

393.28 ~~(4)~~ (3) assisting participants in fulfilling employer-related requirements according to

393.29 Internal Revenue Service Revenue Procedure 70-6, section 3504, Agency Employer Tax  
 393.30 Liability, regulation 137036-08 section 3504 of the Internal Revenue Code and related

393.31 regulations and interpretations, including Code of Federal Regulations, title 26, section  
 393.32 31.3504-1, which includes assistance with filing and paying payroll taxes, and obtaining

393.33 worker compensation coverage;

393.34 ~~(5)~~ (4) data recording and reporting of participant spending; and

393.35 ~~(6)~~ (5) other duties established in the contract with the department, including with  
 393.36 respect to providing assistance to the participant, participant's representative, or legal

394.1 representative in performing their employer responsibilities regarding support workers.

394.2 The support worker shall not be considered the employee of the ~~financial management~~  
394.3 ~~services~~ FMS contractor; and

394.4 (6) billing, payment, and accounting of approved expenditures for goods for  
394.5 agency-provider participants.

394.6 ~~(d) A participant who requests to purchase goods and supports along with support~~  
394.7 ~~worker services under the agency-provider model must use the budget model with~~  
394.8 ~~a service delivery plan that specifies the amount of services to be authorized to the~~  
394.9 ~~agency-provider and the expenditures to be paid by the FMS contractor.~~

394.10 ~~(e)~~ (g) The FMS contractor shall:

394.11 (1) not limit or restrict the participant's choice of service or support providers or  
394.12 service delivery models consistent with any applicable state and federal requirements;

394.13 (2) provide the participant, consultation services provider, and the ~~targeted~~ case  
394.14 manager or care coordinator, if applicable, with a monthly written summary of the  
394.15 spending for services and supports that were billed against the spending budget;

394.16 (3) be knowledgeable of state and federal employment regulations, including those  
394.17 under the Fair Labor Standards Act of 1938, and comply with the requirements under ~~the~~  
394.18 ~~Internal Revenue Service Revenue Procedure 70-6, Section 3504, section 3504 of the~~  
394.19 Internal Revenue Code and related regulations and interpretations, including Code of  
394.20 Federal Regulations, title 26, section 31.3504-1, regarding agency employer tax liability  
394.21 for vendor or fiscal employer agent, and any requirements necessary to process employer  
394.22 and employee deductions, provide appropriate and timely submission of employer tax  
394.23 liabilities, and maintain documentation to support medical assistance claims;

394.24 (4) have current and adequate liability insurance and bonding and sufficient cash  
394.25 flow as determined by the commissioner and have on staff or under contract a certified  
394.26 public accountant or an individual with a baccalaureate degree in accounting;

394.27 (5) assume fiscal accountability for state funds designated for the program and be  
394.28 held liable for any overpayments or violations of applicable statutes or rules, including but  
394.29 not limited to the Minnesota False Claims Act, chapter 15C; and

394.30 (6) maintain documentation of receipts, invoices, and bills to track all services and  
394.31 supports expenditures for any goods purchased and maintain time records of support  
394.32 workers. The documentation and time records must be maintained for a minimum of  
394.33 five years from the claim date and be available for audit or review upon request by the  
394.34 commissioner. Claims submitted by the FMS contractor to the commissioner for payment  
394.35 must correspond with services, amounts, and time periods as authorized in the participant's

395.1 ~~spending service budget and service plan and must contain specific identifying information~~  
395.2 ~~as determined by the commissioner.~~

395.3 ~~(f)~~ (h) The commissioner of human services shall:

395.4 (1) establish rates and payment methodology for the FMS contractor;

395.5 (2) identify a process to ensure quality and performance standards for the FMS  
395.6 contractor and ensure statewide access to FMS contractors; and

395.7 (3) establish a uniform protocol for delivering and administering CFSS services  
395.8 to be used by eligible FMS contractors.

395.9 ~~(g) The commissioner of human services shall disenroll or exclude participants from~~  
395.10 ~~the budget model and transfer them to the agency-provider model under the following~~  
395.11 ~~circumstances that include but are not limited to:~~

395.12 ~~(1) when a participant has been restricted by the Minnesota restricted recipient~~  
395.13 ~~program, the participant may be excluded for a specified time period under Minnesota~~  
395.14 ~~Rules, parts 9505.2160 to 9505.2245;~~

395.15 ~~(2) when a participant exits the budget model during the participant's service plan~~  
395.16 ~~year. Upon transfer, the participant shall not access the budget model for the remainder of~~  
395.17 ~~that service plan year; or~~

395.18 ~~(3) when the department determines that the participant or participant's representative~~  
395.19 ~~or legal representative cannot manage participant responsibilities under the budget model.~~  
395.20 ~~The commissioner must develop policies for determining if a participant is unable to~~  
395.21 ~~manage responsibilities under a budget model.~~

395.22 ~~(h) A participant may appeal under section 256.045, subdivision 3, in writing to the~~  
395.23 ~~department to contest the department's decision under paragraph (c), clause (3), to remove~~  
395.24 ~~or exclude the participant from the budget model.~~

395.25 Sec. 15. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 15,  
395.26 is amended to read:

395.27 Subd. 15. **Documentation of support services provided.** (a) Support services  
395.28 provided to a participant by a support worker employed by either an agency-provider  
395.29 or the participant acting as the employer must be documented daily by each support  
395.30 worker, on a time sheet form approved by the commissioner. All documentation may be  
395.31 Web-based, electronic, or paper documentation. The completed form must be submitted  
395.32 on a monthly regular basis to the provider or the participant and the FMS contractor  
395.33 selected by the participant to provide assistance with meeting the participant's employer  
395.34 obligations and kept in the recipient's health participant's record.

396.1 (b) The activity documentation must correspond to the written service delivery plan  
396.2 and be reviewed by the agency-provider or the participant and the FMS contractor when  
396.3 the participant is ~~acting as~~ the employer of the support worker.

396.4 (c) The time sheet must be on a form approved by the commissioner documenting  
396.5 time the support worker provides services ~~in the home~~ to the participant. The following  
396.6 criteria must be included in the time sheet:

396.7 (1) full name of the support worker and individual provider number;

396.8 (2) ~~provider~~ agency-provider name and telephone numbers, if ~~an agency-provider is~~  
396.9 responsible for delivery services under the written service plan;

396.10 (3) full name of the participant;

396.11 (4) consecutive dates, including month, day, and year, and arrival and departure  
396.12 times with a.m. or p.m. notations;

396.13 (5) signatures of the participant or the participant's representative;

396.14 (6) personal signature of the support worker;

396.15 (7) any shared care provided, if applicable;

396.16 (8) a statement that it is a federal crime to provide false information on CFSS  
396.17 billings for medical assistance payments; and

396.18 (9) dates and location of ~~recipient~~ participant stays in a hospital, care facility, or  
396.19 incarceration.

396.20 Sec. 16. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 16,  
396.21 is amended to read:

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

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

396.26 (i) the support worker is not disqualified under section 245C.14; or

396.27 (ii) is disqualified, but the support worker has received a set-aside of the  
396.28 disqualification under section 245C.22;

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

396.31 (3) have the skills and ability to provide the services and supports according to  
396.32 the ~~person's~~ participant's CFSS service delivery plan and respond appropriately to the  
396.33 participant's needs;

396.34 (4) not be a participant of CFSS, unless the support services provided by the support  
396.35 worker differ from those provided to the support worker;

397.1 (5) complete the basic standardized training as determined by the commissioner  
397.2 before completing enrollment. The training must be available in languages other than  
397.3 English and to those who need accommodations due to disabilities. Support worker  
397.4 training must include successful completion of the following training components: basic  
397.5 first aid, vulnerable adult, child maltreatment, OSHA universal precautions, basic roles  
397.6 and responsibilities of support workers including information about basic body mechanics,  
397.7 emergency preparedness, orientation to positive behavioral practices, orientation to  
397.8 responding to a mental health crisis, fraud issues, time cards and documentation, and an  
397.9 overview of person-centered planning and self-direction. Upon completion of the training  
397.10 components, the support worker must pass the certification test to provide assistance  
397.11 to participants;

397.12 (6) complete training and orientation on the participant's individual needs; and

397.13 (7) maintain the privacy and confidentiality of the participant, and not independently  
397.14 determine the medication dose or time for medications for the participant.

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

397.17 (1) lacks the skills, knowledge, or ability to adequately or safely perform the  
397.18 required work;

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

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

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

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

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

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

397.34 Sec. 17. Minnesota Statutes 2013 Supplement, section 256B.85, is amended by adding  
397.35 a subdivision to read:

398.1 Subd. 16a. **Exception to support worker requirements for continuity of services.**

398.2 The support worker for a participant may be allowed to enroll with a different CFSS  
 398.3 agency-provider or FMS contractor upon initiation, rather than completion, of a new  
 398.4 background study according to chapter 245C, if the following conditions are met:

398.5 (1) the commissioner determines that the support worker's change in enrollment or  
 398.6 affiliation is needed to ensure continuity of services and protect the health and safety  
 398.7 of the participant;

398.8 (2) the chosen agency-provider or FMS contractor has been continuously enrolled as  
 398.9 a CFSS agency-provider or FMS contractor for at least two years or since the inception of  
 398.10 the CFSS program, whichever is shorter;

398.11 (3) the participant served by the support worker chooses to transfer to the CFSS  
 398.12 agency-provider or the FMS contractor to which the support worker is transferring;

398.13 (4) the support worker has been continuously enrolled with the former CFSS  
 398.14 agency-provider or FMS contractor since the support worker's last background study  
 398.15 was completed; and

398.16 (5) the support worker continues to meet requirements of subdivision 16, excluding  
 398.17 paragraph (a), clause (1).

398.18 Sec. 18. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 17,  
 398.19 is amended to read:

398.20 Subd. 17. ~~Support specialist requirements and payments~~ **Consultation services**  
 398.21 **description and duties.** ~~The commissioner shall develop qualifications, scope of~~  
 398.22 ~~functions, and payment rates and service limits for a support specialist that may provide~~  
 398.23 ~~additional or specialized assistance necessary to plan, implement, arrange, augment, or~~  
 398.24 ~~evaluate services and supports.~~

398.25 (a) Consultation services means providing assistance to the participant in making  
 398.26 informed choices regarding CFSS services in general, and self-directed tasks in particular,  
 398.27 and in developing a person-centered service delivery plan to achieve quality service  
 398.28 outcomes.

398.29 (b) Consultation services is a required service that may include but is not limited to:

398.30 (1) an initial and annual orientation to CFSS information and policies, including  
 398.31 selecting a service model;

398.32 (2) assistance with the development, implementation, management, and evaluation  
 398.33 of the person-centered service delivery plan;

398.34 (3) consultation on recruiting, selecting, training, managing, directing, evaluating,  
 398.35 and supervising support workers;

399.1 (4) reviewing the use of and access to informal and community supports, goods, or  
 399.2 resources;

399.3 (5) assistance with fulfilling responsibilities and requirements of CFSS, including  
 399.4 modifying service delivery plans and changing service models; and

399.5 (6) assistance with accessing FMS contractors or agency-providers.

399.6 (c) Duties of a consultation services provider shall include but are not limited to:

399.7 (1) review and finalization of the CFSS service delivery plan by the consultation  
 399.8 services provider organization;

399.9 (2) distribution of copies of the final service delivery plan to the participant and  
 399.10 to the agency-provider or FMS contractor, case manager/care coordinator, and other  
 399.11 designated parties;

399.12 (3) an evaluation of services upon receiving information from an FMS contractor  
 399.13 indicating spending or participant employer concerns;

399.14 (4) a semiannual review of services if the participant does not have a case  
 399.15 manager/care coordinator and when the support worker is a paid parent of a minor  
 399.16 participant or the participant's spouse;

399.17 (5) collection and reporting of data as required by the department; and

399.18 (6) providing the participant with a copy of the service-related rights under  
 399.19 subdivision 20 at the start of consultation services.

399.20 Sec. 19. Minnesota Statutes 2013 Supplement, section 256B.85, is amended by adding  
 399.21 a subdivision to read:

399.22 Subd. 17a. **Consultation services provider qualifications and requirements.**

399.23 The commissioner shall develop the qualifications and requirements for providers of  
 399.24 consultation services under subdivision 17. These providers must satisfy at least the  
 399.25 following qualifications and requirements:

399.26 (1) are under contract with the department;

399.27 (2) are not the FMS contractor as defined in subdivision 2, paragraph (m), the  
 399.28 CFSS or home and community-based services waiver agency-provider or vendor to the  
 399.29 participant, or a lead agency;

399.30 (3) meet the service standards as established by the commissioner;

399.31 (4) employ lead professional staff with a minimum of three years of experience  
 399.32 in providing support planning, support broker, or consultation services and consumer  
 399.33 education to participants using a self-directed program using FMS under medical  
 399.34 assistance;

- 400.1 (5) are knowledgeable about CFSS roles and responsibilities including those of the  
400.2 certified assessor, FMS contractor, agency-provider, and case manager/care coordinator;  
400.3 (6) comply with medical assistance provider requirements;  
400.4 (7) understand the CFSS program and its policies;  
400.5 (8) are knowledgeable about self-directed principles and the application of the  
400.6 person-centered planning process;  
400.7 (9) have general knowledge of the FMS contractor duties and participant  
400.8 employment model, including all applicable federal, state, and local laws and regulations  
400.9 regarding tax, labor, employment, and liability and workers' compensation coverage for  
400.10 household workers; and  
400.11 (10) have all employees, including lead professional staff, staff in management  
400.12 and supervisory positions, and owners of the agency who are active in the day-to-day  
400.13 management and operations of the agency, complete training as specified in the contract  
400.14 with the department.

400.15 Sec. 20. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 18,  
400.16 is amended to read:

400.17 Subd. 18. **Service unit and budget allocation requirements and limits.** (a) For the  
400.18 agency-provider model, services will be authorized in units of service. The total service  
400.19 unit amount must be established based upon the assessed need for CFSS services, and must  
400.20 not exceed the maximum number of units available as determined under subdivision 8.

400.21 (b) For the budget model, the service budget allocation allowed for services and  
400.22 supports is established by multiplying the number of units authorized under subdivision 8  
400.23 by the payment rate established by the commissioner defined in subdivision 8, paragraph  
400.24 (g).

400.25 Sec. 21. Minnesota Statutes 2013 Supplement, section 256B.85, is amended by adding  
400.26 a subdivision to read:

400.27 Subd. 18a. **Worker training and development services.** (a) The commissioner  
400.28 shall develop the scope of tasks and functions, service standards, and service limits for  
400.29 worker training and development services.

400.30 (b) Worker training and development services are in addition to the participant's  
400.31 assessed service units or service budget. Services provided according to this subdivision  
400.32 must:



401.1 (1) help support workers obtain and expand the skills and knowledge necessary to  
401.2 ensure competency in providing quality services as needed and defined in the participant's  
401.3 service delivery plan;

401.4 (2) be provided or arranged for by the agency-provider under subdivision 11 or  
401.5 purchased by the participant employer under the budget model under subdivision 13; and

401.6 (3) be described in the participant's CFSS service delivery plan and documented in  
401.7 the participant's file.

401.8 (c) Services covered under worker training and development shall include:

401.9 (1) support worker training on the participant's individual assessed needs, condition,  
401.10 or both, provided individually or in a group setting by a skilled and knowledgeable trainer  
401.11 beyond any training the participant or participant's representative provides;

401.12 (2) tuition for professional classes and workshops for the participant's support  
401.13 workers that relate to the participant's assessed needs, condition, or both;

401.14 (3) direct observation, monitoring, coaching, and documentation of support worker  
401.15 job skills and tasks, beyond any training the participant or participant's representative  
401.16 provides, including supervision of health-related tasks or behavioral supports that is  
401.17 conducted by an appropriate professional based on the participant's assessed needs.

401.18 These services must be provided within 14 days of the start of services or the start of a  
401.19 new support worker except as provided in paragraph (d) and must be specified in the  
401.20 participant's service delivery plan; and

401.21 (4) reporting service and support concerns to the appropriate provider.

401.22 (d) The services in paragraph (c), clause (3), are not required to be provided for a  
401.23 new support worker providing services for a participant due to staffing failures, unless the  
401.24 support worker is expected to provide ongoing backup staffing coverage.

401.25 (e) Worker training and development services shall not include:

401.26 (1) general agency training, worker orientation, or training on CFSS self-directed  
401.27 models;

401.28 (2) payment for preparation or development time for the trainer or presenter;

401.29 (3) payment of the support worker's salary or compensation during the training;

401.30 (4) training or supervision provided by the participant, the participant's support  
401.31 worker, or the participant's informal supports, including the participant's representative; or

401.32 (5) services in excess of 96 units per annual service authorization, unless approved  
401.33 by the department.

401.34 Sec. 22. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 23,  
401.35 is amended to read:

402.1 Subd. 23. **Commissioner's access.** When the commissioner is investigating a  
402.2 possible overpayment of Medicaid funds, the commissioner must be given immediate  
402.3 access without prior notice to the ~~agency-provider~~ agency-provider or FMS contractor's  
402.4 office during regular business hours and to documentation and records related to services  
402.5 provided and submission of claims for services provided. Denying the commissioner  
402.6 access to records is cause for immediate suspension of payment and terminating the agency  
402.7 provider's enrollment according to section 256B.064 or terminating the FMS contract.

402.8 Sec. 23. Minnesota Statutes 2013 Supplement, section 256B.85, subdivision 24,  
402.9 is amended to read:

402.10 Subd. 24. **CFSS agency-providers; background studies.** CFSS agency-providers  
402.11 enrolled to provide ~~personal care assistance~~ CFSS services under the medical assistance  
402.12 program shall comply with the following:

402.13 (1) owners who have a five percent interest or more and all managing employees  
402.14 are subject to a background study as provided in chapter 245C. This applies to currently  
402.15 enrolled CFSS agency-providers and those agencies seeking enrollment as a CFSS  
402.16 agency-provider. "Managing employee" has the same meaning as Code of Federal  
402.17 Regulations, title 42, section 455. An organization is barred from enrollment if:

402.18 (i) the organization has not initiated background studies on owners managing  
402.19 employees; or

402.20 (ii) the organization has initiated background studies on owners and managing  
402.21 employees, but the commissioner has sent the organization a notice that an owner or  
402.22 managing employee of the organization has been disqualified under section 245C.14, and  
402.23 the owner or managing employee has not received a set-aside of the disqualification  
402.24 under section 245C.22;

402.25 (2) a background study must be initiated and completed for all ~~support specialists~~  
402.26 staff who will have direct contact with the participant to provide worker training and  
402.27 development; and

402.28 (3) a background study must be initiated and completed for all support workers.

402.29 Sec. 24. Laws 2013, chapter 108, article 7, section 49, the effective date, is amended to  
402.30 read:

402.31 **EFFECTIVE DATE.** This section is effective upon federal approval but no earlier  
402.32 than April 1, 2014. The service will begin 90 days after federal approval ~~or April 1,~~  
402.33 ~~2014, whichever is later.~~ The commissioner of human services shall notify the revisor of  
402.34 statutes when this occurs.

## ARTICLE 27

## CONTINUING CARE

403.1

403.2

403.3 Section 1. Minnesota Statutes 2012, section 13.46, subdivision 4, is amended to read:

403.4 Subd. 4. **Licensing data.** (a) As used in this subdivision:

403.5 (1) "licensing data" are all data collected, maintained, used, or disseminated by the  
403.6 welfare system pertaining to persons licensed or registered or who apply for licensure  
403.7 or registration or who formerly were licensed or registered under the authority of the  
403.8 commissioner of human services;

403.9 (2) "client" means a person who is receiving services from a licensee or from an  
403.10 applicant for licensure; and

403.11 (3) "personal and personal financial data" are Social Security numbers, identity  
403.12 of and letters of reference, insurance information, reports from the Bureau of Criminal  
403.13 Apprehension, health examination reports, and social/home studies.

403.14 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,  
403.15 license holders, and former licensees are public: name, address, telephone number of  
403.16 licensees, date of receipt of a completed application, dates of licensure, licensed capacity,  
403.17 type of client preferred, variances granted, record of training and education in child care  
403.18 and child development, type of dwelling, name and relationship of other family members,  
403.19 previous license history, class of license, the existence and status of complaints, and the  
403.20 number of serious injuries to or deaths of individuals in the licensed program as reported  
403.21 to the commissioner of human services, the local social services agency, or any other  
403.22 county welfare agency. For purposes of this clause, a serious injury is one that is treated  
403.23 by a physician.

403.24 (ii) When a correction order, an order to forfeit a fine, an order of license suspension,  
403.25 an order of temporary immediate suspension, an order of license revocation, an order  
403.26 of license denial, or an order of conditional license has been issued, or a complaint is  
403.27 resolved, the following data on current and former licensees and applicants are public: the  
403.28 substance and investigative findings of the licensing or maltreatment complaint, licensing  
403.29 violation, or substantiated maltreatment; the record of informal resolution of a licensing  
403.30 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final  
403.31 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or  
403.32 conditional license contained in the record of licensing action; whether a fine has been  
403.33 paid; and the status of any appeal of these actions.

403.34 (iii) When a license denial under section 245A.05 or a sanction under section  
403.35 245A.07 is based on a determination that the license holder or applicant is responsible for

404.1 maltreatment under section 626.556 or 626.557, the identity of the applicant or license  
404.2 holder as the individual responsible for maltreatment is public data at the time of the  
404.3 issuance of the license denial or sanction.

404.4 (iv) When a license denial under section 245A.05 or a sanction under section  
404.5 245A.07 is based on a determination that the license holder or applicant is disqualified  
404.6 under chapter 245C, the identity of the license holder or applicant as the disqualified  
404.7 individual and the reason for the disqualification are public data at the time of the  
404.8 issuance of the licensing sanction or denial. If the applicant or license holder requests  
404.9 reconsideration of the disqualification and the disqualification is affirmed, the reason for  
404.10 the disqualification and the reason to not set aside the disqualification are public data.

404.11 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,  
404.12 when any person subject to disqualification under section 245C.14 in connection with a  
404.13 license to provide family day care for children, child care center services, foster care for  
404.14 children in the provider's home, or foster care or day care services for adults in the provider's  
404.15 home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is  
404.16 a reason for a licensing action, the identity of the substantiated perpetrator of maltreatment  
404.17 is public data. For purposes of this clause, a person is a substantiated perpetrator if the  
404.18 maltreatment determination has been upheld under section 256.045; 626.556, subdivision  
404.19 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or facility has not timely  
404.20 exercised appeal rights under these sections, except as provided under clause (1).

404.21 (3) For applicants who withdraw their application prior to licensure or denial of a  
404.22 license, the following data are public: the name of the applicant, the city and county in  
404.23 which the applicant was seeking licensure, the dates of the commissioner's receipt of the  
404.24 initial application and completed application, the type of license sought, and the date  
404.25 of withdrawal of the application.

404.26 (4) For applicants who are denied a license, the following data are public: the name  
404.27 and address of the applicant, the city and county in which the applicant was seeking  
404.28 licensure, the dates of the commissioner's receipt of the initial application and completed  
404.29 application, the type of license sought, the date of denial of the application, the nature of  
404.30 the basis for the denial, the record of informal resolution of a denial, orders of hearings,  
404.31 findings of fact, conclusions of law, specifications of the final order of denial, and the  
404.32 status of any appeal of the denial.

404.33 (5) The following data on persons subject to disqualification under section 245C.14 in  
404.34 connection with a license to provide family day care for children, child care center services,  
404.35 foster care for children in the provider's home, or foster care or day care services for adults  
404.36 in the provider's home, are public: the nature of any disqualification set aside under section

405.1 245C.22, subdivisions 2 and 4, and the reasons for setting aside the disqualification; the  
405.2 nature of any disqualification for which a variance was granted under sections 245A.04,  
405.3 subdivision 9; and 245C.30, and the reasons for granting any variance under section  
405.4 245A.04, subdivision 9; and, if applicable, the disclosure that any person subject to  
405.5 a background study under section 245C.03, subdivision 1, has successfully passed a  
405.6 background study. If a licensing sanction under section 245A.07, or a license denial under  
405.7 section 245A.05, is based on a determination that an individual subject to disqualification  
405.8 under chapter 245C is disqualified, the disqualification as a basis for the licensing sanction  
405.9 or denial is public data. As specified in clause (1), item (iv), if the disqualified individual  
405.10 is the license holder or applicant, the identity of the license holder or applicant and the  
405.11 reason for the disqualification are public data; and, if the license holder or applicant  
405.12 requested reconsideration of the disqualification and the disqualification is affirmed, the  
405.13 reason for the disqualification and the reason to not set aside the disqualification are  
405.14 public data. If the disqualified individual is an individual other than the license holder or  
405.15 applicant, the identity of the disqualified individual shall remain private data.

405.16 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the  
405.17 victim and the substantiated perpetrator are affiliated with a program licensed under  
405.18 chapter 245A, the commissioner of human services, local social services agency, or  
405.19 county welfare agency may inform the license holder where the maltreatment occurred of  
405.20 the identity of the substantiated perpetrator and the victim.

405.21 (7) Notwithstanding clause (1), for child foster care, only the name of the license  
405.22 holder and the status of the license are public if the county attorney has requested that data  
405.23 otherwise classified as public data under clause (1) be considered private data based on the  
405.24 best interests of a child in placement in a licensed program.

405.25 (c) The following are private data on individuals under section 13.02, subdivision  
405.26 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial  
405.27 data on family day care program and family foster care program applicants and licensees  
405.28 and their family members who provide services under the license.

405.29 (d) The following are private data on individuals: the identity of persons who have  
405.30 made reports concerning licensees or applicants that appear in inactive investigative data,  
405.31 and the records of clients or employees of the licensee or applicant for licensure whose  
405.32 records are received by the licensing agency for purposes of review or in anticipation of a  
405.33 contested matter. The names of reporters of complaints or alleged violations of licensing  
405.34 standards under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged  
405.35 maltreatment under sections 626.556 and 626.557, are confidential data and may be  
405.36 disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

406.1 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under  
406.2 this subdivision become public data if submitted to a court or administrative law judge as  
406.3 part of a disciplinary proceeding in which there is a public hearing concerning a license  
406.4 which has been suspended, immediately suspended, revoked, or denied.

406.5 (f) Data generated in the course of licensing investigations that relate to an alleged  
406.6 violation of law are investigative data under subdivision 3.

406.7 (g) Data that are not public data collected, maintained, used, or disseminated under  
406.8 this subdivision that relate to or are derived from a report as defined in section 626.556,  
406.9 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of  
406.10 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

406.11 (h) Upon request, not public data collected, maintained, used, or disseminated under  
406.12 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
406.13 defined in section 626.556 or 626.557 may be exchanged with the Department of Health  
406.14 for purposes of completing background studies pursuant to section 144.057 and with  
406.15 the Department of Corrections for purposes of completing background studies pursuant  
406.16 to section 241.021.

406.17 (i) Data on individuals collected according to licensing activities under chapters  
406.18 245A and 245C, data on individuals collected by the commissioner of human services  
406.19 according to investigations under chapters 245A, 245B, ~~and 245C~~, and 245D, and  
406.20 sections 626.556 and 626.557 may be shared with the Department of Human Rights, the  
406.21 Department of Health, the Department of Corrections, the ombudsman for mental health  
406.22 and developmental disabilities, and the individual's professional regulatory board when  
406.23 there is reason to believe that laws or standards under the jurisdiction of those agencies may  
406.24 have been violated or the information may otherwise be relevant to the board's regulatory  
406.25 jurisdiction. Background study data on an individual who is the subject of a background  
406.26 study under chapter 245C for a licensed service for which the commissioner of human  
406.27 services is the license holder may be shared with the commissioner and the commissioner's  
406.28 delegate by the licensing division. Unless otherwise specified in this chapter, the identity  
406.29 of a reporter of alleged maltreatment or licensing violations may not be disclosed.

406.30 (j) In addition to the notice of determinations required under section 626.556,  
406.31 subdivision 10f, if the commissioner or the local social services agency has determined  
406.32 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual  
406.33 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social  
406.34 services agency knows that the individual is a person responsible for a child's care in  
406.35 another facility, the commissioner or local social services agency shall notify the head  
406.36 of that facility of this determination. The notification must include an explanation of the

407.1 individual's available appeal rights and the status of any appeal. If a notice is given under  
407.2 this paragraph, the government entity making the notification shall provide a copy of the  
407.3 notice to the individual who is the subject of the notice.

407.4 (k) All not public data collected, maintained, used, or disseminated under this  
407.5 subdivision and subdivision 3 may be exchanged between the Department of Human  
407.6 Services, Licensing Division, and the Department of Corrections for purposes of  
407.7 regulating services for which the Department of Human Services and the Department  
407.8 of Corrections have regulatory authority.

407.9 Sec. 2. Minnesota Statutes 2012, section 144.0724, as amended by Laws 2014, chapter  
407.10 147, section 1, is amended to read:

407.11 **144.0724 RESIDENT REIMBURSEMENT CLASSIFICATION.**

407.12 Subdivision 1. **Resident reimbursement case mix classifications.** The  
407.13 commissioner of health shall establish resident reimbursement classifications based upon  
407.14 the assessments of residents of nursing homes and boarding care homes conducted under  
407.15 this section and according to section 256B.438.

407.16 Subd. 2. **Definitions.** For purposes of this section, the following terms have the  
407.17 meanings given.

407.18 (a) "Assessment reference date" or "ARD" means the specific end point for  
407.19 look-back periods in the MDS assessment process. This look-back period is also called  
407.20 the observation or assessment period.

407.21 (b) "Case mix index" means the weighting factors assigned to the RUG-IV  
407.22 classifications.

407.23 (c) "Index maximization" means classifying a resident who could be assigned to  
407.24 more than one category, to the category with the highest case mix index.

407.25 (d) "Minimum data set" or "MDS" means a core set of screening, clinical assessment,  
407.26 and functional status elements, that include common definitions and coding categories  
407.27 specified by the Centers for Medicare and Medicaid Services and designated by the  
407.28 Minnesota Department of Health.

407.29 (e) "Representative" means a person who is the resident's guardian or conservator,  
407.30 the person authorized to pay the nursing home expenses of the resident, a representative of  
407.31 the Office of Ombudsman for Long-Term Care whose assistance has been requested, or  
407.32 any other individual designated by the resident.

407.33 (f) "Resource utilization groups" or "RUG" means the system for grouping a nursing  
407.34 facility's residents according to their clinical and functional status identified in data  
407.35 supplied by the facility's minimum data set.

408.1 (g) "Activities of daily living" means grooming, dressing, bathing, transferring,  
408.2 mobility, positioning, eating, and toileting.

408.3 (h) "Nursing facility level of care determination" means the assessment process  
408.4 that results in a determination of a resident's or prospective resident's need for nursing  
408.5 facility level of care as established in subdivision 11 for purposes of medical assistance  
408.6 payment of long-term care services for:

408.7 (1) nursing facility services under section 256B.434 or 256B.441;

408.8 (2) elderly waiver services under section 256B.0915;

408.9 (3) CADI and BI waiver services under section 256B.49; and

408.10 (4) state payment of alternative care services under section 256B.0913.

408.11 Subd. 3a. **Resident reimbursement classifications beginning January 1, 2012.**

408.12 (a) Beginning January 1, 2012, resident reimbursement classifications shall be based  
408.13 on the minimum data set, version 3.0 assessment instrument, or its successor version  
408.14 mandated by the Centers for Medicare and Medicaid Services that nursing facilities are  
408.15 required to complete for all residents. The commissioner of health shall establish resident  
408.16 classifications according to the RUG-IV, 48 group, resource utilization groups. Resident  
408.17 classification must be established based on the individual items on the minimum data set,  
408.18 which must be completed according to the Long Term Care Facility Resident Assessment  
408.19 Instrument User's Manual Version 3.0 or its successor issued by the Centers for Medicare  
408.20 and Medicaid Services.

408.21 (b) Each resident must be classified based on the information from the minimum  
408.22 data set according to general categories as defined in the Case Mix Classification Manual  
408.23 for Nursing Facilities issued by the Minnesota Department of Health.

408.24 Subd. 4. **Resident assessment schedule.** (a) A facility must conduct and  
408.25 electronically submit to the commissioner of health MDS assessments that conform with  
408.26 the assessment schedule defined by Code of Federal Regulations, title 42, section 483.20,  
408.27 and published by the United States Department of Health and Human Services, Centers for  
408.28 Medicare and Medicaid Services, in the Long Term Care Assessment Instrument User's  
408.29 Manual, version 3.0, and subsequent updates when issued by the Centers for Medicare  
408.30 and Medicaid Services. The commissioner of health may substitute successor manuals or  
408.31 question and answer documents published by the United States Department of Health and  
408.32 Human Services, Centers for Medicare and Medicaid Services, to replace or supplement  
408.33 the current version of the manual or document.

408.34 (b) The assessments used to determine a case mix classification for reimbursement  
408.35 include the following:

408.36 (1) a new admission assessment;



409.1 (2) an annual assessment which must have an assessment reference date (ARD)  
409.2 within 92 days of the previous assessment and within 366 days of the ARD of the previous  
409.3 comprehensive assessment;

409.4 (3) a significant change in status assessment must be completed within 14 days of  
409.5 the identification of a significant change;

409.6 (4) all quarterly assessments must have an assessment reference date (ARD) within  
409.7 92 days of the ARD of the previous assessment;

409.8 (5) any significant correction to a prior comprehensive assessment, if the assessment  
409.9 being corrected is the current one being used for RUG classification; and

409.10 (6) any significant correction to a prior quarterly assessment, if the assessment being  
409.11 corrected is the current one being used for RUG classification.

409.12 (c) In addition to the assessments listed in paragraph (b), the assessments used to  
409.13 determine nursing facility level of care include the following:

409.14 (1) preadmission screening completed under section 256B.0911, subdivision 4a,  
409.15 ~~by a county, tribe, or managed care organization under contract with the Department~~  
409.16 ~~of Human Services~~; and

409.17 (2) a face-to-face long-term care consultation assessment completed under section  
409.18 ~~256B.0911, subdivision 3a, 3b, or 4d~~ 256.975, subdivisions 7a to 7c, by a county, tribe, or  
409.19 managed care organization under contract with the Department of Human Services.

409.20 Subd. 5. **Short stays.** (a) A facility must submit to the commissioner of health an  
409.21 admission assessment for all residents who stay in the facility 14 days or less.

409.22 (b) Notwithstanding the admission assessment requirements of paragraph (a), a  
409.23 facility may elect to accept a short stay rate with a case mix index of 1.0 for all facility  
409.24 residents who stay 14 days or less in lieu of submitting an admission assessment. Facilities  
409.25 shall make this election annually.

409.26 (c) Nursing facilities must elect one of the options described in paragraphs (a) and  
409.27 (b) by reporting to the commissioner of health, as prescribed by the commissioner. The  
409.28 election is effective on July 1 each year.

409.29 Subd. 6. **Penalties for late or nonsubmission.** (a) A facility that fails to complete  
409.30 or submit an assessment according to subdivisions 4 and 5 for a RUG-IV classification  
409.31 within seven days of the time requirements listed in the Long-Term Care Facility Resident  
409.32 Assessment Instrument User's Manual is subject to a reduced rate for that resident. The  
409.33 reduced rate shall be the lowest rate for that facility. The reduced rate is effective on the  
409.34 day of admission for new admission assessments, on the ARD for significant change in  
409.35 status assessments, or on the day that the assessment was due for all other assessments and

410.1 continues in effect until the first day of the month following the date of submission and  
410.2 acceptance of the resident's assessment.

410.3 (b) If loss of revenue due to penalties incurred by a facility for any period of 92 days  
410.4 are equal to or greater than 1.0 percent of the total operating costs on the facility's most  
410.5 recent annual statistical and cost report, a facility may apply to the commissioner of  
410.6 human services for a reduction in the total penalty amount. The commissioner of human  
410.7 services, in consultation with the commissioner of health, may, at the sole discretion of  
410.8 the commissioner of human services, limit the penalty for residents covered by medical  
410.9 assistance to 15 days.

410.10 Subd. 7. **Notice of resident reimbursement classification.** (a) The commissioner  
410.11 of health shall provide to a nursing facility a notice for each resident of the reimbursement  
410.12 classification established under subdivision 1. The notice must inform the resident of the  
410.13 classification that was assigned, the opportunity to review the documentation supporting  
410.14 the classification, the opportunity to obtain clarification from the commissioner, and the  
410.15 opportunity to request a reconsideration of the classification and the address and telephone  
410.16 number of the Office of Ombudsman for Long-Term Care. The commissioner must  
410.17 transmit the notice of resident classification by electronic means to the nursing facility.  
410.18 A nursing facility is responsible for the distribution of the notice to each resident, to the  
410.19 person responsible for the payment of the resident's nursing home expenses, or to another  
410.20 person designated by the resident. This notice must be distributed within three working  
410.21 days after the facility's receipt of the electronic file of notice of case mix classifications  
410.22 from the commissioner of health.

410.23 (b) If a facility submits a modification to the most recent assessment used to establish  
410.24 a case mix classification conducted under subdivision 3 that results in a change in case  
410.25 mix classification, the facility shall give written notice to the resident or the resident's  
410.26 representative about the item that was modified and the reason for the modification. The  
410.27 notice of modified assessment may be provided at the same time that the resident or  
410.28 resident's representative is provided the resident's modified notice of classification.

410.29 Subd. 8. **Request for reconsideration of resident classifications.** (a) The resident,  
410.30 or resident's representative, or the nursing facility or boarding care home may request that  
410.31 the commissioner of health reconsider the assigned reimbursement classification. The  
410.32 request for reconsideration must be submitted in writing to the commissioner within  
410.33 30 days of the day the resident or the resident's representative receives the resident  
410.34 classification notice. The request for reconsideration must include the name of the  
410.35 resident, the name and address of the facility in which the resident resides, the reasons  
410.36 for the reconsideration, and documentation supporting the request. The documentation

411.1 accompanying the reconsideration request is limited to a copy of the MDS that determined  
411.2 the classification and other documents that would support or change the MDS findings.

411.3 (b) Upon request, the nursing facility must give the resident or the resident's  
411.4 representative a copy of the assessment form and the other documentation that was given  
411.5 to the commissioner of health to support the assessment findings. The nursing facility  
411.6 shall also provide access to and a copy of other information from the resident's record that  
411.7 has been requested by or on behalf of the resident to support a resident's reconsideration  
411.8 request. A copy of any requested material must be provided within three working days of  
411.9 receipt of a written request for the information. Notwithstanding any law to the contrary,  
411.10 the facility may not charge a fee for providing copies of the requested documentation.  
411.11 If a facility fails to provide the material within this time, it is subject to the issuance  
411.12 of a correction order and penalty assessment under sections 144.653 and 144A.10.  
411.13 Notwithstanding those sections, any correction order issued under this subdivision must  
411.14 require that the nursing facility immediately comply with the request for information and  
411.15 that as of the date of the issuance of the correction order, the facility shall forfeit to the  
411.16 state a \$100 fine for the first day of noncompliance, and an increase in the \$100 fine by  
411.17 \$50 increments for each day the noncompliance continues.

411.18 (c) In addition to the information required under paragraphs (a) and (b), a  
411.19 reconsideration request from a nursing facility must contain the following information: (i)  
411.20 the date the reimbursement classification notices were received by the facility; (ii) the date  
411.21 the classification notices were distributed to the resident or the resident's representative;  
411.22 and (iii) a copy of a notice sent to the resident or to the resident's representative. This  
411.23 notice must inform the resident or the resident's representative that a reconsideration  
411.24 of the resident's classification is being requested, the reason for the request, that the  
411.25 resident's rate will change if the request is approved by the commissioner, the extent of the  
411.26 change, that copies of the facility's request and supporting documentation are available  
411.27 for review, and that the resident also has the right to request a reconsideration. If the  
411.28 facility fails to provide the required information listed in item (iii) with the reconsideration  
411.29 request, the commissioner may request that the facility provide the information within 14  
411.30 calendar days. The reconsideration request must be denied if the information is then not  
411.31 provided, and the facility may not make further reconsideration requests on that specific  
411.32 reimbursement classification.

411.33 (d) Reconsideration by the commissioner must be made by individuals not  
411.34 involved in reviewing the assessment, audit, or reconsideration that established the  
411.35 disputed classification. The reconsideration must be based upon the assessment that  
411.36 determined the classification and upon the information provided to the commissioner

412.1 under paragraphs (a) and (b). If necessary for evaluating the reconsideration request, the  
412.2 commissioner may conduct on-site reviews. Within 15 working days of receiving the  
412.3 request for reconsideration, the commissioner shall affirm or modify the original resident  
412.4 classification. The original classification must be modified if the commissioner determines  
412.5 that the assessment resulting in the classification did not accurately reflect characteristics  
412.6 of the resident at the time of the assessment. The resident and the nursing facility or  
412.7 boarding care home shall be notified within five working days after the decision is made.  
412.8 A decision by the commissioner under this subdivision is the final administrative decision  
412.9 of the agency for the party requesting reconsideration.

412.10 (e) The resident classification established by the commissioner shall be the  
412.11 classification that applies to the resident while the request for reconsideration is pending.  
412.12 If a request for reconsideration applies to an assessment used to determine nursing facility  
412.13 level of care under subdivision 4, paragraph (c), the resident shall continue to be eligible  
412.14 for nursing facility level of care while the request for reconsideration is pending.

412.15 (f) The commissioner may request additional documentation regarding a  
412.16 reconsideration necessary to make an accurate reconsideration determination.

412.17 Subd. 9. **Audit authority.** (a) The commissioner shall audit the accuracy of resident  
412.18 assessments performed under section 256B.438 through any of the following: desk  
412.19 audits; on-site review of residents and their records; and interviews with staff, residents,  
412.20 or residents' families. The commissioner shall reclassify a resident if the commissioner  
412.21 determines that the resident was incorrectly classified.

412.22 (b) The commissioner is authorized to conduct on-site audits on an unannounced  
412.23 basis.

412.24 (c) A facility must grant the commissioner access to examine the medical records  
412.25 relating to the resident assessments selected for audit under this subdivision. The  
412.26 commissioner may also observe and speak to facility staff and residents.

412.27 (d) The commissioner shall consider documentation under the time frames for  
412.28 coding items on the minimum data set as set out in the Long-Term Care Facility Resident  
412.29 Assessment Instrument User's Manual published by the Centers for Medicare and  
412.30 Medicaid Services.

412.31 (e) The commissioner shall develop an audit selection procedure that includes the  
412.32 following factors:

412.33 (1) Each facility shall be audited annually. If a facility has two successive audits in  
412.34 which the percentage of change is five percent or less and the facility has not been the  
412.35 subject of a special audit in the past 36 months, the facility may be audited biannually.  
412.36 A stratified sample of 15 percent, with a minimum of ten assessments, of the most

413.1 current assessments shall be selected for audit. If more than 20 percent of the RUG-IV  
413.2 classifications are changed as a result of the audit, the audit shall be expanded to a second  
413.3 15 percent sample, with a minimum of ten assessments. If the total change between  
413.4 the first and second samples is 35 percent or greater, the commissioner may expand the  
413.5 audit to all of the remaining assessments.

413.6 (2) If a facility qualifies for an expanded audit, the commissioner may audit the  
413.7 facility again within six months. If a facility has two expanded audits within a 24-month  
413.8 period, that facility will be audited at least every six months for the next 18 months.

413.9 (3) The commissioner may conduct special audits if the commissioner determines  
413.10 that circumstances exist that could alter or affect the validity of case mix classifications of  
413.11 residents. These circumstances include, but are not limited to, the following:

413.12 (i) frequent changes in the administration or management of the facility;

413.13 (ii) an unusually high percentage of residents in a specific case mix classification;

413.14 (iii) a high frequency in the number of reconsideration requests received from  
413.15 a facility;

413.16 (iv) frequent adjustments of case mix classifications as the result of reconsiderations  
413.17 or audits;

413.18 (v) a criminal indictment alleging provider fraud;

413.19 (vi) other similar factors that relate to a facility's ability to conduct accurate  
413.20 assessments;

413.21 (vii) an atypical pattern of scoring minimum data set items;

413.22 (viii) nonsubmission of assessments;

413.23 (ix) late submission of assessments; or

413.24 (x) a previous history of audit changes of 35 percent or greater.

413.25 (f) Within 15 working days of completing the audit process, the commissioner shall  
413.26 make available electronically the results of the audit to the facility. If the results of the  
413.27 audit reflect a change in the resident's case mix classification, a case mix classification  
413.28 notice will be made available electronically to the facility, using the procedure in  
413.29 subdivision 7, paragraph (a). The notice must contain the resident's classification and a  
413.30 statement informing the resident, the resident's authorized representative, and the facility  
413.31 of their right to review the commissioner's documents supporting the classification and to  
413.32 request a reconsideration of the classification. This notice must also include the address  
413.33 and telephone number of the Office of Ombudsman for Long-Term Care.

413.34 Subd. 10. **Transition.** After implementation of this section, reconsiderations  
413.35 requested for classifications made under section 144.0722, subdivision 1, shall be  
413.36 determined under section 144.0722, subdivision 3.

414.1 Subd. 11. **Nursing facility level of care.** (a) For purposes of medical assistance  
414.2 payment of long-term care services, a recipient must be determined, using assessments  
414.3 defined in subdivision 4, to meet one of the following nursing facility level of care criteria:  
414.4 (1) the person requires formal clinical monitoring at least once per day;  
414.5 (2) the person needs the assistance of another person or constant supervision to begin  
414.6 and complete at least four of the following activities of living: bathing, bed mobility,  
414.7 dressing, eating, grooming, toileting, transferring, and walking;  
414.8 (3) the person needs the assistance of another person or constant supervision to begin  
414.9 and complete toileting, transferring, or positioning and the assistance cannot be scheduled;  
414.10 (4) the person has significant difficulty with memory, using information, daily  
414.11 decision making, or behavioral needs that require intervention;  
414.12 (5) the person has had a qualifying nursing facility stay of at least 90 days;  
414.13 (6) the person meets the nursing facility level of care criteria determined 90 days  
414.14 after admission or on the first quarterly assessment after admission, whichever is later; or  
414.15 (7) the person is determined to be at risk for nursing facility admission or readmission  
414.16 through a face-to-face long-term care consultation assessment as specified in section  
414.17 256B.0911, subdivision 3a, 3b, or 4d, by a county, tribe, or managed care organization  
414.18 under contract with the Department of Human Services. The person is considered at risk  
414.19 under this clause if the person currently lives alone or will live alone ~~upon discharge or be~~  
414.20 homeless without the person's current housing and also meets one of the following criteria:  
414.21 (i) the person has experienced a fall resulting in a fracture;  
414.22 (ii) the person has been determined to be at risk of maltreatment or neglect,  
414.23 including self-neglect; or  
414.24 (iii) the person has a sensory impairment that substantially impacts functional ability  
414.25 and maintenance of a community residence.  
414.26 (b) The assessment used to establish medical assistance payment for nursing facility  
414.27 services must be the most recent assessment performed under subdivision 4, paragraph  
414.28 (b), that occurred no more than 90 calendar days before the effective date of medical  
414.29 assistance eligibility for payment of long-term care services. In no case shall medical  
414.30 assistance payment for long-term care services occur prior to the date of the determination  
414.31 of nursing facility level of care.  
414.32 (c) The assessment used to establish medical assistance payment for long-term care  
414.33 services provided under sections 256B.0915 and 256B.49 and alternative care payment  
414.34 for services provided under section 256B.0913 must be the most recent face-to-face  
414.35 assessment performed under section 256B.0911, subdivision 3a, 3b, or 4d, that occurred

415.1 no more than 60 calendar days before the effective date of medical assistance eligibility  
415.2 for payment of long-term care services.

415.3 Subd. 12. **Appeal of nursing facility level of care determination.** (a) A resident or  
415.4 prospective resident whose level of care determination results in a denial of long-term care  
415.5 services can appeal the determination as outlined in section 256B.0911, subdivision 3a,  
415.6 paragraph (h), clause (9).

415.7 (b) The commissioner of human services shall ensure that notice of changes in  
415.8 eligibility due to a nursing facility level of care determination is provided to each affected  
415.9 recipient or the recipient's guardian at least 30 days before the effective date of the change.

415.10 The notice shall include the following information:

415.11 (1) how to obtain further information on the changes;

415.12 (2) how to receive assistance in obtaining other services;

415.13 (3) a list of community resources; and

415.14 (4) appeal rights.

415.15 A recipient who meets the criteria in section 256B.0922, subdivision 2, paragraph (a),  
415.16 clauses (1) and (2), may request continued services pending appeal within the time period  
415.17 allowed to request an appeal under section 256.045, subdivision 3, paragraph (h). This  
415.18 paragraph is in effect for appeals filed between January 1, 2015, and December 31, 2016.

415.19 **EFFECTIVE DATE.** This section is effective January 1, 2015.

415.20 Sec. 3. Minnesota Statutes 2012, section 144A.073, is amended by adding a  
415.21 subdivision to read:

415.22 Subd. 14. **Moratorium exception funding.** In fiscal year 2015, the commissioner  
415.23 of health may approve moratorium exception projects under this section for which the full  
415.24 annualized state share of medical assistance costs does not exceed \$1,000,000.

415.25 Sec. 4. Minnesota Statutes 2012, section 144A.33, subdivision 2, is amended to read:

415.26 Subd. 2. **Providing educational services.** The Minnesota Board on Aging shall  
415.27 provide a ~~grant-in-aid to a statewide, independent, nonprofit, consumer-sponsored agency~~  
415.28 ~~to provide~~ educational services to councils.

415.29 Sec. 5. Minnesota Statutes 2013 Supplement, section 245.8251, is amended to read:

415.30 **245.8251 RULES FOR POSITIVE SUPPORT STRATEGIES AND**  
415.31 **EMERGENCY MANUAL RESTRAINT PROHIBITIONS AND LIMITS ON**  
415.32 **RESTRICTIVE INTERVENTIONS; LICENSED FACILITIES AND PROGRAMS.**

416.1 Subdivision 1. **Rules governing the use of positive support strategies and**  
416.2 **restrictive interventions.** The commissioner of human services shall, ~~within 24 months~~  
416.3 ~~of May 23, 2013~~ by August 31, 2015, adopt rules governing to govern the use of positive  
416.4 support strategies, ~~safety interventions~~, and ensure the applicability of chapter 245D  
416.5 prohibitions and limits on the emergency use of manual restraint ~~in~~ and on the use of  
416.6 restrictive interventions to facilities and services governed by the rules. The rules apply  
416.7 to all facilities and services licensed under chapter 245D-, and all licensed facilities and  
416.8 licensed services serving persons with a developmental disability or related condition.  
416.9 For the purposes of this section, "developmental disability or related condition" has the  
416.10 meaning given in Minnesota Rules, part 9525.0016, subpart 2, items A to E.

416.11 Subd. 2. **Data collection.** (a) The commissioner shall, with stakeholder input,  
416.12 ~~develop~~ identify data ~~collection~~ elements specific to incidents of emergency use of  
416.13 manual restraint and positive support transition plans for persons receiving services from  
416.14 ~~providers governed~~ licensed facilities and licensed services under chapter 245D and in  
416.15 licensed facilities and licensed services serving persons with a developmental disability  
416.16 or related condition as defined in Minnesota Rules, part 9525.0016, subpart 2, effective  
416.17 January 1, 2014. ~~Providers~~ Licensed facilities and licensed services shall report the data in  
416.18 a format and at a frequency determined by the commissioner of human services. ~~Providers~~  
416.19 shall submit the data to the commissioner and the Office of the Ombudsman for Mental  
416.20 Health and Developmental Disabilities.

416.21 (b) Beginning July 1, 2013, ~~providers~~ licensed facilities and licensed services  
416.22 regulated under Minnesota Rules, parts 9525.2700 to 9525.2810, shall submit data  
416.23 regarding the use of all controlled procedures identified in Minnesota Rules, part  
416.24 9525.2740, in a format and at a frequency determined by the commissioner. ~~Providers~~  
416.25 shall submit the data to the commissioner and the Office of the Ombudsman for Mental  
416.26 Health and Developmental Disabilities.

416.27 Subd. 3. **External program review committee.** Rules adopted according to this  
416.28 section shall establish requirements for an external program review committee appointed by  
416.29 the commissioner to monitor the implementation of the rules and make recommendations  
416.30 to the commissioner about any needed policy changes after adoption of the rules.

416.31 Subd. 4. **Interim review panel.** (a) The commissioner shall establish an interim  
416.32 review panel by August 15, 2014, for the purpose of reviewing requests for emergency  
416.33 use of procedures that have been part of an approved positive support transition plan  
416.34 when necessary to protect a person from imminent risk of serious injury as defined in  
416.35 section 245.91, subdivision 6, due to self-injurious behavior. The panel must make  
416.36 recommendations to the commissioner to approve or deny these requests based on criteria



417.1 to be established by the interim review panel. The interim review panel shall operate until  
417.2 the external program review committee is established as required under subdivision 3.

417.3 (b) Members of the interim review panel shall be selected based on their expertise  
417.4 and knowledge related to the use of positive support strategies as alternatives to the use  
417.5 of restrictive interventions. The commissioner shall seek input and recommendations in  
417.6 establishing the interim review panel. Members of the interim review panel shall include  
417.7 the following representatives:

417.8 (1) an expert in positive supports;

417.9 (2) a mental health professional, as defined in section 245.462;

417.10 (3) a licensed health professional as defined in section 245D.02, subdivision 14; and

417.11 (4) a representative of the Department of Health.

417.12 Sec. 6. Minnesota Statutes 2013 Supplement, section 245A.03, subdivision 7, is  
417.13 amended to read:

417.14 Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial  
417.15 license for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340,  
417.16 or adult foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under  
417.17 this chapter for a physical location that will not be the primary residence of the license  
417.18 holder for the entire period of licensure. If a license is issued during this moratorium, and  
417.19 the license holder changes the license holder's primary residence away from the physical  
417.20 location of the foster care license, the commissioner shall revoke the license according  
417.21 to section 245A.07. The commissioner shall not issue an initial license for a community  
417.22 residential setting licensed under chapter 245D. Exceptions to the moratorium include:

417.23 (1) foster care settings that are required to be registered under chapter 144D;

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

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

417.33 (4) new foster care licenses or community residential setting licenses determined  
417.34 to be needed by the commissioner under paragraph (b) for persons requiring hospital  
417.35 level care; or

418.1 (5) new foster care licenses or community residential setting licenses determined to  
418.2 be needed by the commissioner for the transition of people from personal care assistance  
418.3 to the home and community-based services.

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

418.10 (c) When an adult resident served by the program moves out of a foster home that is  
418.11 not the primary residence of the license holder according to section 256B.49, subdivision  
418.12 15, paragraph (f), or the adult community residential setting, the county shall immediately  
418.13 inform the Department of Human Services Licensing Division. The department shall  
418.14 decrease the statewide licensed capacity for adult foster care settings where the physical  
418.15 location is not the primary residence of the license holder, or for adult community  
418.16 residential settings, if the voluntary changes described in paragraph (e) are not sufficient to  
418.17 meet the savings required by reductions in licensed bed capacity under Laws 2011, First  
418.18 Special Session chapter 9, article 7, sections 1 and 40, paragraph (f), and maintain statewide  
418.19 long-term care residential services capacity within budgetary limits. Implementation of  
418.20 the statewide licensed capacity reduction shall begin on July 1, 2013. The commissioner  
418.21 shall delicense up to 128 beds by June 30, 2014, using the needs determination process.  
418.22 Prior to any involuntary reduction of licensed capacity, the commissioner shall consult  
418.23 with lead agencies and license holders to determine which adult foster care settings, where  
418.24 the physical location is not the primary residence of the license holder, or community  
418.25 residential settings, are licensed for up to five beds, but have operated at less than full  
418.26 capacity for 12 or more months as of March 1, 2014. The settings that meet these criteria  
418.27 must be the first to be considered for an involuntary decrease in statewide licensed capacity,  
418.28 up to a maximum of 35 beds. If more than 35 beds are identified that meet these criteria, the  
418.29 commissioner shall prioritize the selection of those beds to be closed based on the length  
418.30 of time the beds have been vacant. The longer a bed has been vacant, the higher priority  
418.31 it must be given for closure. Under this paragraph, the commissioner has the authority  
418.32 to reduce unused licensed capacity of a current foster care program, or the community  
418.33 residential settings, to accomplish the consolidation or closure of settings. Under this  
418.34 paragraph, the commissioner has the authority to manage statewide capacity, including  
418.35 adjusting the capacity available to each county and adjusting statewide available capacity,

419.1 to meet the statewide needs identified through the process in paragraph (e). A decreased  
419.2 licensed capacity according to this paragraph is not subject to appeal under this chapter.

419.3 (d) Residential settings that would otherwise be subject to the decreased license  
419.4 capacity established in paragraph (c) shall be exempt under the following circumstances:

419.5 (1) until August 1, 2013, the license holder's beds occupied by residents whose  
419.6 primary diagnosis is mental illness and the license holder is:

419.7 (i) a provider of assertive community treatment (ACT) or adult rehabilitative mental  
419.8 health services (ARMHS) as defined in section 256B.0623;

419.9 (ii) a mental health center certified under Minnesota Rules, parts 9520.0750 to  
419.10 9520.0870;

419.11 (iii) a mental health clinic certified under Minnesota Rules, parts 9520.0750 to  
419.12 9520.0870; or

419.13 (iv) a provider of intensive residential treatment services (IRTS) licensed under  
419.14 Minnesota Rules, parts 9520.0500 to 9520.0670; or

419.15 (2) the license holder's beds occupied by residents whose primary diagnosis is  
419.16 mental illness and the license holder is certified under the requirements in subdivision 6a  
419.17 or section 245D.33.

419.18 (e) A resource need determination process, managed at the state level, using the  
419.19 available reports required by section 144A.351, and other data and information shall  
419.20 be used to determine where the reduced capacity required under paragraph (c) will be  
419.21 implemented. The commissioner shall consult with the stakeholders described in section  
419.22 144A.351, and employ a variety of methods to improve the state's capacity to meet  
419.23 long-term care service needs within budgetary limits, including seeking proposals from  
419.24 service providers or lead agencies to change service type, capacity, or location to improve  
419.25 services, increase the independence of residents, and better meet needs identified by the  
419.26 long-term care services reports and statewide data and information. By February 1, 2013,  
419.27 and August 1, 2014, and each following year, the commissioner shall provide information  
419.28 and data on the overall capacity of licensed long-term care services, actions taken under  
419.29 this subdivision to manage statewide long-term care services and supports resources, and  
419.30 any recommendations for change to the legislative committees with jurisdiction over  
419.31 health and human services budget.

419.32 (f) At the time of application and reapplication for licensure, the applicant and the  
419.33 license holder that are subject to the moratorium or an exclusion established in paragraph  
419.34 (a) are required to inform the commissioner whether the physical location where the foster  
419.35 care will be provided is or will be the primary residence of the license holder for the entire  
419.36 period of licensure. If the primary residence of the applicant or license holder changes, the

420.1 applicant or license holder must notify the commissioner immediately. The commissioner  
420.2 shall print on the foster care license certificate whether or not the physical location is the  
420.3 primary residence of the license holder.

420.4 (g) License holders of foster care homes identified under paragraph (f) that are not  
420.5 the primary residence of the license holder and that also provide services in the foster care  
420.6 home that are covered by a federally approved home and community-based services  
420.7 waiver, as authorized under section 256B.0915, 256B.092, or 256B.49, must inform the  
420.8 human services licensing division that the license holder provides or intends to provide  
420.9 these waiver-funded services.

420.10 Sec. 7. Minnesota Statutes 2013 Supplement, section 245A.042, subdivision 3, is  
420.11 amended to read:

420.12 Subd. 3. **Implementation.** (a) The commissioner shall implement the  
420.13 responsibilities of this chapter according to the timelines in paragraphs (b) and (c)  
420.14 only within the limits of available appropriations or other administrative cost recovery  
420.15 methodology.

420.16 (b) The licensure of home and community-based services according to this section  
420.17 shall be implemented January 1, 2014. License applications shall be received and  
420.18 processed on a phased-in schedule as determined by the commissioner beginning July  
420.19 1, 2013. Licenses will be issued thereafter upon the commissioner's determination that  
420.20 the application is complete according to section 245A.04.

420.21 (c) Within the limits of available appropriations or other administrative cost recovery  
420.22 methodology, implementation of compliance monitoring must be phased in after January  
420.23 1, 2014.

420.24 (1) Applicants who do not currently hold a license issued under chapter 245B must  
420.25 receive an initial compliance monitoring visit after 12 months of the effective date of the  
420.26 initial license for the purpose of providing technical assistance on how to achieve and  
420.27 maintain compliance with the applicable law or rules governing the provision of home and  
420.28 community-based services under chapter 245D. If during the review the commissioner  
420.29 finds that the license holder has failed to achieve compliance with an applicable law or  
420.30 rule and this failure does not imminently endanger the health, safety, or rights of the  
420.31 persons served by the program, the commissioner may issue a licensing review report with  
420.32 recommendations for achieving and maintaining compliance.

420.33 (2) Applicants who do currently hold a license issued under this chapter must receive  
420.34 a compliance monitoring visit after 24 months of the effective date of the initial license.

421.1 (d) Nothing in this subdivision shall be construed to limit the commissioner's  
421.2 authority to suspend or revoke a license or issue a fine at any time under section 245A.07,  
421.3 or issue correction orders and make a license conditional for failure to comply with  
421.4 applicable laws or rules under section 245A.06, based on the nature, chronicity, or severity  
421.5 of the violation of law or rule and the effect of the violation on the health, safety, or  
421.6 rights of persons served by the program.

421.7 (e) License holders governed under chapter 245D must ensure compliance with the  
421.8 following requirements within the stated timelines:

421.9 (1) service initiation and service planning requirements must be met at the next  
421.10 annual meeting of the person's support team or by January 1, 2015, whichever is later,  
421.11 for the following:

421.12 (i) provision of a written notice that identifies the service recipient rights and an  
421.13 explanation of those rights as required under section 245D.04, subdivision 1;

421.14 (ii) service planning for basic support services as required under section 245D.07,  
421.15 subdivision 2; and

421.16 (iii) service planning for intensive support services under section 245D.071,  
421.17 subdivisions 3 and 4;

421.18 (2) staff orientation to program requirements as required under section 245D.09,  
421.19 subdivision 4, for staff hired before January 1, 2014, must be met by January 1, 2015.

421.20 The license holder may otherwise provide documentation verifying these requirements  
421.21 were met before January 1, 2014;

421.22 (3) development of policy and procedures as required under section 245D.11, must  
421.23 be completed no later than August 31, 2014;

421.24 (4) written or electronic notice and copies of policies and procedures must be  
421.25 provided to all persons or their legal representatives and case managers as required under  
421.26 section 245D.10, subdivision 4, paragraphs (b) and (c), by September 15, 2014, or within  
421.27 30 days of development of the required policies and procedures, whichever is earlier; and

421.28 (5) all employees must be informed of the revisions and training must be provided on  
421.29 implementation of the revised policies and procedures as required under section 245D.10,  
421.30 subdivision 4, paragraph (d), by September 15, 2014, or within 30 days of development of  
421.31 the required policies and procedures, whichever is earlier.

421.32 Sec. 8. Minnesota Statutes 2013 Supplement, section 245A.16, subdivision 1, is  
421.33 amended to read:

421.34 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and  
421.35 private agencies that have been designated or licensed by the commissioner to perform

422.1 licensing functions and activities under section 245A.04 and background studies for family  
422.2 child care under chapter 245C; to recommend denial of applicants under section 245A.05;  
422.3 to issue correction orders, to issue variances, and recommend a conditional license under  
422.4 section 245A.06, or to recommend suspending or revoking a license or issuing a fine under  
422.5 section 245A.07, shall comply with rules and directives of the commissioner governing  
422.6 those functions and with this section. The following variances are excluded from the  
422.7 delegation of variance authority and may be issued only by the commissioner:

422.8 (1) dual licensure of family child care and child foster care, dual licensure of child  
422.9 and adult foster care, and adult foster care and family child care;

422.10 (2) adult foster care maximum capacity;

422.11 (3) adult foster care minimum age requirement;

422.12 (4) child foster care maximum age requirement;

422.13 (5) variances regarding disqualified individuals except that county agencies may  
422.14 issue variances under section 245C.30 regarding disqualified individuals when the county  
422.15 is responsible for conducting a consolidated reconsideration according to sections 245C.25  
422.16 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination  
422.17 and a disqualification based on serious or recurring maltreatment;

422.18 (6) the required presence of a caregiver in the adult foster care residence during  
422.19 normal sleeping hours; and

422.20 (7) variances for community residential setting licenses under chapter 245D.

422.21 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency  
422.22 must not grant a license holder a variance to exceed the maximum allowable family child  
422.23 care license capacity of 14 children.

422.24 (b) County agencies must report information about disqualification reconsiderations  
422.25 under sections 245C.25 and 245C.27, subdivision 2, paragraphs (a) and (b), and variances  
422.26 granted under paragraph (a), clause (5), to the commissioner at least monthly in a format  
422.27 prescribed by the commissioner.

422.28 (c) For family day care programs, the commissioner may authorize licensing reviews  
422.29 every two years after a licensee has had at least one annual review.

422.30 (d) For family adult day services programs, the commissioner may authorize  
422.31 licensing reviews every two years after a licensee has had at least one annual review.

422.32 (e) A license issued under this section may be issued for up to two years.

422.33 (f) During implementation of chapter 245D, the commissioner shall consider:

422.34 (1) the role of counties in quality assurance;

422.35 (2) the duties of county licensing staff; and

423.1 (3) the possible use of joint powers agreements, according to section 471.59, with  
423.2 counties through which some licensing duties under chapter 245D may be delegated by  
423.3 the commissioner to the counties.

423.4 Any consideration related to this paragraph must meet all of the requirements of the  
423.5 corrective action plan ordered by the federal Centers for Medicare and Medicaid Services.

423.6 (g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
423.7 successor provisions; and section 245D.061 or successor provisions, for family child  
423.8 foster care programs providing out-of-home respite, as identified in section 245D.03,  
423.9 subdivision 1, paragraph (b), clause (1), is excluded from the delegation of authority  
423.10 to county and private agencies.

423.11 Sec. 9. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 3, is  
423.12 amended to read:

423.13 Subd. 3. **Case manager.** "Case manager" means the individual designated  
423.14 to provide waiver case management services, care coordination, or long-term care  
423.15 consultation, as specified in sections 256B.0913, 256B.0915, 256B.092, and 256B.49,  
423.16 or successor provisions. For purposes of this chapter, "case manager" includes case  
423.17 management services as defined in Minnesota Rules, part 9520.0902, subpart 3.

423.18 Sec. 10. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 4b,  
423.19 is amended to read:

423.20 Subd. 4b. **Coordinated service and support plan.** "Coordinated service and  
423.21 support plan" has the meaning given in sections 256B.0913, subdivision 8; 256B.0915,  
423.22 subdivision 6; 256B.092, subdivision 1b; and 256B.49, subdivision 15, or successor  
423.23 provisions. For purposes of this chapter, "coordinated service and support plan" includes  
423.24 the individual program plan or individual treatment plan as defined in Minnesota Rules,  
423.25 part 9520.0510, subpart 12.

423.26 Sec. 11. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 8b,  
423.27 is amended to read:

423.28 Subd. 8b. **Expanded support team.** "Expanded support team" means the members  
423.29 of the support team defined in subdivision ~~46~~ 34 and a licensed health or mental health  
423.30 professional or other licensed, certified, or qualified professionals or consultants working  
423.31 with the person and included in the team at the request of the person or the person's legal  
423.32 representative.

424.1 Sec. 12. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 11,  
424.2 is amended to read:

424.3 Subd. 11. **Incident.** "Incident" means an occurrence which involves a person and  
424.4 requires the program to make a response that is not a part of the program's ordinary  
424.5 provision of services to that person, and includes:

424.6 (1) serious injury of a person as determined by section 245.91, subdivision 6;

424.7 (2) a person's death;

424.8 (3) any medical emergency, unexpected serious illness, or significant unexpected  
424.9 change in an illness or medical condition of a person that requires the program to call  
424.10 911, physician treatment, or hospitalization;

424.11 (4) any mental health crisis that requires the program to call 911 or a mental  
424.12 health crisis intervention team, or a similar mental health response team or service when  
424.13 available and appropriate;

424.14 (5) an act or situation involving a person that requires the program to call 911,  
424.15 law enforcement, or the fire department;

424.16 (6) a person's unauthorized or unexplained absence from a program;

424.17 (7) conduct by a person receiving services against another person receiving services  
424.18 that:

424.19 (i) is so severe, pervasive, or objectively offensive that it substantially interferes with  
424.20 a person's opportunities to participate in or receive service or support;

424.21 (ii) places the person in actual and reasonable fear of harm;

424.22 (iii) places the person in actual and reasonable fear of damage to property of the  
424.23 person; or

424.24 (iv) substantially disrupts the orderly operation of the program;

424.25 (8) any sexual activity between persons receiving services involving force or  
424.26 coercion as defined under section 609.341, subdivisions 3 and 14;

424.27 (9) any emergency use of manual restraint as identified in section 245D.061 or  
424.28 successor provisions; or

424.29 (10) a report of alleged or suspected child or vulnerable adult maltreatment under  
424.30 section 626.556 or 626.557.

424.31 Sec. 13. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 15b,  
424.32 is amended to read:

424.33 Subd. 15b. **Mechanical restraint.** (a) Except for devices worn by the person that  
424.34 trigger electronic alarms to warn staff that a person is leaving a room or area, which  
424.35 do not, in and of themselves, restrict freedom of movement, or the use of adaptive aids



425.1 ~~or equipment or orthotic devices ordered by a health care professional used to treat or~~  
425.2 ~~manage a medical condition;~~ "Mechanical restraint" means the use of devices, materials,  
425.3 or equipment attached or adjacent to the person's body, or the use of practices that are  
425.4 intended to restrict freedom of movement or normal access to one's body or body parts,  
425.5 or limits a person's voluntary movement or holds a person immobile as an intervention  
425.6 precipitated by a person's behavior. The term applies to the use of mechanical restraint  
425.7 used to prevent injury with persons who engage in self-injurious behaviors, such as  
425.8 head-banging, gouging, or other actions resulting in tissue damage that have caused or  
425.9 could cause medical problems resulting from the self-injury.

425.10 (b) Mechanical restraint does not include the following:

425.11 (1) devices worn by the person that trigger electronic alarms to warn staff that a  
425.12 person is leaving a room or area, which do not, in and of themselves, restrict freedom of  
425.13 movement; or

425.14 (2) the use of adaptive aids or equipment or orthotic devices ordered by a health care  
425.15 professional used to treat or manage a medical condition.

425.16 Sec. 14. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 23,  
425.17 is amended to read:

425.18 Subd. 23. **Person with a disability.** "Person with a disability" means a person  
425.19 determined to have a disability by the commissioner's state medical review team as  
425.20 identified in section 256B.055, subdivision 7, the Social Security Administration, or the  
425.21 person is determined to have a developmental disability ~~as defined in Minnesota Rules,~~  
425.22 ~~part 9525.0016, subpart 2, item B,~~ or a related condition as defined in section ~~252.27,~~  
425.23 ~~subdivision 1a~~ Minnesota Rules, part 9525.0016, subpart 2, items A to E.

425.24 Sec. 15. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 29,  
425.25 is amended to read:

425.26 Subd. 29. **Seclusion.** "Seclusion" means ~~the placement of a person alone in:~~ (1)  
425.27 removing a person involuntarily to a room from which exit is prohibited by a staff person  
425.28 or a mechanism such as a lock, a device, or an object positioned to hold the door closed  
425.29 or otherwise prevent the person from leaving the room; or (2) otherwise involuntarily  
425.30 removing or separating a person from an area, activity, situation, or social contact with  
425.31 others and blocking or preventing the person's return.

425.32 Sec. 16. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 34,  
425.33 is amended to read:

426.1 Subd. 34. **Support team.** "Support team" means the service planning team  
426.2 identified in section 256B.49, subdivision 15, ~~or~~; the interdisciplinary team identified in  
426.3 Minnesota Rules, part 9525.0004, subpart 14; or the case management team as defined in  
426.4 Minnesota Rules, part 9520.0902, subpart 6.

426.5 Sec. 17. Minnesota Statutes 2013 Supplement, section 245D.02, subdivision 34a,  
426.6 is amended to read:

426.7 Subd. 34a. **Time out.** "Time out" means ~~removing a person involuntarily from an~~  
426.8 ~~ongoing activity to a room, either locked or unlocked, or otherwise separating a person~~  
426.9 ~~from others in a way that prevents social contact and prevents the person from leaving the~~  
426.10 ~~situation if the person chooses~~ the involuntary removal of a person for a period of time to  
426.11 a designated area from which the person is not prevented from leaving. For the purpose of  
426.12 this chapter, "time out" does not mean voluntary removal or self-removal for the purpose  
426.13 of calming, prevention of escalation, or de-escalation of behavior ~~for a period of up to 15~~  
426.14 ~~minutes.~~ "Time out" ~~does not include a person voluntarily moving from an ongoing activity~~  
426.15 ~~to an unlocked room or otherwise separating from a situation or social contact with others~~  
426.16 ~~if the person chooses.~~ For the purposes of this definition, "voluntarily" means without  
426.17 ~~being forced, compelled, or coerced;~~ nor does it mean taking a brief break or rest from an  
426.18 activity for the purpose of providing the person an opportunity to regain self-control.

426.19 Sec. 18. Minnesota Statutes 2013 Supplement, section 245D.02, is amended by adding  
426.20 a subdivision to read:

426.21 Subd. 35b. **Unlicensed staff.** "Unlicensed staff" means individuals not otherwise  
426.22 licensed or certified by a governmental health board or agency.

426.23 Sec. 19. Minnesota Statutes 2013 Supplement, section 245D.03, subdivision 1, is  
426.24 amended to read:

426.25 Subdivision 1. **Applicability.** (a) The commissioner shall regulate the provision of  
426.26 home and community-based services to persons with disabilities and persons age 65 and  
426.27 older pursuant to this chapter. The licensing standards in this chapter govern the provision  
426.28 of basic support services and intensive support services.

426.29 (b) Basic support services provide the level of assistance, supervision, and care that  
426.30 is necessary to ensure the health and safety of the person and do not include services that  
426.31 are specifically directed toward the training, treatment, habilitation, or rehabilitation of  
426.32 the person. Basic support services include:

427.1 (1) in-home and out-of-home respite care services as defined in section 245A.02,  
427.2 subdivision 15, and under the brain injury, community alternative care, community  
427.3 alternatives for disabled individuals, developmental disability, and elderly waiver plans,  
427.4 excluding out-of-home respite care provided to children in a family child foster care home  
427.5 licensed under Minnesota Rules, parts 2960.3000 to 2960.3100, when the child foster care  
427.6 license holder complies with the requirements under section 245D.06, subdivisions 5, 6,  
427.7 7, and 8, or successor provisions; and section 245D.061 or successor provisions, which  
427.8 must be stipulated in the statement of intended use required under Minnesota Rules,  
427.9 part 2960.3000, subpart 4;

427.10 (2) adult companion services as defined under the brain injury, community  
427.11 alternatives for disabled individuals, and elderly waiver plans, excluding adult companion  
427.12 services provided under the Corporation for National and Community Services Senior  
427.13 Companion Program established under the Domestic Volunteer Service Act of 1973,  
427.14 Public Law 98-288;

427.15 (3) personal support as defined under the developmental disability waiver plan;

427.16 (4) 24-hour emergency assistance, personal emergency response as defined under the  
427.17 community alternatives for disabled individuals and developmental disability waiver plans;

427.18 (5) night supervision services as defined under the brain injury waiver plan; and

427.19 (6) homemaker services as defined under the community alternatives for disabled  
427.20 individuals, brain injury, community alternative care, developmental disability, and elderly  
427.21 waiver plans, excluding providers licensed by the Department of Health under chapter  
427.22 144A and those providers providing cleaning services only.

427.23 (c) Intensive support services provide assistance, supervision, and care that is  
427.24 necessary to ensure the health and safety of the person and services specifically directed  
427.25 toward the training, habilitation, or rehabilitation of the person. Intensive support services  
427.26 include:

427.27 (1) intervention services, including:

427.28 (i) behavioral support services as defined under the brain injury and community  
427.29 alternatives for disabled individuals waiver plans;

427.30 (ii) in-home or out-of-home crisis respite services as defined under the developmental  
427.31 disability waiver plan; and

427.32 (iii) specialist services as defined under the current developmental disability waiver  
427.33 plan;

427.34 (2) in-home support services, including:

427.35 (i) in-home family support and supported living services as defined under the  
427.36 developmental disability waiver plan;

- 428.1 (ii) independent living services training as defined under the brain injury and  
 428.2 community alternatives for disabled individuals waiver plans; and
- 428.3 (iii) semi-independent living services;
- 428.4 (3) residential supports and services, including:
- 428.5 (i) supported living services as defined under the developmental disability waiver  
 428.6 plan provided in a family or corporate child foster care residence, a family adult foster  
 428.7 care residence, a community residential setting, or a supervised living facility;
- 428.8 (ii) foster care services as defined in the brain injury, community alternative care,  
 428.9 and community alternatives for disabled individuals waiver plans provided in a family or  
 428.10 corporate child foster care residence, a family adult foster care residence, or a community  
 428.11 residential setting; and
- 428.12 (iii) residential services provided to more than four persons with developmental  
 428.13 disabilities in a supervised living facility that is certified by the Department of Health as  
 428.14 an ICF/DD, including ICFs/DD;
- 428.15 (4) day services, including:
- 428.16 (i) structured day services as defined under the brain injury waiver plan;
- 428.17 (ii) day training and habilitation services under sections 252.40 to 252.46, and as  
 428.18 defined under the developmental disability waiver plan; and
- 428.19 (iii) prevocational services as defined under the brain injury and community  
 428.20 alternatives for disabled individuals waiver plans; and
- 428.21 (5) supported employment as defined under the brain injury, developmental  
 428.22 disability, and community alternatives for disabled individuals waiver plans.

428.23 Sec. 20. Minnesota Statutes 2013 Supplement, section 245D.03, is amended by adding  
 428.24 a subdivision to read:

428.25 Subd. 1a. **Effect.** The home and community-based services standards establish  
 428.26 health, safety, welfare, and rights protections for persons receiving services governed by  
 428.27 this chapter. The standards recognize the diversity of persons receiving these services and  
 428.28 require that these services are provided in a manner that meets each person's individual  
 428.29 needs and ensures continuity in service planning, care, and coordination between the  
 428.30 license holder and members of each person's support team or expanded support team.

428.31 Sec. 21. Minnesota Statutes 2013 Supplement, section 245D.03, subdivision 2, is  
 428.32 amended to read:

429.1 Subd. 2. **Relationship to other standards governing home and community-based**  
429.2 **services.** (a) A license holder governed by this chapter is also subject to the licensure  
429.3 requirements under chapter 245A.

429.4 (b) ~~A corporate or family child foster care site controlled by a license holder and~~  
429.5 ~~providing services governed by this chapter is exempt from compliance with section~~  
429.6 ~~245D.04. This exemption applies to foster care homes where at least one resident is~~  
429.7 ~~receiving residential supports and services licensed according to this chapter. This chapter~~  
429.8 ~~does not apply to corporate or family child foster care homes that do not provide services~~  
429.9 ~~licensed under this chapter.~~

429.10 (c) A family adult foster care site controlled by a license holder and providing  
429.11 services governed by this chapter is exempt from compliance with Minnesota Rules,  
429.12 parts 9555.6185; 9555.6225, subpart 8; 9555.6245; 9555.6255; and 9555.6265. These  
429.13 exemptions apply to family adult foster care homes where at least one resident is receiving  
429.14 residential supports and services licensed according to this chapter. This chapter does  
429.15 not apply to family adult foster care homes that do not provide services licensed under  
429.16 this chapter.

429.17 (d) A license holder providing services licensed according to this chapter in a  
429.18 supervised living facility is exempt from compliance with ~~sections~~ section 245D.04;  
429.19 ~~245D.05, subdivision 2; and 245D.06, subdivision 2, clauses (1), (4), and (5).~~

429.20 (e) A license holder providing residential services to persons in an ICF/DD is exempt  
429.21 from compliance with sections 245D.04; 245D.05, subdivision 1b; 245D.06, subdivision  
429.22 2, clauses (4) and (5); 245D.071, subdivisions 4 and 5; 245D.081, subdivision 2; 245D.09,  
429.23 subdivision 7; 245D.095, subdivision 2; and 245D.11, subdivision 3.

429.24 (f) A license holder providing homemaker services licensed according to this chapter  
429.25 and registered according to chapter 144A is exempt from compliance with section 245D.04.

429.26 (g) Nothing in this chapter prohibits a license holder from concurrently serving  
429.27 persons without disabilities or people who are or are not age 65 and older, provided this  
429.28 chapter's standards are met as well as other relevant standards.

429.29 (h) The documentation required under sections 245D.07 and 245D.071 must meet  
429.30 the individual program plan requirements identified in section 256B.092 or successor  
429.31 provisions.

429.32 Sec. 22. Minnesota Statutes 2013 Supplement, section 245D.03, subdivision 3, is  
429.33 amended to read:

429.34 Subd. 3. **Variance.** If the conditions in section 245A.04, subdivision 9, are met,  
429.35 the commissioner may grant a variance to any of the requirements in this chapter, except

430.1 sections 245D.04; 245D.06, subdivision 4, paragraph (b), and subdivision 6, or successor  
430.2 provisions; and ~~245D.061, subdivision 3, or~~ provisions governing data practices and  
430.3 information rights of persons.

430.4 Sec. 23. Minnesota Statutes 2013 Supplement, section 245D.04, subdivision 3, is  
430.5 amended to read:

430.6 Subd. 3. **Protection-related rights.** (a) A person's protection-related rights include  
430.7 the right to:

430.8 (1) have personal, financial, service, health, and medical information kept private,  
430.9 and be advised of disclosure of this information by the license holder;

430.10 (2) access records and recorded information about the person in accordance with  
430.11 applicable state and federal law, regulation, or rule;

430.12 (3) be free from maltreatment;

430.13 (4) be free from restraint, time out, ~~or~~ seclusion, restrictive intervention, or other  
430.14 prohibited procedure identified in section 245D.06, subdivision 5, or successor provisions,  
430.15 except for: (i) emergency use of manual restraint to protect the person from imminent  
430.16 danger to self or others according to the requirements in section ~~245D.06; 245D.061~~ or  
430.17 successor provisions; or (ii) the use of safety interventions as part of a positive support  
430.18 transition plan under section 245D.06, subdivision 8, or successor provisions;

430.19 (5) receive services in a clean and safe environment when the license holder is the  
430.20 owner, lessor, or tenant of the service site;

430.21 (6) be treated with courtesy and respect and receive respectful treatment of the  
430.22 person's property;

430.23 (7) reasonable observance of cultural and ethnic practice and religion;

430.24 (8) be free from bias and harassment regarding race, gender, age, disability,  
430.25 spirituality, and sexual orientation;

430.26 (9) be informed of and use the license holder's grievance policy and procedures,  
430.27 including knowing how to contact persons responsible for addressing problems and to  
430.28 appeal under section 256.045;

430.29 (10) know the name, telephone number, and the Web site, e-mail, and street  
430.30 addresses of protection and advocacy services, including the appropriate state-appointed  
430.31 ombudsman, and a brief description of how to file a complaint with these offices;

430.32 (11) assert these rights personally, or have them asserted by the person's family,  
430.33 authorized representative, or legal representative, without retaliation;

430.34 (12) give or withhold written informed consent to participate in any research or  
430.35 experimental treatment;

431.1 (13) associate with other persons of the person's choice;

431.2 (14) personal privacy; and

431.3 (15) engage in chosen activities.

431.4 (b) For a person residing in a residential site licensed according to chapter 245A,  
431.5 or where the license holder is the owner, lessor, or tenant of the residential service site,  
431.6 protection-related rights also include the right to:

431.7 (1) have daily, private access to and use of a non-coin-operated telephone for local  
431.8 calls and long-distance calls made collect or paid for by the person;

431.9 (2) receive and send, without interference, uncensored, unopened mail or electronic  
431.10 correspondence or communication;

431.11 (3) have use of and free access to common areas in the residence; and

431.12 (4) privacy for visits with the person's spouse, next of kin, legal counsel, religious  
431.13 advisor, or others, in accordance with section 363A.09 of the Human Rights Act, including  
431.14 privacy in the person's bedroom.

431.15 (c) Restriction of a person's rights under ~~subdivision 2, clause (10), or~~ paragraph (a),  
431.16 clauses (13) to (15), or paragraph (b) is allowed only if determined necessary to ensure  
431.17 the health, safety, and well-being of the person. Any restriction of those rights must be  
431.18 documented in the person's coordinated service and support plan or coordinated service  
431.19 and support plan addendum. The restriction must be implemented in the least restrictive  
431.20 alternative manner necessary to protect the person and provide support to reduce or  
431.21 eliminate the need for the restriction in the most integrated setting and inclusive manner.  
431.22 The documentation must include the following information:

431.23 (1) the justification for the restriction based on an assessment of the person's  
431.24 vulnerability related to exercising the right without restriction;

431.25 (2) the objective measures set as conditions for ending the restriction;

431.26 (3) a schedule for reviewing the need for the restriction based on the conditions  
431.27 for ending the restriction to occur semiannually from the date of initial approval, at a  
431.28 minimum, or more frequently if requested by the person, the person's legal representative,  
431.29 if any, and case manager; and

431.30 (4) signed and dated approval for the restriction from the person, or the person's  
431.31 legal representative, if any. A restriction may be implemented only when the required  
431.32 approval has been obtained. Approval may be withdrawn at any time. If approval is  
431.33 withdrawn, the right must be immediately and fully restored.

431.34 Sec. 24. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 1, is  
431.35 amended to read:

432.1 Subdivision 1. **Health needs.** (a) The license holder is responsible for meeting  
 432.2 health service needs assigned in the coordinated service and support plan or the  
 432.3 coordinated service and support plan addendum, consistent with the person's health needs.  
 432.4 The license holder is responsible for promptly notifying the person's legal representative,  
 432.5 if any, and the case manager of changes in a person's physical and mental health needs  
 432.6 affecting health service needs assigned to the license holder in the coordinated service and  
 432.7 support plan or the coordinated service and support plan addendum, when discovered by  
 432.8 the license holder, unless the license holder has reason to know the change has already  
 432.9 been reported. The license holder must document when the notice is provided.

432.10 (b) If responsibility for meeting the person's health service needs has been assigned  
 432.11 to the license holder in the coordinated service and support plan or the coordinated service  
 432.12 and support plan addendum, the license holder must maintain documentation on how the  
 432.13 person's health needs will be met, including a description of the procedures the license  
 432.14 holder will follow in order to:

432.15 (1) provide medication setup, assistance<sub>2</sub>, or ~~medication~~ administration according  
 432.16 to this chapter. Unlicensed staff responsible for medication setup or medication  
 432.17 administration under this section must complete training according to section 245D.09,  
 432.18 subdivision 4a, paragraph (d);

432.19 (2) monitor health conditions according to written instructions from a licensed  
 432.20 health professional;

432.21 (3) assist with or coordinate medical, dental, and other health service appointments; or

432.22 (4) use medical equipment, devices, or adaptive aides or technology safely and  
 432.23 correctly according to written instructions from a licensed health professional.

432.24 Sec. 25. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 1a,  
 432.25 is amended to read:

432.26 Subd. 1a. **Medication setup.** (a) For the purposes of this subdivision, "medication  
 432.27 setup" means the arranging of medications according to instructions from the pharmacy,  
 432.28 the prescriber, or a licensed nurse, for later administration when the license holder  
 432.29 is assigned responsibility ~~for medication assistance or medication administration~~ in  
 432.30 the coordinated service and support plan or the coordinated service and support plan  
 432.31 addendum. A prescription label or the prescriber's written or electronically recorded order  
 432.32 for the prescription is sufficient to constitute written instructions from the prescriber.

432.33 (b) If responsibility for medication setup is assigned to the license holder in  
 432.34 the coordinated service and support plan or the coordinated service and support plan  
 432.35 addendum, or if the license holder provides it as part of medication assistance or



433.1 medication administration, the license holder must document in the person's medication  
433.2 administration record: dates of setup, name of medication, quantity of dose, times to be  
433.3 administered, and route of administration at time of setup; and, when the person will be  
433.4 away from home, to whom the medications were given.

433.5 Sec. 26. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 1b,  
433.6 is amended to read:

433.7 Subd. 1b. **Medication assistance.** (a) For purposes of this subdivision, "medication  
433.8 assistance" means any of the following:

433.9 (1) bringing to the person and opening a container of previously set up medications,  
433.10 emptying the container into the person's hand, or opening and giving the medications in  
433.11 the original container to the person under the direction of the person;

433.12 (2) bringing to the person liquids or food to accompany the medication; or

433.13 (3) providing reminders, in person, remotely, or through programming devices  
433.14 such as telephones, alarms, or medication boxes, to take regularly scheduled medication  
433.15 or perform regularly scheduled treatments and exercises.

433.16 (b) If responsibility for medication assistance is assigned to the license holder  
433.17 in the coordinated service and support plan or the coordinated service and support  
433.18 plan addendum, the license holder must ensure that the requirements of subdivision 2,  
433.19 paragraph (b), have been met when staff provides medication assistance to enable is  
433.20 provided in a manner that enables a person to self-administer medication or treatment  
433.21 when the person is capable of directing the person's own care, or when the person's legal  
433.22 representative is present and able to direct care for the person. For the purposes of this  
433.23 subdivision, "medication assistance" means any of the following:

433.24 (1) bringing to the person and opening a container of previously set up medications,  
433.25 emptying the container into the person's hand, or opening and giving the medications in  
433.26 the original container to the person;

433.27 (2) bringing to the person liquids or food to accompany the medication; or

433.28 (3) providing reminders to take regularly scheduled medication or perform regularly  
433.29 scheduled treatments and exercises.

433.30 Sec. 27. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 2, is  
433.31 amended to read:

433.32 Subd. 2. **Medication administration.** (a) If responsibility for medication  
433.33 administration is assigned to the license holder in the coordinated service and support  
433.34 plan or the coordinated service and support plan addendum, the license holder must

434.1 ~~implement the following medication administration procedures to ensure a person takes~~  
 434.2 ~~medications and treatments as prescribed~~ For purposes of this subdivision, "medication  
 434.3 administration" means:

434.4 (1) checking the person's medication record;  
 434.5 (2) preparing the medication as necessary;  
 434.6 (3) administering the medication or treatment to the person;  
 434.7 (4) documenting the administration of the medication or treatment or the reason for  
 434.8 not administering the medication or treatment; and

434.9 (5) reporting to the prescriber or a nurse any concerns about the medication or  
 434.10 treatment, including side effects, effectiveness, or a pattern of the person refusing to  
 434.11 take the medication or treatment as prescribed. Adverse reactions must be immediately  
 434.12 reported to the prescriber or a nurse.

434.13 (b)(1) If responsibility for medication administration is assigned to the license holder  
 434.14 in the coordinated service and support plan or the coordinated service and support plan  
 434.15 addendum, the license holder must implement medication administration procedures  
 434.16 to ensure a person takes medications and treatments as prescribed. The license holder  
 434.17 must ensure that the requirements in clauses (2) ~~to (4)~~ and (3) have been met before  
 434.18 administering medication or treatment.

434.19 (2) The license holder must obtain written authorization from the person or the  
 434.20 person's legal representative to administer medication or treatment and must obtain  
 434.21 reauthorization annually as needed. This authorization shall remain in effect unless it is  
 434.22 withdrawn in writing and may be withdrawn at any time. If the person or the person's  
 434.23 legal representative refuses to authorize the license holder to administer medication, the  
 434.24 medication must not be administered. The refusal to authorize medication administration  
 434.25 must be reported to the prescriber as expediently as possible.

434.26 ~~(3) The staff person responsible for administering the medication or treatment must~~  
 434.27 ~~complete medication administration training according to section 245D.09, subdivision~~  
 434.28 ~~4a, paragraphs (a) and (c), and, as applicable to the person, paragraph (d).~~

434.29 ~~(4)~~ (3) For a license holder providing intensive support services, the medication or  
 434.30 treatment must be administered according to the license holder's medication administration  
 434.31 policy and procedures as required under section 245D.11, subdivision 2, clause (3).

434.32 (c) The license holder must ensure the following information is documented in the  
 434.33 person's medication administration record:

434.34 (1) the information on the current prescription label or the prescriber's current  
 434.35 written or electronically recorded order or prescription that includes the person's name,  
 434.36 description of the medication or treatment to be provided, and the frequency and other

435.1 information needed to safely and correctly administer the medication or treatment to  
435.2 ensure effectiveness;

435.3 (2) information on any risks or other side effects that are reasonable to expect, and  
435.4 any contraindications to its use. This information must be readily available to all staff  
435.5 administering the medication;

435.6 (3) the possible consequences if the medication or treatment is not taken or  
435.7 administered as directed;

435.8 (4) instruction on when and to whom to report the following:

435.9 (i) if a dose of medication is not administered or treatment is not performed as  
435.10 prescribed, whether by error by the staff or the person or by refusal by the person; and

435.11 (ii) the occurrence of possible adverse reactions to the medication or treatment;

435.12 (5) notation of any occurrence of a dose of medication not being administered or  
435.13 treatment not performed as prescribed, whether by error by the staff or the person or by  
435.14 refusal by the person, or of adverse reactions, and when and to whom the report was  
435.15 made; and

435.16 (6) notation of when a medication or treatment is started, administered, changed, or  
435.17 discontinued.

435.18 Sec. 28. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 4, is  
435.19 amended to read:

435.20 Subd. 4. **Reviewing and reporting medication and treatment issues.** (a) When  
435.21 assigned responsibility for medication administration, the license holder must ensure  
435.22 that the information maintained in the medication administration record is current and  
435.23 is regularly reviewed to identify medication administration errors. At a minimum, the  
435.24 review must be conducted every three months, or more frequently as directed in the  
435.25 coordinated service and support plan or coordinated service and support plan addendum  
435.26 or as requested by the person or the person's legal representative. Based on the review,  
435.27 the license holder must develop and implement a plan to correct patterns of medication  
435.28 administration errors when identified.

435.29 (b) If assigned responsibility for medication assistance or medication administration,  
435.30 the license holder must report the following to the person's legal representative and case  
435.31 manager as they occur or as otherwise directed in the coordinated service and support plan  
435.32 or the coordinated service and support plan addendum:

435.33 (1) any reports ~~made to the person's physician or prescriber~~ required under  
435.34 subdivision 2, paragraph (c), clause (4);

436.1 (2) a person's refusal or failure to take or receive medication or treatment as  
436.2 prescribed; or

436.3 (3) concerns about a person's self-administration of medication or treatment.

436.4 Sec. 29. Minnesota Statutes 2013 Supplement, section 245D.05, subdivision 5, is  
436.5 amended to read:

436.6 Subd. 5. **Injectable medications.** Injectable medications may be administered  
436.7 according to a prescriber's order and written instructions when one of the following  
436.8 conditions has been met:

436.9 (1) a registered nurse or licensed practical nurse will administer the ~~subcutaneous or~~  
436.10 ~~intramuscular~~ injection;

436.11 (2) a supervising registered nurse with a physician's order has delegated the  
436.12 administration of ~~subcutaneous~~ injectable medication to an unlicensed staff member  
436.13 and has provided the necessary training; or

436.14 (3) there is an agreement signed by the license holder, the prescriber, and the  
436.15 person or the person's legal representative specifying what ~~subcutaneous~~ injections may  
436.16 be given, when, how, and that the prescriber must retain responsibility for the license  
436.17 holder's giving the injections. A copy of the agreement must be placed in the person's  
436.18 service recipient record.

436.19 Only licensed health professionals are allowed to administer psychotropic  
436.20 medications by injection.

436.21 Sec. 30. Minnesota Statutes 2013 Supplement, section 245D.051, is amended to read:

436.22 **245D.051 PSYCHOTROPIC MEDICATION USE AND MONITORING.**

436.23 Subdivision 1. **Conditions for psychotropic medication administration.** (a)

436.24 When a person is prescribed a psychotropic medication and the license holder is assigned  
436.25 responsibility for administration of the medication in the person's coordinated service  
436.26 and support plan or the coordinated service and support plan addendum, the license  
436.27 holder must ensure that the requirements in ~~paragraphs (b) to (d) and~~ section 245D.05,  
436.28 subdivision 2, are met.

436.29 ~~(b) Use of the medication must be included in the person's coordinated service and~~  
436.30 ~~support plan or in the coordinated service and support plan addendum and based on a~~  
436.31 ~~prescriber's current written or electronically recorded prescription.~~

436.32 ~~(e)~~ (b) The license holder must develop, implement, and maintain the following  
436.33 documentation in the person's coordinated service and support plan addendum according  
436.34 to the requirements in sections 245D.07 and 245D.071:

437.1 (1) a description of the target symptoms that the psychotropic medication is to  
437.2 alleviate; and

437.3 (2) documentation methods the license holder will use to monitor and measure  
437.4 changes in the target symptoms that are to be alleviated by the psychotropic medication if  
437.5 required by the prescriber. The license holder must collect and report on medication and  
437.6 symptom-related data as instructed by the prescriber. The license holder must provide  
437.7 the monitoring data to the expanded support team for review every three months, or as  
437.8 otherwise requested by the person or the person's legal representative.

437.9 For the purposes of this section, "target symptom" refers to any perceptible  
437.10 diagnostic criteria for a person's diagnosed mental disorder, as defined by the Diagnostic  
437.11 and Statistical Manual of Mental Disorders Fourth Edition Text Revision (DSM-IV-TR) or  
437.12 successive editions, that has been identified for alleviation.

437.13 Subd. 2. **Refusal to authorize psychotropic medication.** If the person or the  
437.14 person's legal representative refuses to authorize the administration of a psychotropic  
437.15 medication as ordered by the prescriber, the license holder must ~~follow the requirement in~~  
437.16 ~~section 245D.05, subdivision 2, paragraph (b), clause (2):~~ not administer the medication.  
437.17 The refusal to authorize medication administration must be reported to the prescriber as  
437.18 expediently as possible. After reporting the refusal to the prescriber, the license holder  
437.19 must follow any directives or orders given by the prescriber. ~~A court order must be~~  
437.20 ~~obtained to override the refusal.~~ A refusal may not be overridden without a court order.  
437.21 Refusal to authorize administration of a specific psychotropic medication is not grounds  
437.22 for service termination and does not constitute an emergency. A decision to terminate  
437.23 services must be reached in compliance with section 245D.10, subdivision 3.

437.24 Sec. 31. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 1, is  
437.25 amended to read:

437.26 Subdivision 1. **Incident response and reporting.** (a) The license holder must  
437.27 respond to incidents under section 245D.02, subdivision 11, that occur while providing  
437.28 services to protect the health and safety of and minimize risk of harm to the person.

437.29 (b) The license holder must maintain information about and report incidents to the  
437.30 person's legal representative or designated emergency contact and case manager within  
437.31 24 hours of an incident occurring while services are being provided, within 24 hours of  
437.32 discovery or receipt of information that an incident occurred, unless the license holder  
437.33 has reason to know that the incident has already been reported, or as otherwise directed  
437.34 in a person's coordinated service and support plan or coordinated service and support  
437.35 plan addendum. An incident of suspected or alleged maltreatment must be reported as

438.1 required under paragraph (d), and an incident of serious injury or death must be reported  
438.2 as required under paragraph (e).

438.3 (c) When the incident involves more than one person, the license holder must not  
438.4 disclose personally identifiable information about any other person when making the report  
438.5 to each person and case manager unless the license holder has the consent of the person.

438.6 (d) Within 24 hours of reporting maltreatment as required under section 626.556  
438.7 or 626.557, the license holder must inform the case manager of the report unless there is  
438.8 reason to believe that the case manager is involved in the suspected maltreatment. The  
438.9 license holder must disclose the nature of the activity or occurrence reported and the  
438.10 agency that received the report.

438.11 (e) The license holder must report the death or serious injury of the person as  
438.12 required in paragraph (b) and to the Department of Human Services Licensing Division,  
438.13 and the Office of Ombudsman for Mental Health and Developmental Disabilities as  
438.14 required under section 245.94, subdivision 2a, within 24 hours of the death, or receipt of  
438.15 information that the death occurred, unless the license holder has reason to know that the  
438.16 death has already been reported.

438.17 (f) When a death or serious injury occurs in a facility certified as an intermediate  
438.18 care facility for persons with developmental disabilities, the death or serious injury must  
438.19 be reported to the Department of Health, Office of Health Facility Complaints, and the  
438.20 Office of Ombudsman for Mental Health and Developmental Disabilities, as required  
438.21 under sections 245.91 and 245.94, subdivision 2a, unless the license holder has reason to  
438.22 know that the death has already been reported.

438.23 (g) The license holder must conduct an internal review of incident reports of deaths  
438.24 and serious injuries that occurred while services were being provided and that were not  
438.25 reported by the program as alleged or suspected maltreatment, for identification of incident  
438.26 patterns, and implementation of corrective action as necessary to reduce occurrences.  
438.27 The review must include an evaluation of whether related policies and procedures were  
438.28 followed, whether the policies and procedures were adequate, whether there is a need for  
438.29 additional staff training, whether the reported event is similar to past events with the  
438.30 persons or the services involved, and whether there is a need for corrective action by the  
438.31 license holder to protect the health and safety of persons receiving services. Based on  
438.32 the results of this review, the license holder must develop, document, and implement a  
438.33 corrective action plan designed to correct current lapses and prevent future lapses in  
438.34 performance by staff or the license holder, if any.

438.35 (h) The license holder must verbally report the emergency use of manual restraint  
438.36 of a person as required in paragraph (b) within 24 hours of the occurrence. The license

439.1 holder must ensure the written report and internal review of all incident reports of the  
439.2 emergency use of manual restraints are completed according to the requirements in section  
439.3 245D.061 or successor provisions.

439.4 Sec. 32. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 2, is  
439.5 amended to read:

439.6 Subd. 2. **Environment and safety.** The license holder must:

439.7 (1) ensure the following when the license holder is the owner, lessor, or tenant  
439.8 of the service site:

439.9 (i) the service site is a safe and hazard-free environment;

439.10 (ii) that toxic substances or dangerous items are inaccessible to persons served by  
439.11 the program only to protect the safety of a person receiving services when a known safety  
439.12 threat exists and not as a substitute for staff supervision or interactions with a person who  
439.13 is receiving services. If toxic substances or dangerous items are made inaccessible, the  
439.14 license holder must document an assessment of the physical plant, its environment, and its  
439.15 population identifying the risk factors which require toxic substances or dangerous items  
439.16 to be inaccessible and a statement of specific measures to be taken to minimize the safety  
439.17 risk to persons receiving services and to restore accessibility to all persons receiving  
439.18 services at the service site;

439.19 (iii) doors are locked from the inside to prevent a person from exiting only when  
439.20 necessary to protect the safety of a person receiving services and not as a substitute for  
439.21 staff supervision or interactions with the person. If doors are locked from the inside, the  
439.22 license holder must document an assessment of the physical plant, the environment and  
439.23 the population served, identifying the risk factors which require the use of locked doors,  
439.24 and a statement of specific measures to be taken to minimize the safety risk to persons  
439.25 receiving services at the service site; and

439.26 (iv) a staff person is available at the service site who is trained in basic first aid and,  
439.27 when required in a person's coordinated service and support plan or coordinated service  
439.28 and support plan addendum, cardiopulmonary resuscitation (CPR) whenever persons are  
439.29 present and staff are required to be at the site to provide direct support service. The CPR  
439.30 training must include in-person instruction, hands-on practice, and an observed skills  
439.31 assessment under the direct supervision of a CPR instructor;

439.32 (2) maintain equipment, vehicles, supplies, and materials owned or leased by the  
439.33 license holder in good condition when used to provide services;

440.1 (3) follow procedures to ensure safe transportation, handling, and transfers of the  
440.2 person and any equipment used by the person, when the license holder is responsible for  
440.3 transportation of a person or a person's equipment;

440.4 (4) be prepared for emergencies and follow emergency response procedures to  
440.5 ensure the person's safety in an emergency; and

440.6 (5) follow universal precautions and sanitary practices, including hand washing, for  
440.7 infection prevention and control, and to prevent communicable diseases.

440.8 Sec. 33. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 4, is  
440.9 amended to read:

440.10 Subd. 4. **Funds and property; legal representative restrictions.** (a) Whenever the  
440.11 license holder assists a person with the safekeeping of funds or other property according  
440.12 to section 245A.04, subdivision 13, the license holder must obtain written authorization  
440.13 to do so from the person or the person's legal representative and the case manager.  
440.14 Authorization must be obtained within five working days of service initiation and renewed  
440.15 annually thereafter. At the time initial authorization is obtained, the license holder must  
440.16 survey, document, and implement the preferences of the person or the person's legal  
440.17 representative and the case manager for frequency of receiving a statement that itemizes  
440.18 receipts and disbursements of funds or other property. The license holder must document  
440.19 changes to these preferences when they are requested.

440.20 (b) A license holder or staff person may not accept powers-of-attorney from a person  
440.21 receiving services from the license holder for any purpose. This does not apply to license  
440.22 holders that are Minnesota counties or other units of government or to staff persons  
440.23 employed by license holders who were acting as attorney-in-fact for specific individuals  
440.24 prior to implementation of this chapter. The license holder must maintain documentation  
440.25 of the power-of-attorney in the service recipient record.

440.26 (c) A license holder or staff person is restricted from accepting an appointment  
440.27 as a guardian as follows:

440.28 (1) under section 524.5-309 of the Uniform Probate Code, any individual or agency  
440.29 that provides residence, custodial care, medical care, employment training, or other care  
440.30 or services for which the individual or agency receives a fee may not be appointed as  
440.31 guardian unless related to the respondent by blood, marriage, or adoption; and

440.32 (2) under section 245A.03, subdivision 2, paragraph (a), clause (1), a related  
440.33 individual as defined under section 245A.02, subdivision 13, is excluded from licensure.  
440.34 Services provided by a license holder to a person under the license holder's guardianship  
440.35 are not licensed services.



441.1           (e) (d) Upon the transfer or death of a person, any funds or other property of the  
441.2 person must be surrendered to the person or the person's legal representative, or given to  
441.3 the executor or administrator of the estate in exchange for an itemized receipt.

441.4           Sec. 34. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 6, is  
441.5 amended to read:

441.6           Subd. 6. **Restricted procedures.** (a) The following procedures are allowed when  
441.7 the procedures are implemented in compliance with the standards governing their use as  
441.8 identified in clauses (1) to (3). Allowed but restricted procedures include:

441.9           (1) permitted actions and procedures subject to the requirements in subdivision 7;

441.10           (2) procedures identified in a positive support transition plan subject to the  
441.11 requirements in subdivision 8; or

441.12           (3) emergency use of manual restraint subject to the requirements in section  
441.13 245D.061.

441.14           For purposes of this chapter, this section supersedes the requirements identified in  
441.15 Minnesota Rules, part 9525.2740.

441.16           (b) A restricted procedure identified in paragraph (a) must not:

441.17           (1) be implemented with a child in a manner that constitutes sexual abuse, neglect,  
441.18 physical abuse, or mental injury, as defined in section 626.556, subdivision 2;

441.19           (2) be implemented with an adult in a manner that constitutes abuse or neglect as  
441.20 defined in section 626.5572, subdivision 2 or 17;

441.21           (3) be implemented in a manner that violates a person's rights identified in section  
441.22 245D.04;

441.23           (4) restrict a person's normal access to a nutritious diet, drinking water, adequate  
441.24 ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping  
441.25 conditions, necessary clothing, or any protection required by state licensing standards or  
441.26 federal regulations governing the program;

441.27           (5) deny the person visitation or ordinary contact with legal counsel, a legal  
441.28 representative, or next of kin;

441.29           (6) be used for the convenience of staff, as punishment, as a substitute for adequate  
441.30 staffing, or as a consequence if the person refuses to participate in the treatment or services  
441.31 provided by the program;

441.32           (7) use prone restraint. For purposes of this section, "prone restraint" means use  
441.33 of manual restraint that places a person in a face-down position. Prone restraint does  
441.34 not include brief physical holding of a person who, during an emergency use of manual

442.1 restraint, rolls into a prone position, if the person is restored to a standing, sitting, or  
442.2 side-lying position as quickly as possible;

442.3 (8) apply back or chest pressure while a person is in a prone position as identified in  
442.4 clause (7), supine position, or side-lying position; or

442.5 (9) be implemented in a manner that is contraindicated for any of the person's known  
442.6 medical or psychological limitations.

442.7 Sec. 35. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 7, is  
442.8 amended to read:

442.9 Subd. 7. **Permitted actions and procedures.** (a) Use of the instructional techniques  
442.10 and intervention procedures as identified in paragraphs (b) and (c) is permitted when used  
442.11 on an intermittent or continuous basis. When used on a continuous basis, it must be  
442.12 addressed in a person's coordinated service and support plan addendum as identified in  
442.13 sections 245D.07 and 245D.071. For purposes of this chapter, the requirements of this  
442.14 subdivision supersede the requirements identified in Minnesota Rules, part 9525.2720.

442.15 (b) Physical contact or instructional techniques must use the least restrictive  
442.16 alternative possible to meet the needs of the person and may be used:

442.17 (1) to calm or comfort a person by holding that person with no resistance from  
442.18 that person;

442.19 (2) to protect a person known to be at risk ~~or~~ of injury due to frequent falls as a result  
442.20 of a medical condition;

442.21 (3) to facilitate the person's completion of a task or response when the person does  
442.22 not resist or the person's resistance is minimal in intensity and duration; ~~or~~

442.23 (4) to ~~briefly~~ block or redirect a person's limbs or body without holding the person or  
442.24 limiting the person's movement to interrupt the person's behavior that may result in injury  
442.25 to self or others: with less than 60 seconds of physical contact by staff; or

442.26 (5) to redirect a person's behavior when the behavior does not pose a serious threat  
442.27 to the person or others and the behavior is effectively redirected with less than 60 seconds  
442.28 of physical contact by staff.

442.29 (c) Restraint may be used as an intervention procedure to:

442.30 (1) allow a licensed health care professional to safely conduct a medical examination  
442.31 or to provide medical treatment ordered by a licensed health care professional to a person  
442.32 necessary to promote healing or recovery from an acute, meaning short-term, medical  
442.33 condition;

442.34 (2) assist in the safe evacuation or redirection of a person in the event of an  
442.35 emergency and the person is at imminent risk of harm; or

443.1 ~~Any use of manual restraint as allowed in this paragraph must comply with the restrictions~~  
443.2 ~~identified in section 245D.061, subdivision 3; or~~

443.3 (3) position a person with physical disabilities in a manner specified in the person's  
443.4 coordinated service and support plan addendum.

443.5 Any use of manual restraint as allowed in this paragraph must comply with the restrictions  
443.6 identified in subdivision 6, paragraph (b).

443.7 (d) Use of adaptive aids or equipment, orthotic devices, or other medical equipment  
443.8 ordered by a licensed health professional to treat a diagnosed medical condition do not in  
443.9 and of themselves constitute the use of mechanical restraint.

443.10 Sec. 36. Minnesota Statutes 2013 Supplement, section 245D.06, subdivision 8, is  
443.11 amended to read:

443.12 Subd. 8. **Positive support transition plan.** (a) License holders must develop  
443.13 a positive support transition plan on the forms and in the manner prescribed by the  
443.14 commissioner for a person who requires intervention in order to maintain safety when  
443.15 it is known that the person's behavior poses an immediate risk of physical harm to self  
443.16 or others. The positive support transition plan forms and instructions will supersede the  
443.17 requirements in Minnesota Rules, parts 9525.2750; 9525.2760; and 9525.2780. The  
443.18 positive support transition plan must phase out any existing plans for the emergency  
443.19 or programmatic use of ~~aversive or deprivation procedures~~ restrictive interventions  
443.20 prohibited under this chapter within the following timelines:

443.21 (1) for persons receiving services from the license holder before January 1, 2014,  
443.22 the plan must be developed and implemented by February 1, 2014, and phased out no  
443.23 later than December 31, 2014; and

443.24 (2) for persons admitted to the program on or after January 1, 2014, the plan must be  
443.25 developed and implemented within 30 calendar days of service initiation and phased out  
443.26 no later than 11 months from the date of plan implementation.

443.27 (b) The commissioner has limited authority to grant approval for the emergency use  
443.28 of procedures identified in subdivision 6 that had been part of an approved positive support  
443.29 transition plan when a person is at imminent risk of serious injury as defined in section  
443.30 245.91, subdivision 6, due to self-injurious behavior and the following conditions are met:

443.31 (1) the person's expanded support team approves the emergency use of the  
443.32 procedures; and

443.33 (2) the interim review panel established in section 245.8251, subdivision 4,  
443.34 recommends commissioner approval of the emergency use of the procedures.

444.1 (c) Written requests for the emergency use of the procedures must be developed  
444.2 and submitted to the commissioner by the designated coordinator with input from the  
444.3 person's expanded support team in accordance with the requirements set by the interim  
444.4 review panel, in addition to the following:

444.5 (1) a copy of the person's current positive support transition plan and copies of  
444.6 each positive support transition plan review containing data on the progress of the plan  
444.7 from the previous year;

444.8 (2) documentation of a good faith effort to eliminate the use of the procedures that  
444.9 had been part of an approved positive support transition plan;

444.10 (3) justification for the continued use of the procedures that identifies the imminent  
444.11 risk of serious injury due to the person's self-injurious behavior if the procedures were  
444.12 eliminated;

444.13 (4) documentation of the clinicians consulted in creating and maintaining the  
444.14 positive support transition plan; and

444.15 (5) documentation of the expanded support team's approval and the recommendation  
444.16 from the interim panel required under paragraph (b).

444.17 (d) A copy of the written request, supporting documentation, and the commissioner's  
444.18 final determination on the request must be maintained in the person's service recipient  
444.19 record.

444.20 Sec. 37. Minnesota Statutes 2013 Supplement, section 245D.071, subdivision 3,  
444.21 is amended to read:

444.22 Subd. 3. **Assessment and initial service planning.** (a) Within 15 days of service  
444.23 initiation the license holder must complete a preliminary coordinated service and support  
444.24 plan addendum based on the coordinated service and support plan.

444.25 ~~(b) Within 45 days of service initiation the license holder must meet with the person,~~  
444.26 ~~the person's legal representative, the case manager, and other members of the support team~~  
444.27 ~~or expanded support team to assess and determine the following based on the person's~~  
444.28 ~~coordinated service and support plan and the requirements in subdivision 4 and section~~  
444.29 ~~245D.07, subdivision 1a:~~

444.30 ~~(1) the scope of the services to be provided to support the person's daily needs~~  
444.31 ~~and activities;~~

444.32 ~~(2) the person's desired outcomes and the supports necessary to accomplish the~~  
444.33 ~~person's desired outcomes;~~

444.34 ~~(3) the person's preferences for how services and supports are provided;~~

445.1 ~~(4) whether the current service setting is the most integrated setting available and~~  
445.2 ~~appropriate for the person; and~~

445.3 ~~(5) how services must be coordinated across other providers licensed under this~~  
445.4 ~~chapter serving the same person to ensure continuity of care for the person.~~

445.5 ~~(e) Within the scope of services, the license holder must, at a minimum, assess~~  
445.6 ~~the following areas:~~

445.7 ~~(1) the person's ability to self-manage health and medical needs to maintain or~~  
445.8 ~~improve physical, mental, and emotional well-being, including, when applicable, allergies,~~  
445.9 ~~seizures, choking, special dietary needs, chronic medical conditions, self-administration~~  
445.10 ~~of medication or treatment orders, preventative screening, and medical and dental~~  
445.11 ~~appointments;~~

445.12 ~~(2) the person's ability to self-manage personal safety to avoid injury or accident in~~  
445.13 ~~the service setting, including, when applicable, risk of falling, mobility, regulating water~~  
445.14 ~~temperature, community survival skills, water safety skills, and sensory disabilities; and~~

445.15 ~~(3) the person's ability to self-manage symptoms or behavior that may otherwise~~  
445.16 ~~result in an incident as defined in section 245D.02, subdivision 11, clauses (4) to~~  
445.17 ~~(7), suspension or termination of services by the license holder, or other symptoms~~  
445.18 ~~or behaviors that may jeopardize the health and safety of the person or others. The~~  
445.19 ~~assessments must produce information about the person that is descriptive of the person's~~  
445.20 ~~overall strengths, functional skills and abilities, and behaviors or symptoms.~~

445.21 (b) Within the scope of services, the license holder must, at a minimum, complete  
445.22 assessments in the following areas before the 45-day planning meeting:

445.23 (1) the person's ability to self-manage health and medical needs to maintain or  
445.24 improve physical, mental, and emotional well-being, including, when applicable, allergies,  
445.25 seizures, choking, special dietary needs, chronic medical conditions, self-administration  
445.26 of medication or treatment orders, preventative screening, and medical and dental  
445.27 appointments;

445.28 (2) the person's ability to self-manage personal safety to avoid injury or accident in  
445.29 the service setting, including, when applicable, risk of falling, mobility, regulating water  
445.30 temperature, community survival skills, water safety skills, and sensory disabilities; and

445.31 (3) the person's ability to self-manage symptoms or behavior that may otherwise  
445.32 result in an incident as defined in section 245D.02, subdivision 11, clauses (4) to (7),  
445.33 suspension or termination of services by the license holder, or other symptoms or  
445.34 behaviors that may jeopardize the health and safety of the person or others.

445.35 Assessments must produce information about the person that describes the person's overall  
445.36 strengths, functional skills and abilities, and behaviors or symptoms. Assessments must

446.1 be based on the person's status within the last 12 months at the time of service initiation.  
 446.2 Assessments based on older information must be documented and justified. Assessments  
 446.3 must be conducted annually at a minimum or within 30 days of a written request from the  
 446.4 person or the person's legal representative or case manager. The results must be reviewed  
 446.5 by the support team or expanded support team as part of a service plan review.

446.6 (c) Within 45 days of service initiation, the license holder must meet with the  
 446.7 person, the person's legal representative, the case manager, and other members of the  
 446.8 support team or expanded support team to determine the following based on information  
 446.9 obtained from the assessments identified in paragraph (b), the person's identified needs  
 446.10 in the coordinated service and support plan, and the requirements in subdivision 4 and  
 446.11 section 245D.07, subdivision 1a:

446.12 (1) the scope of the services to be provided to support the person's daily needs  
 446.13 and activities;

446.14 (2) the person's desired outcomes and the supports necessary to accomplish the  
 446.15 person's desired outcomes;

446.16 (3) the person's preferences for how services and supports are provided;

446.17 (4) whether the current service setting is the most integrated setting available and  
 446.18 appropriate for the person; and

446.19 (5) how services must be coordinated across other providers licensed under this  
 446.20 chapter serving the person and members of the support team or expanded support team to  
 446.21 ensure continuity of care and coordination of services for the person.

446.22 Sec. 38. Minnesota Statutes 2013 Supplement, section 245D.071, subdivision 4,  
 446.23 is amended to read:

446.24 Subd. 4. **Service outcomes and supports.** (a) Within ten working days of the  
 446.25 45-day planning meeting, the license holder must develop ~~and document~~ a service plan that  
 446.26 documents the service outcomes and supports based on the assessments completed under  
 446.27 subdivision 3 and the requirements in section 245D.07, subdivision 1a. The outcomes and  
 446.28 supports must be included in the coordinated service and support plan addendum.

446.29 (b) The license holder must document the supports and methods to be implemented  
 446.30 to support the ~~accomplishment of person and accomplish~~ outcomes related to acquiring,  
 446.31 retaining, or improving skills and physical, mental, and emotional health and well-being.  
 446.32 The documentation must include:

446.33 (1) the methods or actions that will be used to support the person and to accomplish  
 446.34 the service outcomes, including information about:

447.1 (i) any changes or modifications to the physical and social environments necessary  
447.2 when the service supports are provided;

447.3 (ii) any equipment and materials required; and

447.4 (iii) techniques that are consistent with the person's communication mode and  
447.5 learning style;

447.6 (2) the measurable and observable criteria for identifying when the desired outcome  
447.7 has been achieved and how data will be collected;

447.8 (3) the projected starting date for implementing the supports and methods and  
447.9 the date by which progress towards accomplishing the outcomes will be reviewed and  
447.10 evaluated; and

447.11 (4) the names of the staff or position responsible for implementing the supports  
447.12 and methods.

447.13 (c) Within 20 working days of the 45-day meeting, the license holder must obtain  
447.14 dated signatures from the person or the person's legal representative and case manager  
447.15 to document completion and approval of the assessment and coordinated service and  
447.16 support plan addendum.

447.17 Sec. 39. Minnesota Statutes 2013 Supplement, section 245D.071, subdivision 5,  
447.18 is amended to read:

447.19 Subd. 5. ~~Progress reviews~~ **Service plan review and evaluation.** (a) The license  
447.20 holder must give the person or the person's legal representative and case manager an  
447.21 opportunity to participate in the ongoing review and development of the service plan  
447.22 and the methods used to support the person and accomplish outcomes identified in  
447.23 subdivisions 3 and 4. The license holder, in coordination with the person's support team  
447.24 or expanded support team, must meet with the person, the person's legal representative,  
447.25 and the case manager, and participate in ~~progress~~ service plan review meetings following  
447.26 stated timelines established in the person's coordinated service and support plan or  
447.27 coordinated service and support plan addendum or within 30 days of a written request  
447.28 by the person, the person's legal representative, or the case manager, at a minimum of  
447.29 once per year. The purpose of the service plan review is to determine whether changes  
447.30 are needed to the service plan based on the assessment information, the license holder's  
447.31 evaluation of progress towards accomplishing outcomes, or other information provided by  
447.32 the support team or expanded support team.

447.33 (b) The license holder must summarize the person's status and progress toward  
447.34 achieving the identified outcomes and make recommendations and identify the rationale  
447.35 for changing, continuing, or discontinuing implementation of supports and methods

448.1 identified in subdivision 4 in a written report sent to the person or the person's legal  
448.2 representative and case manager five working days prior to the review meeting, unless  
448.3 the person, the person's legal representative, or the case manager requests to receive the  
448.4 report at the time of the meeting.

448.5 (c) Within ten working days of the progress review meeting, the license holder  
448.6 must obtain dated signatures from the person or the person's legal representative and  
448.7 the case manager to document approval of any changes to the coordinated service and  
448.8 support plan addendum.

448.9 Sec. 40. Minnesota Statutes 2013 Supplement, section 245D.081, subdivision 2,  
448.10 is amended to read:

448.11 Subd. 2. **Coordination and evaluation of individual service delivery.** (a) Delivery  
448.12 and evaluation of services provided by the license holder must be coordinated by a  
448.13 designated staff person. The designated coordinator must provide supervision, support,  
448.14 and evaluation of activities that include:

448.15 (1) oversight of the license holder's responsibilities assigned in the person's  
448.16 coordinated service and support plan and the coordinated service and support plan  
448.17 addendum;

448.18 (2) taking the action necessary to facilitate the accomplishment of the outcomes  
448.19 according to the requirements in section 245D.07;

448.20 (3) instruction and assistance to direct support staff implementing the coordinated  
448.21 service and support plan and the service outcomes, including direct observation of service  
448.22 delivery sufficient to assess staff competency; and

448.23 (4) evaluation of the effectiveness of service delivery, methodologies, and progress on  
448.24 the person's outcomes based on the measurable and observable criteria for identifying when  
448.25 the desired outcome has been achieved according to the requirements in section 245D.07.

448.26 (b) The license holder must ensure that the designated coordinator is competent to  
448.27 perform the required duties identified in paragraph (a) through education and<sub>2</sub> training  
448.28 ~~in human services and disability-related fields, and work experience in providing direct~~  
448.29 ~~care services and supports to persons with disabilities~~ relevant to the primary disability of  
448.30 persons served by the license holder and the individual persons for whom the designated  
448.31 coordinator is responsible. The designated coordinator must have the skills and ability  
448.32 necessary to develop effective plans and to design and use data systems to measure  
448.33 effectiveness of services and supports. The license holder must verify and document  
448.34 competence according to the requirements in section 245D.09, subdivision 3. The  
448.35 designated coordinator must minimally have:



449.1 (1) a baccalaureate degree in a field related to human services, and one year of  
449.2 full-time work experience providing direct care services to persons with disabilities or  
449.3 persons age 65 and older;

449.4 (2) an associate degree in a field related to human services, and two years of  
449.5 full-time work experience providing direct care services to persons with disabilities or  
449.6 persons age 65 and older;

449.7 (3) a diploma in a field related to human services from an accredited postsecondary  
449.8 institution and three years of full-time work experience providing direct care services to  
449.9 persons with disabilities or persons age 65 and older; or

449.10 (4) a minimum of 50 hours of education and training related to human services  
449.11 and disabilities; and

449.12 (5) four years of full-time work experience providing direct care services to persons  
449.13 with disabilities or persons age 65 and older under the supervision of a staff person who  
449.14 meets the qualifications identified in clauses (1) to (3).

449.15 Sec. 41. Minnesota Statutes 2013 Supplement, section 245D.09, subdivision 3, is  
449.16 amended to read:

449.17 Subd. 3. **Staff qualifications.** (a) The license holder must ensure that staff providing  
449.18 direct support, or staff who have responsibilities related to supervising or managing the  
449.19 provision of direct support service, are competent as demonstrated through skills and  
449.20 knowledge training, experience, and education relevant to the primary disability of the  
449.21 person and to meet the person's needs and additional requirements as written in the  
449.22 coordinated service and support plan or coordinated service and support plan addendum,  
449.23 or when otherwise required by the case manager or the federal waiver plan. The license  
449.24 holder must verify and maintain evidence of staff competency, including documentation of:

449.25 (1) education and experience qualifications relevant to the job responsibilities  
449.26 assigned to the staff and to the needs of the general population primary disability of  
449.27 persons served by the program, including a valid degree and transcript, or a current license,  
449.28 registration, or certification, when a degree or licensure, registration, or certification is  
449.29 required by this chapter or in the coordinated service and support plan or coordinated  
449.30 service and support plan addendum;

449.31 (2) demonstrated competency in the orientation and training areas required under  
449.32 this chapter, and when applicable, completion of continuing education required to  
449.33 maintain professional licensure, registration, or certification requirements. Competency in  
449.34 these areas is determined by the license holder through knowledge testing and or observed  
449.35 skill assessment conducted by the trainer or instructor; and

450.1 (3) except for a license holder who is the sole direct support staff, periodic  
450.2 performance evaluations completed by the license holder of the direct support staff  
450.3 person's ability to perform the job functions based on direct observation.

450.4 (b) Staff under 18 years of age may not perform overnight duties or administer  
450.5 medication.

450.6 Sec. 42. Minnesota Statutes 2013 Supplement, section 245D.09, subdivision 4a,  
450.7 is amended to read:

450.8 Subd. 4a. **Orientation to individual service recipient needs.** (a) Before having  
450.9 unsupervised direct contact with a person served by the program, or for whom the staff  
450.10 person has not previously provided direct support, or any time the plans or procedures  
450.11 identified in paragraphs (b) to ~~(f)~~ (g) are revised, the staff person must review and receive  
450.12 instruction on the requirements in paragraphs (b) to ~~(f)~~ (g) as they relate to the staff  
450.13 person's job functions for that person.

450.14 (b) Training and competency evaluations must include the following:

450.15 (1) appropriate and safe techniques in personal hygiene and grooming, including  
450.16 hair care; bathing; care of teeth, gums, and oral prosthetic devices; and other activities of  
450.17 daily living (ADLs) as defined under section 256B.0659, subdivision 1;

450.18 (2) an understanding of what constitutes a healthy diet according to data from the  
450.19 Centers for Disease Control and Prevention and the skills necessary to prepare that diet;

450.20 (3) skills necessary to provide appropriate support in instrumental activities of daily  
450.21 living (IADLs) as defined under section 256B.0659, subdivision 1; and

450.22 (4) demonstrated competence in providing first aid.

450.23 (c) The staff person must review and receive instruction on the person's coordinated  
450.24 service and support plan or coordinated service and support plan addendum as it relates  
450.25 to the responsibilities assigned to the license holder, and when applicable, the person's  
450.26 individual abuse prevention plan, to achieve and demonstrate an understanding of the  
450.27 person as a unique individual, and how to implement those plans.

450.28 (d) The staff person must review and receive instruction on medication setup,  
450.29 assistance, or administration procedures established for the person when ~~medication~~  
450.30 ~~administration~~ is assigned to the license holder according to section 245D.05, subdivision  
450.31 1, paragraph (b). Unlicensed staff may ~~administer medications~~ perform medication setup  
450.32 or medication administration only after successful completion of a medication setup or  
450.33 medication administration training, from a training curriculum developed by a registered  
450.34 nurse, ~~clinical nurse specialist in psychiatric and mental health nursing, certified nurse~~  
450.35 ~~practitioner, physician's assistant, or physician~~ or appropriate licensed health professional.

451.1 The training curriculum must incorporate an observed skill assessment conducted by the  
451.2 trainer to ensure unlicensed staff demonstrate the ability to safely and correctly follow  
451.3 medication procedures.

451.4 Medication administration must be taught by a registered nurse, clinical nurse  
451.5 specialist, certified nurse practitioner, physician's assistant, or physician if, at the time of  
451.6 service initiation or any time thereafter, the person has or develops a health care condition  
451.7 that affects the service options available to the person because the condition requires:

451.8 (1) specialized or intensive medical or nursing supervision; and

451.9 (2) nonmedical service providers to adapt their services to accommodate the health  
451.10 and safety needs of the person.

451.11 (e) The staff person must review and receive instruction on the safe and correct  
451.12 operation of medical equipment used by the person to sustain life, including but not  
451.13 limited to ventilators, feeding tubes, or endotracheal tubes. The training must be provided  
451.14 by a licensed health care professional or a manufacturer's representative and incorporate  
451.15 an observed skill assessment to ensure staff demonstrate the ability to safely and correctly  
451.16 operate the equipment according to the treatment orders and the manufacturer's instructions.

451.17 (f) The staff person must review and receive instruction on what constitutes use of  
451.18 restraints, time out, and seclusion, including chemical restraint, and staff responsibilities  
451.19 related to the prohibitions of their use according to the requirements in section 245D.06,  
451.20 subdivision 5 or successor provisions, why such procedures are not effective for reducing  
451.21 or eliminating symptoms or undesired behavior and why they are not safe, and the safe  
451.22 and correct use of manual restraint on an emergency basis according to the requirements  
451.23 in section 245D.061 or successor provisions.

451.24 (g) The staff person must review and receive instruction on mental health crisis  
451.25 response, de-escalation techniques, and suicide intervention when providing direct support  
451.26 to a person with a serious mental illness.

451.27 ~~(g)~~ (h) In the event of an emergency service initiation, the license holder must ensure  
451.28 the training required in this subdivision occurs within 72 hours of the direct support staff  
451.29 person first having unsupervised contact with the person receiving services. The license  
451.30 holder must document the reason for the unplanned or emergency service initiation and  
451.31 maintain the documentation in the person's service recipient record.

451.32 ~~(h)~~ (i) License holders who provide direct support services themselves must  
451.33 complete the orientation required in subdivision 4, clauses (3) to (7).

451.34 Sec. 43. Minnesota Statutes 2013 Supplement, section 245D.091, subdivision 2,  
451.35 is amended to read:

452.1 Subd. 2. **Behavior professional qualifications.** A behavior professional providing  
452.2 behavioral support services as identified in section 245D.03, subdivision 1, paragraph (c),  
452.3 clause (1), item (i), as defined in the brain injury and community alternatives for disabled  
452.4 individuals waiver plans or successor plans, must have competencies in the following  
452.5 areas related to as required under the brain injury and community alternatives for disabled  
452.6 individuals waiver plans or successor plans:

- 452.7 (1) ethical considerations;
- 452.8 (2) functional assessment;
- 452.9 (3) functional analysis;
- 452.10 (4) measurement of behavior and interpretation of data;
- 452.11 (5) selecting intervention outcomes and strategies;
- 452.12 (6) behavior reduction and elimination strategies that promote least restrictive  
452.13 approved alternatives;
- 452.14 (7) data collection;
- 452.15 (8) staff and caregiver training;
- 452.16 (9) support plan monitoring;
- 452.17 (10) co-occurring mental disorders or neurocognitive disorder;
- 452.18 (11) demonstrated expertise with populations being served; and
- 452.19 (12) must be a:
- 452.20 (i) psychologist licensed under sections 148.88 to 148.98, who has stated to the  
452.21 Board of Psychology competencies in the above identified areas;
- 452.22 (ii) clinical social worker licensed as an independent clinical social worker under  
452.23 chapter 148D, or a person with a master's degree in social work from an accredited college  
452.24 or university, with at least 4,000 hours of post-master's supervised experience in the  
452.25 delivery of clinical services in the areas identified in clauses (1) to (11);
- 452.26 (iii) physician licensed under chapter 147 and certified by the American Board  
452.27 of Psychiatry and Neurology or eligible for board certification in psychiatry with  
452.28 competencies in the areas identified in clauses (1) to (11);
- 452.29 (iv) licensed professional clinical counselor licensed under sections 148B.29 to  
452.30 148B.39 with at least 4,000 hours of post-master's supervised experience in the delivery  
452.31 of clinical services who has demonstrated competencies in the areas identified in clauses  
452.32 (1) to (11);
- 452.33 (v) person with a master's degree from an accredited college or university in one  
452.34 of the behavioral sciences or related fields, with at least 4,000 hours of post-master's  
452.35 supervised experience in the delivery of clinical services with demonstrated competencies  
452.36 in the areas identified in clauses (1) to (11); or

453.1 (vi) registered nurse who is licensed under sections 148.171 to 148.285, and who is  
453.2 certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and  
453.3 mental health nursing by a national nurse certification organization, or who has a master's  
453.4 degree in nursing or one of the behavioral sciences or related fields from an accredited  
453.5 college or university or its equivalent, with at least 4,000 hours of post-master's supervised  
453.6 experience in the delivery of clinical services.

453.7 Sec. 44. Minnesota Statutes 2013 Supplement, section 245D.091, subdivision 3,  
453.8 is amended to read:

453.9 Subd. 3. **Behavior analyst qualifications.** (a) A behavior analyst providing  
453.10 behavioral support services as identified in section 245D.03, subdivision 1, paragraph  
453.11 (c), clause (1), item (i), as defined in the brain injury and community alternatives for  
453.12 disabled individuals waiver plans or successor plans, must have competencies in the  
453.13 following areas as required under the brain injury and community alternatives for disabled  
453.14 individuals waiver plans or successor plans:

453.15 (1) have obtained a baccalaureate degree, master's degree, or PhD in a social services  
453.16 discipline; or

453.17 (2) meet the qualifications of a mental health practitioner as defined in section  
453.18 245.462, subdivision 17.

453.19 (b) In addition, a behavior analyst must:

453.20 (1) have four years of supervised experience working with individuals who exhibit  
453.21 challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder;

453.22 (2) have received ten hours of instruction in functional assessment and functional  
453.23 analysis;

453.24 (3) have received 20 hours of instruction in the understanding of the function of  
453.25 behavior;

453.26 (4) have received ten hours of instruction on design of positive practices behavior  
453.27 support strategies;

453.28 (5) have received 20 hours of instruction on the use of behavior reduction approved  
453.29 strategies used only in combination with behavior positive practices strategies;

453.30 (6) be determined by a behavior professional to have the training and prerequisite  
453.31 skills required to provide positive practice strategies as well as behavior reduction  
453.32 approved and permitted intervention to the person who receives behavioral support; and

453.33 (7) be under the direct supervision of a behavior professional.

454.1 Sec. 45. Minnesota Statutes 2013 Supplement, section 245D.091, subdivision 4,  
454.2 is amended to read:

454.3 Subd. 4. **Behavior specialist qualifications.** (a) A behavior specialist providing  
454.4 behavioral support services as identified in section 245D.03, subdivision 1, paragraph (c),  
454.5 clause (1), item (i), as defined in the brain injury and community alternatives for disabled  
454.6 individuals waiver plans or successor plans; must meet the following qualifications have  
454.7 competencies in the following areas as required under the brain injury and community  
454.8 alternatives for disabled individuals waiver plans or successor plans:

454.9 (1) have an associate's degree in a social services discipline; or

454.10 (2) have two years of supervised experience working with individuals who exhibit  
454.11 challenging behaviors as well as co-occurring mental disorders or neurocognitive disorder.

454.12 (b) In addition, a behavior specialist must:

454.13 (1) have received a minimum of four hours of training in functional assessment;

454.14 (2) have received 20 hours of instruction in the understanding of the function of  
454.15 behavior;

454.16 (3) have received ten hours of instruction on design of positive practices behavioral  
454.17 support strategies;

454.18 (4) be determined by a behavior professional to have the training and prerequisite  
454.19 skills required to provide positive practices strategies as well as behavior reduction  
454.20 approved intervention to the person who receives behavioral support; and

454.21 (5) be under the direct supervision of a behavior professional.

454.22 Sec. 46. Minnesota Statutes 2013 Supplement, section 245D.10, subdivision 3, is  
454.23 amended to read:

454.24 Subd. 3. **Service suspension and service termination.** (a) The license holder must  
454.25 establish policies and procedures for temporary service suspension and service termination  
454.26 that promote continuity of care and service coordination with the person and the case  
454.27 manager and with other licensed caregivers, if any, who also provide support to the person.

454.28 (b) The policy must include the following requirements:

454.29 (1) the license holder must notify the person or the person's legal representative and  
454.30 case manager in writing of the intended termination or temporary service suspension, and  
454.31 the person's right to seek a temporary order staying the termination of service according to  
454.32 the procedures in section 256.045, subdivision 4a, or 6, paragraph (c);

454.33 (2) notice of the proposed termination of services, including those situations that  
454.34 began with a temporary service suspension, must be given at least 60 days before the  
454.35 proposed termination is to become effective when a license holder is providing intensive

455.1 supports and services identified in section 245D.03, subdivision 1, paragraph (c), and 30  
455.2 days prior to termination for all other services licensed under this chapter. This notice  
455.3 may be given in conjunction with a notice of temporary service suspension;

455.4 (3) notice of temporary service suspension must be given on the first day of the  
455.5 service suspension;

455.6 ~~(3)~~ (4) the license holder must provide information requested by the person or case  
455.7 manager when services are temporarily suspended or upon notice of termination;

455.8 ~~(4)~~ (5) prior to giving notice of service termination or temporary service suspension,  
455.9 the license holder must document actions taken to minimize or eliminate the need for  
455.10 service suspension or termination;

455.11 ~~(5)~~ (6) during the temporary service suspension or service termination notice period,  
455.12 the license holder ~~will~~ must work with the ~~appropriate county agency support team or~~  
455.13 expanded support team to develop reasonable alternatives to protect the person and others;

455.14 ~~(6)~~ (7) the license holder must maintain information about the service suspension or  
455.15 termination, including the written termination notice, in the service recipient record; and

455.16 ~~(7)~~ (8) the license holder must restrict temporary service suspension to situations in  
455.17 which the person's conduct poses an imminent risk of physical harm to self or others and  
455.18 less restrictive or positive support strategies would not achieve and maintain safety.

455.19 Sec. 47. Minnesota Statutes 2013 Supplement, section 245D.10, subdivision 4, is  
455.20 amended to read:

455.21 Subd. 4. **Availability of current written policies and procedures.** (a) The license  
455.22 holder must review and update, as needed, the written policies and procedures required  
455.23 under this chapter.

455.24 (b) (1) The license holder must inform the person and case manager of the policies  
455.25 and procedures affecting a person's rights under section 245D.04, and provide copies of  
455.26 those policies and procedures, within five working days of service initiation.

455.27 (2) If a license holder only provides basic services and supports, this includes the:

455.28 (i) grievance policy and procedure required under subdivision 2; and

455.29 (ii) service suspension and termination policy and procedure required under  
455.30 subdivision 3.

455.31 (3) For all other license holders this includes the:

455.32 (i) policies and procedures in clause (2);

455.33 (ii) emergency use of manual restraints policy and procedure required under section  
455.34 245D.061, subdivision 10, or successor provisions; and

455.35 (iii) data privacy requirements under section 245D.11, subdivision 3.

456.1 (c) The license holder must provide a written notice to all persons or their legal  
456.2 representatives and case managers at least 30 days before implementing any procedural  
456.3 revisions to policies affecting a person's service-related or protection-related rights under  
456.4 section 245D.04 and maltreatment reporting policies and procedures. The notice must  
456.5 explain the revision that was made and include a copy of the revised policy and procedure.  
456.6 The license holder must document the reasonable cause for not providing the notice at  
456.7 least 30 days before implementing the revisions.

456.8 (d) Before implementing revisions to required policies and procedures, the license  
456.9 holder must inform all employees of the revisions and provide training on implementation  
456.10 of the revised policies and procedures.

456.11 (e) The license holder must annually notify all persons, or their legal representatives,  
456.12 and case managers of any procedural revisions to policies required under this chapter,  
456.13 other than those in paragraph (c). Upon request, the license holder must provide the  
456.14 person, or the person's legal representative, and case manager with copies of the revised  
456.15 policies and procedures.

456.16 Sec. 48. Minnesota Statutes 2013 Supplement, section 245D.11, subdivision 2, is  
456.17 amended to read:

456.18 Subd. 2. **Health and safety.** The license holder must establish policies and  
456.19 procedures that promote health and safety by ensuring:

456.20 (1) use of universal precautions and sanitary practices in compliance with section  
456.21 245D.06, subdivision 2, clause (5);

456.22 (2) if the license holder operates a residential program, health service coordination  
456.23 and care according to the requirements in section 245D.05, subdivision 1;

456.24 (3) safe medication assistance and administration according to the requirements  
456.25 in sections 245D.05, subdivisions 1a, 2, and 5, and 245D.051, that are established in  
456.26 consultation with a registered nurse, nurse practitioner, physician's assistant, or medical  
456.27 doctor and require completion of medication administration training according to the  
456.28 requirements in section 245D.09, subdivision 4a, paragraph (d). Medication assistance  
456.29 and administration includes, but is not limited to:

456.30 (i) providing medication-related services for a person;

456.31 (ii) medication setup;

456.32 (iii) medication administration;

456.33 (iv) medication storage and security;

456.34 (v) medication documentation and charting;



- 457.1 (vi) verification and monitoring of effectiveness of systems to ensure safe medication  
457.2 handling and administration;
- 457.3 (vii) coordination of medication refills;
- 457.4 (viii) handling changes to prescriptions and implementation of those changes;
- 457.5 (ix) communicating with the pharmacy; and
- 457.6 (x) coordination and communication with prescriber;
- 457.7 (4) safe transportation, when the license holder is responsible for transportation of  
457.8 persons, with provisions for handling emergency situations according to the requirements  
457.9 in section 245D.06, subdivision 2, clauses (2) to (4);
- 457.10 (5) a plan for ensuring the safety of persons served by the program in emergencies as  
457.11 defined in section 245D.02, subdivision 8, and procedures for staff to report emergencies  
457.12 to the license holder. A license holder with a community residential setting or a day service  
457.13 facility license must ensure the policy and procedures comply with the requirements in  
457.14 section 245D.22, subdivision 4;
- 457.15 (6) a plan for responding to all incidents as defined in section 245D.02, subdivision  
457.16 11; and reporting all incidents required to be reported according to section 245D.06,  
457.17 subdivision 1. The plan must:
- 457.18 (i) provide the contact information of a source of emergency medical care and  
457.19 transportation; and
- 457.20 (ii) require staff to first call 911 when the staff believes a medical emergency may  
457.21 be life threatening, or to call the mental health crisis intervention team or similar mental  
457.22 health response team or service when such a team is available and appropriate when the  
457.23 person is experiencing a mental health crisis; and
- 457.24 (7) a procedure for the review of incidents and emergencies to identify trends or  
457.25 patterns, and corrective action if needed. The license holder must establish and maintain  
457.26 a record-keeping system for the incident and emergency reports. Each incident and  
457.27 emergency report file must contain a written summary of the incident. The license holder  
457.28 must conduct a review of incident reports for identification of incident patterns, and  
457.29 implementation of corrective action as necessary to reduce occurrences. Each incident  
457.30 report must include:
- 457.31 (i) the name of the person or persons involved in the incident. It is not necessary  
457.32 to identify all persons affected by or involved in an emergency unless the emergency  
457.33 resulted in an incident;
- 457.34 (ii) the date, time, and location of the incident or emergency;
- 457.35 (iii) a description of the incident or emergency;

458.1 (iv) a description of the response to the incident or emergency and whether a person's  
458.2 coordinated service and support plan addendum or program policies and procedures were  
458.3 implemented as applicable;

458.4 (v) the name of the staff person or persons who responded to the incident or  
458.5 emergency; and

458.6 (vi) the determination of whether corrective action is necessary based on the results  
458.7 of the review.

458.8 Sec. 49. Minnesota Statutes 2013 Supplement, section 252.27, subdivision 2a, is  
458.9 amended to read:

458.10 Subd. 2a. **Contribution amount.** (a) The natural or adoptive parents of a minor  
458.11 child, including a child determined eligible for medical assistance without consideration of  
458.12 parental income, must contribute to the cost of services used by making monthly payments  
458.13 on a sliding scale based on income, unless the child is married or has been married, parental  
458.14 rights have been terminated, or the child's adoption is subsidized according to chapter  
458.15 259A or through title IV-E of the Social Security Act. The parental contribution is a partial  
458.16 or full payment for medical services provided for diagnostic, therapeutic, curing, treating,  
458.17 mitigating, rehabilitation, maintenance, and personal care services as defined in United  
458.18 States Code, title 26, section 213, needed by the child with a chronic illness or disability.

458.19 (b) For households with adjusted gross income equal to or greater than 275 percent  
458.20 of federal poverty guidelines, the parental contribution shall be computed by applying the  
458.21 following schedule of rates to the adjusted gross income of the natural or adoptive parents:

458.22 (1) if the adjusted gross income is equal to or greater than 275 percent of federal  
458.23 poverty guidelines and less than or equal to 545 percent of federal poverty guidelines,  
458.24 the parental contribution shall be determined using a sliding fee scale established by the  
458.25 commissioner of human services which begins at ~~2.76~~ 2.48 percent of adjusted gross  
458.26 income at 275 percent of federal poverty guidelines and increases to ~~7.5~~ 6.75 percent of  
458.27 adjusted gross income for those with adjusted gross income up to 545 percent of federal  
458.28 poverty guidelines;

458.29 (2) if the adjusted gross income is greater than 545 percent of federal poverty  
458.30 guidelines and less than 675 percent of federal poverty guidelines, the parental  
458.31 contribution shall be ~~7.5~~ 6.75 percent of adjusted gross income;

458.32 (3) if the adjusted gross income is equal to or greater than 675 percent of federal  
458.33 poverty guidelines and less than 975 percent of federal poverty guidelines, the parental  
458.34 contribution shall be determined using a sliding fee scale established by the commissioner  
458.35 of human services which begins at ~~7.5~~ 6.75 percent of adjusted gross income at 675 percent

459.1 of federal poverty guidelines and increases to ~~ten~~ nine percent of adjusted gross income  
459.2 for those with adjusted gross income up to 975 percent of federal poverty guidelines; and  
459.3 (4) if the adjusted gross income is equal to or greater than 975 percent of federal  
459.4 poverty guidelines, the parental contribution shall be ~~12.5~~ 11.25 percent of adjusted  
459.5 gross income.

459.6 If the child lives with the parent, the annual adjusted gross income is reduced by  
459.7 \$2,400 prior to calculating the parental contribution. If the child resides in an institution  
459.8 specified in section 256B.35, the parent is responsible for the personal needs allowance  
459.9 specified under that section in addition to the parental contribution determined under this  
459.10 section. The parental contribution is reduced by any amount required to be paid directly to  
459.11 the child pursuant to a court order, but only if actually paid.

459.12 (c) The household size to be used in determining the amount of contribution under  
459.13 paragraph (b) includes natural and adoptive parents and their dependents, including the  
459.14 child receiving services. Adjustments in the contribution amount due to annual changes  
459.15 in the federal poverty guidelines shall be implemented on the first day of July following  
459.16 publication of the changes.

459.17 (d) For purposes of paragraph (b), "income" means the adjusted gross income of the  
459.18 natural or adoptive parents determined according to the previous year's federal tax form,  
459.19 except, effective retroactive to July 1, 2003, taxable capital gains to the extent the funds  
459.20 have been used to purchase a home shall not be counted as income.

459.21 (e) The contribution shall be explained in writing to the parents at the time eligibility  
459.22 for services is being determined. The contribution shall be made on a monthly basis  
459.23 effective with the first month in which the child receives services. Annually upon  
459.24 redetermination or at termination of eligibility, if the contribution exceeded the cost of  
459.25 services provided, the local agency or the state shall reimburse that excess amount to  
459.26 the parents, either by direct reimbursement if the parent is no longer required to pay a  
459.27 contribution, or by a reduction in or waiver of parental fees until the excess amount is  
459.28 exhausted. All reimbursements must include a notice that the amount reimbursed may be  
459.29 taxable income if the parent paid for the parent's fees through an employer's health care  
459.30 flexible spending account under the Internal Revenue Code, section 125, and that the  
459.31 parent is responsible for paying the taxes owed on the amount reimbursed.

459.32 (f) The monthly contribution amount must be reviewed at least every 12 months;  
459.33 when there is a change in household size; and when there is a loss of or gain in income  
459.34 from one month to another in excess of ten percent. The local agency shall mail a written  
459.35 notice 30 days in advance of the effective date of a change in the contribution amount.

460.1 A decrease in the contribution amount is effective in the month that the parent verifies a  
460.2 reduction in income or change in household size.

460.3 (g) Parents of a minor child who do not live with each other shall each pay the  
460.4 contribution required under paragraph (a). An amount equal to the annual court-ordered  
460.5 child support payment actually paid on behalf of the child receiving services shall be  
460.6 deducted from the adjusted gross income of the parent making the payment prior to  
460.7 calculating the parental contribution under paragraph (b).

460.8 (h) The contribution under paragraph (b) shall be increased by an additional five  
460.9 percent if the local agency determines that insurance coverage is available but not  
460.10 obtained for the child. For purposes of this section, "available" means the insurance is a  
460.11 benefit of employment for a family member at an annual cost of no more than five percent  
460.12 of the family's annual income. For purposes of this section, "insurance" means health  
460.13 and accident insurance coverage, enrollment in a nonprofit health service plan, health  
460.14 maintenance organization, self-insured plan, or preferred provider organization.

460.15 Parents who have more than one child receiving services shall not be required  
460.16 to pay more than the amount for the child with the highest expenditures. There shall  
460.17 be no resource contribution from the parents. The parent shall not be required to pay  
460.18 a contribution in excess of the cost of the services provided to the child, not counting  
460.19 payments made to school districts for education-related services. Notice of an increase in  
460.20 fee payment must be given at least 30 days before the increased fee is due.

460.21 (i) The contribution under paragraph (b) shall be reduced by \$300 per fiscal year if,  
460.22 in the 12 months prior to July 1:

460.23 (1) the parent applied for insurance for the child;

460.24 (2) the insurer denied insurance;

460.25 (3) the parents submitted a complaint or appeal, in writing to the insurer, submitted  
460.26 a complaint or appeal, in writing, to the commissioner of health or the commissioner of  
460.27 commerce, or litigated the complaint or appeal; and

460.28 (4) as a result of the dispute, the insurer reversed its decision and granted insurance.

460.29 For purposes of this section, "insurance" has the meaning given in paragraph (h).

460.30 A parent who has requested a reduction in the contribution amount under this  
460.31 paragraph shall submit proof in the form and manner prescribed by the commissioner or  
460.32 county agency, including, but not limited to, the insurer's denial of insurance, the written  
460.33 letter or complaint of the parents, court documents, and the written response of the insurer  
460.34 approving insurance. The determinations of the commissioner or county agency under this  
460.35 paragraph are not rules subject to chapter 14.

461.1 Sec. 50. Minnesota Statutes 2012, section 252.451, subdivision 2, is amended to read:

461.2 Subd. 2. **Vendor participation and reimbursement.** Notwithstanding requirements  
461.3 in ~~chapter~~ chapters 245A and 245D, and sections 252.28, 252.40 to 252.46, and 256B.501,  
461.4 vendors of day training and habilitation services may enter into written agreements with  
461.5 qualified businesses to provide additional training and supervision needed by individuals  
461.6 to maintain their employment.

461.7 Sec. 51. Minnesota Statutes 2012, section 256.9752, subdivision 2, is amended to read:

461.8 Subd. 2. **Authority.** The Minnesota Board on Aging shall allocate to area agencies  
461.9 on aging the state and federal funds which are received for the senior nutrition programs  
461.10 of congregate dining and home-delivered meals in a manner consistent with federal  
461.11 requirements.

461.12 Sec. 52. Minnesota Statutes 2013 Supplement, section 256B.0949, subdivision 4,  
461.13 is amended to read:

461.14 Subd. 4. **Diagnosis.** (a) A diagnosis must:

461.15 (1) be based upon current DSM criteria including direct observations of the child  
461.16 and reports from parents or primary caregivers; and

461.17 (2) be completed by ~~both~~ either (i) a licensed physician or advanced practice  
461.18 registered nurse ~~and or (ii)~~ a mental health professional.

461.19 (b) Additional diagnostic assessment information may be considered including from  
461.20 special education evaluations and licensed school personnel, and from professionals  
461.21 licensed in the fields of medicine, speech and language, psychology, occupational therapy,  
461.22 and physical therapy.

461.23 ~~(c) If the commissioner determines there are access problems or delays in diagnosis~~  
461.24 ~~for a geographic area due to the lack of qualified professionals, the commissioner shall~~  
461.25 ~~waive the requirement in paragraph (a), clause (2), for two professionals and allow a~~  
461.26 ~~diagnosis to be made by one professional for that geographic area. This exception must be~~  
461.27 ~~limited to a specific period of time until, with stakeholder input as described in subdivision~~  
461.28 ~~8, there is a determination of an adequate number of professionals available to require two~~  
461.29 ~~professionals for each diagnosis.~~

461.30 Sec. 53. Minnesota Statutes 2013 Supplement, section 256B.0949, subdivision 5,  
461.31 is amended to read:

462.1 Subd. 5. **Diagnostic assessment.** The following information and assessments must  
462.2 be performed, reviewed, and relied upon for the eligibility determination, treatment and  
462.3 services recommendations, and treatment plan development for the child:

462.4 (1) an assessment of the child's developmental skills, functional behavior, needs,  
462.5 and capacities based on direct observation of the child which must be administered by  
462.6 a licensed mental health professional, must include medical or assessment information  
462.7 from the child's physician or advanced practice registered nurse and may also include  
462.8 observations from family members, school personnel, child care providers, or other  
462.9 caregivers, as well as any medical or assessment information from other licensed  
462.10 professionals such as ~~the child's physician~~, rehabilitation therapists, licensed school  
462.11 personnel, or mental health professionals; and

462.12 (2) an assessment of parental or caregiver capacity to participate in therapy including  
462.13 the type and level of parental or caregiver involvement and training recommended.

462.14 Sec. 54. Minnesota Statutes 2013 Supplement, section 256B.0949, subdivision 11,  
462.15 is amended to read:

462.16 Subd. 11. **Federal approval of the autism benefit.** (a) The provisions of  
462.17 ~~subdivision 9~~ this section shall apply to state plan services under title XIX of the Social  
462.18 Security Act when federal approval is granted under a 1915(i) waiver or other authority  
462.19 which allows children eligible for medical assistance through the TEFRA option under  
462.20 section 256B.055, subdivision 12, to qualify and includes children eligible for medical  
462.21 assistance in families over 150 percent of the federal poverty guidelines.

462.22 (b) The commissioner may use the federal authority for a Medicaid state plan  
462.23 amendment under Early and Periodic Screening Diagnosis and Treatment (EPSDT),  
462.24 United States Code, title 42, section 1396D(R)(5), or other Medicaid provision for any  
462.25 aspect or type of treatment covered in this section if new federal guidance is helpful  
462.26 in achieving one or more of the purposes of this section in a cost-effective manner.  
462.27 Notwithstanding subdivisions 2 and 3, any treatment services submitted for federal  
462.28 approval under EPSDT shall include appropriate medical criteria to qualify for the service  
462.29 and shall cover children through age 20.

462.30 Sec. 55. Minnesota Statutes 2013 Supplement, section 256B.0949, is amended by  
462.31 adding a subdivision to read:

462.32 Subd. 12. **Autism benefit; training provided.** After approval of the autism early  
462.33 intensive intervention benefit under this section by the Centers for Medicare and Medicaid  
462.34 Services, the commissioner shall provide statewide training on the benefit for culturally

463.1 and linguistically diverse communities. Training for autism service providers on culturally  
 463.2 appropriate practices must be online, accessible, and available in multiple languages. The  
 463.3 training for families, lead agencies, advocates, and other interested parties must provide  
 463.4 information about the benefit and how to access it.

463.5 Sec. 56. Minnesota Statutes 2013 Supplement, section 256B.439, subdivision 1,  
 463.6 is amended to read:

463.7 Subdivision 1. **Development and implementation of quality profiles.** (a) The  
 463.8 commissioner of human services, in cooperation with the commissioner of health, shall  
 463.9 develop and implement quality profiles for nursing facilities and, beginning not later than  
 463.10 July 1, 2014, for home and community-based services providers, except when the quality  
 463.11 profile system would duplicate requirements under section 256B.5011, 256B.5012, or  
 463.12 256B.5013. For purposes of this section, home and community-based services providers  
 463.13 are defined as providers of home and community-based services under sections 256B.0625,  
 463.14 subdivisions 6a, 7, and 19a; 256B.0913<sub>2</sub>; 256B.0915<sub>2</sub>; 256B.092<sub>2</sub>, and; 256B.49<sub>2</sub>; and  
 463.15 256B.85, and intermediate care facilities for persons with developmental disabilities  
 463.16 providers under section 256B.5013. To the extent possible, quality profiles must be  
 463.17 developed for providers of services to older adults and people with disabilities, regardless  
 463.18 of payor source, for the purposes of providing information to consumers. The quality  
 463.19 profiles must be developed using existing data sets maintained by the commissioners of  
 463.20 health and human services to the extent possible. The profiles must incorporate or be  
 463.21 coordinated with information on quality maintained by area agencies on aging, long-term  
 463.22 care trade associations, the ombudsman offices, counties, tribes, health plans, and other  
 463.23 entities and the long-term care database maintained under section 256.975, subdivision 7.  
 463.24 The profiles must be designed to provide information on quality to:

- 463.25 (1) consumers and their families to facilitate informed choices of service providers;
- 463.26 (2) providers to enable them to measure the results of their quality improvement  
 463.27 efforts and compare quality achievements with other service providers; and
- 463.28 (3) public and private purchasers of long-term care services to enable them to  
 463.29 purchase high-quality care.

463.30 (b) The profiles must be developed in consultation with the long-term care task  
 463.31 force, area agencies on aging, and representatives of consumers, providers, and labor  
 463.32 unions. Within the limits of available appropriations, the commissioners may employ  
 463.33 consultants to assist with this project.

463.34 **EFFECTIVE DATE.** This section is effective retroactively from February 1, 2014.

464.1 Sec. 57. Minnesota Statutes 2013 Supplement, section 256B.439, subdivision 7,  
464.2 is amended to read:

464.3 Subd. 7. **Calculation of home and community-based services quality add-on.**  
464.4 Effective On July 1, 2015, the commissioner shall determine the quality add-on rate  
464.5 change and adjust payment rates for participating all home and community-based services  
464.6 providers for services rendered on or after that date. The adjustment to a provider payment  
464.7 rate determined under this subdivision shall become part of the ongoing rate paid to that  
464.8 provider. The payment rate for the quality add-on shall be a variable amount based on  
464.9 each provider's quality score as determined in subdivisions 1 and 2a. All home and  
464.10 community-based services providers shall receive a minimum rate increase under this  
464.11 subdivision. In addition to a minimum rate increase, a home and community-based  
464.12 services provider shall receive a quality add-on payment. The commissioner shall limit  
464.13 the types of home and community-based services providers that may receive the quality  
464.14 add-on and based on availability of quality measures and outcome data. The commissioner  
464.15 shall limit the amount of the minimum rate increase and quality add-on payments to  
464.16 operate the quality add-on within funds appropriated for this purpose and based on the  
464.17 availability of the quality measures the equivalent of a one percent rate increase for all  
464.18 home and community-based services providers.

464.19 Sec. 58. Minnesota Statutes 2013 Supplement, section 256B.441, subdivision 63,  
464.20 is amended to read:

464.21 Subd. 63. **Critical access nursing facilities.** (a) The commissioner, in consultation  
464.22 with the commissioner of health, may designate certain nursing facilities as critical access  
464.23 nursing facilities. The designation shall be granted on a competitive basis, within the  
464.24 limits of funds appropriated for this purpose.

464.25 (b) The commissioner shall request proposals from nursing facilities every  
464.26 two years. Proposals must be submitted in the form and according to the timelines  
464.27 established by the commissioner. In selecting applicants to designate, the commissioner,  
464.28 in consultation with the commissioner of health, and with input from stakeholders, shall  
464.29 develop criteria designed to preserve access to nursing facility services in isolated areas,  
464.30 rebalance long-term care, and improve quality. Beginning in fiscal year 2015, to the  
464.31 extent practicable, the commissioner shall ensure an even distribution of designations  
464.32 across the state.

464.33 (c) The commissioner shall allow the benefits in clauses (1) to (5) for nursing  
464.34 facilities designated as critical access nursing facilities:



465.1 (1) partial rebasing, with the commissioner allowing a designated facility operating  
465.2 payment rates being the sum of up to 60 percent of the operating payment rate determined  
465.3 in accordance with subdivision 54 and at least 40 percent, with the sum of the two portions  
465.4 being equal to 100 percent, of the operating payment rate that would have been allowed  
465.5 had the facility not been designated. The commissioner may adjust these percentages by  
465.6 up to 20 percent and may approve a request for less than the amount allowed;

465.7 (2) enhanced payments for leave days. Notwithstanding section 256B.431,  
465.8 subdivision 2r, upon designation as a critical access nursing facility, the commissioner  
465.9 shall limit payment for leave days to 60 percent of that nursing facility's total payment rate  
465.10 for the involved resident, and shall allow this payment only when the occupancy of the  
465.11 nursing facility, inclusive of bed hold days, is equal to or greater than 90 percent;

465.12 (3) two designated critical access nursing facilities, with up to 100 beds in active  
465.13 service, may jointly apply to the commissioner of health for a waiver of Minnesota  
465.14 Rules, part 4658.0500, subpart 2, in order to jointly employ a director of nursing. The  
465.15 commissioner of health will consider each waiver request independently based on the  
465.16 criteria under Minnesota Rules, part 4658.0040;

465.17 (4) the minimum threshold under section 256B.431, subdivision 15, paragraph (e),  
465.18 shall be 40 percent of the amount that would otherwise apply; and

465.19 (5) notwithstanding subdivision 58, beginning October 1, 2014, the quality-based  
465.20 rate limits under subdivision 50 shall apply to designated critical access nursing facilities.

465.21 (d) Designation of a critical access nursing facility shall be for a period of two  
465.22 years, after which the benefits allowed under paragraph (c) shall be removed. Designated  
465.23 facilities may apply for continued designation.

465.24 Sec. 59. Minnesota Statutes 2012, section 256B.441, is amended by adding a  
465.25 subdivision to read:

465.26 Subd. 64. **Rate adjustments for compensation-related costs.** (a) Operating  
465.27 payment rates of all nursing facilities that are reimbursed under this section or section  
465.28 256B.434 shall be increased effective for rate years beginning on and after October 1,  
465.29 2014, to address changes in compensation costs for nursing facility employees paid less  
465.30 than \$14 per hour in accordance with this subdivision.

465.31 (b) Based on the application in paragraph (d), the commissioner shall calculate the  
465.32 allowable annualized compensation costs by adding the totals of clauses (1), (2), and (3).  
465.33 The result must be divided by the standardized or resident days from the most recently  
465.34 available cost report to determine per diem amounts, which must be included in the

466.1 operating portion of the total payment rate and allocated to direct care or other operating  
466.2 as determined by the commissioner:

466.3 (1) the sum of the difference between \$8 and any hourly wage rate less than \$8 for  
466.4 October 1, 2014; between \$9 and any hourly wage rate less than \$9 for October 1, 2015;  
466.5 between \$9.50 and any hourly wage rate less than \$9.50 for October 1, 2016; and between  
466.6 the indexed value of the minimum wage, as defined in section 177.24, subdivision 1,  
466.7 paragraph (f), and any hourly wage less than that indexed value for rate years beginning on  
466.8 and after October 1, 2017; multiplied by the number of compensated hours at that wage rate;

466.9 (2) using wages and hours in effect during the first three months of calendar year  
466.10 2014, beginning with the first pay period beginning on or after January 1, 2014; 33.3  
466.11 percent of the sum of items (i) to (viii) for October 1, 2014; 44.4 percent of the sum of  
466.12 items (i) to (viii) for October 1, 2015; and 22.2 percent of the sum of items (i) to (viii)  
466.13 for October 1, 2016;

466.14 (i) for all compensated hours from \$8 to \$8.49 per hour, the number of compensated  
466.15 hours is multiplied by \$0.13;

466.16 (ii) for all compensated hours from \$8.50 to \$8.99 per hour, the number of  
466.17 compensated hours is multiplied by \$0.25;

466.18 (iii) for all compensated hours from \$9 to \$9.49 per hour, the number of compensated  
466.19 hours is multiplied by \$0.38;

466.20 (iv) for all compensated hours from \$9.50 to \$10.49 per hour, the number of  
466.21 compensated hours is multiplied by \$0.50;

466.22 (v) for all compensated hours from \$10.50 to \$10.99 per hour, the number of  
466.23 compensated hours is multiplied by \$0.40;

466.24 (vi) for all compensated hours from \$11 to \$11.49 per hour, the number of  
466.25 compensated hours is multiplied by \$0.30;

466.26 (vii) for all compensated hours from \$11.50 to \$11.99 per hour, the number of  
466.27 compensated hours is multiplied by \$0.20; and

466.28 (viii) for all compensated hours from \$12 to \$13.00 per hour, the number of  
466.29 compensated hours is multiplied by \$0.10; and

466.30 (3) the sum of the employer's share of FICA taxes, Medicare taxes, state and federal  
466.31 unemployment taxes, workers' compensation, pensions, and contributions to employee  
466.32 retirement accounts attributable to the amounts in clauses (1) and (2).

466.33 (c) For the rate years beginning October 1, 2014, and later, nursing facilities that  
466.34 receive approval of the applications in paragraph (d) must receive rate adjustments  
466.35 according to paragraph (b). The rate adjustments must be used to pay compensation costs  
466.36 for nursing facility employees paid less than \$14 per hour.

467.1 (d) To receive a rate adjustment, nursing facilities must submit applications to the  
467.2 commissioner in a form and manner determined by the commissioner. The applications for  
467.3 the rate adjustments shall include specified data, and spending plans that describe how the  
467.4 funds from the rate adjustments will be allocated for compensation to employees paid less  
467.5 than \$14 per hour. The applications must be submitted within three months of the effective  
467.6 date of any operating payment rate adjustment under this subdivision. The commissioner  
467.7 may request any additional information needed to determine the rate adjustment within  
467.8 three weeks of receiving a complete application. The nursing facility must provide any  
467.9 additional information requested by the commissioner within six months of the effective  
467.10 date of any operating payment rate adjustment under this subdivision. The commissioner  
467.11 may waive the deadlines in this subdivision under extraordinary circumstances.

467.12 (e) For nursing facilities in which employees are represented by an exclusive  
467.13 bargaining representative, the commissioner shall approve the applications submitted  
467.14 under this subdivision only upon receipt of a letter or letters of acceptance of the spending  
467.15 plans in regard to members of the bargaining unit, signed by the exclusive bargaining  
467.16 agent and dated after May 31, 2014. Upon receipt of the letter or letters of acceptance,  
467.17 the commissioner shall deem all requirements of this subdivision as having been met in  
467.18 regard to the members of the bargaining unit.

467.19 Sec. 60. Minnesota Statutes 2013 Supplement, section 256B.4912, subdivision 1,  
467.20 is amended to read:

467.21 Subdivision 1. **Provider qualifications.** (a) For the home and community-based  
467.22 waivers providing services to seniors and individuals with disabilities under sections  
467.23 256B.0913, 256B.0915, 256B.092, and 256B.49, the commissioner shall establish:

467.24 (1) agreements with enrolled waiver service providers to ensure providers meet  
467.25 Minnesota health care program requirements;

467.26 (2) regular reviews of provider qualifications, and including requests of proof of  
467.27 documentation; and

467.28 (3) processes to gather the necessary information to determine provider qualifications.

467.29 (b) Beginning July 1, 2012, staff that provide direct contact, as defined in section  
467.30 245C.02, subdivision 11, for services specified in the federally approved waiver plans  
467.31 must meet the requirements of chapter 245C prior to providing waiver services and as  
467.32 part of ongoing enrollment. Upon federal approval, this requirement must also apply to  
467.33 consumer-directed community supports.

467.34 (c) Beginning January 1, 2014, service owners and managerial officials overseeing  
467.35 the management or policies of services that provide direct contact as specified in the

468.1 federally approved waiver plans must meet the requirements of chapter 245C prior to  
468.2 reenrollment or revalidation or, for new providers, prior to initial enrollment if they have  
468.3 not already done so as a part of service licensure requirements.

468.4 Sec. 61. Minnesota Statutes 2013 Supplement, section 256B.4913, subdivision 4a,  
468.5 is amended to read:

468.6 Subd. 4a. **Rate stabilization adjustment.** (a) For purposes of this subdivision,  
468.7 "implementation period" ~~shall mean~~ means the period beginning January 1, 2014, and  
468.8 ending on the last day of the month in which the rate management system is populated  
468.9 with the data necessary to calculate rates for substantially all individuals receiving home  
468.10 and community-based waiver services under sections 256B.092 and 256B.49. "Banding  
468.11 period" means the time period beginning on January 1, 2014, and ending upon the  
468.12 expiration of the 12-month period defined in paragraph (c), clause (5).

468.13 (b) For purposes of this subdivision, the ~~banding value~~ historical rate for all service  
468.14 recipients ~~shall mean~~ means the individual reimbursement rate for a recipient in effect on  
468.15 December 1, 2013, except that:

468.16 (1)(i) ~~for day training and habilitation pilot program service recipients, the banding~~  
468.17 ~~value shall be the authorized rate for the provider in the county of service effective~~  
468.18 ~~December 1, 2013, if the~~ for a day service recipient: who was not authorized to receive  
468.19 these waiver services prior to January 1, 2014; added a new service or services on or after  
468.20 January 1, 2014; or changed providers on or after January 1, 2014, the historical rate  
468.21 must be the authorized rate for the provider in the county of service, effective December  
468.22 1, 2013; and or

468.23 (ii) ~~for all other unit or day service recipients, the banding value shall be the~~  
468.24 ~~weighted average authorized rate for each provider number in the county of service~~  
468.25 ~~effective December 1, 2013, if the~~ (2) for a unit-based service with programming or  
468.26 a unit-based service without programming recipient: who was not authorized to receive  
468.27 these waiver services prior to January 1, 2014; added a new service or services on or after  
468.28 January 1, 2014; or changed providers on or after January 1, 2014, the historical rate  
468.29 must be the weighted average authorized rate for each provider number in the county of  
468.30 service, effective December 1, 2013; and or

468.31 (2) (3) for residential service recipients who change providers on or after January  
468.32 1, 2014, the ~~banding value shall~~ historical rate must be set by each lead agency within  
468.33 their county aggregate budget using their respective methodology for residential services  
468.34 effective December 1, 2013, for determining the provider rate for a similarly situated  
468.35 recipient being served by that provider.

469.1 (c) The commissioner shall adjust individual reimbursement rates determined under  
469.2 this section so that the unit rate is no higher or lower than:

469.3 (1) 0.5 percent from the ~~banding value~~ historical rate for the implementation period;

469.4 (2) 0.5 percent from the rate in effect in clause (1), for the 12-month period  
469.5 immediately following the time period of clause (1);

469.6 (3) 1.0 percent from the rate in effect in clause (2), for the 12-month period  
469.7 immediately following the time period of clause (2);

469.8 (4) 1.0 percent from the rate in effect in clause (3), for the 12-month period  
469.9 immediately following the time period of clause (3); and

469.10 (5) 1.0 percent from the rate in effect in clause (4), for the 12-month period  
469.11 immediately following the time period of clause (4).

469.12 (d) The commissioner shall review all changes to rates that were in effect on  
469.13 December 1, 2013, to verify that the rates in effect produce the equivalent level of spending  
469.14 and service unit utilization on an annual basis as those in effect on October 31, 2013.

469.15 (e) By December 31, 2014, the commissioner shall complete the review in paragraph  
469.16 (d), adjust rates to provide equivalent annual spending and make appropriate adjustments.

469.17 (f) During the banding period, the Medicaid Management Information System  
469.18 (MMIS) service agreement rate must be adjusted to account for change in an individual's  
469.19 need. The commissioner shall adjust the Medicaid Management Information System  
469.20 (MMIS) service agreement rate by:

469.21 (1) calculating a service rate under section 256B.4914, subdivision 6, 7, 8, or 9, for  
469.22 the individual with variables reflecting the level of service in effect on December 1, 2013;

469.23 (2) calculating a service rate under section 256B.4914, subdivision 6, 7, 8, or  
469.24 9, for the individual with variables reflecting the updated level of service at the time  
469.25 of application; and

469.26 (3) adding to or subtracting from the Medicaid Management Information System  
469.27 (MMIS) service agreement rate, the difference between the values in clauses (1) and (2).

469.28 (g) This subdivision shall ~~shall~~ must not apply to rates for recipients served by providers  
469.29 new to a given county after January 1, 2014. Providers of personal supports services who  
469.30 also acted as fiscal support entities must be treated as new providers as of January 1, 2014.

469.31 Sec. 62. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 2,  
469.32 is amended to read:

469.33 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
469.34 meanings given them, unless the context clearly indicates otherwise.

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

470.1 (c) "Component value" means underlying factors that are part of the cost of providing  
470.2 services that are built into the waiver rates methodology to calculate service rates.

470.3 (d) "Customized living tool" means a methodology for setting service rates that  
470.4 delineates and documents the amount of each component service included in a recipient's  
470.5 customized living service plan.

470.6 (e) "Disability waiver rates system" means a statewide system that establishes rates  
470.7 that are based on uniform processes and captures the individualized nature of waiver  
470.8 services and recipient needs.

470.9 (f) "Individual staffing" means the time spent as a one-to-one interaction specific to  
470.10 an individual recipient by staff brought in solely to provide direct support and assistance  
470.11 with activities of daily living, instrumental activities of daily living, and training to  
470.12 participants, and is based on the requirements in each individual's coordinated service and  
470.13 support plan under section 245D.02, subdivision 4b; any coordinated service and support  
470.14 plan addendum under section 245D.02, subdivision 4c; an assessment tool; and provider  
470.15 observation of an individual's needs.

470.16 (g) "Lead agency" means a county, partnership of counties, or tribal agency charged  
470.17 with administering waived services under sections 256B.092 and 256B.49.

470.18 ~~(g)~~ (h) "Median" means the amount that divides distribution into two equal groups,  
470.19 one-half above the median and one-half below the median.

470.20 ~~(h)~~ (i) "Payment or rate" means reimbursement to an eligible provider for services  
470.21 provided to a qualified individual based on an approved service authorization.

470.22 ~~(i)~~ (j) "Rates management system" means a Web-based software application that  
470.23 uses a framework and component values, as determined by the commissioner, to establish  
470.24 service rates.

470.25 ~~(j)~~ (k) "Recipient" means a person receiving home and community-based services  
470.26 funded under any of the disability waivers.

470.27 (l) "Shared staffing" means time spent by employees, not defined under paragraph  
470.28 (f), providing or available to provide more than one individual with direct support and  
470.29 assistance with activities of daily living as defined under section 256B.0659, subdivision 1,  
470.30 paragraph (b); instrumental activities of daily living as defined under section 256B.0659,  
470.31 subdivision 1, paragraph (i); ancillary activities needed to support individual services; and  
470.32 training to participants, and is based on the requirements in each individual's coordinated  
470.33 service and support plan under section 245D.02, subdivision 4b; any coordinated service  
470.34 and support plan addendum under section 245D.02, subdivision 4c; an assessment tool; and  
470.35 provider observation of an individual's service need. Total shared staffing hours are divided  
470.36 proportionally by the number of individuals who receive the shared service provisions.

471.1 (m) "Staffing ratio" means the number of recipients a service provider employee  
471.2 supports during a unit of service based on a uniform assessment tool, provider observation,  
471.3 case history, and the recipient's services of choice, and not based on the staffing ratios  
471.4 under section 245D.31.

471.5 (n) "Unit of service" means the following:

471.6 (1) for residential support services under subdivision 6, a unit of service is a day.  
471.7 Any portion of any calendar day, within allowable Medicaid rules, where an individual  
471.8 spends time in a residential setting is billable as a day;

471.9 (2) for day services under subdivision 7:

471.10 (i) for day training and habilitation services, a unit of service is either:

471.11 (A) a day unit of service is defined as six or more hours of time spent providing  
471.12 direct services and transportation; or

471.13 (B) a partial day unit of service is defined as fewer than six hours of time spent  
471.14 providing direct services and transportation; and

471.15 (C) for new day service recipients after January 1, 2014, 15 minute units of  
471.16 service must be used for fewer than six hours of time spent providing direct services  
471.17 and transportation;

471.18 (ii) for adult day and structured day services, a unit of service is a day or 15 minutes.  
471.19 A day unit of service is six or more hours of time spent providing direct services;

471.20 (iii) for prevocational services, a unit of service is a day or an hour. A day unit of  
471.21 service is six or more hours of time spent providing direct service;

471.22 (3) for unit-based services with programming under subdivision 8:

471.23 (i) for supported living services, a unit of service is a day or 15 minutes. When a  
471.24 day rate is authorized, any portion of a calendar day where an individual receives services  
471.25 is billable as a day; and

471.26 (ii) for all other services, a unit of service is 15 minutes; and

471.27 (4) for unit-based services without programming under subdivision 9:

471.28 (i) for respite services, a unit of service is a day or 15 minutes. When a day rate is  
471.29 authorized, any portion of a calendar day when an individual receives services is billable  
471.30 as a day; and

471.31 (ii) for all other services, a unit of service is 15 minutes.

471.32 Sec. 63. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 4,  
471.33 is amended to read:

472.1 Subd. 4. **Data collection for rate determination.** (a) Rates for applicable home  
 472.2 and community-based waived services, including rate exceptions under subdivision 12,  
 472.3 are set by the rates management system.

472.4 (b) Data for services under section 256B.4913, subdivision 4a, shall be collected in a  
 472.5 manner prescribed by the commissioner.

472.6 (c) Data and information in the rates management system may be used to calculate  
 472.7 an individual's rate.

472.8 (d) Service providers, with information from the community support plan and  
 472.9 oversight by lead agencies, shall provide values and information needed to calculate an  
 472.10 individual's rate into the rates management system. ~~These~~ The determination of service  
 472.11 levels must be part of a discussion with members of the support team as defined in section  
 472.12 245D.02, subdivision 34. This discussion must occur prior to the final establishment of  
 472.13 each individual's rate. The values and information include:

472.14 (1) shared staffing hours;

472.15 (2) individual staffing hours;

472.16 (3) direct ~~RN~~ registered nurse hours;

472.17 (4) direct ~~LPN~~ licensed practical nurse hours;

472.18 (5) staffing ratios;

472.19 (6) information to document variable levels of service qualification for variable  
 472.20 levels of reimbursement in each framework;

472.21 (7) shared or individualized arrangements for unit-based services, including the  
 472.22 staffing ratio;

472.23 (8) number of trips and miles for transportation services; and

472.24 (9) service hours provided through monitoring technology.

472.25 (e) Updates to individual data ~~shall~~ must include:

472.26 (1) data for each individual that is updated annually when renewing service plans; and

472.27 (2) requests by individuals or lead agencies to update a rate whenever there is a  
 472.28 change in an individual's service needs, with accompanying documentation.

472.29 (f) Lead agencies shall review and approve all services reflecting each individual's  
 472.30 needs, and the values to calculate the final payment rate for services with variables under  
 472.31 subdivisions 6, 7, 8, and 9 for each individual. Lead agencies must notify the individual  
 472.32 and the service provider of the final agreed-upon values and rate, and provide information  
 472.33 that is identical to what was entered into the rates management system. If a value used  
 472.34 was mistakenly or erroneously entered and used to calculate a rate, a provider may  
 472.35 petition lead agencies to correct it. Lead agencies must respond to these requests. When  
 472.36 responding to the request, the lead agency must consider:



473.1 (1) meeting the health and welfare needs of the individual or individuals receiving  
473.2 services by service site, identified in their coordinated service and support plan under  
473.3 section 245D.02, subdivision 4b, and any addendum under section 245D.02, subdivision  
473.4 4c;

473.5 (2) meeting the requirements for staffing under subdivision 2, paragraphs (f), (i),  
473.6 and (m); and meeting or exceeding the licensing standards for staffing required under  
473.7 section 245D.09, subdivision 1; and

473.8 (3) meeting the staffing ratio requirements under subdivision 2, paragraph (n), and  
473.9 meeting or exceeding the licensing standards for staffing required under section 245D.31.

473.10 Sec. 64. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 5,  
473.11 is amended to read:

473.12 Subd. 5. **Base wage index and standard component values.** (a) The base wage  
473.13 index is established to determine staffing costs associated with providing services to  
473.14 individuals receiving home and community-based services. For purposes of developing  
473.15 and calculating the proposed base wage, Minnesota-specific wages taken from job  
473.16 descriptions and standard occupational classification (SOC) codes from the Bureau of  
473.17 Labor Statistics as defined in the most recent edition of the Occupational Handbook ~~shall~~  
473.18 must be used. The base wage index ~~shall~~ must be calculated as follows:

473.19 (1) for residential direct care staff, the sum of:

473.20 (i) 15 percent of the subtotal of 50 percent of the median wage for personal and  
473.21 home health aide (SOC code 39-9021); 30 percent of the median wage for nursing aide  
473.22 (SOC code 31-1012); and 20 percent of the median wage for social and human services  
473.23 aide (SOC code 21-1093); and

473.24 (ii) 85 percent of the subtotal of 20 percent of the median wage for home health aide  
473.25 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide  
473.26 (SOC code 39-9021); 20 percent of the median wage for nursing aide (SOC code 31-1012);  
473.27 20 percent of the median wage for psychiatric technician (SOC code 29-2053); and 20  
473.28 percent of the median wage for social and human services aide (SOC code 21-1093);

473.29 (2) for day services, 20 percent of the median wage for nursing aide (SOC code  
473.30 31-1012); 20 percent of the median wage for psychiatric technician (SOC code 29-2053);  
473.31 and 60 percent of the median wage for social and human services aide (SOC code 21-1093);

473.32 (3) for residential asleep-overnight staff, the wage will be \$7.66 per hour, except in  
473.33 a family foster care setting, the wage is \$2.80 per hour;

473.34 (4) for behavior program analyst staff, 100 percent of the median wage for mental  
473.35 health counselors (SOC code 21-1014);

474.1 (5) for behavior program professional staff, 100 percent of the median wage for  
474.2 clinical counseling and school psychologist (SOC code 19-3031);

474.3 (6) for behavior program specialist staff, 100 percent of the median wage for  
474.4 psychiatric technicians (SOC code 29-2053);

474.5 (7) for supportive living services staff, 20 percent of the median wage for nursing  
474.6 aide (SOC code 31-1012); 20 percent of the median wage for psychiatric technician (SOC  
474.7 code 29-2053); and 60 percent of the median wage for social and human services aide  
474.8 (SOC code 21-1093);

474.9 (8) for housing access coordination staff, 50 percent of the median wage for  
474.10 community and social services specialist (SOC code 21-1099); and 50 percent of the  
474.11 median wage for social and human services aide (SOC code 21-1093);

474.12 (9) for in-home family support staff, 20 percent of the median wage for nursing  
474.13 aide (SOC code 31-1012); 30 percent of the median wage for community social service  
474.14 specialist (SOC code 21-1099); 40 percent of the median wage for social and human  
474.15 services aide (SOC code 21-1093); and ten percent of the median wage for psychiatric  
474.16 technician (SOC code 29-2053);

474.17 (10) for independent living skills staff, 40 percent of the median wage for community  
474.18 social service specialist (SOC code 21-1099); 50 percent of the median wage for social  
474.19 and human services aide (SOC code 21-1093); and ten percent of the median wage for  
474.20 psychiatric technician (SOC code 29-2053);

474.21 (11) for supported employment staff, 20 percent of the median wage for nursing aide  
474.22 (SOC code 31-1012); 20 percent of the median wage for psychiatric technician (SOC  
474.23 code 29-2053); and 60 percent of the median wage for social and human services aide  
474.24 (SOC code 21-1093);

474.25 (12) for adult companion staff, 50 percent of the median wage for personal and home  
474.26 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing aides,  
474.27 orderlies, and attendants (SOC code 31-1012);

474.28 (13) for night supervision staff, 20 percent of the median wage for home health aide  
474.29 (SOC code 31-1011); 20 percent of the median wage for personal and home health aide  
474.30 (SOC code 39-9021); 20 percent of the median wage for nursing aide (SOC code 31-1012);  
474.31 20 percent of the median wage for psychiatric technician (SOC code 29-2053); and 20  
474.32 percent of the median wage for social and human services aide (SOC code 21-1093);

474.33 (14) for respite staff, 50 percent of the median wage for personal and home care aide  
474.34 (SOC code 39-9021); and 50 percent of the median wage for nursing aides, orderlies, and  
474.35 attendants (SOC code 31-1012);

475.1 (15) for personal support staff, 50 percent of the median wage for personal and home  
475.2 care aide (SOC code 39-9021); and 50 percent of the median wage for nursing aides,  
475.3 orderlies, and attendants (SOC code 31-1012);

475.4 (16) for supervisory staff, the basic wage is \$17.43 per hour with exception of  
475.5 the supervisor of behavior analyst and behavior specialists, which ~~shall~~ must be \$30.75  
475.6 per hour;

475.7 (17) for ~~RN~~ registered nurse, the basic wage is \$30.82 per hour; and

475.8 (18) for ~~LPN~~ licensed practical nurse, the basic wage is \$18.64 per hour.

475.9 (b) Component values for residential support services are:

475.10 (1) supervisory span of control ratio: 11 percent;

475.11 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;

475.12 (3) employee-related cost ratio: 23.6 percent;

475.13 (4) general administrative support ratio: 13.25 percent;

475.14 (5) program-related expense ratio: 1.3 percent; and

475.15 (6) absence and utilization factor ratio: 3.9 percent.

475.16 (c) Component values for family foster care are:

475.17 (1) supervisory span of control ratio: 11 percent;

475.18 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;

475.19 (3) employee-related cost ratio: 23.6 percent;

475.20 (4) general administrative support ratio: 3.3 percent;

475.21 (5) program-related expense ratio: 1.3 percent; and

475.22 (6) absence factor: 1.7 percent.

475.23 (d) Component values for day services for all services are:

475.24 (1) supervisory span of control ratio: 11 percent;

475.25 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;

475.26 (3) employee-related cost ratio: 23.6 percent;

475.27 (4) program plan support ratio: 5.6 percent;

475.28 (5) client programming and support ratio: ten percent;

475.29 (6) general administrative support ratio: 13.25 percent;

475.30 (7) program-related expense ratio: 1.8 percent; and

475.31 (8) absence and utilization factor ratio: 3.9 percent.

475.32 (e) Component values for unit-based services with programming are:

475.33 (1) supervisory span of control ratio: 11 percent;

475.34 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;

475.35 (3) employee-related cost ratio: 23.6 percent;

475.36 (4) program plan supports ratio: 3.1 percent;

- 476.1 (5) client programming and supports ratio: 8.6 percent;
- 476.2 (6) general administrative support ratio: 13.25 percent;
- 476.3 (7) program-related expense ratio: 6.1 percent; and
- 476.4 (8) absence and utilization factor ratio: 3.9 percent.
- 476.5 (f) Component values for unit-based services without programming except respite
- 476.6 are:
- 476.7 (1) supervisory span of control ratio: 11 percent;
- 476.8 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 476.9 (3) employee-related cost ratio: 23.6 percent;
- 476.10 (4) program plan support ratio: 3.1 percent;
- 476.11 (5) client programming and support ratio: 8.6 percent;
- 476.12 (6) general administrative support ratio: 13.25 percent;
- 476.13 (7) program-related expense ratio: 6.1 percent; and
- 476.14 (8) absence and utilization factor ratio: 3.9 percent.
- 476.15 (g) Component values for unit-based services without programming for respite are:
- 476.16 (1) supervisory span of control ratio: 11 percent;
- 476.17 (2) employee vacation, sick, and training allowance ratio: 8.71 percent;
- 476.18 (3) employee-related cost ratio: 23.6 percent;
- 476.19 (4) general administrative support ratio: 13.25 percent;
- 476.20 (5) program-related expense ratio: 6.1 percent; and
- 476.21 (6) absence and utilization factor ratio: 3.9 percent.
- 476.22 (h) On July 1, 2017, the commissioner shall update the base wage index in paragraph
- 476.23 ~~(b)~~ (a) based on the wage data by standard occupational code (SOC) from the Bureau of
- 476.24 Labor Statistics available on December 31, 2016. The commissioner shall publish these
- 476.25 updated values and load them into the rate management system. This adjustment occurs
- 476.26 every five years. For adjustments in 2021 and beyond, the commissioner shall use the data
- 476.27 available on December 31 of the calendar year five years prior.
- 476.28 (i) On July 1, 2017, the commissioner shall update the framework components in
- 476.29 ~~paragraph (e)~~ paragraphs (b) to (g); subdivision 6, clauses (8) and (9); and subdivision
- 476.30 7, clauses (16) and (17), for changes in the Consumer Price Index. The commissioner
- 476.31 will adjust these values higher or lower by the percentage change in the Consumer Price
- 476.32 Index-All Items, United States city average (CPI-U) from January 1, 2014, to January 1,
- 476.33 2017. The commissioner shall publish these updated values and load them into the rate
- 476.34 management system. This adjustment occurs every five years. For adjustments in 2021
- 476.35 and beyond, the commissioner shall use the data available on January 1 of the calendar
- 476.36 year four years prior and January 1 of the current calendar year.

477.1 Sec. 65. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 6,  
477.2 is amended to read:

477.3 Subd. 6. **Payments for residential support services.** (a) Payments for residential  
477.4 support services, as defined in sections 256B.092, subdivision 11, and 256B.49,  
477.5 subdivision 22, must be calculated as follows:

477.6 (1) determine the number of shared staffing and individual direct staff hours to meet  
477.7 a recipient's needs provided on-site or through monitoring technology;

477.8 (2) personnel hourly wage rate must be based on the 2009 Bureau of Labor Statistics  
477.9 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision  
477.10 5. This is defined as the direct-care rate;

477.11 (3) for a recipient requiring customization for deaf and hard-of-hearing language  
477.12 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
477.13 to the result of clause (2). This is defined as the customized direct-care rate;

477.14 (4) multiply the number of shared and individual direct staff hours provided on-site  
477.15 or through monitoring technology and direct nursing hours by the appropriate staff wages  
477.16 in subdivision 5, paragraph (a), or the customized direct-care rate;

477.17 (5) multiply the number of shared and individual direct staff hours provided  
477.18 on-site or through monitoring technology and direct nursing hours by the product of  
477.19 the supervision span of control ratio in subdivision 5, paragraph (b), clause (1), and the  
477.20 appropriate supervision wage in subdivision 5, paragraph (a), clause (16);

477.21 (6) combine the results of clauses (4) and (5), excluding any shared and individual  
477.22 direct staff hours provided through monitoring technology, and multiply the result by one  
477.23 plus the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph  
477.24 (b), clause (2). This is defined as the direct staffing cost;

477.25 (7) for employee-related expenses, multiply the direct staffing cost, excluding any  
477.26 shared and individual direct staff hours provided through monitoring technology, by one  
477.27 plus the employee-related cost ratio in subdivision 5, paragraph (b), clause (3);

477.28 (8) for client programming and supports, the commissioner shall add \$2,179; and

477.29 (9) for transportation, if provided, the commissioner shall add \$1,680, or \$3,000  
477.30 if customized for adapted transport, per year based on the resident with the highest  
477.31 assessed need.

477.32 (b) The total rate ~~shall~~ must be calculated using the following steps:

477.33 (1) subtotal paragraph (a), clauses (7) to (9), and the direct staffing cost of any  
477.34 shared and individual direct staff hours provided through monitoring technology that  
477.35 was excluded in clause (7);

478.1 (2) sum the standard general and administrative rate, the program-related expense  
478.2 ratio, and the absence and utilization ratio;

478.3 (3) divide the result of clause (1) by one minus the result of clause (2). This is  
478.4 the total payment amount; and

478.5 (4) adjust the result of clause (3) by a factor to be determined by the commissioner  
478.6 to adjust for regional differences in the cost of providing services.

478.7 (c) The payment methodology for customized living, 24-hour customized living,  
478.8 and residential care services ~~shall~~ must be the customized living tool. Revisions to the  
478.9 customized living tool ~~shall~~ must be made to reflect the services and activities unique to  
478.10 disability-related recipient needs.

478.11 (d) The commissioner shall establish a Monitoring Technology Review Panel to  
478.12 annually review and approve the plans, safeguards, and rates that include residential  
478.13 direct care provided remotely through monitoring technology. Lead agencies shall submit  
478.14 individual service plans that include supervision using monitoring technology to the  
478.15 Monitoring Technology Review Panel for approval. Individual service plans that include  
478.16 supervision using monitoring technology as of December 31, 2013, shall be submitted to  
478.17 the Monitoring Technology Review Panel, but the plans are not subject to approval.

478.18 (e) For individuals enrolled prior to January 1, 2014, the days of service authorized  
478.19 must meet or exceed the days of service used to convert service agreements in effect on  
478.20 December 1, 2013, and must not result in a reduction in spending or service utilization due  
478.21 to conversion during the implementation period under section 256B.4913, subdivision 4a.  
478.22 If during the implementation period, an individual's historical rate, including adjustments  
478.23 required under section 256B.4913, subdivision 4a, paragraph (c), is equal to or greater  
478.24 than the rate determined in this subdivision, the number of days authorized for the  
478.25 individual is 365.

478.26 (f) The number of days authorized for all individuals enrolling after January 1, 2014,  
478.27 in residential services must include every day that services start and end.

478.28 Sec. 66. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 7,  
478.29 is amended to read:

478.30 Subd. 7. **Payments for day programs.** Payments for services with day programs  
478.31 including adult day care, day treatment and habilitation, prevocational services, and  
478.32 structured day services must be calculated as follows:

478.33 (1) determine the number of units of service and staffing ratio to meet a recipient's  
478.34 needs;

479.1 (i) the staffing ratios for the units of service provided to a recipient in a typical week  
479.2 must be averaged to determine an individual's staffing ratio; and

479.3 (ii) the commissioner, in consultation with service providers, shall develop a uniform  
479.4 staffing ratio worksheet to be used to determine staffing ratios under this subdivision;

479.5 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
479.6 Minnesota-specific rates or rates derived by the commissioner as provided in subdivision 5;

479.7 (3) for a recipient requiring customization for deaf and hard-of-hearing language  
479.8 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
479.9 to the result of clause (2). This is defined as the customized direct-care rate;

479.10 (4) multiply the number of day program direct staff hours and direct nursing hours  
479.11 by the appropriate staff wage in subdivision 5, paragraph (a), or the customized direct-care  
479.12 rate;

479.13 (5) multiply the number of day direct staff hours by the product of the supervision  
479.14 span of control ratio in subdivision 5, paragraph (d), clause (1), and the appropriate  
479.15 supervision wage in subdivision 5, paragraph (a), clause (16);

479.16 (6) combine the results of clauses (4) and (5), and multiply the result by one plus  
479.17 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (d),  
479.18 clause (2). This is defined as the direct staffing rate;

479.19 (7) for program plan support, multiply the result of clause (6) by one plus the  
479.20 program plan support ratio in subdivision 5, paragraph (d), clause (4);

479.21 (8) for employee-related expenses, multiply the result of clause (7) by one plus the  
479.22 employee-related cost ratio in subdivision 5, paragraph (d), clause (3);

479.23 (9) for client programming and supports, multiply the result of clause (8) by one plus  
479.24 the client programming and support ratio in subdivision 5, paragraph (d), clause (5);

479.25 (10) for program facility costs, add \$19.30 per week with consideration of staffing  
479.26 ratios to meet individual needs;

479.27 (11) for adult day bath services, add \$7.01 per 15 minute unit;

479.28 (12) this is the subtotal rate;

479.29 (13) sum the standard general and administrative rate, the program-related expense  
479.30 ratio, and the absence and utilization factor ratio;

479.31 (14) divide the result of clause (12) by one minus the result of clause (13). This is  
479.32 the total payment amount;

479.33 (15) adjust the result of clause (14) by a factor to be determined by the commissioner  
479.34 to adjust for regional differences in the cost of providing services;

479.35 (16) for transportation provided as part of day training and habilitation for an  
479.36 individual who does not require a lift, add:

480.1 (i) \$10.50 for a trip between zero and ten miles for a nonshared ride in a vehicle  
480.2 without a lift, \$8.83 for a shared ride in a vehicle without a lift, and \$9.25 for a shared  
480.3 ride in a vehicle with a lift;

480.4 (ii) \$15.75 for a trip between 11 and 20 miles for a nonshared ride in a vehicle  
480.5 without a lift, \$10.58 for a shared ride in a vehicle without a lift, and \$11.88 for a shared  
480.6 ride in a vehicle with a lift;

480.7 (iii) \$25.75 for a trip between 21 and 50 miles for a nonshared ride in a vehicle  
480.8 without a lift, \$13.92 for a shared ride in a vehicle without a lift, and \$16.88 for a shared  
480.9 ride in a vehicle with a lift; or

480.10 (iv) \$33.50 for a trip of 51 miles or more for a nonshared ride in a vehicle without a  
480.11 lift, \$16.50 for a shared ride in a vehicle without a lift, and \$20.75 for a shared ride in a  
480.12 vehicle with a lift;

480.13 (17) for transportation provided as part of day training and habilitation for an  
480.14 individual who does require a lift, add:

480.15 (i) \$19.05 for a trip between zero and ten miles for a nonshared ride in a vehicle with  
480.16 a lift, and \$15.05 for a shared ride in a vehicle with a lift;

480.17 (ii) \$32.16 for a trip between 11 and 20 miles for a nonshared ride in a vehicle with a  
480.18 lift, and \$28.16 for a shared ride in a vehicle with a lift;

480.19 (iii) \$58.76 for a trip between 21 and 50 miles for a nonshared ride in a vehicle with  
480.20 a lift, and \$58.76 for a shared ride in a vehicle with a lift; or

480.21 (iv) \$80.93 for a trip of 51 miles or more for a nonshared ride in a vehicle with a  
480.22 lift, and \$80.93 for a shared ride in a vehicle with a lift.

480.23 Sec. 67. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 9,  
480.24 is amended to read:

480.25 Subd. 9. **Payments for unit-based services without programming.** Payments  
480.26 for unit-based without program services, including night supervision, personal support,  
480.27 respite, and companion care provided to an individual outside of any day or residential  
480.28 service plan must be calculated as follows unless the services are authorized separately  
480.29 under subdivision 6 or 7:

480.30 (1) for all services except respite, determine the number of units of service to meet  
480.31 a recipient's needs;

480.32 (2) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
480.33 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;



481.1 (3) for a recipient requiring customization for deaf and hard-of-hearing language  
481.2 accessibility under subdivision 12, add the customization rate provided in subdivision 12  
481.3 to the result of clause (2). This is defined as the customized direct care rate;

481.4 (4) multiply the number of direct staff hours by the appropriate staff wage in  
481.5 subdivision 5 or the customized direct care rate;

481.6 (5) multiply the number of direct staff hours by the product of the supervision span  
481.7 of control ratio in subdivision 5, paragraph (f), clause (1), and the appropriate supervision  
481.8 wage in subdivision 5, paragraph (a), clause (16);

481.9 (6) combine the results of clauses (4) and (5), and multiply the result by one plus  
481.10 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (f),  
481.11 clause (2). This is defined as the direct staffing rate;

481.12 (7) for program plan support, multiply the result of clause (6) by one plus the  
481.13 program plan support ratio in subdivision 5, paragraph (f), clause (4);

481.14 (8) for employee-related expenses, multiply the result of clause (7) by one plus the  
481.15 employee-related cost ratio in subdivision 5, paragraph (f), clause (3);

481.16 (9) for client programming and supports, multiply the result of clause (8) by one plus  
481.17 the client programming and support ratio in subdivision 5, paragraph (f), clause (5);

481.18 (10) this is the subtotal rate;

481.19 (11) sum the standard general and administrative rate, the program-related expense  
481.20 ratio, and the absence and utilization factor ratio;

481.21 (12) divide the result of clause (10) by one minus the result of clause (11). This is  
481.22 the total payment amount;

481.23 (13) for respite services, determine the number of ~~daily~~ day units of service to meet  
481.24 an individual's needs;

481.25 (14) personnel hourly wage rates must be based on the 2009 Bureau of Labor Statistics  
481.26 Minnesota-specific rate or rates derived by the commissioner as provided in subdivision 5;

481.27 (15) for a recipient requiring deaf and hard-of-hearing customization under  
481.28 subdivision 12, add the customization rate provided in subdivision 12 to the result of  
481.29 clause (14). This is defined as the customized direct care rate;

481.30 (16) multiply the number of direct staff hours by the appropriate staff wage in  
481.31 subdivision 5, paragraph (a);

481.32 (17) multiply the number of direct staff hours by the product of the supervisory span  
481.33 of control ratio in subdivision 5, paragraph (g), clause (1), and the appropriate supervision  
481.34 wage in subdivision 5, paragraph (a), clause (16);

482.1 (18) combine the results of clauses (16) and (17), and multiply the result by one plus  
482.2 the employee vacation, sick, and training allowance ratio in subdivision 5, paragraph (g),  
482.3 clause (2). This is defined as the direct staffing rate;

482.4 (19) for employee-related expenses, multiply the result of clause (18) by one plus  
482.5 the employee-related cost ratio in subdivision 5, paragraph (g), clause (3);

482.6 (20) this is the subtotal rate;

482.7 (21) sum the standard general and administrative rate, the program-related expense  
482.8 ratio, and the absence and utilization factor ratio;

482.9 (22) divide the result of clause (20) by one minus the result of clause (21). This is  
482.10 the total payment amount; and

482.11 (23) adjust the result of clauses (12) and (22) by a factor to be determined by the  
482.12 commissioner to adjust for regional differences in the cost of providing services.

482.13 Sec. 68. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 10,  
482.14 is amended to read:

482.15 Subd. 10. **Updating payment values and additional information.** (a) From  
482.16 January 1, 2014, through December 31, 2017, the commissioner shall develop and  
482.17 implement uniform procedures to refine terms and adjust values used to calculate payment  
482.18 rates in this section.

482.19 (b) No later than July 1, 2014, the commissioner shall, within available resources,  
482.20 begin to conduct research and gather data and information from existing state systems or  
482.21 other outside sources on the following items:

482.22 (1) differences in the underlying cost to provide services and care across the state; and

482.23 (2) mileage and utilization, vehicle type, lift requirements, incidents of individual  
482.24 and shared rides, and units of transportation for all day and unit-based services, which  
482.25 must be collected from providers using the rate management worksheet and entered into  
482.26 the rates management system; and

482.27 (3) the distinct underlying costs for services provided by a license holder certified  
482.28 under section 245D.33.

482.29 (c) Using a statistically valid set of rates management system data, the commissioner,  
482.30 in consultation with stakeholders, shall analyze for each service the average difference  
482.31 in the rate on December 31, 2013, and the framework rate at the individual, provider,  
482.32 lead agency, and state levels. The commissioner shall issue semiannual reports to the  
482.33 stakeholders on the difference in rates by service and by county during the banding period  
482.34 under section 256B.4913, subdivision 4a. The commissioner shall issue the first report  
482.35 by October 1, 2014.

483.1 (d) No later than July 1, 2014, the commissioner, in consultation with stakeholders,  
483.2 shall begin the review and evaluate evaluation of the following values already in  
483.3 subdivisions 6 to 9, or issues that impact all services, including, but not limited to:

- 483.4 (1) values for transportation rates for day services;
- 483.5 (2) values for transportation rates in residential services;
- 483.6 (3) values for services where monitoring technology replaces staff time;
- 483.7 (4) values for indirect services;
- 483.8 (5) values for nursing;
- 483.9 (6) component values for independent living skills;
- 483.10 (7) component values for family foster care that reflect licensing requirements;
- 483.11 (8) adjustments to other components to replace the budget neutrality factor;
- 483.12 (9) remote monitoring technology for nonresidential services;
- 483.13 (10) values for basic and intensive services in residential services;
- 483.14 (11) values for the facility use rate in day services;
- 483.15 (12) values for workers' compensation as part of employee-related expenses;
- 483.16 (13) values for unemployment insurance as part of employee-related expenses;
- 483.17 (14) a component value to reflect costs for individuals with rates previously adjusted  
483.18 for the inclusion of group residential housing rate 3 costs, only for any individual enrolled  
483.19 as of December 31, 2013; and
- 483.20 (15) any changes in state or federal law with an impact on the underlying cost of  
483.21 providing home and community-based services.

483.22 (e) The commissioner shall report to the chairs and the ranking minority members of  
483.23 the legislative committees and divisions with jurisdiction over health and human services  
483.24 policy and finance with the information and data gathered under paragraphs (b) to (d)  
483.25 on the following dates:

- 483.26 (1) January 15, 2015, with preliminary results and data;
- 483.27 (2) January 15, 2016, with a status implementation update, and additional data  
483.28 and summary information;
- 483.29 (3) January 15, 2017, with the full report; and
- 483.30 (4) January 15, 2019, with another full report, and a full report once every four  
483.31 years thereafter.

483.32 (f) Based on the commissioner's evaluation of the information and data collected  
483.33 in paragraphs (b) to (d), the commissioner ~~may~~ shall make recommendations to  
483.34 the legislature ~~to address any potential issues~~ by January 15, 2015, to address any  
483.35 issues identified during the first year of implementation. After January 15, 2015, the  
483.36 commissioner may make recommendations to the legislature to address potential issues.

484.1 (g) The commissioner shall implement a regional adjustment factor to all rate  
484.2 calculations in subdivisions 6 to 9, effective no later than January 1, 2015. Prior to  
484.3 implementation, the commissioner shall consult with stakeholders on the methodology to  
484.4 calculate the adjustment.

484.5 (h) The commissioner shall provide a public notice via LISTSERV in October of  
484.6 each year beginning October 1, 2014, containing information detailing legislatively  
484.7 approved changes in:

484.8 (1) calculation values including derived wage rates and related employee and  
484.9 administrative factors;

484.10 (2) service utilization;

484.11 (3) county and tribal allocation changes; and

484.12 (4) information on adjustments made to calculation values and the timing of those  
484.13 adjustments.

484.14 The information in this notice ~~shall~~ must be effective January 1 of the following year.

484.15 Sec. 69. Minnesota Statutes 2013 Supplement, section 256B.4914, subdivision 15,  
484.16 is amended to read:

484.17 Subd. 15. **County or tribal allocations.** (a) Upon implementation of the disability  
484.18 waiver rates management system on January 1, 2014, the commissioner shall establish  
484.19 a method of tracking and reporting the fiscal impact of the disability waiver rates  
484.20 management system on individual lead agencies.

484.21 (b) Beginning January 1, 2014, the commissioner shall make annual adjustments to  
484.22 lead agencies' home and community-based waived service budget allocations to adjust  
484.23 for rate differences and the resulting impact on county allocations upon implementation of  
484.24 the disability waiver rates system.

484.25 (c) During the first two years of implementation under section 256B.4913, lead  
484.26 agencies exceeding their allocations under sections 256B.092 and 256B.49 shall only be  
484.27 held liable for spending in excess of their allocations after a reallocation of resources by  
484.28 the commissioner under paragraph (b). The commissioner shall reallocate resources under  
484.29 sections 256B.092, subdivision 12, and 256B.49, subdivision 11a. The commissioner  
484.30 shall notify lead agencies of this process by July 1, 2014.

484.31 Sec. 70. Minnesota Statutes 2013 Supplement, section 256B.492, is amended to read:

484.32 **256B.492 HOME AND COMMUNITY-BASED SETTINGS FOR PEOPLE**  
484.33 **WITH DISABILITIES.**

485.1 (a) Individuals receiving services under a home and community-based waiver under  
485.2 section 256B.092 or 256B.49 may receive services in the following settings:

485.3 (1) an individual's own home or family home;

485.4 (2) a licensed adult foster care or child foster care setting of up to five people; and

485.5 (3) community living settings as defined in section 256B.49, subdivision 23, where  
485.6 individuals with disabilities may reside in all of the units in a building of four or fewer units,  
485.7 and who receive services under a home and community-based waiver occupy no more  
485.8 than the greater of four or 25 percent of the units in a multifamily building of more than  
485.9 four units, unless required by the Housing Opportunities for Persons with AIDS Program.

485.10 (b) The settings in paragraph (a) must not:

485.11 (1) be located in a building that is a publicly or privately operated facility that  
485.12 provides institutional treatment or custodial care;

485.13 (2) be located in a building on the grounds of or adjacent to a public or private  
485.14 institution;

485.15 (3) be a housing complex designed expressly around an individual's diagnosis or  
485.16 disability, unless required by the Housing Opportunities for Persons with AIDS Program;

485.17 (4) be segregated based on a disability, either physically or because of setting  
485.18 characteristics, from the larger community; and

485.19 (5) have the qualities of an institution which include, but are not limited to:  
485.20 regimented meal and sleep times, limitations on visitors, and lack of privacy. Restrictions  
485.21 agreed to and documented in the person's individual service plan shall not result in a  
485.22 residence having the qualities of an institution as long as the restrictions for the person are  
485.23 not imposed upon others in the same residence and are the least restrictive alternative,  
485.24 imposed for the shortest possible time to meet the person's needs.

485.25 (c) The provisions of paragraphs (a) and (b) do not apply to any setting in which  
485.26 individuals receive services under a home and community-based waiver as of July 1,  
485.27 2012, and the setting does not meet the criteria of this section.

485.28 (d) Notwithstanding paragraph (c), a program in Hennepin County established as  
485.29 part of a Hennepin County demonstration project is qualified for the exception allowed  
485.30 under paragraph (c).

485.31 (e) Notwithstanding paragraphs (a) and (b), a program in Hennepin County, located  
485.32 in the city of Golden Valley, within the city of Golden Valley's Highway 55 West  
485.33 redevelopment area, that is not a provider-owned or controlled home and community-based  
485.34 setting, and is scheduled to open by July 1, 2016, is exempt from the restrictions in  
485.35 paragraphs (a) and (b). If the program fails to comply with the Centers for Medicare and  
485.36 Medicaid Services rules for home and community-based settings, the exemption is void.

486.1 (f) The commissioner shall submit an amendment to the waiver plan no later than  
486.2 December 31, 2012.

486.3 Sec. 71. Minnesota Statutes 2012, section 256B.5012, is amended by adding a  
486.4 subdivision to read:

486.5 Subd. 16. ICF/DD rate increases effective July 1, 2014. (a) For the rate period  
486.6 beginning July 1, 2014, the commissioner shall increase operating payments for each  
486.7 facility reimbursed under this section equal to five percent of the operating payment  
486.8 rates in effect on June 30, 2014.

486.9 (b) For each facility, the commissioner shall apply the rate increase based on  
486.10 occupied beds, using the percentage specified in this subdivision multiplied by the total  
486.11 payment rate, including the variable rate but excluding the property-related payment rate  
486.12 in effect on June 30, 2014. The total rate increase shall include the adjustment provided in  
486.13 section 256B.501, subdivision 12.

486.14 (c) To receive the rate increase under paragraph (a), each facility reimbursed under  
486.15 this section must submit to the commissioner documentation that identifies a quality  
486.16 improvement project that the facility will implement by June 30, 2015. Documentation  
486.17 must be provided in a format specified by the commissioner. Projects must:

486.18 (1) improve the quality of life of intermediate care facility residents in a meaningful  
486.19 way;

486.20 (2) improve the quality of services in a measurable way; or

486.21 (3) deliver good quality service more efficiently while using the savings to enhance  
486.22 services for the participants served.

486.23 (d) For a facility that fails to submit the documentation described in paragraph (c)  
486.24 by a date or in a format specified by the commissioner, the commissioner shall reduce  
486.25 the facility's rate by one percent effective January 1, 2015.

486.26 (e) Facilities that receive a rate increase under this subdivision shall use 80 percent  
486.27 of the additional revenue to increase compensation-related costs for employees directly  
486.28 employed by the facility on or after July 1, 2014, except:

486.29 (1) persons employed in the central office of a corporation or entity that has an  
486.30 ownership interest in the facility or exercises control over the facility; and

486.31 (2) persons paid by the facility under a management contract.

486.32 This requirement is subject to audit by the commissioner.

486.33 (f) Compensation-related costs include:

486.34 (1) wages and salaries;

487.1 (2) the employer's share of FICA taxes, Medicare taxes, state and federal  
487.2 unemployment taxes, workers' compensation, and mileage reimbursement;

487.3 (3) the employer's share of health and dental insurance, life insurance, disability  
487.4 insurance, long-term care insurance, uniform allowance, pensions, and contributions to  
487.5 employee retirement accounts; and

487.6 (4) other benefits provided and workforce needs, including the recruiting and  
487.7 training of employees as specified in the distribution plan required under paragraph (i).

487.8 (g) For public employees under a collective bargaining agreement, the increase for  
487.9 wages and benefits is available and pay rates must be increased only to the extent that the  
487.10 increases comply with laws governing public employees' collective bargaining. Money  
487.11 received by a facility under paragraph (e) for pay increases for public employees must be  
487.12 used only for pay increases implemented between July 1, 2014, and August 1, 2014.

487.13 (h) For a facility that has employees that are represented by an exclusive bargaining  
487.14 representative, the provider shall obtain a letter of acceptance of the distribution plan  
487.15 required under paragraph (i), in regard to the members of the bargaining unit, signed by  
487.16 the exclusive bargaining agent. Upon receipt of the letter of acceptance, the facility shall  
487.17 be deemed to have met all the requirements of this subdivision in regard to the members  
487.18 of the bargaining unit. Upon request, the facility shall produce the letter of acceptance for  
487.19 the commissioner.

487.20 (i) A facility that receives a rate adjustment under paragraph (a) that is subject to  
487.21 paragraph (e) shall prepare, and upon request submit to the commissioner, a distribution  
487.22 plan that specifies the amount of money the facility expects to receive that is subject to the  
487.23 requirements of paragraph (e), including how that money will be distributed to increase  
487.24 compensation for employees. The commissioner may recover funds from a facility that  
487.25 fails to comply with this requirement.

487.26 (j) By January 1, 2015, the facility shall post the distribution plan required under  
487.27 paragraph (i) for a period of at least six weeks in an area of the facility's operation to  
487.28 which all eligible employees have access and shall provide instructions for employees  
487.29 who do not believe they have received the wage and other compensation-related increases  
487.30 specified in the distribution plan. The instructions must include a mailing address, e-mail  
487.31 address, and telephone number that an employee may use to contact the commissioner or  
487.32 the commissioner's representative.

487.33 Sec. 72. Laws 2012, chapter 247, article 4, section 47, is amended to read:

488.1           Sec. 47. **COMMISSIONER TO SEEK AMENDMENT FOR EXCEPTION**  
488.2 **TO CONSUMER-DIRECTED COMMUNITY SUPPORTS BUDGET**  
488.3 **METHODOLOGY.**

488.4           By July 1, ~~2012~~ 2014, if necessary, the commissioner shall request an amendment to  
488.5 the home and community-based services waivers authorized under Minnesota Statutes,  
488.6 sections 256B.092 and 256B.49, to establish an exception to the consumer-directed  
488.7 community supports budget methodology to provide up to 20 percent more funds for those  
488.8 participants who have their 21st birthday and graduate from high school during between  
488.9 2013 to 2015 and are authorized for more services under consumer-directed community  
488.10 supports prior to graduation than what the amount they are eligible to receive under the  
488.11 current consumer-directed community supports budget methodology. The exception is  
488.12 limited to those who can demonstrate that they will have to leave consumer-directed  
488.13 community supports and use other waiver services because their need for day or  
488.14 employment supports cannot be met within the consumer-directed community supports  
488.15 budget limits. The commissioner shall consult with the stakeholder group authorized  
488.16 under Minnesota Statutes, section 256B.0657, subdivision 11, to implement this provision.  
488.17 The exception process shall be effective upon federal approval for persons eligible during  
488.18 2013 and 2014 through June 30, 2017.

488.19           Sec. 73. Laws 2013, chapter 108, article 7, section 14, the effective date, is amended to  
488.20 read:

488.21           **EFFECTIVE DATE.** Subdivisions 1 to 7 and 9, are effective upon federal approval  
488.22 consistent with subdivision 11, but no earlier than ~~March~~ July 1, 2014. Subdivisions  
488.23 8, 10, and 11 are effective July 1, 2013.

488.24           **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2014.

488.25           Sec. 74. **HOME AND COMMUNITY-BASED SETTINGS TRANSITION PLAN.**

488.26           The commissioner of human services shall develop a transition plan to comply  
488.27 with the Centers for Medicare and Medicaid Services final rule defining home and  
488.28 community-based settings published on January 16, 2014, Code of Federal Regulations,  
488.29 title 42, section 441.301(c)(4)-(5). In developing the plan, the commissioner shall consult  
488.30 with individuals with disabilities, seniors, and other stakeholders, including, but not  
488.31 limited to advocates, providers, lead agencies, other state agencies, and the Olmstead  
488.32 subcabinet. The commissioner shall submit the plan to the Centers for Medicare and  
488.33 Medicaid Services by December 31, 2014.



489.1 By January 15, 2015, the commissioner shall provide a report with the plan  
489.2 submitted to the Centers for Medicare and Medicaid Services, as well as any changes as  
489.3 a result of negotiations that have occurred with the Centers for Medicare and Medicaid  
489.4 Services, to the chairs and ranking minority members of the house of representatives and  
489.5 senate policy and finance committees with jurisdiction over health and human services.  
489.6 This report must contain any recommended legislation and funding requests necessary  
489.7 to implement the transition plan.

489.8 **Sec. 75. PROVIDER RATE AND GRANT INCREASES EFFECTIVE JULY**  
489.9 **1, 2014.**

489.10 (a) The commissioner of human services shall increase reimbursement rates, grants,  
489.11 allocations, individual limits, and rate limits, as applicable, by five percent for the rate  
489.12 period beginning July 1, 2014, for services rendered on or after July 1, 2014. County or  
489.13 tribal contracts for services, grants, and programs under paragraph (b) must be amended to  
489.14 pass through these rate increases by September 1, 2014.

489.15 (b) The rate changes described in this section must be provided to:

489.16 (1) home and community-based waived services for persons with developmental  
489.17 disabilities, including consumer-directed community supports, under Minnesota Statutes,  
489.18 section 256B.092;

489.19 (2) waived services under community alternatives for disabled individuals,  
489.20 including consumer-directed community supports, under Minnesota Statutes, section  
489.21 256B.49;

489.22 (3) community alternative care waived services, including consumer-directed  
489.23 community supports, under Minnesota Statutes, section 256B.49;

489.24 (4) brain injury waived services, including consumer-directed community  
489.25 supports, under Minnesota Statutes, section 256B.49;

489.26 (5) home and community-based waived services for the elderly under Minnesota  
489.27 Statutes, section 256B.0915;

489.28 (6) nursing services and home health services under Minnesota Statutes, section  
489.29 256B.0625, subdivision 6a;

489.30 (7) personal care services and qualified professional supervision of personal care  
489.31 services under Minnesota Statutes, section 256B.0625, subdivisions 6a and 19a;

489.32 (8) private duty nursing services under Minnesota Statutes, section 256B.0625,  
489.33 subdivision 7;

489.34 (9) community first services and supports under Minnesota Statutes, section 256B.85;

489.35 (10) essential community supports under Minnesota Statutes, section 256B.0922;

- 490.1 (11) day training and habilitation services for adults with developmental disabilities  
490.2 under Minnesota Statutes, sections 252.41 to 252.46, including the additional cost to  
490.3 counties of the rate adjustments on day training and habilitation services, provided as a  
490.4 social service;
- 490.5 (12) alternative care services under Minnesota Statutes, section 256B.0913;  
490.6 (13) living skills training programs for persons with intractable epilepsy who need  
490.7 assistance in the transition to independent living under Laws 1988, chapter 689;
- 490.8 (14) semi-independent living services (SILS) under Minnesota Statutes, section  
490.9 252.275;
- 490.10 (15) consumer support grants under Minnesota Statutes, section 256.476;  
490.11 (16) family support grants under Minnesota Statutes, section 252.32;  
490.12 (17) housing access grants under Minnesota Statutes, section 256B.0658;  
490.13 (18) self-advocacy grants under Laws 2009, chapter 101;  
490.14 (19) technology grants under Laws 2009, chapter 79;  
490.15 (20) aging grants under Minnesota Statutes, sections 256.975 to 256.977 and  
490.16 256B.0917;
- 490.17 (21) deaf and hard-of-hearing grants, including community support services for deaf  
490.18 and hard-of-hearing adults with mental illness who use or wish to use sign language as their  
490.19 primary means of communication under Minnesota Statutes, section 256.01, subdivision 2;
- 490.20 (22) deaf and hard-of-hearing grants under Minnesota Statutes, sections 256C.233,  
490.21 256C.25, and 256C.261;
- 490.22 (23) Disability Linkage Line grants under Minnesota Statutes, section 256.01,  
490.23 subdivision 24;
- 490.24 (24) transition initiative grants under Minnesota Statutes, section 256.478;  
490.25 (25) employment support grants under Minnesota Statutes, section 256B.021,  
490.26 subdivision 6; and
- 490.27 (26) grants provided to people who are eligible for the Housing Opportunities for  
490.28 Persons with AIDS program under Minnesota Statutes, section 256B.492.
- 490.29 (c) A managed care plan or county-based purchasing plan receiving state payments  
490.30 for the services grants and programs in paragraph (b) must include these increases in their  
490.31 payments to providers. To implement the rate increase in paragraph (a), capitation rates  
490.32 paid by the commissioner to managed care plans and county-based purchasing plans under  
490.33 Minnesota Statutes, section 256B.69, shall reflect a five percent increase for the services  
490.34 and programs specified in paragraph (b) for the period beginning July 1, 2014.
- 490.35 (d) Counties shall increase the budget for each recipient of consumer-directed  
490.36 community supports by the amount in paragraph (a) on July 1, 2014.

491.1 (e) To receive the rate increase described in this section, providers under paragraphs  
491.2 (a) and (b) must submit to the commissioner documentation that identifies a quality  
491.3 improvement project that the provider will implement by June 30, 2015. Documentation  
491.4 must be provided in a format specified by the commissioner. Projects must:

491.5 (1) improve the quality of life of home and community-based services recipients in  
491.6 a meaningful way;

491.7 (2) improve the quality of services in a measurable way; or

491.8 (3) deliver good quality service more efficiently while using the savings to enhance  
491.9 services for the participants served.

491.10 Providers listed in paragraph (b), clauses (7), (9), (10), and (13) to (26), are not subject  
491.11 to this requirement.

491.12 (f) For a provider that fails to submit documentation described in paragraph (e) by  
491.13 a date or in a format specified by the commissioner, the commissioner shall reduce the  
491.14 provider's rate by one percent effective January 1, 2015.

491.15 (g) Providers that receive a rate increase under paragraph (a) shall use 80 percent  
491.16 of the additional revenue to increase compensation-related costs for employees directly  
491.17 employed by the program on or after July 1, 2014, except:

491.18 (1) persons employed in the central office of a corporation or entity that has an  
491.19 ownership interest in the provider or exercises control over the provider; and

491.20 (2) persons paid by the provider under a management contract.

491.21 This requirement is subject to audit by the commissioner.

491.22 (h) Compensation-related costs include:

491.23 (1) wages and salaries;

491.24 (2) the employer's share of FICA taxes, Medicare taxes, state and federal  
491.25 unemployment taxes, workers' compensation, and mileage reimbursement;

491.26 (3) the employer's share of health and dental insurance, life insurance, disability  
491.27 insurance, long-term care insurance, uniform allowance, pensions, and contributions to  
491.28 employee retirement accounts; and

491.29 (4) other benefits provided and workforce needs, including the recruiting and  
491.30 training of employees as specified in the distribution plan required under paragraph (m).

491.31 (i) For public employees under a collective bargaining agreement, the increase for  
491.32 wages and benefits is available and pay rates must be increased only to the extent that the  
491.33 increases comply with laws governing public employees' collective bargaining. Money  
491.34 received by a provider for pay increases for public employees under paragraph (g) must be  
491.35 used only for pay increases implemented between July 1, 2014, and August 1, 2014.

492.1 (j) For a provider that has employees that are represented by an exclusive bargaining  
492.2 representative, the provider shall obtain a letter of acceptance of the distribution plan  
492.3 required under paragraph (m), in regard to the members of the bargaining unit, signed by  
492.4 the exclusive bargaining agent. Upon receipt of the letter of acceptance, the provider shall  
492.5 be deemed to have met all the requirements of this section in regard to the members of  
492.6 the bargaining unit. Upon request, the provider shall produce the letter of acceptance for  
492.7 the commissioner.

492.8 (k) The commissioner shall amend state grant contracts that include direct  
492.9 personnel-related grant expenditures to include the allocation for the portion of the  
492.10 contract related to employee compensation. Grant contracts for compensation-related  
492.11 services must be amended to pass through these adjustments by September 1, 2014, and  
492.12 must be retroactive to July 1, 2014.

492.13 (l) The Board on Aging and its area agencies on aging shall amend their grants that  
492.14 include direct personnel-related grant expenditures to include the rate adjustment for the  
492.15 portion of the grant related to employee compensation. Grants for compensation-related  
492.16 services must be amended to pass through these adjustments by September 1, 2014, and  
492.17 must be retroactive to July 1, 2014.

492.18 (m) A provider that receives a rate adjustment under paragraph (a) that is subject to  
492.19 paragraph (g) shall prepare, and upon request submit to the commissioner, a distribution  
492.20 plan that specifies the amount of money the provider expects to receive that is subject  
492.21 to the requirements of paragraph (g), including how that money will be distributed to  
492.22 increase compensation for employees. The commissioner may recover funds from a  
492.23 provider that fails to comply with this requirement.

492.24 (n) By January 1, 2015, the provider shall post the distribution plan required under  
492.25 paragraph (m) for a period of at least six weeks in an area of the provider's operation to  
492.26 which all eligible employees have access and shall provide instructions for employees  
492.27 who do not believe they have received the wage and other compensation-related increases  
492.28 specified in the distribution plan. The instructions must include a mailing address, e-mail  
492.29 address, and telephone number that the employee may use to contact the commissioner or  
492.30 the commissioner's representative.

492.31 (o) For providers with rates established under Minnesota Statutes, section  
492.32 256B.4914, and with a historical rate established under Minnesota Statutes, section  
492.33 256B.4913, subdivision 4a, paragraph (b), that is greater than the rate established under  
492.34 Minnesota Statutes, section 256B.4914, the requirements in paragraph (g) must only apply  
492.35 to the portion of the rate increase that exceeds the difference between the rate established

493.1 under Minnesota Statutes, section 256B.4914, and the banding value established under  
 493.2 Minnesota Statutes, section 256B.4913, subdivision 4a, paragraph (b).

493.3 **Sec. 76. DISABILITY WAIVER REIMBURSEMENT RATE ADJUSTMENTS.**

493.4 **Subdivision 1. Historical rate.** The commissioner of human services shall adjust  
 493.5 the historical rates calculated in Minnesota Statutes, section 256B.4913, subdivision 4a,  
 493.6 paragraph (b), in effect during the banding period under Minnesota Statutes, section  
 493.7 256B.4913, subdivision 4a, paragraph (a), for the reimbursement rate increases effective  
 493.8 April 1, 2014, and any rate modification enacted during the 2014 legislative session.

493.9 **Subd. 2. Residential support services.** The commissioner of human services  
 493.10 shall adjust the rates calculated in Minnesota Statutes, section 256B.4914, subdivision 6,  
 493.11 paragraphs (b), clause (4), and (c), for the reimbursement rate increases effective April 1,  
 493.12 2014, and any rate modification enacted during the 2014 legislative session.

493.13 **Subd. 3. Day programs.** The commissioner of human services shall adjust the rates  
 493.14 calculated in Minnesota Statutes, section 256B.4914, subdivision 7, paragraph (a), clauses  
 493.15 (15) to (17), for the reimbursement rate increases effective April 1, 2014, and any rate  
 493.16 modification enacted during the 2014 legislative session.

493.17 **Subd. 4. Unit-based services with programming.** The commissioner of human  
 493.18 services shall adjust the rate calculated in Minnesota Statutes, section 256B.4914,  
 493.19 subdivision 8, paragraph (a), clause (14), for the reimbursement rate increases effective  
 493.20 April 1, 2014, and any rate modification enacted during the 2014 legislative session.

493.21 **Subd. 5. Unit-based services without programming.** The commissioner of  
 493.22 human services shall adjust the rate calculated in Minnesota Statutes, section 256B.4914,  
 493.23 subdivision 9, paragraph (a), clause (23), for the reimbursement rate increases effective  
 493.24 April 1, 2014, and any rate modification enacted during the 2014 legislative session.

493.25 **Sec. 77. REVISOR'S INSTRUCTION.**

493.26 **(a)** In each section of Minnesota Statutes or part of Minnesota Rules referred to  
 493.27 in column A, the revisor of statutes shall delete the word or phrase in column B and  
 493.28 insert the phrase in column C. The revisor shall also make related grammatical changes  
 493.29 and changes in headnotes.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
493.30 <u>section 158.13</u>	493.31 <u>defective persons</u>	493.32 <u>persons with developmental disabilities</u>
493.33 <u>section 158.14</u>	493.34 <u>defective persons</u>	493.35 <u>persons with developmental disabilities</u>
493.36 <u>section 158.17</u>	<u>defective persons</u>	<u>persons with developmental disabilities</u>

494.1			<u>persons without</u>
494.2	<u>section 158.18</u>	<u>persons not defective</u>	<u>developmental disabilities</u>
494.3			<u>person with developmental</u>
494.4		<u>defective person</u>	<u>disabilities</u>
494.5			<u>persons with developmental</u>
494.6		<u>defective persons</u>	<u>disabilities</u>
494.7			<u>person with developmental</u>
494.8	<u>section 158.19</u>	<u>defective</u>	<u>disabilities</u>
494.9			<u>children with developmental</u>
494.10	<u>section 256.94</u>	<u>defective</u>	<u>disabilities and</u>
494.11			<u>children with developmental</u>
494.12	<u>section 257.175</u>	<u>defective</u>	<u>disabilities and</u>
494.13	<u>part 2911.1350</u>	<u>retardation</u>	<u>developmental disability</u>

494.14 (b) The revisor of statutes shall change the term "health and safety" to "health and  
 494.15 welfare" in the following statutes: Minnesota Statutes, sections 245D.03, 245D.061,  
 494.16 245D.071, 245D.10, 245D.11, 245D.31, 256B.0915, and 256B.092.

494.17 **ARTICLE 28**

494.18 **PUBLIC ASSISTANCE SIMPLIFICATION**

494.19 Section 1. Minnesota Statutes 2012, section 254B.04, subdivision 3, is amended to read:

494.20 Subd. 3. **Amount of contribution.** The commissioner shall adopt a sliding fee scale  
 494.21 to determine the amount of contribution to be required from persons under this section.  
 494.22 The commissioner may adopt rules to amend existing fee scales. The commissioner  
 494.23 may establish a separate fee scale for recipients of chemical dependency transitional and  
 494.24 extended care rehabilitation services that provides for the collection of fees for board and  
 494.25 lodging expenses. The fee schedule shall ensure that employed persons are allowed the  
 494.26 income disregards and savings accounts that are allowed residents of community mental  
 494.27 illness facilities under section 256D.06, ~~subdivisions~~ subdivision 1 and 1b. The fee scale  
 494.28 must not provide assistance to persons whose income is more than 115 percent of the  
 494.29 state median income. Payments of liabilities under this section are medical expenses for  
 494.30 purposes of determining spenddown under sections 256B.055, 256B.056, 256B.06, and  
 494.31 256D.01 to 256D.21. The required amount of contribution established by the fee scale in  
 494.32 this subdivision is also the cost of care responsibility subject to collection under section  
 494.33 254B.06, subdivision 1.

494.34 **EFFECTIVE DATE.** This section is effective October 1, 2015.

494.35 Sec. 2. Minnesota Statutes 2012, section 256D.02, subdivision 8, is amended to read:

495.1 Subd. 8. **Income.** "Income" means any form of income, including remuneration  
495.2 for services performed as an employee and ~~net earnings~~ earned income from rental  
495.3 income and self-employment earnings, ~~reduced by the amount attributable to employment~~  
495.4 ~~expenses as defined by the commissioner. The amount attributable to employment~~  
495.5 ~~expenses shall include amounts paid or withheld for federal and state personal income~~  
495.6 ~~taxes and federal Social Security taxes as described under section 256P.05.~~

495.7 Income includes any payments received as an annuity, retirement, or disability  
495.8 benefit, including veteran's or workers' compensation; old age, survivors, and disability  
495.9 insurance; railroad retirement benefits; unemployment benefits; and benefits under any  
495.10 federally aided categorical assistance program, supplementary security income, or other  
495.11 assistance program; rents, dividends, interest and royalties; and support and maintenance  
495.12 payments. Such payments may not be considered as available to meet the needs of any  
495.13 person other than the person for whose benefit they are received, unless that person is  
495.14 a family member or a spouse and the income is not excluded under section 256D.01,  
495.15 subdivision 1a. Goods and services provided in lieu of cash payment shall be excluded  
495.16 from the definition of income, except that payments made for room, board, tuition or  
495.17 fees by a parent, on behalf of a child enrolled as a full-time student in a postsecondary  
495.18 institution, and payments made on behalf of an applicant or ~~recipient~~ participant which  
495.19 the applicant or ~~recipient~~ participant could legally demand to receive personally in cash,  
495.20 must be included as income. Benefits of an applicant or ~~recipient~~ participant, such as those  
495.21 administered by the Social Security Administration, that are paid to a representative  
495.22 payee, and are spent on behalf of the applicant or ~~recipient~~ participant, are considered  
495.23 available income of the applicant or ~~recipient~~ participant.

495.24 **EFFECTIVE DATE.** This section is effective February 1, 2015.

495.25 Sec. 3. Minnesota Statutes 2012, section 256D.02, subdivision 12, is amended to read:

495.26 Subd. 12. **County Agency.** ~~"County agency" means the agency designated by the~~  
495.27 ~~county board of commissioners, human services boards, local social services agencies~~  
495.28 ~~in the several counties of the state or multicounty local social services agencies or~~  
495.29 ~~departments where those have been established in accordance with law~~ "Agency" has the  
495.30 meaning given in section 256P.01, subdivision 2.

495.31 Sec. 4. Minnesota Statutes 2012, section 256D.05, subdivision 5, is amended to read:

495.32 Subd. 5. **Transfers of property.** The equity value of real and personal property  
495.33 transferred without reasonable compensation within 12 months preceding the date of  
495.34 application for general assistance must be included in determining the resources of an

496.1 assistance unit ~~in the same manner as in the Minnesota family investment program under~~  
496.2 ~~chapter 256J~~ as described in section 256P.02, subdivision 1, paragraph (c).

496.3 **EFFECTIVE DATE.** This section is effective June 1, 2016.

496.4 Sec. 5. Minnesota Statutes 2012, section 256D.06, subdivision 1, is amended to read:

496.5 Subdivision 1. **Eligibility; amount of assistance.** General assistance shall be  
496.6 granted in an amount that when added to the nonexempt income actually available to the  
496.7 assistance unit, the total amount equals the applicable standard of assistance for general  
496.8 assistance. In determining eligibility for and the amount of assistance for an individual or  
496.9 married couple, the county agency shall apply the earned income disregard the first \$50 of  
496.10 earned income per month as determined in section 256P.03.

496.11 **EFFECTIVE DATE.** This section is effective October 1, 2015.

496.12 Sec. 6. Minnesota Statutes 2012, section 256D.08, subdivision 1, is amended to read:

496.13 Subdivision 1. **Eligibility; ~~excluded resources.~~** ~~In determining eligibility of an~~  
496.14 ~~assistance unit, the following resources shall be excluded:~~

496.15 ~~(1) real or personal property or liquid assets which do not exceed \$1,000; and~~

496.16 ~~(2) other property which has been determined, according to limitations contained in~~  
496.17 ~~rules promulgated by the commissioner, to be essential to the assistance unit as a means of~~  
496.18 ~~self-support or self-care or which is producing income that is being used for the support~~  
496.19 ~~of the assistance unit. The commissioner shall further provide by rule the conditions for~~  
496.20 ~~those situations in which property not excluded under this subdivision may be retained by~~  
496.21 ~~the assistance unit where there is a reasonable probability that in the foreseeable future the~~  
496.22 ~~property will be used for the self-support of the assistance unit; and~~

496.23 ~~(3) payments, made according to litigation and subsequent appropriation by the~~  
496.24 ~~United States Congress, of funds to compensate members of Indian tribes for the taking of~~  
496.25 ~~tribal land by the federal government. To establish eligibility for general assistance under~~  
496.26 this chapter, an agency must use the procedures established in section 256P.02.

496.27 **EFFECTIVE DATE.** This section is effective June 1, 2016.

496.28 Sec. 7. Minnesota Statutes 2012, section 256D.08, is amended by adding a subdivision  
496.29 to read:

496.30 Subd. 3. **Verification.** To verify eligibility for general assistance under this chapter,  
496.31 an agency must use the procedures established in section 256P.04.



497.1 **EFFECTIVE DATE.** This section is effective February 1, 2015.

497.2 Sec. 8. Minnesota Statutes 2012, section 256D.10, is amended to read:

497.3 **256D.10 ADMINISTRATIVE HEARING PRIOR TO ADVERSE ACTION.**

497.4 No grant of general assistance except one made pursuant to section 256D.06,  
497.5 subdivision 2, ~~or 256D.08, subdivision 2~~, shall be reduced, terminated, or suspended  
497.6 unless the recipient receives notice and is afforded an opportunity to be heard prior to  
497.7 any action by the county agency.

497.8 Nothing herein shall deprive a recipient of the right to full administrative and judicial  
497.9 review of an order or determination of a county agency as provided for in section 256.045  
497.10 subsequent to any action taken by a county agency after a prior hearing.

497.11 **EFFECTIVE DATE.** This section is effective June 1, 2016.

497.12 Sec. 9. Minnesota Statutes 2012, section 256D.405, subdivision 1, is amended to read:

497.13 Subdivision 1. **Verification of information.** ~~The county agency shall request, and~~  
497.14 ~~applicants and recipients shall provide and verify, all information necessary to determine~~  
497.15 ~~initial and continuing eligibility and assistance payment amounts. If necessary, the county~~  
497.16 ~~agency shall assist the applicant or recipient in obtaining verifications. If the applicant or~~  
497.17 ~~recipient refuses or fails without good cause to provide the information or verification, the~~  
497.18 ~~county agency shall deny or terminate assistance~~ An agency must apply section 256P.04  
497.19 when documenting, verifying, and recertifying eligibility under this chapter. An agency  
497.20 must only require verification of information necessary to determine eligibility under this  
497.21 chapter and the amount of the assistance payment.

497.22 **EFFECTIVE DATE.** This section is effective February 1, 2015.

497.23 Sec. 10. Minnesota Statutes 2012, section 256D.405, subdivision 3, is amended to read:

497.24 Subd. 3. **Reports.** ~~Recipients~~ Participants must report changes in circumstances that  
497.25 affect eligibility or assistance payment amounts within ten days of the change. ~~Recipients~~  
497.26 Participants who do not receive SSI because of excess income must complete a monthly  
497.27 report form if they have earned income, if they have income deemed to them from a  
497.28 financially responsible relative with whom the ~~recipient~~ participant resides, or if they have  
497.29 income deemed to them by a sponsor. If the report form is not received before the end of  
497.30 the month in which it is due, the county agency must terminate assistance. The termination  
497.31 shall be effective on the first day of the month following the month in which the report  
497.32 was due. If a complete report is received within the month the assistance was terminated,

498.1 the assistance unit is considered to have continued its application for assistance, effective  
498.2 the first day of the month the assistance was terminated.

498.3 **EFFECTIVE DATE.** This section is effective February 1, 2015.

498.4 Sec. 11. Minnesota Statutes 2012, section 256D.425, subdivision 2, is amended to read:

498.5 Subd. 2. **Resource standards.** (a) For persons receiving supplemental security  
498.6 income benefits, the resource standards and restrictions for supplemental aid under  
498.7 this section shall be those used to determine eligibility for disabled individuals in the  
498.8 supplemental security income program.

498.9 (b) For persons not receiving supplemental security income benefits due to excess  
498.10 income or resources, but whose income and resources are within the limits of the Minnesota  
498.11 supplemental aid program, the resource standards shall be those in section 256P.02.

498.12 **EFFECTIVE DATE.** This section is effective June 1, 2016.

498.13 Sec. 12. Minnesota Statutes 2012, section 256I.03, is amended by adding a subdivision  
498.14 to read:

498.15 Subd. 1a. **Agency.** "Agency" has the meaning given in section 256P.01, subdivision  
498.16 2.

498.17 Sec. 13. Minnesota Statutes 2012, section 256I.04, subdivision 1, is amended to read:

498.18 Subdivision 1. **Individual eligibility requirements.** An individual is eligible for  
498.19 and entitled to a group residential housing payment to be made on the individual's behalf  
498.20 if the ~~county~~ agency has approved the individual's residence in a group residential housing  
498.21 setting and the individual meets the requirements in paragraph (a) or (b).

498.22 (a) The individual is aged, blind, or is over 18 years of age and disabled as  
498.23 determined under the criteria used by the title II program of the Social Security Act, and  
498.24 meets the resource restrictions and standards of ~~the supplemental security income program~~  
498.25 section 256P.02, and the individual's countable income after deducting the (1) exclusions  
498.26 and disregards of the SSI program, (2) the medical assistance personal needs allowance  
498.27 under section 256B.35, and (3) an amount equal to the income actually made available to  
498.28 a community spouse by an elderly waiver ~~recipient~~ participant under the provisions of  
498.29 sections 256B.0575, paragraph (a), clause (4), and 256B.058, subdivision 2, is less than  
498.30 the monthly rate specified in the ~~county~~ agency's agreement with the provider of group  
498.31 residential housing in which the individual resides.

499.1 (b) The individual meets a category of eligibility under section 256D.05, subdivision  
499.2 1, paragraph (a), and the individual's resources are less than the standards specified by  
499.3 section ~~256D.08~~ 256P.02, and the individual's countable income as determined under  
499.4 sections 256D.01 to 256D.21, less the medical assistance personal needs allowance under  
499.5 section 256B.35 is less than the monthly rate specified in the ~~county~~ agency's agreement  
499.6 with the provider of group residential housing in which the individual resides.

499.7 **EFFECTIVE DATE.** This section is effective June 1, 2016.

499.8 Sec. 14. Minnesota Statutes 2012, section 256J.08, is amended by adding a subdivision  
499.9 to read:

499.10 Subd. 2a. **Agency.** "Agency" has the meaning given in section 256P.01, subdivision  
499.11 2.

499.12 Sec. 15. Minnesota Statutes 2012, section 256J.08, subdivision 47, is amended to read:

499.13 Subd. 47. **Income.** "Income" means cash or in-kind benefit, whether earned or  
499.14 unearned, received by or available to an applicant or participant that is not an ~~asset~~  
499.15 property under section ~~256J.20~~ 256P.02.

499.16 **EFFECTIVE DATE.** This section is effective June 1, 2016.

499.17 Sec. 16. Minnesota Statutes 2012, section 256J.08, subdivision 57, is amended to read:

499.18 Subd. 57. **Minnesota family investment program or MFIP.** "Minnesota family  
499.19 investment program" or "MFIP" means the assistance program authorized in this chapter  
499.20 ~~and chapter 256K.~~

499.21 Sec. 17. Minnesota Statutes 2012, section 256J.08, subdivision 83, is amended to read:

499.22 Subd. 83. **Significant change.** "Significant change" means a decline in gross  
499.23 income of the amount of the disregard as defined in ~~subdivision 24~~ section 256P.03 or  
499.24 more from the income used to determine the grant for the current month.

499.25 **EFFECTIVE DATE.** This section is effective October 1, 2015.

499.26 Sec. 18. Minnesota Statutes 2012, section 256J.10, is amended to read:

499.27 **256J.10 MFIP ELIGIBILITY REQUIREMENTS.**

500.1 To be eligible for MFIP, applicants must meet the general eligibility requirements  
500.2 in sections 256J.11 to 256J.15, the property limitations in section ~~256J.20~~ 256P.02, and  
500.3 the income limitations in section 256J.21.

500.4 **EFFECTIVE DATE.** This section is effective June 1, 2016.

500.5 Sec. 19. Minnesota Statutes 2013 Supplement, section 256J.21, subdivision 3, is  
500.6 amended to read:

500.7 Subd. 3. **Initial income test.** The county agency shall determine initial eligibility  
500.8 by considering all earned and unearned income that is not excluded under subdivision 2.  
500.9 To be eligible for MFIP, the assistance unit's countable income minus the earned income  
500.10 disregards in ~~paragraphs~~ paragraph (a) and (b) section 256P.03 must be below the family  
500.11 wage level according to section 256J.24 for that size assistance unit.

500.12 (a) The initial eligibility determination must disregard the following items:

500.13 (1) the ~~employment~~ earned income disregard is ~~18 percent of the gross earned~~  
500.14 ~~income whether or not the member is working full time or part time~~ as determined in  
500.15 section 256P.03;

500.16 (2) dependent care costs must be deducted from gross earned income for the actual  
500.17 amount paid for dependent care up to a maximum of \$200 per month for each child less  
500.18 than two years of age, and \$175 per month for each child two years of age and older ~~under~~  
500.19 ~~this chapter and chapter 119B~~;

500.20 (3) all payments made according to a court order for spousal support or the support  
500.21 of children not living in the assistance unit's household shall be disregarded from the  
500.22 income of the person with the legal obligation to pay support, ~~provided that, if there has~~  
500.23 ~~been a change in the financial circumstances of the person with the legal obligation to pay~~  
500.24 ~~support since the support order was entered, the person with the legal obligation to pay~~  
500.25 ~~support has petitioned for a modification of the support order~~; and

500.26 (4) an allocation for the unmet need of an ineligible spouse or an ineligible child  
500.27 under the age of 21 for whom the caregiver is financially responsible and who lives with  
500.28 the caregiver according to section 256J.36.

500.29 (b) ~~Notwithstanding paragraph (a), when determining initial eligibility for applicant~~  
500.30 ~~units when at least one member has received MFIP in this state within four months of~~  
500.31 ~~the most recent application for MFIP, apply the disregard as defined in section 256J.08,~~  
500.32 ~~subdivision 24, for all unit members.~~

500.33 After initial eligibility is established, the assistance payment calculation is based on  
500.34 the monthly income test.

501.1 **EFFECTIVE DATE.** This section is effective October 1, 2015.

501.2 Sec. 20. Minnesota Statutes 2012, section 256J.21, subdivision 4, is amended to read:

501.3 Subd. 4. **Monthly income test and determination of assistance payment.**

501.4 The county agency shall determine ongoing eligibility and the assistance payment  
501.5 amount according to the monthly income test. To be eligible for MFIP, the result of the  
501.6 computations in paragraphs (a) to (e) must be at least \$1.

501.7 (a) Apply an income disregard as defined in section ~~256J.08, subdivision 24~~ 256P.03,  
501.8 to gross earnings and subtract this amount from the family wage level. If the difference is  
501.9 equal to or greater than the MFIP transitional standard of need, the assistance payment is  
501.10 equal to the MFIP transitional standard of need. If the difference is less than the MFIP  
501.11 transitional standard of need, the assistance payment is equal to the difference. The  
501.12 ~~employment earned income~~ disregard in this paragraph must be deducted every month  
501.13 there is earned income.

501.14 (b) All payments made according to a court order for spousal support or the support  
501.15 of children not living in the assistance unit's household must be disregarded from the  
501.16 income of the person with the legal obligation to pay support, ~~provided that, if there has~~  
501.17 ~~been a change in the financial circumstances of the person with the legal obligation to pay~~  
501.18 ~~support since the support order was entered, the person with the legal obligation to pay~~  
501.19 ~~support has petitioned for a modification of the court order.~~

501.20 (c) An allocation for the unmet need of an ineligible spouse or an ineligible child  
501.21 under the age of 21 for whom the caregiver is financially responsible and who lives with  
501.22 the caregiver must be made according to section 256J.36.

501.23 (d) Subtract unearned income dollar for dollar from the MFIP transitional standard  
501.24 ~~of need~~ to determine the assistance payment amount.

501.25 (e) When income is both earned and unearned, the amount of the assistance payment  
501.26 must be determined by first treating gross earned income as specified in paragraph (a).  
501.27 After determining the amount of the assistance payment under paragraph (a), unearned  
501.28 income must be subtracted from that amount dollar for dollar to determine the assistance  
501.29 payment amount.

501.30 (f) When the monthly income is greater than the MFIP transitional standard of need  
501.31 after deductions and the income will only exceed the standard for one month, the county  
501.32 agency must suspend the assistance payment for the payment month.

501.33 **EFFECTIVE DATE.** This section is effective October 1, 2015.

501.34 Sec. 21. Minnesota Statutes 2012, section 256J.30, subdivision 4, is amended to read:

502.1 Subd. 4. **Participant's completion of recertification of eligibility form.** A  
 502.2 participant must complete forms prescribed by the commissioner which are required  
 502.3 for recertification of eligibility according to section ~~256J.32, subdivision 6~~ 256P.04,  
 502.4 subdivisions 8 and 9.

502.5 **EFFECTIVE DATE.** This section is effective February 1, 2015.

502.6 Sec. 22. Minnesota Statutes 2013 Supplement, section 256J.30, subdivision 9, is  
 502.7 amended to read:

502.8 Subd. 9. **Changes that must be reported.** A caregiver must report the changes  
 502.9 or anticipated changes specified in clauses (1) to ~~(16)~~ (15) within ten days of the date  
 502.10 they occur, at the time of the periodic recertification of eligibility under section ~~256J.32,~~  
 502.11 ~~subdivision 6~~ 256P.04, subdivisions 8 and 9, or within eight calendar days of a reporting  
 502.12 period as in subdivision 5, whichever occurs first. A caregiver must report other changes  
 502.13 at the time of the periodic recertification of eligibility under section ~~256J.32, subdivision~~  
 502.14 ~~6~~ 256P.04, subdivisions 8 and 9, or at the end of a reporting period under subdivision  
 502.15 5, as applicable. A caregiver must make these reports in writing to the ~~county~~ agency.  
 502.16 When ~~a county~~ an agency could have reduced or terminated assistance for one or more  
 502.17 payment months if a delay in reporting a change specified under clauses (1) to ~~(15)~~ (14)  
 502.18 had not occurred, the ~~county~~ agency must determine whether a timely notice under section  
 502.19 256J.31, subdivision 4, could have been issued on the day that the change occurred. When  
 502.20 a timely notice could have been issued, each month's overpayment subsequent to that  
 502.21 notice must be considered a client error overpayment under section 256J.38. Calculation  
 502.22 of overpayments for late reporting under clause ~~(16)~~ (15) is specified in section 256J.09,  
 502.23 subdivision 9. Changes in circumstances which must be reported within ten days must  
 502.24 also be reported on the MFIP household report form for the reporting period in which  
 502.25 those changes occurred. Within ten days, a caregiver must report:

- 502.26 (1) a change in initial employment;  
 502.27 (2) a change in initial receipt of unearned income;  
 502.28 (3) a recurring change in unearned income;  
 502.29 (4) a nonrecurring change of unearned income that exceeds \$30;  
 502.30 (5) the receipt of a lump sum;  
 502.31 (6) an increase in assets that may cause the assistance unit to exceed asset limits;  
 502.32 (7) a change in the physical or mental status of an incapacitated member of the  
 502.33 assistance unit if the physical or mental status is the basis for reducing the hourly  
 502.34 participation requirements under section 256J.55, subdivision 1, or the type of activities  
 502.35 included in an employment plan under section 256J.521, subdivision 2;

- 503.1 (8) a change in employment status;
- 503.2 ~~(9) information affecting an exception under section 256J.24, subdivision 9;~~
- 503.3 ~~(10) (9) the marriage or divorce of an assistance unit member;~~
- 503.4 ~~(11) (10) the death of a parent, minor child, or financially responsible person;~~
- 503.5 ~~(12) (11) a change in address or living quarters of the assistance unit;~~
- 503.6 ~~(13) (12) the sale, purchase, or other transfer of property;~~
- 503.7 ~~(14) (13) a change in school attendance of a caregiver under age 20 or an employed~~
- 503.8 child;
- 503.9 ~~(15) (14) filing a lawsuit, a workers' compensation claim, or a monetary claim~~
- 503.10 against a third party; and
- 503.11 ~~(16) (15) a change in household composition, including births, returns to and~~
- 503.12 departures from the home of assistance unit members and financially responsible persons,
- 503.13 or a change in the custody of a minor child.

503.14 **EFFECTIVE DATE.** This section is effective January 1, 2015.

503.15 Sec. 23. Minnesota Statutes 2012, section 256J.32, subdivision 1, is amended to read:

503.16 Subdivision 1. **Verification of information.** ~~A county~~ An agency must apply section

503.17 256P.04 when documenting, verifying, and recertifying MFIP eligibility. An agency must

503.18 only require verification of information necessary to determine MFIP eligibility and the

503.19 amount of the assistance payment.

503.20 **EFFECTIVE DATE.** This section is effective February 1, 2015.

503.21 Sec. 24. Minnesota Statutes 2012, section 256J.33, subdivision 2, is amended to read:

503.22 Subd. 2. **Prospective eligibility.** ~~A county~~ An agency must determine whether the

503.23 eligibility requirements that pertain to an assistance unit, including those in sections

503.24 256J.11 to 256J.15 and ~~256J.20~~ 256P.02, will be met prospectively for the payment

503.25 month. Except for the provisions in section 256J.34, subdivision 1, the income test will be

503.26 applied retrospectively.

503.27 **EFFECTIVE DATE.** This section is effective June 1, 2016.

503.28 Sec. 25. Minnesota Statutes 2012, section 256J.37, as amended by Laws 2013, chapter

503.29 107, article 4, section 15, is amended to read:

503.30 **256J.37 TREATMENT OF INCOME AND LUMP SUMS.**

504.1 Subdivision 1. **Deemed income from ineligible household assistance unit**  
 504.2 **members.** ~~Unless otherwise provided under subdivision 1a or 1b,~~ The income of ineligible  
 504.3 ~~household assistance unit~~ members must be deemed after allowing the following disregards:

504.4 (1) ~~the first 18 percent of the ineligible family member's gross~~ an earned income  
 504.5 disregard as determined under section 256P.03;

504.6 (2) ~~amounts the ineligible person actually paid to individuals not living in the~~  
 504.7 ~~same household but whom the ineligible person claims or could claim as dependents for~~  
 504.8 ~~determining federal personal income tax liability;~~

504.9 (3) ~~(2)~~ all payments made by the ineligible person according to a court order for  
 504.10 spousal support or the support of children not living in the assistance unit's household;  
 504.11 ~~provided that, if there has been a change in the financial circumstances of the ineligible~~  
 504.12 ~~person since the support order was entered, the ineligible person has petitioned for a~~  
 504.13 ~~modification of the support order; and~~

504.14 (4) ~~(3)~~ an amount for the unmet needs of the ineligible person ~~and other persons~~  
 504.15 ~~who live in the household but are not included in the assistance unit and are or could be~~  
 504.16 ~~claimed by an ineligible person as dependents for determining federal personal income~~  
 504.17 ~~tax liability who, if eligible, would be assistance unit members under section 256J.24,~~  
 504.18 subdivision 2 or 4, paragraph (b). This amount is equal to the difference between the  
 504.19 MFIP transitional standard of need when the ineligible person ~~is~~ persons are included in  
 504.20 the assistance unit and the MFIP transitional standard of need when the ineligible person  
 504.21 ~~is~~ persons are not included in the assistance unit.

504.22 Subd. 1a. **Deemed income from disqualified assistance unit members.** The  
 504.23 income of disqualified members must be deemed after allowing the following disregards:

504.24 (1) ~~the first 18 percent of the disqualified member's gross~~ an earned income disregard  
 504.25 as determined under section 256P.03;

504.26 (2) ~~amounts the disqualified member actually paid to individuals not living in the~~  
 504.27 ~~same household but whom the disqualified member claims or could claim as dependents~~  
 504.28 ~~for determining federal personal income tax liability;~~

504.29 (3) ~~(2)~~ all payments made by the disqualified member according to a court order for  
 504.30 spousal support or the support of children not living in the assistance unit's household;  
 504.31 ~~provided that, if there has been a change in the financial circumstances of the disqualified~~  
 504.32 ~~member's legal obligation to pay support since the support order was entered, the~~  
 504.33 ~~disqualified member has petitioned for a modification of the support order; and~~

504.34 (4) ~~(3)~~ an amount for the unmet needs of other ineligible persons who live in the  
 504.35 household ~~but are not included in the assistance unit and are or could be claimed by the~~  
 504.36 ~~disqualified member as dependents for determining federal personal income tax liability~~



505.1 who, if eligible, would be assistance unit members under section 256J.24, subdivision 2 or  
505.2 4, paragraph (b). This amount is equal to the difference between the MFIP transitional  
505.3 standard of need when the ineligible person is persons are included in the assistance unit  
505.4 and the MFIP transitional standard of need when the ineligible person is persons are  
505.5 not included in the assistance unit. An amount shall not be allowed for the needs of a  
505.6 disqualified ~~member~~ members.

505.7 Subd. 1b. **Deemed income from parents of minor caregivers.** In households  
505.8 where minor caregivers live with a parent or parents who do not receive MFIP for  
505.9 themselves or their minor children, the income of the parents must be deemed after  
505.10 allowing the following disregards:

505.11 (1) income of the parents equal to 200 percent of the federal poverty guideline for a  
505.12 family size not including the minor parent and the minor parent's child in the household  
505.13 according to section 256J.21, subdivision 2, clause (43); and

505.14 ~~(2) 18 percent of the parents' gross earned income;~~

505.15 ~~(3) amounts the parents actually paid to individuals not living in the same household~~  
505.16 ~~but whom the parents claim or could claim as dependents for determining federal personal~~  
505.17 ~~income tax liability; and~~

505.18 ~~(4) (2) all payments made by parents according to a court order for spousal support~~  
505.19 ~~or the support of children not living in the parent's household, provided that, if there has~~  
505.20 ~~been a change in the financial circumstances of the parent's legal obligation to pay support~~  
505.21 ~~since the support order was entered, the parents have petitioned for a modification of~~  
505.22 ~~the support order.~~

505.23 Subd. 2. **Deemed income and assets of sponsor of noncitizens.** (a) If a noncitizen  
505.24 applies for or receives MFIP, the county agency must deem the income and assets of the  
505.25 noncitizen's sponsor and the sponsor's spouse as provided in this paragraph and paragraph  
505.26 (b) or (c), whichever is applicable. The deemed income of a sponsor and the sponsor's  
505.27 spouse is considered unearned income of the noncitizen. The deemed assets of a sponsor  
505.28 and the sponsor's spouse are considered available assets of the noncitizen.

505.29 (b) The income and assets of a sponsor who signed an affidavit of support under title  
505.30 IV, sections 421, 422, and 423, of Public Law 104-193, the Personal Responsibility and  
505.31 Work Opportunity Reconciliation Act of 1996, and the income and assets of the sponsor's  
505.32 spouse, must be deemed to the noncitizen to the extent required by those sections of  
505.33 Public Law 104-193.

505.34 (c) The income and assets of a sponsor and the sponsor's spouse to whom the  
505.35 provisions of paragraph (b) do not apply must be deemed to the noncitizen to the full

506.1 extent allowed under title V, section 5505, of Public Law 105-33, the Balanced Budget  
506.2 Act of 1997.

506.3 Subd. 3. **Earned income of wage, salary, and contractual employees.** The county  
506.4 agency must include gross earned income less any disregards in the initial and monthly  
506.5 income test. Gross earned income received by persons employed on a contractual basis  
506.6 must be prorated over the period covered by the contract even when payments are received  
506.7 over a lesser period of time.

506.8 Subd. 3a. **Rental subsidies; unearned income.** (a) Effective July 1, 2003, the  
506.9 county agency shall count \$50 of the value of public and assisted rental subsidies provided  
506.10 through the Department of Housing and Urban Development (HUD) as unearned income  
506.11 to the cash portion of the MFIP grant. The full amount of the subsidy must be counted as  
506.12 unearned income when the subsidy is less than \$50. The income from this subsidy shall  
506.13 be budgeted according to section 256J.34.

506.14 (b) The provisions of this subdivision shall not apply to an MFIP assistance unit  
506.15 which includes a participant who is:

506.16 (1) age 60 or older;

506.17 (2) a caregiver who is suffering from an illness, injury, or incapacity that has been  
506.18 certified by a qualified professional when the illness, injury, or incapacity is expected  
506.19 to continue for more than 30 days and severely limits the person's ability to obtain or  
506.20 maintain suitable employment; or

506.21 (3) a caregiver whose presence in the home is required due to the illness or  
506.22 incapacity of another member in the assistance unit, a relative in the household, or a foster  
506.23 child in the household when the illness or incapacity and the need for the participant's  
506.24 presence in the home has been certified by a qualified professional and is expected to  
506.25 continue for more than 30 days.

506.26 (c) The provisions of this subdivision shall not apply to an MFIP assistance unit  
506.27 where the parental caregiver is an SSI recipient participant.

506.28 Subd. 4. **Self-employment.** ~~Self-employed individuals are those who are~~  
506.29 ~~responsible for their own work schedule and do not have coverage under an employer's~~  
506.30 ~~liability insurance or workers' compensation. Self-employed individuals generally work~~  
506.31 ~~for themselves rather than an employer. However, individuals employed in some types of~~  
506.32 ~~services may be self-employed even if they have an employer or work out of another's~~  
506.33 ~~business location. For example, real estate sales people, individuals who work for~~  
506.34 ~~commission sales, manufacturer's representatives, and independent contractors may be~~  
506.35 ~~self-employed. Self-employed individuals may or may not have FICA deducted from the~~  
506.36 ~~check issued to them by an employer or another party.~~

507.1 ~~Self-employed individuals may own a business singularly or in partnership.~~  
 507.2 ~~Individuals operating more than one self-employment business may use the loss from~~  
 507.3 ~~one business to offset self-employment income from another business. A loss from a~~  
 507.4 ~~self-employment business may not offset income earned under subdivision 3.~~

507.5 Self-employment has the meaning given in section 256P.01, subdivision 7.

507.6 Subd. 5. **Self-employment earnings.** The county agency must determine  
 507.7 self-employment income according to the following: section 256P.05, subdivision 2.

507.8 ~~(a) Subtract allowable business expenses from total gross receipts. Allowable~~  
 507.9 ~~business expenses include:~~

507.10 ~~(1) interest on mortgages and loans;~~

507.11 ~~(2) employee wages, except for persons who are part of the assistance unit or whose~~  
 507.12 ~~income is deemed to the participant;~~

507.13 ~~(3) FICA funds paid on employees' wages, payment of employee workers'~~  
 507.14 ~~compensation, and unemployment benefits;~~

507.15 ~~(4) livestock and veterinary or breeding fees;~~

507.16 ~~(5) raw material;~~

507.17 ~~(6) seed and fertilizer;~~

507.18 ~~(7) maintenance and repairs that are not capital expenditures;~~

507.19 ~~(8) tax return preparation fees;~~

507.20 ~~(9) license fees, professional fees, franchise fees, and professional dues;~~

507.21 ~~(10) tools and supplies that are not capital expenditures;~~

507.22 ~~(11) fuel and transportation expenses other than fuel costs covered by the flat rate~~  
 507.23 ~~transportation deduction;~~

507.24 ~~(12) advertising costs;~~

507.25 ~~(13) meals eaten when required to be away from the local work site;~~

507.26 ~~(14) property expenses such as rent, insurance, taxes, and utilities;~~

507.27 ~~(15) postage;~~

507.28 ~~(16) purchase cost of inventory at time of sale;~~

507.29 ~~(17) loss from another self-employment business;~~

507.30 ~~(18) attorney fees allowed by the Internal Revenue Service; and~~

507.31 ~~(19) tuition for classes necessary to maintain or improve job skills or required by~~  
 507.32 ~~law to maintain job status or salary as allowed by the Internal Revenue Service.~~

507.33 ~~(b) The county agency shall not allow a deduction for the following expenses:~~

507.34 ~~(1) purchases of capital assets;~~

507.35 ~~(2) payments on the principals of loans for capital assets;~~

507.36 ~~(3) depreciation;~~

- 508.1 ~~(4) amortization;~~
- 508.2 ~~(5) the wholesale costs of items purchased, processed, or manufactured which are~~
- 508.3 ~~unsold inventory;~~
- 508.4 ~~(6) transportation costs that exceed the maximum standard mileage rate allowed for~~
- 508.5 ~~use of a personal car in the Internal Revenue Code;~~
- 508.6 ~~(7) costs, in any amount, for mileage between an applicant's or participant's home~~
- 508.7 ~~and place of employment;~~
- 508.8 ~~(8) salaries and other employment deductions made for members of an assistance~~
- 508.9 ~~unit or persons who live in the household for whom an employer is legally responsible;~~
- 508.10 ~~(9) monthly expenses in excess of \$71 for each roomer;~~
- 508.11 ~~(10) monthly expenses in excess of the Thrifty Food Plan amount for one person for~~
- 508.12 ~~each boarder. For purposes of this clause and clause (11), "Thrifty Food Plan" has the~~
- 508.13 ~~meaning given it in Code of Federal Regulations;~~
- 508.14 ~~(11) monthly expenses in excess of the roomer rate plus the Thrifty Food Plan~~
- 508.15 ~~amount for one person for each roomer-boarder. If there is more than one boarder or~~
- 508.16 ~~roomer-boarder, use the total number of boarders as the unit size to determine the Thrifty~~
- 508.17 ~~Food Plan amount;~~
- 508.18 ~~(12) an amount greater than actual expenses or two percent of the estimated market~~
- 508.19 ~~value on a county tax assessment form, whichever is greater, as a deduction for upkeep~~
- 508.20 ~~and repair against rental income;~~
- 508.21 ~~(13) expenses not allowed by the Internal Revenue Code;~~
- 508.22 ~~(14) expenses in excess of 60 percent of gross receipts for in-home child care unless~~
- 508.23 ~~a higher amount can be documented; and~~
- 508.24 ~~(15) expenses that are reimbursed under the child and adult care food program as~~
- 508.25 ~~authorized under the National School Lunch Act, United States Code, title 42.~~
- 508.26 **Subd. 6. Self-employment budget period.** ~~The self-employment budget period~~
- 508.27 ~~begins in the month of application or in the first month of self-employment. Gross receipts~~
- 508.28 ~~must be budgeted in the month received. Expenses must be budgeted against gross~~
- 508.29 ~~receipts in the month the expenses are paid, except for paragraphs (a) to (c):~~
- 508.30 ~~(a) The purchase cost of inventory items, including materials which are processed~~
- 508.31 ~~or manufactured, must be deducted as an expense at the time payment is received for~~
- 508.32 ~~the sale of the inventory items.~~
- 508.33 ~~(b) A 12-month rolling average based on clauses (1) to (3) must be used to budget~~
- 508.34 ~~monthly income.~~
- 508.35 ~~(1) For a business in operation for at least 12 months, the county agency shall use~~
- 508.36 ~~the average monthly self-employment income from the most current income tax report for~~

509.1 ~~the 12 months before the month of application. The county agency shall determine a new~~  
509.2 ~~monthly average by adding in the actual self-employment income and expenses from the~~  
509.3 ~~previous month and dropping the first month from the averaging period.~~

509.4 ~~(2) For a business in operation for less than 12 months, the county agency shall~~  
509.5 ~~compute the average for the number of months the business has been in operation to~~  
509.6 ~~determine a monthly average. When data are available for 12 or more months, average~~  
509.7 ~~monthly self-employment income is determined under clause (1).~~

509.8 ~~(3) If the business undergoes a major change, the county agency shall compute a new~~  
509.9 ~~rolling average beginning with the first month of the major change. For the purpose of this~~  
509.10 ~~clause, major change means a change that affects the nature and scale of the business and~~  
509.11 ~~is not merely the result of normal business fluctuations.~~

509.12 ~~(e) For seasonal self-employment, the caregiver may choose whether to use actual~~  
509.13 ~~income in the month of receipt and expenses in the month incurred or the rolling average~~  
509.14 ~~method of computation. The choice must be made once per year at the time of application~~  
509.15 ~~or recertification. For the purpose of this paragraph, seasonal means working six or less~~  
509.16 ~~months per year.~~

509.17 The agency must budget self-employment earned income according to section  
509.18 256P.05, subdivision 3.

509.19 ~~Subd. 7. **Farm income.** Farm income is the difference between gross receipts~~  
509.20 ~~and operating expenses. The county agency must not allow a deduction for expenses~~  
509.21 ~~listed in subdivision 5, paragraph (b). Gross receipts include sales, rents, subsidies,~~  
509.22 ~~soil conservation payments, production derived from livestock, and income from~~  
509.23 ~~home-produced food Farm income shall be treated as self-employment income under~~  
509.24 ~~section 256P.05, subdivision 2. The agency must budget farm income as self-employment~~  
509.25 ~~earned income according to section 256P.05, subdivision 3.~~

509.26 ~~Subd. 8. **Rental income.** The county agency must treat income from rental property~~  
509.27 ~~as earned or unearned income. Income from rental property is unearned income unless the~~  
509.28 ~~assistance unit spends an average of ten hours per week on maintenance or management~~  
509.29 ~~of the property. When the owner spends more than ten hours per week on maintenance~~  
509.30 ~~or repairs, the earnings are considered self-employment earnings. An amount must be~~  
509.31 ~~deducted for upkeep and repairs, as specified in subdivision 5, paragraph (b), clause~~  
509.32 ~~(12), real estate taxes, insurance, utilities, and interest on principal payments. When the~~  
509.33 ~~applicant or participant lives on the rental property, expenses for upkeep, taxes, insurance,~~  
509.34 ~~utilities, and interest must be divided by the number of rooms to determine expense per~~  
509.35 ~~room and expenses deducted must be deducted only for the number of rooms rented~~  
509.36 Rental income is subject to the requirements of section 256P.05.

510.1 Subd. 9. **Unearned income.** (a) The county agency must apply unearned income  
510.2 to the MFIP transitional standard of need. When determining the amount of unearned  
510.3 income, the county agency must deduct the costs necessary to secure payments of  
510.4 unearned income. These costs include legal fees, medical fees, and mandatory deductions  
510.5 such as federal and state income taxes.

510.6 (b) The county agency must convert unearned income received on a periodic basis to  
510.7 monthly amounts by prorating the income over the number of months represented by the  
510.8 frequency of the payments. The county agency must begin counting the monthly amount  
510.9 in the month the periodic payment is received and budget it according to the assistance  
510.10 unit's budget cycle.

510.11 Subd. 10. **Treatment of lump sums.** (a) The county agency must treat lump-sum  
510.12 payments as earned or unearned income. If the lump-sum payment is included in the  
510.13 category of income identified in subdivision 9, it must be treated as unearned income. A  
510.14 lump sum is counted as income in the month received and budgeted either prospectively or  
510.15 retrospectively depending on the budget cycle at the time of receipt. When an individual  
510.16 receives a lump-sum payment, that lump sum must be combined with all other earned and  
510.17 unearned income received in the same budget month, and it must be applied according to  
510.18 paragraphs (a) to (c). A lump sum may not be carried over into subsequent months. Any  
510.19 funds that remain in the third month after the month of receipt are counted in the asset limit.

510.20 (b) For a lump sum received by an applicant during the first two months, prospective  
510.21 budgeting is used to determine the payment and the lump sum must be combined with  
510.22 other earned or unearned income received and budgeted in that prospective month.

510.23 (c) For a lump sum received by a participant after the first two months of MFIP  
510.24 eligibility, the lump sum must be combined with other income received in that budget  
510.25 month, and the combined amount must be applied retrospectively against the applicable  
510.26 payment month.

510.27 (d) When a lump sum, combined with other income under paragraphs (b) and (c), is  
510.28 less than the MFIP transitional standard of need for the appropriate payment month, the  
510.29 assistance payment must be reduced according to the amount of the countable income.  
510.30 When the countable income is greater than the MFIP standard or family wage level, the  
510.31 assistance payment must be suspended for the payment month.

510.32 **EFFECTIVE DATE.** The amendments to subdivisions 1, 1a, 1b, and 2 are effective  
510.33 October 1, 2015. The amendments to subdivisions 4, 5, 6, 7, and 8 are effective February  
510.34 1, 2015. The amendments to subdivisions 9 and 10 are effective January 1, 2015.

510.35 Sec. 26. Minnesota Statutes 2012, section 256J.425, subdivision 1, is amended to read:

511.1 Subdivision 1. **Eligibility.** (a) To be eligible for a hardship extension, a participant  
511.2 in an assistance unit subject to the time limit under section 256J.42, subdivision 1, must  
511.3 be in compliance in the participant's 60th counted month. For purposes of determining  
511.4 eligibility for a hardship extension, a participant is in compliance in any month that the  
511.5 participant has not been sanctioned. In order to maintain eligibility for any of the hardship  
511.6 extension categories a participant shall develop and comply with either an employment  
511.7 plan or a family stabilization services plan, whichever is appropriate.

511.8 (b) If one participant in a two-parent assistance unit is determined to be ineligible for  
511.9 a hardship extension, the county shall give the assistance unit the option of disqualifying  
511.10 the ineligible participant from MFIP. In that case, the assistance unit shall be treated as a  
511.11 one-parent assistance unit ~~and the assistance unit's MFIP grant shall be calculated using~~  
511.12 ~~the shared household standard under section 256J.08, subdivision 82a.~~

511.13 (c) Prior to denying an extension, the county must review the sanction status and  
511.14 determine whether the sanction is appropriate or if good cause exists under section 256J.57.  
511.15 If the sanction was inappropriately applied or the participant is granted a good cause  
511.16 exception before the end of month 60, the participant shall be considered for an extension.

511.17 **EFFECTIVE DATE.** This section is effective January 1, 2015.

511.18 Sec. 27. Minnesota Statutes 2012, section 256J.425, subdivision 7, is amended to read:

511.19 Subd. 7. **Status of disqualified participants.** (a) An assistance unit that is  
511.20 disqualified under subdivision 6, paragraph (a), may be approved for MFIP if the  
511.21 participant complies with MFIP program requirements and demonstrates compliance for  
511.22 up to one month. No assistance shall be paid during this period.

511.23 (b) An assistance unit that is disqualified under subdivision 6, paragraph (a), and that  
511.24 reapplies under paragraph (a) is subject to sanction under section 256J.46, subdivision  
511.25 1, paragraph (c), clause (1), for a first occurrence of noncompliance. A subsequent  
511.26 occurrence of noncompliance results in a permanent disqualification.

511.27 (c) If one participant in a two-parent assistance unit receiving assistance under a  
511.28 hardship extension under subdivision 3 or 4 is determined to be out of compliance with  
511.29 the employment and training services requirements under sections 256J.521 to 256J.57,  
511.30 the county shall give the assistance unit the option of disqualifying the noncompliant  
511.31 participant from MFIP. In that case, the assistance unit shall be treated as a one-parent  
511.32 assistance unit for the purposes of meeting the work requirements under subdivision  
511.33 4 ~~and the assistance unit's MFIP grant shall be calculated using the shared household~~  
511.34 ~~standard under section 256J.08, subdivision 82a.~~ An applicant who is disqualified  
511.35 from receiving assistance under this paragraph may reapply under paragraph (a). If a

512.1 participant is disqualified from MFIP under this subdivision a second time, the participant  
512.2 is permanently disqualified from MFIP.

512.3 (d) Prior to a disqualification under this subdivision, a county agency must review  
512.4 the participant's case to determine if the employment plan is still appropriate and attempt  
512.5 to meet with the participant face-to-face. If a face-to-face meeting is not conducted, the  
512.6 county agency must send the participant a notice of adverse action as provided in section  
512.7 256J.31. During the face-to-face meeting, the county agency must:

512.8 (1) determine whether the continued noncompliance can be explained and mitigated  
512.9 by providing a needed preemployment activity, as defined in section 256J.49, subdivision  
512.10 13, clause (9);

512.11 (2) determine whether the participant qualifies for a good cause exception under  
512.12 section 256J.57;

512.13 (3) inform the participant of the family violence waiver criteria and make appropriate  
512.14 referrals if the waiver is requested;

512.15 (4) inform the participant of the participant's sanction status and explain the  
512.16 consequences of continuing noncompliance;

512.17 (5) identify other resources that may be available to the participant to meet the  
512.18 needs of the family; and

512.19 (6) inform the participant of the right to appeal under section 256J.40.

512.20 **EFFECTIVE DATE.** This section is effective January 1, 2015.

512.21 Sec. 28. Minnesota Statutes 2012, section 256J.95, subdivision 8, is amended to read:

512.22 Subd. 8. **Verification requirements.** (a) A county agency must only require  
512.23 verification of information necessary to determine DWP eligibility and the amount of  
512.24 the payment. The applicant or participant must document the information required or  
512.25 authorize the county agency to verify the information. The applicant or participant has the  
512.26 burden of providing documentary evidence to verify eligibility. The county agency shall  
512.27 assist the applicant or participant in obtaining required documents when the applicant  
512.28 or participant is unable to do so.

512.29 (b) A county agency must not request information about an applicant or participant  
512.30 that is not a matter of public record from a source other than county agencies, the  
512.31 Department of Human Services, or the United States Department of Health and Human  
512.32 Services without the person's prior written consent. An applicant's signature on an  
512.33 application form constitutes consent for contact with the sources specified on the  
512.34 application. A county agency may use a single consent form to contact a group of similar



513.1 sources, but the sources to be contacted must be identified by the county agency prior to  
513.2 requesting an applicant's consent.

513.3 (c) Factors to be verified shall follow section ~~256J.32, subdivision~~ 256P.04,  
513.4 subdivisions 4 and 5. Except for personal needs, family maintenance needs must be  
513.5 verified before the expense can be allowed in the calculation of the DWP grant.

513.6 **EFFECTIVE DATE.** This section is effective February 1, 2015.

513.7 Sec. 29. Minnesota Statutes 2012, section 256J.95, subdivision 9, is amended to read:

513.8 Subd. 9. **Property and income limitations.** The asset limits and exclusions in  
513.9 section ~~256J.20~~ 256P.02 apply to applicants and ~~recipients~~ participants of DWP. All  
513.10 payments, unless excluded in section 256J.21, must be counted as income to determine  
513.11 eligibility for the diversionary work program. The ~~county agency~~ shall treat income as  
513.12 outlined in section 256J.37, except for subdivision 3a. The initial income test and the  
513.13 disregards in section 256J.21, subdivision 3, shall be followed for determining eligibility  
513.14 for the diversionary work program.

513.15 **EFFECTIVE DATE.** This section is effective June 1, 2016.

513.16 Sec. 30. Minnesota Statutes 2012, section 256J.95, subdivision 10, is amended to read:

513.17 Subd. 10. **Diversionary work program grant.** (a) The amount of cash benefits that  
513.18 a family unit is eligible for under the diversionary work program is based on the number  
513.19 of persons in the family unit, the family maintenance needs, personal needs allowance,  
513.20 and countable income. The county agency shall evaluate the income of the family unit  
513.21 that is requesting payments under the diversionary work program. Countable income  
513.22 means gross earned and unearned income not excluded or disregarded under MFIP.  
513.23 The same disregards for earned income that are allowed under MFIP are allowed for  
513.24 the diversionary work program.

513.25 (b) The DWP grant is based on the family maintenance needs for which the DWP  
513.26 family unit is responsible plus a personal needs allowance. Housing and utilities, except  
513.27 for telephone service, shall be vendor paid. Unless otherwise stated in this section, actual  
513.28 housing and utility expenses shall be used when determining the amount of the DWP grant.

513.29 (c) The maximum monthly benefit amount available under the diversionary work  
513.30 program is the difference between the family unit's needs under paragraph (b) and the  
513.31 family unit's countable income not to exceed the cash portion of the MFIP transitional  
513.32 standard of need as defined in ~~section~~ sections 256J.08, subdivision ~~55a~~ 85, and 256J.24,  
513.33 subdivision 5, for the family unit's size.

514.1 (d) Once the county has determined a grant amount, the DWP grant amount will  
514.2 not be decreased if the determination is based on the best information available at the  
514.3 time of approval and shall not be decreased because of any additional income to the  
514.4 family unit. The grant must be increased if a participant later verifies an increase in family  
514.5 maintenance needs or family unit size. The minimum cash benefit amount, if income and  
514.6 asset tests are met, is \$10. Benefits of \$10 shall not be vendor paid.

514.7 (e) When all criteria are met, including the development of an employment plan as  
514.8 described in subdivision 14 and eligibility exists for the month of application, the amount  
514.9 of benefits for the diversionary work program retroactive to the date of application is as  
514.10 specified in section 256J.35, paragraph (a).

514.11 (f) Any month during the four-month DWP period that a person receives a DWP  
514.12 benefit directly or through a vendor payment made on the person's behalf, that person is  
514.13 ineligible for MFIP or any other TANF cash assistance program except for benefits defined  
514.14 in section 256J.626, subdivision 2, clause (1).

514.15 If during the four-month period a family unit that receives DWP benefits moves to  
514.16 a county that has not established a diversionary work program, the family unit may be  
514.17 eligible for MFIP the month following the last month of the issuance of the DWP benefit.

514.18 **EFFECTIVE DATE.** This section is effective January 1, 2015.

514.19 Sec. 31. **[256P.001] APPLICABILITY.**

514.20 General assistance and Minnesota supplemental aid under chapter 256D and  
514.21 programs governed by chapter 256I or 256J are subject to the requirements of this chapter,  
514.22 unless otherwise specified or exempted.

514.23 Sec. 32. **[256P.01] DEFINITIONS.**

514.24 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section  
514.25 have the meanings given them.

514.26 Subd. 2. **Agency.** "Agency" means any county, federally recognized Indian tribe, or  
514.27 multicounty social services collaboratives.

514.28 Subd. 3. **Earned income.** "Earned income" means cash or in-kind income earned  
514.29 through the receipt of wages, salary, commissions, profit from employment activities, net  
514.30 profit from self-employment activities, payments made by an employer for regularly  
514.31 accrued vacation or sick leave, and any other profit from activity earned through effort or  
514.32 labor. The income must be in return for, or as a result of, legal activity.

515.1 Subd. 4. **Earned income disregard.** "Earned income disregard" means earned  
515.2 income that is not counted according to section 256P.03 when determining eligibility and  
515.3 calculating the amount of the assistance payment.

515.4 Subd. 5. **Equity value.** "Equity value" means the amount of equity in personal  
515.5 property owned by a person and is determined by subtracting any outstanding  
515.6 encumbrances from the fair market value of the personal property.

515.7 Subd. 6. **Personal property.** "Personal property" means an item of value that  
515.8 is not real property.

515.9 Subd. 7. **Self-employment.** "Self-employment" means employment by an  
515.10 individual who:

515.11 (1) incurs costs in producing income and deducts these costs in order to equate the  
515.12 individual's income with income from sources where there are no production costs; and

515.13 (2) controls the individual's work by working either independently of an employer or  
515.14 freelance, or by running the business; or

515.15 (3) pays self-employment taxes.

515.16 Sec. 33. **[256P.02] PERSONAL PROPERTY LIMITATIONS.**

515.17 Subdivision 1. **Property ownership.** (a) The agency must apply paragraphs (b) to  
515.18 (e) to determine the value of personal property. The agency must use the equity value  
515.19 of legally available personal property to determine whether an applicant or participant  
515.20 is eligible for assistance.

515.21 (b) When personal property is jointly owned by two or more persons, the agency  
515.22 shall assume that each person owns an equal share, except that either person owns  
515.23 the entire sum of a joint personal checking or savings account. When an applicant or  
515.24 participant documents greater or lesser ownership, the agency must use that greater or  
515.25 lesser share to determine the equity value held by the applicant or participant. Other types  
515.26 of ownership must be evaluated according to law.

515.27 (c) Personal property owned by the applicant or participant must be presumed legally  
515.28 available to the applicant or participant unless the applicant or participant documents  
515.29 that the property is not legally available to the applicant or participant. When personal  
515.30 property is not legally available, its equity value must not be applied against the limits of  
515.31 subdivision 2.

515.32 (d) An applicant must disclose whether the applicant has transferred personal  
515.33 property valued in excess of the property limits in subdivision 2 for which reasonable  
515.34 compensation was not received within one year prior to application. A participant must  
515.35 disclose all transfers of property valued in excess of these limits, according to the reporting

516.1 requirements in section 256J.30, subdivision 9. When a transfer of personal property  
516.2 without reasonable compensation has occurred:

516.3 (1) the person who transferred the property must provide the property's description,  
516.4 information needed to determine the property's equity value, the names of the persons who  
516.5 received the property, and the circumstances of and reasons for the transfer; and

516.6 (2) when the transferred property can be reasonably reacquired, or when reasonable  
516.7 compensation can be secured, the property is presumed legally available to the applicant  
516.8 or participant.

516.9 (e) A participant may build the equity value of personal property to the limits in  
516.10 subdivision 2.

516.11 Subd. 2. **Personal property limitations.** (a) The equity value of an assistance unit's  
516.12 personal property listed in clauses (1) to (4) must not exceed \$10,000 for applicants and  
516.13 participants. For purposes of this subdivision, personal property is limited to:

516.14 (1) cash;

516.15 (2) bank accounts;

516.16 (3) liquid stocks and bonds that can be readily accessed without a financial penalty;

516.17 and

516.18 (4) vehicles not excluded under subdivision 3.

516.19 Subd. 3. **Vehicle exception.** One vehicle per assistance unit member age 16 or older  
516.20 shall be excluded when determining the equity value of personal property. If the assistance  
516.21 unit owns more than one vehicle per assistance unit member age 16 or older, the agency  
516.22 shall determine the trade-in values of all additional vehicles and apply the values to the  
516.23 personal property limitations in subdivision 2. To establish the trade-in values of vehicles,  
516.24 an agency must use the National Automobile Dealers Association online car values and  
516.25 car prices guide. When a vehicle is not listed in the online guide, or when the applicant or  
516.26 participant disputes the trade-in value listed in the online guide as unreasonable given the  
516.27 condition of the particular vehicle, the agency may require the applicant or participant to  
516.28 document the trade-in value by securing a written statement from a motor vehicle dealer  
516.29 licensed under section 168.27, stating the amount that the dealer would pay to purchase  
516.30 the vehicle. The agency shall reimburse the applicant or participant for the cost of a  
516.31 written statement that documents a lower loan value.

516.32 **EFFECTIVE DATE.** This section is effective June 1, 2016.

516.33 Sec. 34. **[256P.03] EARNED INCOME DISREGARD.**

517.1 Subdivision 1. **Exempted programs.** Participants who qualify for Minnesota  
517.2 supplemental aid under chapter 256D and for group residential housing under chapter 256I  
517.3 on the basis of eligibility for Supplemental Security Income are exempt from this section.

517.4 Subd. 2. **Earned income disregard.** The agency shall disregard the first \$65 of  
517.5 earned income plus one-half of the remaining earned income per month.

517.6 **EFFECTIVE DATE.** This section is effective October 1, 2015.

517.7 Sec. 35. **[256P.04] DOCUMENTING, VERIFYING, AND RECERTIFYING**  
517.8 **ELIGIBILITY.**

517.9 Subdivision 1. **Exemption.** Participants who receive Minnesota supplemental aid  
517.10 and who maintain Supplemental Security Income eligibility under chapters 256D and  
517.11 256I are exempt from the reporting requirements of this section, except that the policies  
517.12 and procedures for transfers of assets are those used by the medical assistance program  
517.13 under section 256B.0595.

517.14 Subd. 2. **Verification of information.** An agency must only require verification of  
517.15 information necessary to determine eligibility and the amount of the assistance payment.  
517.16 If necessary, the agency shall assist the applicant or participant in obtaining verifications  
517.17 and required documents when the applicant or participant is unable to do so.

517.18 Subd. 3. **Documentation.** The applicant or participant must document the  
517.19 information required under subdivisions 4 to 7 or authorize the agency to verify the  
517.20 information. The applicant or participant has the burden of providing documentary  
517.21 evidence to verify eligibility. The agency must accept a signed personal statement from  
517.22 the applicant or participant when determining personal property values under section  
517.23 256P.02. The signed personal statement must include general penalty warnings and a  
517.24 disclaimer that any false or misrepresented information is subject to prosecution for fraud  
517.25 under sections 609.52 and 609.821 and perjury under section 609.48.

517.26 Subd. 4. **Factors to be verified.** (a) The agency shall verify the following at  
517.27 application:

517.28 (1) identity of adults;

517.29 (2) age, if necessary to determine eligibility;

517.30 (3) immigration status;

517.31 (4) income;

517.32 (5) spousal support and child support payments made to persons outside the  
517.33 household;

517.34 (6) vehicles;

517.35 (7) checking and savings accounts;

518.1 (8) inconsistent information, if related to eligibility;

518.2 (9) residence; and

518.3 (10) Social Security number.

518.4 (b) Applicants who are qualified noncitizens and victims of domestic violence as  
518.5 defined under section 256J.08, subdivision 73, clause (7), are not required to verify the  
518.6 information in paragraph (a), clause (10). When a Social Security number is not provided  
518.7 to the agency for verification, this requirement is satisfied when each member of the  
518.8 assistance unit cooperates with the procedures for verification of Social Security numbers,  
518.9 issuance of duplicate cards, and issuance of new numbers which have been established  
518.10 jointly between the Social Security Administration and the commissioner.

518.11 Subd. 5. **MFIP-only verifications.** In addition to subdivision 4, the agency shall  
518.12 verify the following for programs under chapter 256J:

518.13 (1) the presence of the minor child in the home, if questionable;

518.14 (2) the relationship of a minor child to caregivers in the assistance unit;

518.15 (3) pregnancy, if related to eligibility;

518.16 (4) school attendance, if related to eligibility;

518.17 (5) a claim of family violence, if used as a basis to qualify for the family violence  
518.18 waiver under chapter 256J; and

518.19 (6) disability, if used as the basis for reducing the hourly participation requirements  
518.20 under section 256J.55, subdivision 1, or for the type of activity included in an employment  
518.21 plan under section 256J.521, subdivision 2.

518.22 Subd. 6. **Personal property inconsistent information.** If there is inconsistent  
518.23 information known to the agency when reporting personal property under section 256P.02,  
518.24 an agency must require the applicant or participant to document the information required  
518.25 under section 256P.02 or authorize the county agency to verify the information. The  
518.26 applicant or participant has the burden of providing documentary evidence to verify  
518.27 eligibility. The agency shall assist the applicant or participant in obtaining required  
518.28 documents when the applicant or participant is unable to do so.

518.29 Subd. 7. **Documenting and verifying inconsistent information.** When the  
518.30 agency verifies inconsistent information under subdivision 4, paragraph (a), clause (8);  
518.31 subdivision 6; or subdivision 8, clause (3), the reason for verifying the information must  
518.32 be documented in the financial case record.

518.33 Subd. 8. **Recertification.** The agency shall recertify eligibility in an annual  
518.34 interview with the participant. The interview may be conducted by telephone, by Internet  
518.35 telepresence, or face-to-face in the county office or in another location mutually agreed  
518.36 upon. A participant must be given the option of a telephone interview or Internet

519.1 telepresence to recertify eligibility. During the interview, the agency shall verify the  
519.2 following:

519.3 (1) income, unless excluded, including self-employment earnings;

519.4 (2) assets when the value is within \$200 of the asset limit; and

519.5 (3) inconsistent information, if related to eligibility.

519.6 Subd. 9. **MFIP-only recertification.** In addition to subdivision 8, the agency shall  
519.7 verify the following for programs under chapter 256J:

519.8 (1) the presence of the minor child in the home, if questionable; and

519.9 (2) whether a single-caregiver household meets the requirements in section  
519.10 256J.575, subdivision 3.

519.11 Subd. 10. **Participant's completion of form for recertification of eligibility.** A  
519.12 participant must complete forms prescribed by the commissioner which are required  
519.13 for recertification of eligibility according to subdivisions 8 and 9. An agency must end  
519.14 benefits when the participant fails to submit the recertification form and verifications  
519.15 before the end of the certification period. If the participant submits the recertification  
519.16 form within 30 days of the termination of benefits, benefits must be reinstated and made  
519.17 available retroactively for the full benefit month.

519.18 Subd. 11. **Participant's completion of household report form.** (a) When a  
519.19 participant is required to complete a household report form, the following paragraphs apply.

519.20 (b) If the agency receives an incomplete household report form, the agency must  
519.21 immediately return the incomplete form and clearly state what the participant must do for  
519.22 the form to be complete.

519.23 (c) The automated eligibility system must send a notice of proposed termination of  
519.24 assistance to the participant if a complete household report form is not received by the  
519.25 agency. The automated notice must be mailed to the participant by approximately the 16th  
519.26 of the month. When a participant submits an incomplete form on or after the date a notice  
519.27 of proposed termination has been sent, the termination is valid unless the participant  
519.28 submits a complete form before the end of the month.

519.29 (d) The submission of a household report form is considered to have continued the  
519.30 participant's application for assistance if a complete household report form is received  
519.31 within a calendar month after the month in which the form was due. Assistance shall be  
519.32 paid for the period beginning with the first day of that calendar month.

519.33 (e) An agency must allow good cause exemptions for a participant required to  
519.34 complete a household report form when any of the following factors cause a participant to  
519.35 fail to submit a completed household report form before the end of the month in which  
519.36 the form is due:

- 520.1 (1) an employer delays completion of employment verification;  
520.2 (2) the agency does not help a participant complete the household report form when  
520.3 the participant asks for help;  
520.4 (3) a participant does not receive a household report form due to a mistake on the  
520.5 part of the department or the agency or a reported change in address;  
520.6 (4) a participant is ill or physically or mentally incapacitated; or  
520.7 (5) some other circumstance occurs that a participant could not avoid with reasonable  
520.8 care which prevents the participant from providing a completed household report form  
520.9 before the end of the month in which the form is due.

520.10 Subd. 12. **Contacting third parties.** An agency must not request information  
520.11 about an applicant or participant that is not of public record from a source other than  
520.12 agencies, the department, or the United States Department of Health and Human Services  
520.13 without the applicant's or participant's prior written consent. An applicant's signature  
520.14 on an application form constitutes consent for contact with the sources specified on the  
520.15 application. An agency may use a single consent form to contact a group of similar  
520.16 sources, such as banks or insurance agencies, but the sources to be contacted must be  
520.17 identified by the agency prior to requesting an applicant's consent.

520.18 Subd. 13. **Notice to undocumented persons; release of private data.** Agencies,  
520.19 in consultation with the commissioner of human services, shall provide notification  
520.20 to undocumented persons regarding the release of personal data to the United States  
520.21 Citizenship and Immigration Services and develop protocols regarding the release or  
520.22 sharing of data about undocumented persons with the United States Citizenship and  
520.23 Immigration Services as required under sections 404, 411A, and 434 of the Personal  
520.24 Responsibility and Work Opportunity Reconciliation Act of 1996.

520.25 Subd. 14. **Requirement to report to United States Citizenship and Immigration**  
520.26 **Services.** The commissioner shall comply with the reporting requirements under United  
520.27 States Code, title 42, section 611a, and any federal regulation or guidance adopted under  
520.28 that law.

520.29 Subd. 15. **Personal statement.** The agency may accept a signed personal statement  
520.30 from the applicant or participant explaining the reasons that the documentation requested  
520.31 in subdivision 3 is unavailable as sufficient documentation at the time of application,  
520.32 recertification, or change related to eligibility only for the following factors:

- 520.33 (1) a claim of family violence, if used as a basis to qualify for the family violence  
520.34 waiver;  
520.35 (2) relationship of a minor child to caregivers in the assistance unit;



521.1 (3) citizenship status from a noncitizen who reports to be, or is identified as, a victim  
 521.2 of severe forms of trafficking in persons, if the noncitizen reports that the noncitizen's  
 521.3 immigration documents are being held by an individual or group of individuals against the  
 521.4 noncitizen's will. The noncitizen must follow up with the Office of Refugee Resettlement  
 521.5 (ORR) to pursue certification. If verification that certification is being pursued is  
 521.6 not received within 30 days, the case must be closed and the agency shall pursue  
 521.7 overpayments. The ORR documents certifying the noncitizen's status as a victim of severe  
 521.8 forms of trafficking in persons, or the reason for the delay in processing, must be received  
 521.9 within 90 days, or the case must be closed and the agency shall pursue overpayments; and

521.10 (4) other documentation unavailable for reasons beyond the control of the applicant  
 521.11 or participant. The applicant or participant must have made reasonable attempts to obtain  
 521.12 the documents requested under subdivision 3.

521.13 Subd. 16. **Excluded resources.** Payments of funds made according to litigation and  
 521.14 subsequent appropriation by the United States Congress to compensate members of Indian  
 521.15 tribes for the taking of tribal lands by the federal government are excluded.

521.16 **EFFECTIVE DATE.** This section is effective February 1, 2015.

521.17 Sec. 36. **[256P.05] SELF-EMPLOYMENT EARNINGS.**

521.18 Subdivision 1. **Exempted programs.** Participants who qualify for Minnesota  
 521.19 supplemental aid under chapter 256D and for group residential housing under chapter 256I  
 521.20 on the basis of eligibility for Supplemental Security Income are exempt from this section.

521.21 Subd. 2. **Self-employment income determinations.** An agency must determine  
 521.22 self-employment income, which is either:

521.23 (1) one-half of gross earnings from self-employment; or

521.24 (2) taxable income as determined from an Internal Revenue Service tax form that  
 521.25 has been filed with the Internal Revenue Service within the last year. A 12-month average  
 521.26 using net taxable income shall be used to budget monthly income.

521.27 Subd. 3. **Self-employment budgeting.** (a) The self-employment budget period  
 521.28 begins in the month of application or in the first month of self-employment. Applicants  
 521.29 and participants must choose one of the methods described in subdivision 2 for  
 521.30 determining self-employment earned income.

521.31 (b) Applicants and participants who elect to use taxable income as described in  
 521.32 subdivision 2, clause (2), to determine self-employment income must continue to use this  
 521.33 method until recertification, unless there is an unforeseen significant change in gross  
 521.34 income equaling a decline in gross income of the amount equal to or greater than the

522.1 earned income disregard as defined in section 256P.03 from the income used to determine  
522.2 the benefit for the current month.

522.3 (c) For applicants and participants who elect to use one-half of gross earnings as  
522.4 described in subdivision 2, clause (1), to determine self-employment income, earnings  
522.5 must be counted as income in the month received.

522.6 **EFFECTIVE DATE.** This section is effective February 1, 2015.

522.7 Sec. 37. **REPEALER.**

522.8 (a) Minnesota Statutes 2012, sections 256J.08, subdivisions 55a and 82a; and  
522.9 256J.24, subdivision 9, are repealed effective January 1, 2015.

522.10 (b) Minnesota Statutes 2012, sections 256D.405, subdivisions 1a and 2; 256J.08,  
522.11 subdivision 42; and 256J.32, subdivisions 2, 3, 4, 5a, 6, 7, 7a, and 8, are repealed effective  
522.12 February 1, 2015.

522.13 (c) Minnesota Statutes 2012, section 256D.06, subdivision 1b, is repealed effective  
522.14 October 1, 2015.

522.15 (d) Minnesota Statutes 2013 Supplement, section 256J.08, subdivision 24, is  
522.16 repealed effective October 1, 2015.

522.17 (e) Minnesota Statutes 2012, sections 256D.08, subdivision 2; and 256J.20, are  
522.18 repealed effective June 1, 2016.

## 522.19 **ARTICLE 29**

### 522.20 **CHEMICAL AND MENTAL HEALTH**

522.21 Section 1. Minnesota Statutes 2012, section 245.466, is amended by adding a  
522.22 subdivision to read:

522.23 Subd. 3a. **Transition plan related to termination of contract.** Counties must  
522.24 prepare a transition plan that provides for continuity of care in the event of contract  
522.25 termination with a community mental health center under section 245.715, or a community  
522.26 support services program under section 245.462, subdivision 6. The county shall provide  
522.27 at least 90 days' notice of the termination to the contracted agency and the commissioner  
522.28 of human services. The transition plan must provide information to clients on how to  
522.29 access medical records and how to transfer to other providers.

522.30 Sec. 2. Minnesota Statutes 2012, section 245A.04, is amended by adding a subdivision  
522.31 to read:

523.1 Subd. 15a. **Plan for transfer of clients and records upon closure.** (a) Except for  
523.2 child care providers, an applicant for initial or continuing licensure must submit a written  
523.3 plan indicating how the agency will provide for the transfer of clients and records for both  
523.4 open and closed cases if the agency closes. The plan must provide for managing private  
523.5 and confidential information concerning agency clients. The plan must also provide  
523.6 for notifying affected clients of the closure at least 25 days prior to closure, including  
523.7 information on how to access their medical records. A controlling individual of the agency  
523.8 must annually review and sign the plan.

523.9 (b) Plans for the transfer of open cases and case records must specify arrangements  
523.10 the agency will make to transfer clients to another agency or county agency for  
523.11 continuation of services and to transfer the case record with the client.

523.12 (c) Plans for the transfer of closed case records must be accompanied by a signed  
523.13 agreement or other documentation indicating that a county or a similarly licensed agency  
523.14 has agreed to accept and maintain the agency's closed case records and to provide  
523.15 follow-up services as necessary to affected clients.

523.16 Sec. 3. Minnesota Statutes 2012, section 253B.066, subdivision 1, is amended to read:

523.17 Subdivision 1. **Treatment alternatives.** If the court orders early intervention  
523.18 under section 253B.065, subdivision 5, the court may include in its order a variety of  
523.19 treatment alternatives including, but not limited to, day treatment, medication compliance  
523.20 monitoring, assertive community treatment, crisis assessment and stabilization, partial  
523.21 hospitalization, and short-term hospitalization not to exceed 21 days.

523.22 If the court orders short-term hospitalization and the proposed patient will not go  
523.23 voluntarily, the court may direct a health officer, peace officer, or other person to take the  
523.24 person into custody and transport the person to the hospital.

523.25 Sec. 4. Minnesota Statutes 2012, section 254B.12, is amended to read:

523.26 **254B.12 RATE METHODOLOGY.**

523.27 Subdivision 1. **CCDTF rate methodology established.** The commissioner shall  
523.28 establish a new rate methodology for the consolidated chemical dependency treatment  
523.29 fund. The new methodology must replace county-negotiated rates with a uniform  
523.30 statewide methodology that must include a graduated reimbursement scale based on the  
523.31 patients' level of acuity and complexity. At least biennially, the commissioner shall review  
523.32 the financial information provided by vendors to determine the need for rate adjustments.

523.33 Subd. 2. **Payment methodology for highly specialized vendors.** (a)  
523.34 Notwithstanding subdivision 1, the commissioner shall seek federal authority to develop

524.1 separate payment methodologies for chemical dependency treatment services provided  
524.2 under the consolidated chemical dependency treatment fund: (1) by a state-operated  
524.3 vendor; or (2) for persons who have been civilly committed to the commissioner, present  
524.4 the most complex and difficult care needs, and are a potential threat to the community. A  
524.5 payment methodology under this subdivision is effective for services provided on or after  
524.6 October 1, 2015, or on or after the receipt of federal approval, whichever is later.

524.7 (b) Before implementing an approved payment methodology under paragraph  
524.8 (a), the commissioner must also receive any necessary legislative approval of required  
524.9 changes to state law or funding.

524.10 Sec. 5. Minnesota Statutes 2013 Supplement, section 256B.06, subdivision 4, is  
524.11 amended to read:

524.12 Subd. 4. **Citizenship requirements.** (a) Eligibility for medical assistance is limited  
524.13 to citizens of the United States, qualified noncitizens as defined in this subdivision, and  
524.14 other persons residing lawfully in the United States. Citizens or nationals of the United  
524.15 States must cooperate in obtaining satisfactory documentary evidence of citizenship or  
524.16 nationality according to the requirements of the federal Deficit Reduction Act of 2005,  
524.17 Public Law 109-171.

524.18 (b) "Qualified noncitizen" means a person who meets one of the following  
524.19 immigration criteria:

524.20 (1) admitted for lawful permanent residence according to United States Code, title 8;

524.21 (2) admitted to the United States as a refugee according to United States Code,  
524.22 title 8, section 1157;

524.23 (3) granted asylum according to United States Code, title 8, section 1158;

524.24 (4) granted withholding of deportation according to United States Code, title 8,  
524.25 section 1253(h);

524.26 (5) paroled for a period of at least one year according to United States Code, title 8,  
524.27 section 1182(d)(5);

524.28 (6) granted conditional entrant status according to United States Code, title 8,  
524.29 section 1153(a)(7);

524.30 (7) determined to be a battered noncitizen by the United States Attorney General  
524.31 according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996,  
524.32 title V of the Omnibus Consolidated Appropriations Bill, Public Law 104-200;

524.33 (8) is a child of a noncitizen determined to be a battered noncitizen by the United  
524.34 States Attorney General according to the Illegal Immigration Reform and Immigrant

525.1 Responsibility Act of 1996, title V, of the Omnibus Consolidated Appropriations Bill,  
525.2 Public Law 104-200; or

525.3 (9) determined to be a Cuban or Haitian entrant as defined in section 501(e) of Public  
525.4 Law 96-422, the Refugee Education Assistance Act of 1980.

525.5 (c) All qualified noncitizens who were residing in the United States before August  
525.6 22, 1996, who otherwise meet the eligibility requirements of this chapter, are eligible for  
525.7 medical assistance with federal financial participation.

525.8 (d) Beginning December 1, 1996, qualified noncitizens who entered the United  
525.9 States on or after August 22, 1996, and who otherwise meet the eligibility requirements  
525.10 of this chapter are eligible for medical assistance with federal participation for five years  
525.11 if they meet one of the following criteria:

525.12 (1) refugees admitted to the United States according to United States Code, title 8,  
525.13 section 1157;

525.14 (2) persons granted asylum according to United States Code, title 8, section 1158;

525.15 (3) persons granted withholding of deportation according to United States Code,  
525.16 title 8, section 1253(h);

525.17 (4) veterans of the United States armed forces with an honorable discharge for  
525.18 a reason other than noncitizen status, their spouses and unmarried minor dependent  
525.19 children; or

525.20 (5) persons on active duty in the United States armed forces, other than for training,  
525.21 their spouses and unmarried minor dependent children.

525.22 Beginning July 1, 2010, children and pregnant women who are noncitizens  
525.23 described in paragraph (b) or who are lawfully present in the United States as defined  
525.24 in Code of Federal Regulations, title 8, section 103.12, and who otherwise meet  
525.25 eligibility requirements of this chapter, are eligible for medical assistance with federal  
525.26 financial participation as provided by the federal Children's Health Insurance Program  
525.27 Reauthorization Act of 2009, Public Law 111-3.

525.28 (e) Nonimmigrants who otherwise meet the eligibility requirements of this chapter  
525.29 are eligible for the benefits as provided in paragraphs (f) to (h). For purposes of this  
525.30 subdivision, a "nonimmigrant" is a person in one of the classes listed in United States  
525.31 Code, title 8, section 1101(a)(15).

525.32 (f) Payment shall also be made for care and services that are furnished to noncitizens,  
525.33 regardless of immigration status, who otherwise meet the eligibility requirements of  
525.34 this chapter, if such care and services are necessary for the treatment of an emergency  
525.35 medical condition.

526.1 (g) For purposes of this subdivision, the term "emergency medical condition" means  
526.2 a medical condition that meets the requirements of United States Code, title 42, section  
526.3 1396b(v).

526.4 (h)(1) Notwithstanding paragraph (g), services that are necessary for the treatment  
526.5 of an emergency medical condition are limited to the following:

526.6 (i) services delivered in an emergency room or by an ambulance service licensed  
526.7 under chapter 144E that are directly related to the treatment of an emergency medical  
526.8 condition;

526.9 (ii) services delivered in an inpatient hospital setting following admission from an  
526.10 emergency room or clinic for an acute emergency condition; and

526.11 (iii) follow-up services that are directly related to the original service provided  
526.12 to treat the emergency medical condition and are covered by the global payment made  
526.13 to the provider.

526.14 (2) Services for the treatment of emergency medical conditions do not include:

526.15 (i) services delivered in an emergency room or inpatient setting to treat a  
526.16 nonemergency condition;

526.17 (ii) organ transplants, stem cell transplants, and related care;

526.18 (iii) services for routine prenatal care;

526.19 (iv) continuing care, including long-term care, nursing facility services, home health  
526.20 care, adult day care, day training, or supportive living services;

526.21 (v) elective surgery;

526.22 (vi) outpatient prescription drugs, unless the drugs are administered or dispensed as  
526.23 part of an emergency room visit;

526.24 (vii) preventative health care and family planning services;

526.25 (viii) rehabilitation services;

526.26 (ix) physical, occupational, or speech therapy;

526.27 (x) transportation services;

526.28 (xi) case management;

526.29 (xii) prosthetics, orthotics, durable medical equipment, or medical supplies;

526.30 (xiii) dental services;

526.31 (xiv) hospice care;

526.32 (xv) audiology services and hearing aids;

526.33 (xvi) podiatry services;

526.34 (xvii) chiropractic services;

526.35 (xviii) immunizations;

526.36 (xix) vision services and eyeglasses;

527.1 (xx) waiver services;

527.2 (xxi) individualized education programs; or

527.3 (xxii) chemical dependency treatment.

527.4 (i) Pregnant noncitizens who are ineligible for federally funded medical assistance  
527.5 because of immigration status, are not covered by a group health plan or health insurance  
527.6 coverage according to Code of Federal Regulations, title 42, section 457.310, and who  
527.7 otherwise meet the eligibility requirements of this chapter, are eligible for medical  
527.8 assistance through the period of pregnancy, including labor and delivery, and 60 days  
527.9 postpartum, to the extent federal funds are available under title XXI of the Social Security  
527.10 Act, and the state children's health insurance program.

527.11 (j) Beginning October 1, 2003, persons who are receiving care and rehabilitation  
527.12 services from a nonprofit center established to serve victims of torture and are otherwise  
527.13 ineligible for medical assistance under this chapter are eligible for medical assistance  
527.14 without federal financial participation. These individuals are eligible only for the period  
527.15 during which they are receiving services from the center. Individuals eligible under this  
527.16 paragraph shall not be required to participate in prepaid medical assistance. The nonprofit  
527.17 center referenced under this paragraph may establish itself as a provider of mental health  
527.18 targeted case management services through a county contract under section 256.0112,  
527.19 subdivision 6. If the nonprofit center is unable to secure a contract with a lead county in its  
527.20 service area, then, notwithstanding the requirements of section 256B.0625, subdivision  
527.21 20, the commissioner may negotiate a contract with the nonprofit center for provision of  
527.22 mental health targeted case management services. When serving clients who are not the  
527.23 financial responsibility of their contracted lead county, the nonprofit center must gain the  
527.24 concurrence of the county of financial responsibility prior to providing mental health  
527.25 targeted case management services for those clients.

527.26 (k) Notwithstanding paragraph (h), clause (2), the following services are covered as  
527.27 emergency medical conditions under paragraph (f) except where coverage is prohibited  
527.28 under federal law:

527.29 (1) dialysis services provided in a hospital or freestanding dialysis facility; and

527.30 (2) surgery and the administration of chemotherapy, radiation, and related services  
527.31 necessary to treat cancer if the recipient has a cancer diagnosis that is not in remission  
527.32 and requires surgery, chemotherapy, or radiation treatment.

527.33 (l) Effective July 1, 2013, recipients of emergency medical assistance under this  
527.34 subdivision are eligible for coverage of the elderly waiver services provided under section  
527.35 256B.0915, and coverage of rehabilitative services provided in a nursing facility. The  
527.36 age limit for elderly waiver services does not apply. In order to qualify for coverage, a

528.1 recipient of emergency medical assistance is subject to the assessment and reassessment  
528.2 requirements of section 256B.0911. Initial and continued enrollment under this paragraph  
528.3 is subject to the limits of available funding.

528.4 Sec. 6. Minnesota Statutes 2012, section 256B.0615, subdivision 3, is amended to read:

528.5 Subd. 3. **Eligibility.** Peer support services may be made available to consumers of  
528.6 (1) ~~the~~ intensive rehabilitative mental health services under section 256B.0622; (2) adult  
528.7 rehabilitative mental health services under section 256B.0623; and (3) crisis stabilization  
528.8 and mental health mobile crisis intervention services under section 256B.0624.

528.9 Sec. 7. Minnesota Statutes 2012, section 256B.0624, subdivision 2, is amended to read:

528.10 Subd. 2. **Definitions.** For purposes of this section, the following terms have the  
528.11 meanings given them.

528.12 (a) "Mental health crisis" is an adult behavioral, emotional, or psychiatric situation  
528.13 which, but for the provision of crisis response services, would likely result in significantly  
528.14 reduced levels of functioning in primary activities of daily living, or in an emergency  
528.15 situation, or in the placement of the recipient in a more restrictive setting, including, but  
528.16 not limited to, inpatient hospitalization.

528.17 (b) "Mental health emergency" is an adult behavioral, emotional, or psychiatric  
528.18 situation which causes an immediate need for mental health services and is consistent  
528.19 with section 62Q.55.

528.20 A mental health crisis or emergency is determined for medical assistance service  
528.21 reimbursement by a physician, a mental health professional, or crisis mental health  
528.22 practitioner with input from the recipient whenever possible.

528.23 (c) "Mental health crisis assessment" means an immediate face-to-face assessment  
528.24 by a physician, a mental health professional, or mental health practitioner under the  
528.25 clinical supervision of a mental health professional, following a screening that suggests  
528.26 that the adult may be experiencing a mental health crisis or mental health emergency  
528.27 situation. It includes, when feasible, assessing whether the person might be willing to  
528.28 voluntarily accept treatment, determining whether the person has an advance directive,  
528.29 and obtaining information and history from involved family members or caretakers.

528.30 (d) "Mental health mobile crisis intervention services" means face-to-face,  
528.31 short-term intensive mental health services initiated during a mental health crisis or mental  
528.32 health emergency to help the recipient cope with immediate stressors, identify and utilize  
528.33 available resources and strengths, engage in voluntary treatment, and begin to return to the



529.1 recipient's baseline level of functioning. The services, including screening and treatment  
529.2 plan recommendations, must be culturally and linguistically appropriate.

529.3 (1) This service is provided on site by a mobile crisis intervention team outside of  
529.4 an inpatient hospital setting. Mental health mobile crisis intervention services must be  
529.5 available 24 hours a day, seven days a week.

529.6 (2) The initial screening must consider other available services to determine which  
529.7 service intervention would best address the recipient's needs and circumstances.

529.8 (3) The mobile crisis intervention team must be available to meet promptly  
529.9 face-to-face with a person in mental health crisis or emergency in a community setting or  
529.10 hospital emergency room.

529.11 (4) The intervention must consist of a mental health crisis assessment and a crisis  
529.12 treatment plan.

529.13 (5) The team must be available to individuals who are experiencing a co-occurring  
529.14 substance use disorder, who do not need the level of care provided in a detoxification  
529.15 facility.

529.16 ~~(5)~~ (6) The treatment plan must include recommendations for any needed crisis  
529.17 stabilization services for the recipient, including engagement in treatment planning and  
529.18 family psychoeducation.

529.19 (e) "Mental health crisis stabilization services" means individualized mental  
529.20 health services provided to a recipient following crisis intervention services which are  
529.21 designed to restore the recipient to the recipient's prior functional level. Mental health  
529.22 crisis stabilization services may be provided in the recipient's home, the home of a family  
529.23 member or friend of the recipient, another community setting, or a short-term supervised,  
529.24 licensed residential program. Mental health crisis stabilization does not include partial  
529.25 hospitalization or day treatment. Mental health crisis stabilization services includes  
529.26 family psychoeducation.

529.27 Sec. 8. Minnesota Statutes 2012, section 256B.0624, subdivision 5, is amended to read:

529.28 Subd. 5. **Mobile crisis intervention staff qualifications.** For provision of adult  
529.29 mental health mobile crisis intervention services, a mobile crisis intervention team is  
529.30 comprised of at least two mental health professionals as defined in section 245.462,  
529.31 subdivision 18, clauses (1) to (6), or a combination of at least one mental health  
529.32 professional and one mental health practitioner as defined in section 245.462, subdivision  
529.33 17, with the required mental health crisis training and under the clinical supervision of  
529.34 a mental health professional on the team. The team must have at least two people with  
529.35 at least one member providing on-site crisis intervention services when needed. Team

530.1 members must be experienced in mental health assessment, crisis intervention techniques,  
530.2 treatment engagement strategies, working with families, and clinical decision-making  
530.3 under emergency conditions and have knowledge of local services and resources.

530.4 The team must recommend and coordinate the team's services with appropriate local  
530.5 resources such as the county social services agency, mental health services, and local  
530.6 law enforcement when necessary.

530.7 Sec. 9. Minnesota Statutes 2012, section 256B.0624, subdivision 6, is amended to read:

530.8 Subd. 6. **Crisis assessment and mobile intervention treatment planning.** (a)

530.9 Prior to initiating mobile crisis intervention services, a screening of the potential crisis  
530.10 situation must be conducted. The screening may use the resources of crisis assistance  
530.11 and emergency services as defined in sections 245.462, subdivision 6, and 245.469,  
530.12 subdivisions 1 and 2. The screening must gather information, determine whether a crisis  
530.13 situation exists, identify parties involved, and determine an appropriate response.

530.14 (b) If a crisis exists, a crisis assessment must be completed. A crisis assessment  
530.15 evaluates any immediate needs for which emergency services are needed and, as time  
530.16 permits, the recipient's current life situation, sources of stress, mental health problems  
530.17 and symptoms, strengths, cultural considerations, support network, vulnerabilities, current  
530.18 functioning, and the recipient's preferences as communicated directly by the recipient,  
530.19 or as communicated in a health care directive as described in chapters 145C and 253B,  
530.20 the treatment plan described under paragraph (d), a crisis prevention plan, or a wellness  
530.21 recovery action plan.

530.22 (c) If the crisis assessment determines mobile crisis intervention services are needed,  
530.23 the intervention services must be provided promptly. As opportunity presents during the  
530.24 intervention, at least two members of the mobile crisis intervention team must confer  
530.25 directly or by telephone about the assessment, treatment plan, and actions taken and  
530.26 needed. At least one of the team members must be on site providing crisis intervention  
530.27 services. If providing on-site crisis intervention services, a mental health practitioner must  
530.28 seek clinical supervision as required in subdivision 9.

530.29 (d) The mobile crisis intervention team must develop an initial, brief crisis treatment  
530.30 plan as soon as appropriate but no later than 24 hours after the initial face-to-face  
530.31 intervention. The plan must address the needs and problems noted in the crisis assessment  
530.32 and include measurable short-term goals, cultural considerations, and frequency and type  
530.33 of services to be provided to achieve the goals and reduce or eliminate the crisis. The  
530.34 treatment plan must be updated as needed to reflect current goals and services.

531.1 (e) The team must document which short-term goals have been met and when no  
531.2 further crisis intervention services are required.

531.3 (f) If the recipient's crisis is stabilized, but the recipient needs a referral to other  
531.4 services, the team must provide referrals to these services. If the recipient has a case  
531.5 manager, planning for other services must be coordinated with the case manager. If the  
531.6 recipient is unable to follow up on the referral, the team must link the recipient to the  
531.7 service and follow up to ensure the recipient is receiving the service.

531.8 (g) If the recipient's crisis is stabilized and the recipient does not have an advance  
531.9 directive, the case manager or crisis team shall offer to work with the recipient to develop  
531.10 one.

531.11 Sec. 10. Minnesota Statutes 2012, section 256B.0624, subdivision 10, is amended to  
531.12 read:

531.13 Subd. 10. **Recipient file.** Providers of mobile crisis intervention or crisis stabilization  
531.14 services must maintain a file for each recipient containing the following information:

531.15 (1) individual crisis treatment plans signed by the recipient, mental health  
531.16 professional, and mental health practitioner who developed the crisis treatment plan, or  
531.17 if the recipient refused to sign the plan, the date and reason stated by the recipient as to  
531.18 why the recipient would not sign the plan;

531.19 (2) signed release forms;

531.20 (3) recipient health information and current medications;

531.21 (4) emergency contacts for the recipient;

531.22 (5) case records which document the date of service, place of service delivery,  
531.23 signature of the person providing the service, and the nature, extent, and units of service.

531.24 Direct or telephone contact with the recipient's family or others should be documented;

531.25 (6) required clinical supervision by mental health professionals;

531.26 (7) summary of the recipient's case reviews by staff; ~~and~~

531.27 (8) any written information by the recipient that the recipient wants in the file; and

531.28 (9) an advance directive, if there is one available.

531.29 Documentation in the file must comply with all requirements of the commissioner.

531.30 Sec. 11. Minnesota Statutes 2012, section 256I.05, subdivision 2, is amended to read:

531.31 Subd. 2. **Monthly rates; exemptions.** ~~The maximum group residential housing rate~~  
531.32 ~~does not apply~~ This subdivision applies to a residence that on August 1, 1984, was licensed  
531.33 by the commissioner of health only as a boarding care home, certified by the commissioner  
531.34 of health as an intermediate care facility, and licensed by the commissioner of human

532.1 services under Minnesota Rules, parts 9520.0500 to 9520.0690. Notwithstanding the  
532.2 provisions of subdivision 1c, the rate paid to a facility reimbursed under this subdivision  
532.3 shall be determined under section 256B.431, or under section 256B.434 if the facility is  
532.4 accepted by the commissioner for participation in the alternative payment demonstration  
532.5 project. The rate paid to this facility shall also include adjustments to the group residential  
532.6 housing rate according to subdivision 1, and any adjustments applicable to supplemental  
532.7 service rates statewide.

532.8       Sec. 12. **DIRECTION TO COMMISSIONER; REPORT ON PROGRAM**  
532.9 **WAITING LISTS.**

532.10       In preparing background materials for the 2016-2017 biennium, the commissioner  
532.11 of human services shall prepare a listing of all of the waiting lists for services that the  
532.12 department oversees and directs. The listing shall identify the number of persons on those  
532.13 waiting lists as of October 1, 2014, and an estimate of the cost of serving them based on  
532.14 current average costs. The commissioner is encouraged to engage postsecondary students  
532.15 in the assembly, analysis, and reporting of this information. The information shall be  
532.16 provided to the governor, the chairs and ranking minority members of the legislative  
532.17 committees with jurisdiction over health and human services policy and finance, and the  
532.18 Legislative Reference Library in electronic form by December 1, 2014.

532.19       Sec. 13. **MENTALLY ILL OFFENDERS ARRESTED OR SUBJECT TO**  
532.20 **ARREST; WORKING GROUP.**

532.21       Subdivision 1. Working group established; study and draft legislation required.  
532.22 The commissioner of human services may convene a working group to address issues  
532.23 related to offenders with mental illness who are arrested or subject to arrest. The working  
532.24 group shall consider the special needs of these offenders and determine how best to  
532.25 provide for these needs. Specifically, the group shall consider the efficacy of a facility  
532.26 that would serve as a central point for accepting, assessing, and addressing the needs of  
532.27 offenders with mental illness brought in by law enforcement as an alternative to arrest or  
532.28 following arrest. The facility would consolidate and coordinate existing resources as well  
532.29 as offer new resources that would provide a continuum of care addressing the immediate,  
532.30 short-term, and long-term needs of these offenders. The facility would do the following for  
532.31 these offenders: perform timely, credible, and useful mental health assessments; identify  
532.32 community placement opportunities; coordinate community care; make recommendations  
532.33 concerning pretrial release when appropriate; and, in some cases, provide direct services  
532.34 to offenders at the facility or in nearby jails. The working group shall establish criteria

533.1 to determine which offenders may be admitted to the facility. The facility would be  
533.2 located in the metropolitan region and serve the needs of nearby counties. The facility  
533.3 would represent a partnership between the state, local units of government, and the private  
533.4 sector. In addition, the working group may consider how similar facilities could function  
533.5 in outstate areas. When studying this issue, the working group shall examine what other  
533.6 states have done in this area to determine what programs have been successful and use  
533.7 those programs as models in developing the program in Minnesota. The working group  
533.8 may also study and make recommendations on other ways to improve the process for  
533.9 addressing and assisting these offenders. The commissioner shall enter into an agreement  
533.10 with NAMI Minnesota to carry out the work of the working group.

533.11 Subd. 2. **Membership.** The commissioner shall ensure that the working group  
533.12 has expertise and a broad range of interests represented, including, but not limited to:  
533.13 prosecutors; law enforcement, including jail staff; correctional officials; community  
533.14 corrections staff; probation officials; criminal defense attorneys; judges; county and city  
533.15 officials; mental health advocates; mental health professionals; and hospital and health  
533.16 care officials.

533.17 Subd. 3. **Administrative issues.** (a) The commissioner shall convene the first  
533.18 meeting of the working group by September 1, 2014. NAMI Minnesota shall provide  
533.19 meeting space and administrative support to the working group. The working group shall  
533.20 select a chair from among its members.

533.21 (b) The commissioner may solicit in-kind support from work group member  
533.22 agencies to accomplish its assigned duties.

533.23 Subd. 4. **Report required.** By January 1, 2015, the working group shall submit a  
533.24 report to the chairs and ranking minority members of the senate and house of representatives  
533.25 committees and divisions having jurisdiction over human services and public safety. The  
533.26 report must summarize the working group's activities and include its recommendations  
533.27 and draft legislation. The recommendations must be specific and include estimates of the  
533.28 costs involved in implementing the recommendations, including the funding sources that  
533.29 might be used to pay for it. The working group shall explore potential funding sources  
533.30 at the federal, local, and private levels, and provide this information in the report. In  
533.31 addition, the report must include draft legislation to implement the recommendations.

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

533.33 **Sec. 14. DETOXIFICATION SERVICES PLAN.**

533.34 The commissioner of human services shall develop a plan to include detoxification  
533.35 services as a covered medical assistance benefit and present the plan to the members of the

534.1 legislative committees having jurisdiction over health and human services provisions and  
534.2 funding by December 15, 2014.

534.3 **Sec. 15. REPORT ON RATE SETTING METHODOLOGY FOR MENTAL**  
534.4 **HEALTH SERVICES.**

534.5 The commissioner of human services shall provide a report to the chairs of the  
534.6 Health and Human Services Finance Division by February 1, 2015, that assesses the  
534.7 current rate setting methodology for intensive residential treatment services (IRTS), adult  
534.8 crisis, and assertive community treatment (ACT). The report will include an assessment  
534.9 of alternative payment structures consistent with the intent and direction of the federal  
534.10 centers for Medicare and Medicaid services which could provide adequate reimbursement  
534.11 to sustain community-based mental health services regardless of geographic location.  
534.12 Stakeholders will be included in the development of the report and the report will also  
534.13 include concerns regarding payment rates for other mental health services that may  
534.14 require further analysis in the future.

534.15 **ARTICLE 30**

534.16 **HEALTH AND HUMAN SERVICES APPROPRIATIONS**

534.17 Section 1. **HEALTH AND HUMAN SERVICES APPROPRIATIONS.**

534.18 The sums shown in the columns marked "Appropriations" are added to or, if shown  
534.19 in parentheses, subtracted from the appropriations in Laws 2013, chapter 108, articles 14  
534.20 and 15, to the agencies and for the purposes specified in this article. The appropriations  
534.21 are from the general fund and are available for the fiscal years indicated for each purpose.  
534.22 The figures "2014" and "2015" used in this article mean that the addition to or subtraction  
534.23 from the appropriation listed under them is available for the fiscal year ending June 30,  
534.24 2014, or June 30, 2015, respectively. Supplemental appropriations and reductions to  
534.25 appropriations for the fiscal year ending June 30, 2014, are effective the day following  
534.26 final enactment unless a different effective date is explicit.

534.27		<b><u>APPROPRIATIONS</u></b>	
534.28		<b><u>Available for the Year</u></b>	
534.29		<b><u>Ending June 30</u></b>	
534.30		<b><u>2014</u></b>	<b><u>2015</u></b>

534.31 **Sec. 2. COMMISSIONER OF HUMAN**  
534.32 **SERVICES**

534.33 **Subdivision 1. Total Appropriation** **(2,120,000)** **105,844,000**

535.1	<u>Appropriations by Fund</u>		
535.2	<u>General</u>	<u>(2,120,000)</u>	<u>104,944,000</u>
535.3	<u>Federal TANF</u>	<u>-0-</u>	<u>900,000</u>
535.4	<u>The appropriation modifications for</u>		
535.5	<u>each purpose are shown in the following</u>		
535.6	<u>subdivisions.</u>		
535.7	<u>Subd. 2. <b>Central Office Operations</b></u>		
535.8	<u>(a) <b>Operations</b></u>	<u>-0-</u>	<u>99,000</u>
535.9	<u><b>Base adjustment.</b> The general fund base is</u>		
535.10	<u>increased by \$112,000 in fiscal year 2016</u>		
535.11	<u>and decreased by \$45,000 in fiscal year 2017.</u>		
535.12	<u>(b) <b>Health Care</b></u>	<u>-0-</u>	<u>113,000</u>
535.13	<u><b>Base adjustment.</b> The general fund base is</u>		
535.14	<u>increased by \$112,000 in fiscal years 2016</u>		
535.15	<u>and 2017.</u>		
535.16	<u>(c) <b>Continuing Care</b></u>	<u>-0-</u>	<u>2,668,000</u>
535.17	<u><b>Autism resource Web site.</b> \$769,000 is for</u>		
535.18	<u>the development of an interagency Web site</u>		
535.19	<u>with autism-related resources for children</u>		
535.20	<u>and adults with autism spectrum disorder,</u>		
535.21	<u>their family members, and other interested</u>		
535.22	<u>parties. The commissioners of education,</u>		
535.23	<u>employment and economic development,</u>		
535.24	<u>and health are requested to provide technical</u>		
535.25	<u>assistance to the commissioner in the</u>		
535.26	<u>development of the Web site in order to</u>		
535.27	<u>consolidate autism-related resources that are</u>		
535.28	<u>under the jurisdiction of affected agencies,</u>		
535.29	<u>and any other related resources of which</u>		
535.30	<u>the agencies are aware, in an effort to</u>		
535.31	<u>provide a comprehensive intra-agency Web</u>		
535.32	<u>site for interested users. This is a onetime</u>		
535.33	<u>appropriation and expires on June 30, 2017.</u>		

536.1 **Base adjustment.** The general fund base is  
 536.2 decreased by \$2,220,000 in fiscal year 2016  
 536.3 and \$2,362,000 in fiscal year 2017.

536.4 **(d) Chemical and Mental Health** -0- 115,000

536.5 **Base adjustment.** The general fund base is  
 536.6 decreased by \$115,000 in fiscal years 2016  
 536.7 and 2017.

536.8 **Subd. 3. Forecasted Programs**

536.9 **(a) MFIP/DWP**

536.10 Appropriations by Fund

536.11 General -0- 122,000

536.12 Federal TANF -0- 548,000

536.13 **(b) General Assistance** -0- 21,000

536.14 **(c) Group Residential Housing** -0- 681,000

536.15 **(d) Medical Assistance** (2,930,000) 77,863,000

536.16 **Critical access nursing facilities.**  
 536.17 \$1,500,000 in fiscal year 2015 is for critical  
 536.18 access nursing facilities under Minnesota  
 536.19 Statutes, section 256.441, subdivision 63.

536.20 **Base adjustment.** The health care  
 536.21 access fund base for medical assistance  
 536.22 is \$221,035,000 in fiscal year 2016 and  
 536.23 \$221,035,000 in fiscal year 2017.

536.24 **(e) Alternative Care** -0- 965,000

536.25 **Subd. 4. Grant Programs**

536.26 **(a) Children's Services Grants** -0- (3,000)

536.27 **Base adjustment.** The general fund base is  
 536.28 increased by \$9,000 in fiscal year 2017.

536.29 **(b) Child and Economic Support Grants** -0- 1,526,000

536.30 **Stearns County.** \$26,000 in fiscal year 2015  
 536.31 is for a grant to Stearns County to provide  
 536.32 administrative funding to support a group



537.1 residential housing services provider serving  
 537.2 veterans in Stearns County. This is a onetime  
 537.3 appropriation.

537.4 **Safe harbor.** \$500,000 in fiscal year 2015  
 537.5 from the general fund is for housing and  
 537.6 supportive services for sexually exploited  
 537.7 youth.

537.8 **Homeless youth.** \$1,000,000 in fiscal year  
 537.9 2015 is for purposes of Minnesota Statutes,  
 537.10 section 256K.45.

537.11 **Base adjustment.** The general fund base is  
 537.12 decreased by \$26,000 in fiscal years 2016  
 537.13 and 2017.

537.14 **(c) Aging and Adult Services Grants** (15,000) 1,212,000

537.15 **Senior nutrition.** \$250,000 in fiscal year  
 537.16 2015 from the general fund is for congregate  
 537.17 dining services under Minnesota Statutes,  
 537.18 section 256.9752. This is a onetime  
 537.19 appropriation.

537.20 **Base adjustment.** The general fund base is  
 537.21 decreased by \$5,000 in fiscal year 2016 and  
 537.22 is increased by \$8,000 in fiscal year 2017.

537.23 **(d) Deaf and Hard-of-Hearing Grants** -0- 81,000

537.24 **Base adjustment.** The general fund base is  
 537.25 increased by \$9,000 in fiscal years 2016 and  
 537.26 2017.

537.27 **(e) Disabilities Grants** -0- 1,548,000

537.28 **Autism respite services development.**  
 537.29 \$2,500,000 in fiscal year 2015 is to establish  
 537.30 service development grants for in-home  
 537.31 and out-of-home respite for children and  
 537.32 adults with autism spectrum disorder. In  
 537.33 developing out-of-home respite services,

538.1 the commissioner may authorize exceptions  
 538.2 to the licensing moratorium in Minnesota  
 538.3 Statutes, section 245A.03, subdivision 7,  
 538.4 of up to eight beds. This is a onetime  
 538.5 appropriation and expires on June 30, 2017.

538.6 **HIV grants.** The general fund appropriation  
 538.7 for the HIV drug and insurance grant  
 538.8 program is reduced by \$2,219,000 in fiscal  
 538.9 year 2015. This reduction is onetime and  
 538.10 must not be applied to the base.

538.11 **Services for individuals living with**  
 538.12 **HIV/AIDS.** The commissioner shall work  
 538.13 with community stakeholders, including  
 538.14 the HIV Planning Council, to identify  
 538.15 gaps in services for individuals living with  
 538.16 HIV/AIDS and, within allowable state and  
 538.17 federal law and guidelines, develop and  
 538.18 implement a plan to use funds in the ADAP  
 538.19 drug rebates special revenue account to  
 538.20 enhance existing service levels and establish  
 538.21 an amount to retain in the account to  
 538.22 ensure long-term stability of services. The  
 538.23 commissioner shall report the results of this  
 538.24 work with stakeholders and the progress  
 538.25 on implementing the plan to the chairs and  
 538.26 ranking minority members of the senate  
 538.27 health and human services finance division  
 538.28 and the house of representatives health  
 538.29 and human services finance committee by  
 538.30 December 15, 2014.

538.31 **Base adjustment.** The general fund base is  
 538.32 increased by \$11,000 in fiscal year 2017.

538.33 **(f) Adult Mental Health Grants**

-0-

-0-

538.34 **Intensive community rehabilitation**  
 538.35 **services.** The commissioner shall continue

539.1 to fund intensive community rehabilitation  
 539.2 services with existing funds through fiscal  
 539.3 year 2015.

539.4 **(g) CD Treatment Support Grants** (175,000) (175,000)

539.5 **Subd. 5. State-Operated Services**

539.6 **(a) SOS Mental Health** -0- 8,111,000

539.7 **Online training program.** \$35,000 in  
 539.8 fiscal year 2015 is to develop an online  
 539.9 training program to promote better clarity  
 539.10 and interpretation of the civil commitment  
 539.11 laws for interested individuals and personnel,  
 539.12 specifically county and hospital staff and  
 539.13 mental health providers, to understand,  
 539.14 clarify, and interpret the Civil Commitment  
 539.15 Act under Minnesota Statutes, chapter  
 539.16 253B, as it pertains to persons with mental  
 539.17 illnesses. The training must be developed  
 539.18 in collaboration with the ombudsman for  
 539.19 mental health and developmental disabilities,  
 539.20 Minnesota County Attorneys Association,  
 539.21 National Alliance on Mental Illness of  
 539.22 Minnesota, State Advisory Council on Mental  
 539.23 Health, Mental Health Consumer/Survivor  
 539.24 Network of Minnesota, Mental Health  
 539.25 Association, Minnesota Psychiatric Society,  
 539.26 Hennepin Commitment Defense Panel,  
 539.27 Minnesota Disability Law Center, Minnesota  
 539.28 Association of Community Mental Health  
 539.29 Programs, Minnesota Hospital Association,  
 539.30 and Minnesota Board of Public Defense.

539.31 This is a onetime appropriation.

539.32 **Base adjustment.** The general fund base is  
 539.33 increased by \$178,000 in fiscal years 2016  
 539.34 and 2017.

540.1	<u>(b) SOS Enterprise Services</u>	<u>1,000,000</u>	<u>1,000,000</u>
540.2	<u>Community Addiction Recovery</u>		
540.3	<u>Enterprise (C.A.R.E.) deficiency funding.</u>		
540.4	<u>(1) Notwithstanding Minnesota Statutes,</u>		
540.5	<u>section 254B.06, subdivision 1, the</u>		
540.6	<u>commissioner shall transfer up to \$4,000,000,</u>		
540.7	<u>if available, in each of fiscal years 2014 and</u>		
540.8	<u>2015 only from the consolidated chemical</u>		
540.9	<u>dependency treatment fund administrative</u>		
540.10	<u>account in the special revenue fund to the</u>		
540.11	<u>enterprise fund for the Community Addiction</u>		
540.12	<u>Recovery Enterprise.</u>		
540.13	<u>(2) \$1,000,000 in fiscal year 2014 and</u>		
540.14	<u>\$1,000,000 in fiscal year 2015 from the</u>		
540.15	<u>general fund is for the C.A.R.E. program.</u>		
540.16	<u>The commissioner must transfer \$1,000,000</u>		
540.17	<u>in fiscal year 2014 and \$1,000,000 in fiscal</u>		
540.18	<u>year 2015 to the enterprise fund for the</u>		
540.19	<u>Community Addiction Recovery Enterprise.</u>		
540.20	<u>This is a onetime appropriation.</u>		
540.21	<u>(3) Clauses (1) and (2) are effective the day</u>		
540.22	<u>following final enactment.</u>		
540.23	<u>Base adjustment. The general fund base is</u>		
540.24	<u>reduced by \$1,000,000 in fiscal years 2016</u>		
540.25	<u>and 2017.</u>		
540.26	<u>(c) SOS Minnesota Security Hospital</u>	<u>-0-</u>	<u>4,820,000</u>
540.27	<u>Subd. 6. Sex Offender Program</u>	<u>-0-</u>	<u>4,177,000</u>
540.28	<u>Court-ordered experts. \$3,000,000 in</u>		
540.29	<u>fiscal year 2015 is for the commissioner to</u>		
540.30	<u>comply with the United States District Court</u>		
540.31	<u>order of February 20, 2014, in the matter of</u>		
540.32	<u>Karsjens et al. v. Jesson et al. For purposes</u>		
540.33	<u>of Minnesota Statutes, section 246B.10,</u>		
540.34	<u>activities funded by this appropriation are</u>		

541.1 not considered part of the cost of care. This  
 541.2 appropriation is onetime and is available  
 541.3 until June 30, 2017. This paragraph expires  
 541.4 June 30, 2017.

541.5 **Base adjustment.** The general fund base is  
 541.6 decreased by \$4,177,000 in fiscal years 2016  
 541.7 and 2017.

541.8 **Subd. 7. Technical Activities** -0- 352,000

541.9 This appropriation is from the federal TANF  
 541.10 fund.

541.11 **Base adjustment.** The federal TANF fund  
 541.12 base is increased by \$684,000 in fiscal year  
 541.13 2016 and \$1,207,000 in fiscal year 2017.

541.14 **Subd. 8. Transfer**

541.15 **Supplemental security interim assistance**  
 541.16 **reimbursement funds.** \$642,000 in fiscal  
 541.17 year 2015 and \$637,000 in fiscal year 2016  
 541.18 of uncommitted revenue available to the  
 541.19 commissioner of human services under  
 541.20 Minnesota Statutes, section 256D.06, must  
 541.21 be transferred to and deposited into the  
 541.22 general fund. This paragraph expires on June  
 541.23 30, 2016.

541.24 **Sec. 3. COMMISSIONER OF HEALTH.**

541.25 **Subdivision 1. Total Appropriation** \$ 767,000 \$ 3,418,000

541.26 Appropriations by Fund

	<u>2014</u>	<u>2015</u>
541.27 <u>General</u>	<u>950,000</u>	<u>3,611,000</u>
541.28 <u>State Government</u>		
541.29 <u>Special Revenue</u>	<u>817,000</u>	<u>807,000</u>
541.30 <u>Health Care Access</u>	<u>(1,000,000)</u>	<u>(1,000,000)</u>

541.31 **Subd. 2. Health Improvement** (25,000) 1,526,000

541.32 **Health equity grants.** \$501,000 in fiscal year  
 541.33 2015 is for grants under Minnesota Statutes,

542.1 section 145.928, subdivision 8, except that  
 542.2 grants are not limited to the conditions listed  
 542.3 in Minnesota Statutes, section 145.928,  
 542.4 subdivision 8, paragraph (a), or for other  
 542.5 activities to address health equity issues,  
 542.6 with an emphasis on refugee populations. A  
 542.7 portion of the funds must be used to address  
 542.8 health equity issues facing East African  
 542.9 communities, conduct a conference focused  
 542.10 on mental health in immigrant and refugee  
 542.11 communities, and fund women's reproductive  
 542.12 health and dementia outreach projects. This  
 542.13 is a onetime appropriation and is available  
 542.14 until expended. The commissioner may use  
 542.15 up to \$10,000 to administer these grants.

542.16 **Safe harbor.** \$1,000,000 of the general fund  
 542.17 appropriation is for grants for comprehensive  
 542.18 services, including trauma-informed,  
 542.19 culturally specific services, for youth who are  
 542.20 sexually exploited. The commissioner may  
 542.21 use up to \$100,000 for the administration of  
 542.22 these grants.

542.23 **Base level adjustment.** The general fund  
 542.24 base is decreased by \$551,000 in fiscal year  
 542.25 2016 and \$501,000 in fiscal year 2017.

542.26 **Subd. 3. Policy Quality and Compliance**

542.27	<u>Appropriations by Fund</u>		
542.28	<u>General</u>	<u>-0-</u>	<u>1,785,000</u>
542.29	<u>State Government</u>		
542.30	<u>Special Revenue</u>	<u>-0-</u>	<u>159,000</u>
542.31	<u>Health Care Access</u>	<u>(1,000,000)</u>	<u>(1,000,000)</u>

542.32 **Legislative health care workforce**  
 542.33 **commission.** \$75,000 in fiscal year 2015 is  
 542.34 for the health care workforce commission  
 542.35 in article 23, section 9. This is a onetime  
 542.36 appropriation and expires on June 30, 2017.

543.1 The commissioner may transfer part of this  
543.2 appropriation to the Legislative Coordinating  
543.3 Commission to provide per diem and expense  
543.4 reimbursements to health care workforce  
543.5 commission members.

543.6 **Spoken language health care interpreters.**  
543.7 \$81,000 in fiscal year 2015 from the  
543.8 state government special revenue fund is  
543.9 to develop a proposal to promote health  
543.10 equity and quality health outcomes through  
543.11 changes to laws governing spoken language  
543.12 health care interpreters. The commissioner  
543.13 shall consult with a broad range of spoken  
543.14 language health care interpreters, including  
543.15 independent contractors and those who  
543.16 speak rare languages, organizations that  
543.17 employ these interpreters, organizations  
543.18 that pay for interpreter services, health  
543.19 care providers who use interpreters,  
543.20 clients who use interpreters, community  
543.21 organizations serving non-English-speaking  
543.22 populations, and other relevant organizations  
543.23 including but not limited to Interpreter  
543.24 Agencies of Minnesota and the Interpreters  
543.25 Stakeholder Group. The commissioner shall  
543.26 draft legislation and submit a report that  
543.27 documents the process followed and the  
543.28 rationale for the recommendations to the  
543.29 committees with jurisdiction over health  
543.30 and human services by January 15, 2015.  
543.31 In drafting the legislation and report, the  
543.32 commissioner must consider input received  
543.33 from individuals and organizations consulted  
543.34 and must address issues related to:

543.35 (1) qualifications for spoken language health  
543.36 care interpreters that assure quality service

- 544.1 to health care providers and their patients,  
544.2 considering differences for common and rare  
544.3 languages;
- 544.4 (2) methods to support the education and  
544.5 skills development of spoken language health  
544.6 care interpreters serving Minnesotans;
- 544.7 (3) the role of an advisory council in  
544.8 maintaining a quality system for spoken  
544.9 language health care interpreting in  
544.10 Minnesota;
- 544.11 (4) management of complaints regarding  
544.12 spoken language health care interpreters,  
544.13 including investigation and enforcement  
544.14 actions;
- 544.15 (5) an appropriate structure for oversight of  
544.16 spoken language health care interpreters,  
544.17 including administrative and technology  
544.18 requirements; and
- 544.19 (6) other issues that address qualifications,  
544.20 quality, access, and affordability of spoken  
544.21 language interpreter services.
- 544.22 This is a onetime appropriation.
- 544.23 **Health care grants for uninsured**  
544.24 **individuals.** (a) \$100,000 of the general  
544.25 fund appropriation in fiscal year 2015 is for  
544.26 dental provider grants in Minnesota Statutes,  
544.27 section 145.929, subdivision 1. The base for  
544.28 this appropriation is \$50,000 in fiscal years  
544.29 2016 and 2017.
- 544.30 (b) \$300,000 of the general fund  
544.31 appropriation in fiscal year 2015 is for  
544.32 community mental health program grants  
544.33 in Minnesota Statutes, section 145.929,



545.1 subdivision 2. The base for this appropriation  
 545.2 is \$175,000 in fiscal years 2016 and 2017.

545.3 (c) \$1,000,000 of the general fund  
 545.4 appropriation in fiscal year 2015 is for the  
 545.5 emergency medical assistance outlier grant  
 545.6 program in Minnesota Statutes, section  
 545.7 145.929, subdivision 3. The base for this  
 545.8 appropriation is \$600,000 in fiscal years  
 545.9 2016 and 2017.

545.10 (d) \$300,000 of the general fund  
 545.11 appropriation in fiscal year 2015 is for  
 545.12 community health center grants under  
 545.13 Minnesota Statutes, section 145.9269. A  
 545.14 community health center that receives a  
 545.15 grant from this appropriation is not eligible  
 545.16 for a grant under paragraph (b). The base for  
 545.17 this appropriation is \$175,000 in fiscal years  
 545.18 2016 and 2017.

545.19 (e) The commissioner may use up to \$20,000  
 545.20 of the appropriations for health care grants  
 545.21 for uninsured individuals in fiscal year 2015  
 545.22 and up to \$10,000 in fiscal years 2016 and  
 545.23 2017 for grant administration.

545.24 **Base level adjustment.** The general fund  
 545.25 base is decreased by \$775,000 in fiscal years  
 545.26 2016 and 2017. The state government special  
 545.27 revenue fund base is decreased by \$77,000 in  
 545.28 fiscal years 2016 and 2017.

545.29 **Subd. 4. Health Protection**

545.30	<u>Appropriations by Fund</u>		
545.31	<u>General</u>	<u>0</u>	<u>300,000</u>
545.32	<u>State Government</u>		
545.33	<u>Special Revenue</u>	<u>817,000</u>	<u>648,000</u>

545.34 **Healthy housing grants.** (a) \$60,000 of  
 545.35 the general fund appropriation in fiscal year

546.1 2015 is for lead poisoning prevention and  
 546.2 healthy homes activities under Minnesota  
 546.3 Statutes, sections 144.9501 to 144.9513.

546.4 (b) \$240,000 of the general fund  
 546.5 appropriation in fiscal year 2015 is for  
 546.6 healthy housing implementation grants  
 546.7 under Minnesota Statutes, section 144.9513,  
 546.8 subdivision 3. The commissioner is  
 546.9 encouraged to geographically balance the  
 546.10 distribution of the grant funding between  
 546.11 the seven-county metropolitan area and  
 546.12 nonmetropolitan communities.

546.13 Subd. 5. **Administrative Support Services** 975,000 -0-

546.14 **Lawsuit settlement.** In fiscal year 2014,  
 546.15 \$975,000 from the general fund is a onetime  
 546.16 appropriation for the cost of settling the  
 546.17 lawsuit Bearder v. State.

546.18 Sec. 4. **BOARD OF NURSING.** \$ -0- \$ 75,000

546.19 **Chronic pain therapies.** \$75,000 in  
 546.20 fiscal year 2015 from the state government  
 546.21 special revenue fund is transferred to the  
 546.22 commissioner of health to gather data and  
 546.23 complete a report on the provision of chronic  
 546.24 pain therapies by physicians, doctors of  
 546.25 osteopathy, and certified registered nurse  
 546.26 anesthetists.

546.27 Sec. 5. **OMBUDSMAN FOR MENTAL**  
 546.28 **HEALTH AND DEVELOPMENTAL**  
 546.29 **DISABILITIES.** \$ -0- \$ 150,000

546.30 Sec. 6. Laws 2013, chapter 1, section 6, as amended by Laws 2013, chapter 108,  
 546.31 article 6, section 32, is amended to read:

546.32 Sec. 6. **TRANSFER.**

547.1 (a) The commissioner of management and budget shall transfer from the health care  
 547.2 access fund to the general fund up to \$21,319,000 in fiscal year 2014; up to \$42,314,000  
 547.3 in fiscal year 2015; up to \$56,147,000 in fiscal year 2016; and up to \$64,683,000 in fiscal  
 547.4 year 2017.

547.5 (b) The commissioner of human services shall determine the difference between the  
 547.6 actual or forecasted cost to the medical assistance program of adding 19- and 20-year-olds  
 547.7 and parents and relative caretaker populations with income between 100 and 138 percent of  
 547.8 the federal poverty guidelines and the cost of adding those populations that was estimated  
 547.9 during the 2013 legislative session based on the data from the February 2013 forecast.

547.10 (c) For each fiscal year from 2014 to 2017, the commissioner of human services shall  
 547.11 certify and report to the commissioner of management and budget the actual or forecasted  
 547.12 estimated cost difference of adding 19- and 20-year-olds and parents and relative caretaker  
 547.13 populations with income between 100 and 138 percent of the federal poverty guidelines,  
 547.14 as determined under paragraph (b), to the commissioner of management and budget at  
 547.15 least four weeks prior to the release of a forecast under Minnesota Statutes, section  
 547.16 16A.103, of each fiscal year.

547.17 (d) ~~No later than three weeks before the release of the forecast~~ For fiscal years 2014 to  
 547.18 2017, forecasts under Minnesota Statutes, section 16A.103, prepared by the commissioner  
 547.19 of management and budget shall ~~reduce the~~ include actual or estimated adjustments to  
 547.20 health care access fund ~~transfer transfers~~ in paragraph (a), by the cumulative differences in  
 547.21 costs reported by the commissioner of human services under according to paragraph (e)  
 547.22 (e). If, for any fiscal year, the amount of the cumulative cost differences determined under  
 547.23 paragraph (b) is positive, no change is made to the appropriation. If, for any fiscal year,  
 547.24 the amount of the cumulative cost differences determined under paragraph (b) is less than  
 547.25 the amount of the original appropriation, the appropriation for that year must be zero.

547.26 (e) For each fiscal year from 2014 to 2017, the commissioner of management and  
 547.27 budget must adjust the transfer amounts in paragraph (a) by the cumulative difference in  
 547.28 costs reported by the commissioner of human services under paragraph (c). If, for any  
 547.29 fiscal year, the amount of the cumulative difference in costs reported under paragraph (c)  
 547.30 is positive, no adjustment shall be made.

547.31 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

547.32 Sec. 7. Laws 2013, chapter 108, article 14, section 2, subdivision 3, is amended to read:

547.33 Subd. 3. **TANF Transfer to Federal Child Care**  
 547.34 **and Development Fund**

548.1 (a) The following TANF fund amounts  
 548.2 are appropriated to the commissioner for  
 548.3 purposes of MFIP/transition year child care  
 548.4 assistance under Minnesota Statutes, section  
 548.5 119B.05:

548.6 (1) fiscal year 2014; \$14,020,000; ~~and~~

548.7 (2) fiscal year 2015, ~~\$14,020,000;~~

548.8 \$14,372,000;

548.9 (3) fiscal year 2016; \$1,036,000; and

548.10 (4) fiscal year 2017; \$1,559,000.

548.11 (b) The commissioner shall authorize the  
 548.12 transfer of sufficient TANF funds to the  
 548.13 federal child care and development fund to  
 548.14 meet this appropriation and shall ensure that  
 548.15 all transferred funds are expended according  
 548.16 to federal child care and development fund  
 548.17 regulations.

548.18 Sec. 8. Laws 2013, chapter 108, article 14, section 3, subdivision 1, is amended to read:

548.19			<b><u>169,326,000</u></b>		<b><u>165,531,000</u></b>
548.20	Subdivision 1. <b>Total Appropriation</b>	\$	<u>169,026,000</u>	\$	<u>165,231,000</u>

548.21		Appropriations by Fund	
548.22		2014	2015
548.23	General	79,476,000	74,256,000
548.24	State Government		
548.25	Special Revenue	48,094,000	50,119,000
548.26	Health Care Access	29,743,000	29,143,000
548.27	Federal TANF	11,713,000	11,713,000
548.28	<del>Special Revenue</del>	<del>300,000</del>	<del>300,000</del>

548.29 The amounts that may be spent for each  
 548.30 purpose are specified in the following  
 548.31 subdivisions.

548.32 Sec. 9. Laws 2013, chapter 108, article 14, section 3, subdivision 4, is amended to read:

548.33 Subd. 4. **Health Protection**

549.1	Appropriations by Fund		
549.2	General	9,201,000	9,201,000
549.3	State Government		
549.4	Special Revenue	32,633,000	32,636,000
549.5	<del>Special Revenue</del>	<del>300,000</del>	<del>300,000</del>

549.6 **Infectious Disease Laboratory.** Of the  
 549.7 general fund appropriation, \$200,000 in  
 549.8 fiscal year 2014 and \$200,000 in fiscal year  
 549.9 2015 are to monitor infectious disease trends  
 549.10 and investigate infectious disease outbreaks.

549.11 **Surveillance for Elevated Blood Lead**  
 549.12 **Levels.** Of the general fund appropriation,  
 549.13 \$100,000 in fiscal year 2014 and \$100,000  
 549.14 in fiscal year 2015 are for the blood lead  
 549.15 surveillance system under Minnesota  
 549.16 Statutes, section 144.9502.

549.17 **Base Level Adjustment.** The state  
 549.18 government special revenue base is increased  
 549.19 by \$6,000 in fiscal year 2016 and by \$13,000  
 549.20 in fiscal year 2017.

549.21 Sec. 10. Laws 2013, chapter 108, article 14, section 4, subdivision 8, is amended to read:

549.22	Subd. 8. <b>Board of Nursing Home</b>		
549.23	<b>Administrators</b>	3,742,000	2,252,000

549.24 **Administrative Services Unit - Operating**  
 549.25 **Costs.** Of this appropriation, \$676,000  
 549.26 in fiscal year 2014 and \$626,000 in  
 549.27 fiscal year 2015 are for operating costs  
 549.28 of the administrative services unit. The  
 549.29 administrative services unit may receive  
 549.30 and expend reimbursements for services  
 549.31 performed by other agencies.

549.32 **Administrative Services Unit - Volunteer**  
 549.33 **Health Care Provider Program.** Of this  
 549.34 appropriation, \$150,000 in fiscal year 2014  
 549.35 and \$150,000 in fiscal year 2015 are to pay

550.1 for medical professional liability coverage  
550.2 required under Minnesota Statutes, section  
550.3 214.40.

550.4 **Administrative Services Unit - Contested**  
550.5 **Cases and Other Legal Proceedings.** Of  
550.6 this appropriation, \$200,000 in fiscal year  
550.7 2014 and \$200,000 in fiscal year 2015 are  
550.8 for costs of contested case hearings and other  
550.9 unanticipated costs of legal proceedings  
550.10 involving health-related boards funded  
550.11 under this section. Upon certification of a  
550.12 health-related board to the administrative  
550.13 services unit that the costs will be incurred  
550.14 and that there is insufficient money available  
550.15 to pay for the costs out of money currently  
550.16 available to that board, the administrative  
550.17 services unit is authorized to transfer money  
550.18 from this appropriation to the board for  
550.19 payment of those costs with the approval  
550.20 of the commissioner of management and  
550.21 budget. This appropriation does not cancel  
550.22 and is available until expended.

550.23 This appropriation includes \$44,000 in  
550.24 fiscal year 2014 for rulemaking. This is  
550.25 a onetime appropriation. \$1,441,000 in  
550.26 fiscal year 2014 and \$420,000 in fiscal year  
550.27 2015 are for the development of a shared  
550.28 disciplinary, regulatory, licensing, and  
550.29 information management system. \$391,000  
550.30 in fiscal year 2014 is a onetime appropriation  
550.31 for retirement costs in the health-related  
550.32 boards. This funding may be transferred to  
550.33 the health boards incurring retirement costs.  
550.34 These funds are available either year of the  
550.35 biennium.

551.1 This appropriation includes \$16,000 in fiscal  
551.2 years 2014 and 2015 for evening security,  
551.3 \$2,000 in fiscal years 2014 and 2015 for a  
551.4 state vehicle lease, and \$18,000 in fiscal  
551.5 years 2014 and 2015 for shared office space  
551.6 and administrative support. \$205,000 in  
551.7 fiscal year 2014 and \$221,000 in fiscal year  
551.8 2015 are for shared information technology  
551.9 services, equipment, and maintenance.

551.10 The remaining balance of the state  
551.11 government special revenue fund  
551.12 appropriation in Laws 2011, First Special  
551.13 Session chapter 9, article 10, section 8,  
551.14 subdivision 8, for Board of Nursing Home  
551.15 Administrators rulemaking, estimated to  
551.16 be \$44,000, is canceled, and the remaining  
551.17 balance of the state government special  
551.18 revenue fund appropriation in Laws 2011,  
551.19 First Special Session chapter 9, article 10,  
551.20 section 8, subdivision 8, for electronic  
551.21 licensing system adaptors, estimated to be  
551.22 \$761,000, and for the development and  
551.23 implementation of a disciplinary, regulatory,  
551.24 licensing, and information management  
551.25 system, estimated to be \$1,100,000, are  
551.26 canceled. This paragraph is effective the day  
551.27 following final enactment.

551.28 **Base Adjustment.** The base is decreased by  
551.29 \$370,000 in fiscal years 2016 and 2017.

551.30 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

551.31 Sec. 11. Laws 2013, chapter 108, article 14, section 12, is amended to read:

551.32 Sec. 12. **APPROPRIATION ADJUSTMENTS.**

551.33 (a) The general fund appropriation in section 2, subdivision 5, paragraph (g),  
551.34 includes up to \$53,391,000 in fiscal year 2014; \$216,637,000 in fiscal year 2015;

552.1 \$261,660,000 in fiscal year 2016; and \$279,984,000 in fiscal year 2017, for medical  
552.2 assistance eligibility and administration changes related to:

552.3 (1) eligibility for children age two to 18 with income up to 275 percent of the federal  
552.4 poverty guidelines;

552.5 (2) eligibility for pregnant women with income up to 275 percent of the federal  
552.6 poverty guidelines;

552.7 (3) Affordable Care Act enrollment and renewal processes, including elimination  
552.8 of six-month renewals, ex parte eligibility reviews, preprinted renewal forms, changes  
552.9 in verification requirements, and other changes in the eligibility determination and  
552.10 enrollment and renewal process;

552.11 (4) automatic eligibility for children who turn 18 in foster care until they reach age 26;

552.12 (5) eligibility related to spousal impoverishment provisions for waiver recipients; and

552.13 (6) presumptive eligibility determinations by hospitals.

552.14 (b) the commissioner of human services shall determine the difference between the  
552.15 actual or ~~foreeasted~~ estimated costs to the medical assistance program attributable to  
552.16 the program changes in paragraph (a), clauses (1) to (6), and the costs of paragraph (a),  
552.17 clauses (1) to (6), that were estimated during the 2013 legislative session based on data  
552.18 from the 2013 February forecast. ~~The costs in this paragraph must be calculated between~~  
552.19 ~~January 1, 2014, and June 30, 2017.~~

552.20 (c) For each fiscal year from 2014 to 2017, the commissioner of human services  
552.21 shall certify the actual or ~~foreeasted~~ estimated cost differences to the medical assistance  
552.22 program determined under paragraph (b), and report the difference in costs to the  
552.23 commissioner of management and budget at least four weeks prior to a forecast under  
552.24 Minnesota Statutes, section 16A.103. ~~No later than three weeks before the release of~~  
552.25 ~~the forecast~~ For fiscal years 2014 to 2017, forecasts under Minnesota Statutes, section  
552.26 16A.103, prepared by the commissioner of management and budget shall ~~reduce~~ include  
552.27 actual or estimated adjustments to the health care access fund appropriation in section  
552.28 2, subdivision 5, paragraph (g), ~~by the cumulative difference in costs determined in~~  
552.29 according to paragraph (b) (d). ~~If for any fiscal year, the amount of the cumulative cost~~  
552.30 ~~differences determined under paragraph (b) is positive, no adjustment shall be made to the~~  
552.31 ~~health care access fund appropriation. If for any fiscal year, the amount of the cumulative~~  
552.32 ~~cost differences determined under paragraph (b) is less than the original appropriation, the~~  
552.33 ~~appropriation for that fiscal year is zero.~~

552.34 (d) For each fiscal year from 2014 to 2017, the commissioner of management and  
552.35 budget must adjust the health care access fund appropriation by the cumulative difference  
552.36 in costs reported by the commissioner of human services under paragraph (b). If, for any



553.1 fiscal year, the amount of the cumulative difference in costs determined under paragraph  
553.2 (b) is positive, no adjustment shall be made to the health care access fund appropriation.

553.3 (e) This section expires on January 1, 2018.

553.4 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

553.5 **Sec. 12. DEDICATED FUNDS REPORT.**

553.6 By October 1, 2014, and with each February forecast thereafter, the commissioner of  
553.7 human services must provide to the chairs and ranking minority members of the house of  
553.8 representatives and senate committees with jurisdiction over health and human services  
553.9 finance a report of all dedicated funds and accounts. The report must include the name  
553.10 of the dedicated fund or account; a description of its purpose, and the legal citation for  
553.11 its creation; the beginning balance, projected receipts, and expenditures; and the ending  
553.12 balance for each fund and account. This section shall not expire.

553.13 **Sec. 13. EXPIRATION OF UNCODIFIED LANGUAGE.**

553.14 All uncodified language in this article expires on June 30, 2015, unless a different  
553.15 expiration date is specified.

553.16 **ARTICLE 31**

553.17 **HUMAN SERVICES FORECAST ADJUSTMENTS**

553.18 **Section 1. HUMAN SERVICES APPROPRIATION.**

553.19 The sums shown in the columns marked "Appropriations" are added to or, if shown  
553.20 in parentheses, are subtracted from the appropriations in Laws 2013, chapter 108, article  
553.21 14, from the general fund or any fund named to the Department of Human Services for  
553.22 the purposes specified in this article, to be available for the fiscal year indicated for each  
553.23 purpose. The figures "2014" and "2015" used in this article mean that the appropriations  
553.24 listed under them are available for the fiscal years ending June 30, 2014, or June 30, 2015,  
553.25 respectively. "The first year" is fiscal year 2014. "The second year" is fiscal year 2015.  
553.26 "The biennium" is fiscal years 2014 and 2015.

553.27	<b><u>APPROPRIATIONS</u></b>	
553.28	<b><u>Available for the Year</u></b>	
553.29	<b><u>Ending June 30</u></b>	
553.30	<b><u>2014</u></b>	<b><u>2015</u></b>

553.31 **Sec. 2. COMMISSIONER OF HUMAN**  
553.32 **SERVICES**

554.1	<b><u>Subdivision 1. Total Appropriation</u></b>		<b><u>\$ (196,275,000)</u></b>	<b><u>\$ 64,288,000</u></b>
554.2	<u>Appropriations by Fund</u>			
554.3	<u>General Fund</u>	<u>(152,845,000)</u>	<u>(25,282,000)</u>	
554.4	<u>Health Care Access</u>			
554.5	<u>Fund</u>	<u>(36,533,000)</u>	<u>91,294,000</u>	
554.6	<u>Federal TANF</u>	<u>(6,897,000)</u>	<u>(1,724,000)</u>	
554.7	<b><u>Subd. 2. Forecasted Programs</u></b>			
554.8	<b><u>(a) MFIP/DWP</u></b>			
554.9	<u>Appropriations by Fund</u>			
554.10	<u>General Fund</u>	<u>3,571,000</u>	<u>173,000</u>	
554.11	<u>Federal TANF</u>	<u>(6,475,000)</u>	<u>(1,298,000)</u>	
554.12	<b><u>(b) MFIP Child Care Assistance</u></b>		<u>(684,000)</u>	<u>11,114,000</u>
554.13	<b><u>(c) General Assistance</u></b>		<u>(2,569,000)</u>	<u>(1,940,000)</u>
554.14	<b><u>(d) Minnesota Supplemental Aid</u></b>		<u>(690,000)</u>	<u>(614,000)</u>
554.15	<b><u>(e) Group Residential Housing</u></b>		<u>250,000</u>	<u>(1,740,000)</u>
554.16	<b><u>(f) MinnesotaCare</u></b>		<u>(34,838,000)</u>	<u>96,340,000</u>
554.17	<u>These appropriations are from the health care</u>			
554.18	<u>access fund.</u>			
554.19	<b><u>(g) Medical Assistance</u></b>			
554.20	<u>Appropriations by Fund</u>			
554.21	<u>General Fund</u>	<u>(149,494,000)</u>	<u>(27,075,000)</u>	
554.22	<u>Health Care Access</u>			
554.23	<u>Fund</u>	<u>(1,695,000)</u>	<u>(5,046,000)</u>	
554.24	<b><u>(h) Alternative Care Program</u></b>		<u>(6,936,000)</u>	<u>(13,260,000)</u>
554.25	<b><u>(i) CCDTF Entitlements</u></b>		<u>3,707,000</u>	<u>8,060,000</u>
554.26	<b><u>Subd. 3. Technical Activities</u></b>		<u>(422,000)</u>	<u>(426,000)</u>
554.27	<u>These appropriations are from the federal</u>			
554.28	<u>TANF fund.</u>			
554.29	Sec. 3. Laws 2013, chapter 108, article 14, section 2, subdivision 1, is amended to read:			
554.30			<b><u>6,438,485,000</u></b>	<b><u>6,457,117,000</u></b>
554.31	<b><u>Subdivision 1. Total Appropriation</u></b>		<b><u>\$ 6,437,815,000</u></b>	<b><u>\$ 6,456,311,000</u></b>

555.1	Appropriations by Fund	
555.2	2014	2015
555.3	5,654,765,000	5,677,458,000
555.4	<u>General</u>	<u>5,676,652,000</u>
555.5	State Government	
555.6	Special Revenue	4,099,000 4,510,000
555.7	Health Care Access	519,816,000 518,446,000
555.8	Federal TANF	257,915,000 254,813,000
555.9	Lottery Prize Fund	1,890,000 1,890,000

555.10 **Receipts for Systems Projects.**

555.11 Appropriations and federal receipts for  
 555.12 information systems projects for MAXIS,  
 555.13 PRISM, MMIS, and SSIS must be deposited  
 555.14 in the state system account authorized  
 555.15 in Minnesota Statutes, section 256.014.  
 555.16 Money appropriated for computer projects  
 555.17 approved by the commissioner of Minnesota  
 555.18 information technology services, funded  
 555.19 by the legislature, and approved by the  
 555.20 commissioner of management and budget,  
 555.21 may be transferred from one project to  
 555.22 another and from development to operations  
 555.23 as the commissioner of human services  
 555.24 considers necessary. Any unexpended  
 555.25 balance in the appropriation for these  
 555.26 projects does not cancel but is available for  
 555.27 ongoing development and operations.

555.28 **Nonfederal Share Transfers.** The  
 555.29 nonfederal share of activities for which  
 555.30 federal administrative reimbursement is  
 555.31 appropriated to the commissioner may be  
 555.32 transferred to the special revenue fund.

555.33 **ARRA Supplemental Nutrition Assistance**  
 555.34 **Benefit Increases.** The funds provided for  
 555.35 food support benefit increases under the  
 555.36 Supplemental Nutrition Assistance Program  
 555.37 provisions of the American Recovery and

556.1 Reinvestment Act (ARRA) of 2009 must be  
556.2 used for benefit increases beginning July 1,  
556.3 2009.

556.4 **Supplemental Nutrition Assistance**

556.5 **Program Employment and Training.**

556.6 (1) Notwithstanding Minnesota Statutes,  
556.7 sections 256D.051, subdivisions 1a, 6b,  
556.8 and 6c, and 256J.626, federal Supplemental  
556.9 Nutrition Assistance employment and  
556.10 training funds received as reimbursement of  
556.11 MFIP consolidated fund grant expenditures  
556.12 for diversionary work program participants  
556.13 and child care assistance program  
556.14 expenditures must be deposited in the general  
556.15 fund. The amount of funds must be limited to  
556.16 \$4,900,000 per year in fiscal years 2014 and  
556.17 2015, and to \$4,400,000 per year in fiscal  
556.18 years 2016 and 2017, contingent on approval  
556.19 by the federal Food and Nutrition Service.

556.20 (2) Consistent with the receipt of the federal  
556.21 funds, the commissioner may adjust the  
556.22 level of working family credit expenditures  
556.23 claimed as TANF maintenance of effort.  
556.24 Notwithstanding any contrary provision in  
556.25 this article, this rider expires June 30, 2017.

556.26 **TANF Maintenance of Effort.** (a) In order  
556.27 to meet the basic maintenance of effort  
556.28 (MOE) requirements of the TANF block grant  
556.29 specified under Code of Federal Regulations,  
556.30 title 45, section 263.1, the commissioner may  
556.31 only report nonfederal money expended for  
556.32 allowable activities listed in the following  
556.33 clauses as TANF/MOE expenditures:

557.1 (1) MFIP cash, diversionary work program,  
557.2 and food assistance benefits under Minnesota  
557.3 Statutes, chapter 256J;

557.4 (2) the child care assistance programs  
557.5 under Minnesota Statutes, sections 119B.03  
557.6 and 119B.05, and county child care  
557.7 administrative costs under Minnesota  
557.8 Statutes, section 119B.15;

557.9 (3) state and county MFIP administrative  
557.10 costs under Minnesota Statutes, chapters  
557.11 256J and 256K;

557.12 (4) state, county, and tribal MFIP  
557.13 employment services under Minnesota  
557.14 Statutes, chapters 256J and 256K;

557.15 (5) expenditures made on behalf of legal  
557.16 noncitizen MFIP recipients who qualify for  
557.17 the MinnesotaCare program under Minnesota  
557.18 Statutes, chapter 256L;

557.19 (6) qualifying working family credit  
557.20 expenditures under Minnesota Statutes,  
557.21 section 290.0671;

557.22 (7) qualifying Minnesota education credit  
557.23 expenditures under Minnesota Statutes,  
557.24 section 290.0674; and

557.25 (8) qualifying Head Start expenditures under  
557.26 Minnesota Statutes, section 119A.50.

557.27 (b) The commissioner shall ensure that  
557.28 sufficient qualified nonfederal expenditures  
557.29 are made each year to meet the state's  
557.30 TANF/MOE requirements. For the activities  
557.31 listed in paragraph (a), clauses (2) to  
557.32 (8), the commissioner may only report  
557.33 expenditures that are excluded from the

558.1 definition of assistance under Code of  
558.2 Federal Regulations, title 45, section 260.31.

558.3 (c) For fiscal years beginning with state fiscal  
558.4 year 2003, the commissioner shall ensure  
558.5 that the maintenance of effort used by the  
558.6 commissioner of management and budget  
558.7 for the February and November forecasts  
558.8 required under Minnesota Statutes, section  
558.9 16A.103, contains expenditures under  
558.10 paragraph (a), clause (1), equal to at least 16  
558.11 percent of the total required under Code of  
558.12 Federal Regulations, title 45, section 263.1.

558.13 (d) The requirement in Minnesota Statutes,  
558.14 section 256.011, subdivision 3, that federal  
558.15 grants or aids secured or obtained under that  
558.16 subdivision be used to reduce any direct  
558.17 appropriations provided by law, do not apply  
558.18 if the grants or aids are federal TANF funds.

558.19 (e) For the federal fiscal years beginning on  
558.20 or after October 1, 2007, the commissioner  
558.21 may not claim an amount of TANF/MOE in  
558.22 excess of the 75 percent standard in Code  
558.23 of Federal Regulations, title 45, section  
558.24 263.1(a)(2), except:

558.25 (1) to the extent necessary to meet the 80  
558.26 percent standard under Code of Federal  
558.27 Regulations, title 45, section 263.1(a)(1),  
558.28 if it is determined by the commissioner  
558.29 that the state will not meet the TANF work  
558.30 participation target rate for the current year;

558.31 (2) to provide any additional amounts  
558.32 under Code of Federal Regulations, title 45,  
558.33 section 264.5, that relate to replacement of  
558.34 TANF funds due to the operation of TANF  
558.35 penalties; and

559.1 (3) to provide any additional amounts that  
 559.2 may contribute to avoiding or reducing  
 559.3 TANF work participation penalties through  
 559.4 the operation of the excess MOE provisions  
 559.5 of Code of Federal Regulations, title 45,  
 559.6 section 261.43 (a)(2).

559.7 For the purposes of clauses (1) to (3),  
 559.8 the commissioner may supplement the  
 559.9 MOE claim with working family credit  
 559.10 expenditures or other qualified expenditures  
 559.11 to the extent such expenditures are otherwise  
 559.12 available after considering the expenditures  
 559.13 allowed in this subdivision and subdivisions  
 559.14 2 and 3.

559.15 (f) Notwithstanding any contrary provision  
 559.16 in this article, paragraphs (a) to (e) expire  
 559.17 June 30, 2017.

559.18 **Working Family Credit Expenditures**  
 559.19 **as TANF/MOE.** The commissioner may  
 559.20 claim as TANF maintenance of effort up to  
 559.21 \$6,707,000 per year of working family credit  
 559.22 expenditures in each fiscal year.

559.23 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

559.24 Sec. 4. Laws 2013, chapter 108, article 14, section 2, subdivision 4, as amended by  
 559.25 Laws 2013, chapter 144, section 24, is amended to read:

559.26 Subd. 4. **Central Office**

559.27 The amounts that may be spent from this  
 559.28 appropriation for each purpose are as follows:

559.29 **(a) Operations**

Appropriations by Fund			
559.31	General	101,979,000	96,858,000
559.32	State Government		
559.33	Special Revenue	3,974,000	4,385,000

560.1	Health Care Access	13,177,000	13,004,000
560.2	Federal TANF	100,000	100,000

560.3 **DHS Receipt Center Accounting.** The  
 560.4 commissioner is authorized to transfer  
 560.5 appropriations to, and account for DHS  
 560.6 receipt center operations in, the special  
 560.7 revenue fund.

560.8 **Administrative Recovery; Set-Aside.** The  
 560.9 commissioner may invoice local entities  
 560.10 through the SWIFT accounting system as an  
 560.11 alternative means to recover the actual cost  
 560.12 of administering the following provisions:

560.13 (1) Minnesota Statutes, section 125A.744,  
 560.14 subdivision 3;

560.15 (2) Minnesota Statutes, section 245.495,  
 560.16 paragraph (b);

560.17 (3) Minnesota Statutes, section 256B.0625,  
 560.18 subdivision 20, paragraph (k);

560.19 (4) Minnesota Statutes, section 256B.0924,  
 560.20 subdivision 6, paragraph (g);

560.21 (5) Minnesota Statutes, section 256B.0945,  
 560.22 subdivision 4, paragraph (d); and

560.23 (6) Minnesota Statutes, section 256F.10,  
 560.24 subdivision 6, paragraph (b).

560.25 **Systems Modernization.** The following  
 560.26 amounts are appropriated for transfer to  
 560.27 the state systems account authorized in  
 560.28 Minnesota Statutes, section 256.014:

560.29 (1) \$1,825,000 in fiscal year 2014 and  
 560.30 \$2,502,000 in fiscal year 2015 is for the  
 560.31 state share of Medicaid-allocated costs of  
 560.32 the health insurance exchange information  
 560.33 technology and operational structure. The



561.1 funding base is \$3,222,000 in fiscal year 2016  
561.2 and \$3,037,000 in fiscal year 2017 but shall  
561.3 not be included in the base thereafter; and  
561.4 (2) \$9,344,000 in fiscal year 2014 and  
561.5 \$3,660,000 in fiscal year 2015 are for the  
561.6 modernization and streamlining of agency  
561.7 eligibility and child support systems. The  
561.8 funding base is \$5,921,000 in fiscal year  
561.9 2016 and \$1,792,000 in fiscal year 2017 but  
561.10 shall not be included in the base thereafter.  
561.11 The unexpended balance of the \$9,344,000  
561.12 appropriation in fiscal year 2014 and the  
561.13 \$3,660,000 appropriation in fiscal year 2015  
561.14 must be transferred from the Department of  
561.15 Human Services state systems account to  
561.16 the Office of Enterprise Technology when  
561.17 the Office of Enterprise Technology has  
561.18 negotiated a federally approved internal  
561.19 service fund rates and billing process with  
561.20 sufficient internal accounting controls to  
561.21 properly maximize federal reimbursement  
561.22 to Minnesota for human services system  
561.23 modernization projects, but not later than  
561.24 June 30, 2015.  
561.25 If contingent funding is fully or partially  
561.26 disbursed under article 15, section 3, and  
561.27 transferred to the state systems account, the  
561.28 unexpended balance of that appropriation  
561.29 must be transferred to the Office of Enterprise  
561.30 Technology in accordance with this clause.  
561.31 Contingent funding must not exceed  
561.32 \$11,598,000 for the biennium.  
561.33 **Base Adjustment.** The general fund base  
561.34 is increased by \$2,868,000 in fiscal year  
561.35 2016 and decreased by \$1,206,000 in fiscal

562.1 year 2017. The health access fund base is  
 562.2 decreased by \$551,000 in fiscal years 2016  
 562.3 and 2017. The state government special  
 562.4 revenue fund base is increased by \$4,000 in  
 562.5 fiscal year 2016 and decreased by \$236,000  
 562.6 in fiscal year 2017.

562.7 **(b) Children and Families**

562.8	Appropriations by Fund		
562.9	General	8,023,000	8,015,000
562.10	Federal TANF	2,282,000	2,282,000

562.11 **Financial Institution Data Match and**

562.12 **Payment of Fees.** The commissioner is  
 562.13 authorized to allocate up to \$310,000 each  
 562.14 year in fiscal years 2014 and 2015 from the  
 562.15 PRISM special revenue account to make  
 562.16 payments to financial institutions in exchange  
 562.17 for performing data matches between account  
 562.18 information held by financial institutions  
 562.19 and the public authority's database of child  
 562.20 support obligors as authorized by Minnesota  
 562.21 Statutes, section 13B.06, subdivision 7.

562.22 **Base Adjustment.** The general fund base is  
 562.23 decreased by \$300,000 in fiscal years 2016  
 562.24 and 2017. The TANF fund base is increased  
 562.25 by \$300,000 in fiscal years 2016 and 2017.

562.26 **(c) Health Care**

562.27	Appropriations by Fund		
562.28	General	14,028,000	13,826,000
562.29	Health Care Access	28,442,000	31,137,000

562.30 **Base Adjustment.** The general fund base  
 562.31 is decreased by \$86,000 in fiscal year 2016  
 562.32 and by \$86,000 in fiscal year 2017. The  
 562.33 health care access fund base is increased  
 562.34 by \$6,954,000 in fiscal year 2016 and by  
 562.35 \$5,489,000 in fiscal year 2017.

563.1 **(d) Continuing Care**

563.2	Appropriations by Fund		
563.3	General	20,993,000	22,359,000
563.4	State Government		
563.5	Special Revenue	125,000	125,000

563.6 **Base Adjustment.** The general fund base is  
 563.7 increased by \$1,690,000 in fiscal year 2016  
 563.8 and by \$798,000 in fiscal year 2017.

563.9 **(e) Chemical and Mental Health**

563.10	Appropriations by Fund		
563.11		<del>4,639,000</del>	<del>4,490,000</del>
563.12	General	<u>4,571,000</u>	<u>4,431,000</u>
563.13	Lottery Prize Fund	157,000	157,000

563.14 ~~Of the general fund appropriation, \$68,000~~  
 563.15 ~~in fiscal year 2014 and \$59,000 in fiscal year~~  
 563.16 ~~2015 are for compulsive gambling treatment~~  
 563.17 ~~under Minnesota Statutes, section 297E.02,~~  
 563.18 ~~subdivision 3, paragraph (c).~~

563.19 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

563.20 Sec. 5. Laws 2013, chapter 108, article 14, section 2, subdivision 6, as amended by  
 563.21 Laws 2013, chapter 144, section 25, is amended to read:

563.22 Subd. 6. **Grant Programs**

563.23 The amounts that may be spent from this  
 563.24 appropriation for each purpose are as follows:

563.25 **(a) Support Services Grants**

563.26	Appropriations by Fund		
563.27	General	8,915,000	13,333,000
563.28	Federal TANF	94,611,000	94,611,000

563.29 **Paid Work Experience.** \$2,168,000  
 563.30 each year in fiscal years 2015 and 2016  
 563.31 is from the general fund for paid work  
 563.32 experience for long-term MFIP recipients.  
 563.33 Paid work includes full and partial wage

564.1 subsidies and other related services such as  
564.2 job development, marketing, preworksite  
564.3 training, job coaching, and postplacement  
564.4 services. These are onetime appropriations.  
564.5 Unexpended funds for fiscal year 2015 do not  
564.6 cancel, but are available to the commissioner  
564.7 for this purpose in fiscal year 2016.

564.8 **Work Study Funding for MFIP**

564.9 **Participants.** \$250,000 each year in fiscal  
564.10 years 2015 and 2016 is from the general fund  
564.11 to pilot work study jobs for MFIP recipients  
564.12 in approved postsecondary education  
564.13 programs. This is a onetime appropriation.  
564.14 Unexpended funds for fiscal year 2015 do  
564.15 not cancel, but are available for this purpose  
564.16 in fiscal year 2016.

564.17 **Local Strategies to Reduce Disparities.**

564.18 \$2,000,000 each year in fiscal years 2015  
564.19 and 2016 is from the general fund for  
564.20 local projects that focus on services for  
564.21 subgroups within the MFIP caseload  
564.22 who are experiencing poor employment  
564.23 outcomes. These are onetime appropriations.  
564.24 Unexpended funds for fiscal year 2015 do not  
564.25 cancel, but are available to the commissioner  
564.26 for this purpose in fiscal year 2016.

564.27 **Home Visiting Collaborations for MFIP**

564.28 **Teen Parents.** \$200,000 per year in fiscal  
564.29 years 2014 and 2015 is from the general fund  
564.30 and \$200,000 in fiscal year 2016 is from the  
564.31 federal TANF fund for technical assistance  
564.32 and training to support local collaborations  
564.33 that provide home visiting services for  
564.34 MFIP teen parents. The general fund

565.1 appropriation is onetime. The federal TANF  
 565.2 fund appropriation is added to the base.

565.3 **Performance Bonus Funds for Counties.**

565.4 The TANF fund base is increased by  
 565.5 \$1,500,000 each year in fiscal years 2016  
 565.6 and 2017. The commissioner must allocate  
 565.7 this amount each year to counties that exceed  
 565.8 their expected range of performance on the  
 565.9 annualized three-year self-support index  
 565.10 as defined in Minnesota Statutes, section  
 565.11 256J.751, subdivision 2, clause (6). This is a  
 565.12 permanent base adjustment. Notwithstanding  
 565.13 any contrary provisions in this article, this  
 565.14 provision expires June 30, 2016.

565.15 **Base Adjustment.** The general fund base is  
 565.16 decreased by \$200,000 in fiscal year 2016  
 565.17 and \$4,618,000 in fiscal year 2017. The  
 565.18 TANF fund base is increased by \$1,700,000  
 565.19 in fiscal years 2016 and 2017.

565.20 **(b) Basic Sliding Fee Child Care Assistance**  
 565.21 **Grants**

	36,836,000	42,318,000
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565.22 **Base Adjustment.** The general fund base is  
 565.23 increased by \$3,778,000 in fiscal year 2016  
 565.24 and by \$3,849,000 in fiscal year 2017.

565.25 **(c) Child Care Development Grants**

	1,612,000	1,737,000
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565.26 **(d) Child Support Enforcement Grants**

	50,000	50,000
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565.27 **Federal Child Support Demonstration**

565.28 **Grants.** Federal administrative  
 565.29 reimbursement resulting from the federal  
 565.30 child support grant expenditures authorized  
 565.31 under United States Code, title 42, section  
 565.32 1315, is appropriated to the commissioner  
 565.33 for this activity.

565.34 **(e) Children's Services Grants**

566.1	Appropriations by Fund		
566.2	General	49,760,000	52,961,000
566.3	Federal TANF	140,000	140,000

566.4 **Adoption Assistance and Relative Custody**

566.5 **Assistance.** \$37,453,000 in fiscal year 2014  
 566.6 and \$37,453,000 in fiscal year 2015 is for  
 566.7 the adoption assistance and relative custody  
 566.8 assistance programs. The commissioner  
 566.9 shall determine with the commissioner of  
 566.10 Minnesota Management and Budget the  
 566.11 appropriation for Northstar Care for Children  
 566.12 effective January 1, 2015. The commissioner  
 566.13 may transfer appropriations for adoption  
 566.14 assistance, relative custody assistance, and  
 566.15 Northstar Care for Children between fiscal  
 566.16 years and among programs to adjust for  
 566.17 transfers across the programs.

566.18 **Title IV-E Adoption Assistance.** Additional  
 566.19 federal reimbursements to the state as a result  
 566.20 of the Fostering Connections to Success  
 566.21 and Increasing Adoptions Act's expanded  
 566.22 eligibility for Title IV-E adoption assistance  
 566.23 are appropriated for postadoption services,  
 566.24 including a parent-to-parent support network.

566.25 **Privatized Adoption Grants.** Federal  
 566.26 reimbursement for privatized adoption grant  
 566.27 and foster care recruitment grant expenditures  
 566.28 is appropriated to the commissioner for  
 566.29 adoption grants and foster care and adoption  
 566.30 administrative purposes.

566.31 **Adoption Assistance Incentive Grants.**  
 566.32 Federal funds available during fiscal years  
 566.33 2014 and 2015 for adoption incentive grants  
 566.34 are appropriated for postadoption services,  
 566.35 including a parent-to-parent support network.

567.1 **Base Adjustment.** The general fund base is  
 567.2 increased by \$5,913,000 in fiscal year 2016  
 567.3 and by \$10,297,000 in fiscal year 2017.

567.4	<b>(f) Child and Community Service Grants</b>	53,301,000	53,301,000
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567.5	<b>(g) Child and Economic Support Grants</b>	21,047,000	20,848,000
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567.6 **Minnesota Food Assistance Program.**  
 567.7 Unexpended funds for the Minnesota food  
 567.8 assistance program for fiscal year 2014 do  
 567.9 not cancel but are available for this purpose  
 567.10 in fiscal year 2015.

567.11 **Transitional Housing.** \$250,000 each year  
 567.12 is for the transitional housing programs under  
 567.13 Minnesota Statutes, section 256E.33.

567.14 **Emergency Services.** \$250,000 each year  
 567.15 is for emergency services grants under  
 567.16 Minnesota Statutes, section 256E.36.

567.17 **Family Assets for Independence.** \$250,000  
 567.18 each year is for the Family Assets for  
 567.19 Independence Minnesota program. This  
 567.20 appropriation is available in either year of the  
 567.21 biennium and may be transferred between  
 567.22 fiscal years.

567.23 **Food Shelf Programs.** \$375,000 in fiscal  
 567.24 year 2014 and \$375,000 in fiscal year  
 567.25 2015 are for food shelf programs under  
 567.26 Minnesota Statutes, section 256E.34. If the  
 567.27 appropriation for either year is insufficient,  
 567.28 the appropriation for the other year is  
 567.29 available for it. Notwithstanding Minnesota  
 567.30 Statutes, section 256E.34, subdivision 4, no  
 567.31 portion of this appropriation may be used  
 567.32 by Hunger Solutions for its administrative  
 567.33 expenses, including but not limited to rent  
 567.34 and salaries.

568.1 **Homeless Youth Act.** \$2,000,000 in fiscal  
 568.2 year 2014 and \$2,000,000 in fiscal year 2015  
 568.3 is for purposes of Minnesota Statutes, section  
 568.4 256K.45.

568.5 **Safe Harbor Shelter and Housing.**  
 568.6 \$500,000 in fiscal year 2014 and \$500,000 in  
 568.7 fiscal year 2015 is for a safe harbor shelter  
 568.8 and housing fund for housing and supportive  
 568.9 services for youth who are sexually exploited.

568.10 **(h) Health Care Grants**

568.11	Appropriations by Fund		
568.12	General	190,000	190,000
568.13	Health Care Access	190,000	190,000

568.14 **Emergency Medical Assistance Referral**

568.15 **and Assistance Grants.** (a) The  
 568.16 commissioner of human services shall  
 568.17 award grants to nonprofit programs that  
 568.18 provide immigration legal services based  
 568.19 on indigency to provide legal services for  
 568.20 immigration assistance to individuals with  
 568.21 emergency medical conditions or complex  
 568.22 and chronic health conditions who are not  
 568.23 currently eligible for medical assistance  
 568.24 or other public health care programs, but  
 568.25 who may meet eligibility requirements with  
 568.26 immigration assistance.

568.27 (b) The grantees, in collaboration with  
 568.28 hospitals and safety net providers, shall  
 568.29 provide referral assistance to connect  
 568.30 individuals identified in paragraph (a) with  
 568.31 alternative resources and services to assist in  
 568.32 meeting their health care needs. \$100,000  
 568.33 is appropriated in fiscal year 2014 and  
 568.34 \$100,000 in fiscal year 2015. This is a  
 568.35 onetime appropriation.



569.1 **Base Adjustment.** The general fund is  
 569.2 decreased by \$100,000 in fiscal year 2016  
 569.3 and \$100,000 in fiscal year 2017.

569.4 <b>(i) Aging and Adult Services Grants</b>	14,827,000	15,010,000
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569.5 **Base Adjustment.** The general fund is  
 569.6 increased by \$1,150,000 in fiscal year 2016  
 569.7 and \$1,151,000 in fiscal year 2017.

569.8 **Community Service Development**  
 569.9 **Grants and Community Services Grants.**  
 569.10 Community service development grants and  
 569.11 community services grants are reduced by  
 569.12 \$1,150,000 each year. This is a onetime  
 569.13 reduction.

569.14 <b>(j) Deaf and Hard-of-Hearing Grants</b>	1,771,000	1,785,000
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569.15 <b>(k) Disabilities Grants</b>	18,605,000	18,823,000
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569.16 **Advocating Change Together.** \$310,000 in  
 569.17 fiscal year 2014 is for a grant to Advocating  
 569.18 Change Together (ACT) to maintain and  
 569.19 promote services for persons with intellectual  
 569.20 and developmental disabilities throughout  
 569.21 the state. This appropriation is onetime. Of  
 569.22 this appropriation:

569.23 (1) \$120,000 is for direct costs associated  
 569.24 with the delivery and evaluation of  
 569.25 peer-to-peer training programs administered  
 569.26 throughout the state, focusing on education,  
 569.27 employment, housing, transportation, and  
 569.28 voting;

569.29 (2) \$100,000 is for delivery of statewide  
 569.30 conferences focusing on leadership and  
 569.31 skill development within the disability  
 569.32 community; and

569.33 (3) \$90,000 is for administrative and general  
 569.34 operating costs associated with managing

570.1 or maintaining facilities, program delivery,  
 570.2 staff, and technology.

570.3 **Base Adjustment.** The general fund base  
 570.4 is increased by \$535,000 in fiscal year 2016  
 570.5 and by \$709,000 in fiscal year 2017.

570.6 **(I) Adult Mental Health Grants**

570.7	Appropriations by Fund		
570.8		71,199,000	69,530,000
570.9	General	<u>70,597,000</u>	<u>68,783,000</u>
570.10	Health Care Access	750,000	750,000
570.11	Lottery Prize	1,733,000	1,733,000

570.12 ~~**Compulsive Gambling Treatment.** Of the~~  
 570.13 ~~general fund appropriation, \$602,000 in~~  
 570.14 ~~fiscal year 2014 and \$747,000 in fiscal year~~  
 570.15 ~~2015 are for compulsive gambling treatment~~  
 570.16 ~~under Minnesota Statutes, section 297E.02,~~  
 570.17 ~~subdivision 3, paragraph (c).~~

570.18 **Problem Gambling.** \$225,000 in fiscal year  
 570.19 2014 and \$225,000 in fiscal year 2015 is  
 570.20 appropriated from the lottery prize fund for a  
 570.21 grant to the state affiliate recognized by the  
 570.22 National Council on Problem Gambling. The  
 570.23 affiliate must provide services to increase  
 570.24 public awareness of problem gambling,  
 570.25 education and training for individuals and  
 570.26 organizations providing effective treatment  
 570.27 services to problem gamblers and their  
 570.28 families, and research relating to problem  
 570.29 gambling.

570.30 **Funding Usage.** Up to 75 percent of a fiscal  
 570.31 year's appropriations for adult mental health  
 570.32 grants may be used to fund allocations in that  
 570.33 portion of the fiscal year ending December  
 570.34 31.

571.1 **Base Adjustment.** The general fund base is  
 571.2 decreased by ~~\$4,427,000~~ \$4,441,000 in fiscal  
 571.3 years 2016 and 2017.

571.4 **Mental Health Pilot Project.** \$230,000  
 571.5 each year is for a grant to the Zumbro  
 571.6 Valley Mental Health Center. The grant  
 571.7 shall be used to implement a pilot project  
 571.8 to test an integrated behavioral health care  
 571.9 coordination model. The grant recipient must  
 571.10 report measurable outcomes and savings  
 571.11 to the commissioner of human services  
 571.12 by January 15, 2016. This is a onetime  
 571.13 appropriation.

571.14 **High-risk adults.** \$200,000 in fiscal  
 571.15 year 2014 is for a grant to the nonprofit  
 571.16 organization selected to administer the  
 571.17 demonstration project for high-risk adults  
 571.18 under Laws 2007, chapter 54, article 1,  
 571.19 section 19, in order to complete the project.  
 571.20 This is a onetime appropriation.

571.21 <b>(m) Child Mental Health Grants</b>	18,246,000	20,636,000
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571.22 **Text Message Suicide Prevention**  
 571.23 **Program.** \$625,000 in fiscal year 2014 and  
 571.24 \$625,000 in fiscal year 2015 is for a grant  
 571.25 to a nonprofit organization to establish and  
 571.26 implement a statewide text message suicide  
 571.27 prevention program. The program shall  
 571.28 implement a suicide prevention counseling  
 571.29 text line designed to use text messaging to  
 571.30 connect with crisis counselors and to obtain  
 571.31 emergency information and referrals to  
 571.32 local resources in the local community. The  
 571.33 program shall include training within schools  
 571.34 and communities to encourage the use of the  
 571.35 program.

572.1 **Mental Health First Aid Training.** \$22,000  
 572.2 in fiscal year 2014 and \$23,000 in fiscal  
 572.3 year 2015 is to train teachers, social service  
 572.4 personnel, law enforcement, and others who  
 572.5 come into contact with children with mental  
 572.6 illnesses, in children and adolescents mental  
 572.7 health first aid training.

572.8 **Funding Usage.** Up to 75 percent of a fiscal  
 572.9 year's appropriation for child mental health  
 572.10 grants may be used to fund allocations in that  
 572.11 portion of the fiscal year ending December  
 572.12 31.

572.13 <b>(n) CD Treatment Support Grants</b>	1,816,000	1,816,000
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572.14 **SBIRT Training.** (1) \$300,000 each year is  
 572.15 for grants to train primary care clinicians to  
 572.16 provide substance abuse brief intervention  
 572.17 and referral to treatment (SBIRT). This is a  
 572.18 onetime appropriation. The commissioner of  
 572.19 human services shall apply to SAMHSA for  
 572.20 an SBIRT professional training grant.

572.21 (2) If the commissioner of human services  
 572.22 receives a grant under clause (1) funds  
 572.23 appropriated under this clause, equal to  
 572.24 the grant amount, up to the available  
 572.25 appropriation, shall be transferred to the  
 572.26 Minnesota Organization on Fetal Alcohol  
 572.27 Syndrome (MOFAS). MOFAS must use  
 572.28 the funds for grants. Grant recipients must  
 572.29 be selected from communities that are  
 572.30 not currently served by federal Substance  
 572.31 Abuse Prevention and Treatment Block  
 572.32 Grant funds. Grant money must be used to  
 572.33 reduce the rates of fetal alcohol syndrome  
 572.34 and fetal alcohol effects, and the number of  
 572.35 drug-exposed infants. Grant money may be

573.1 used for prevention and intervention services  
573.2 and programs, including, but not limited to,  
573.3 community grants, professional education,  
573.4 public awareness, and diagnosis.

573.5 **Fetal Alcohol Syndrome Grant.** \$180,000  
573.6 each year from the general fund is for a  
573.7 grant to the Minnesota Organization on Fetal  
573.8 Alcohol Syndrome (MOFAS) to support  
573.9 nonprofit Fetal Alcohol Spectrum Disorders  
573.10 (FASD) outreach prevention programs  
573.11 in Olmsted County. This is a onetime  
573.12 appropriation.

573.13 **Base Adjustment.** The general fund base is  
573.14 decreased by \$480,000 in fiscal year 2016  
573.15 and \$480,000 in fiscal year 2017.

573.16 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

573.17 Sec. 6. **EFFECTIVE DATE.**

573.18 Sections 1 and 2 are effective the day following final enactment.

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ARTICLE 29	CHEMICAL AND MENTAL HEALTH .....	Page.Ln 522.19
ARTICLE 30	HEALTH AND HUMAN SERVICES APPROPRIATIONS .....	Page.Ln 534.15
ARTICLE 31	HUMAN SERVICES FORECAST ADJUSTMENTS .....	Page.Ln 553.16

**115A.551 RECYCLING.**

Subd. 2. **County recycling goals.** By December 31, 1993, each county outside of the metropolitan area will have as a goal to recycle a minimum of 25 percent by weight of total solid waste generation; and by December 31, 1993, each county within the metropolitan area will have as a goal to recycle a minimum of 35 percent by weight of total solid waste generation. Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal.

**116J.997 PROGRAM ACCOUNTABILITY REQUIREMENTS.**

Subdivision 1. **Accountability measurement.** By October 1, 2009, the commissioner of employment and economic development shall develop a uniform accountability report for economic development or workforce-related programs funded in whole or in part by state or federal funds. The commissioner shall also develop a formula for measuring the return on investment for each program and a comparison of the return on investment of all programs funded in whole or in part by state or federal funds. The requirements of this section apply to programs administered directly by the commissioner or administered by other employment organizations under a grant made by the department. The report and formula required by this subdivision shall be submitted to the chairs and ranking minority members of the committees of the house of representatives and senate having jurisdiction over economic development and workforce policy and finance by October 15, 2009, for review and comment.

Subd. 2. **Report to the legislature.** By December 31 of each even-numbered year the commissioner must report to the chairs and the ranking minority members of the committees of the house of representatives and the senate having jurisdiction over economic development and workforce policy and finance the following information for each program subject to the requirements of subdivision 1:

- (1) the target population;
  - (2) the number of jobs affected by the program, including the number of net new jobs created in the state and the average annual wage per job;
  - (3) the number of individuals leaving the unemployment compensation program as a result of the program;
  - (4) the number of individuals leaving the Minnesota Family Investment Program support as a result of the program;
  - (5) the region of the state in which the program operated;
  - (6) the amount of state or federal funds allocated to the program;
  - (7) the return on investment as calculated by the formula developed by the commissioner;
- and
- (8) the dollar amount and percentage of the total grant used for administrative expenses.

Subd. 3. **Report to the commissioner.** A recipient of a grant made by or through the department must report to the commissioner by September 1 of each even-numbered year on each of the items in subdivision 2 for each program it administers. The report must be in a format prescribed by the commissioner.

Beginning November 1, 2009, the commissioner shall provide notice to grant applicants and recipients regarding the data collection and reporting requirements under this subdivision and must provide technical assistance to applicants and recipients to assist in complying with the requirements of this subdivision.

Subd. 4. **Biennial budget request.** The information collected and reported under subdivisions 2 and 3 shall be included in budgets submitted to the legislature under section 16A.11.

**123B.71 REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.**

Subdivision 1. **Consultation.** A school district shall consult with the commissioner of education before developing any plans and specifications to construct, remodel, or improve the building or site of an educational facility for which the estimated cost exceeds \$500,000. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital expenditure facilities revenue according to section 126C.10, subdivision 14, clause (2). The commissioner may require the district to participate in a management assistance plan before conducting a review and comment on the project.

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Subd. 4. **Plan submittal.** For a project for which consultation is required under subdivision 1, the commissioner, after the consultation required in subdivision 1, may require a school district to submit preliminary and final plans for approval. The commissioner shall approve or disapprove the plans within 90 days after submission.

Final plans shall meet all applicable state laws, rules, and codes concerning public buildings, including sections 326B.101 to 326B.151.

### **256.969 PAYMENT RATES.**

Subd. 2c. **Property payment rates.** For each hospital's first two consecutive fiscal years beginning on or after July 1, 1988, the commissioner shall limit the annual increase in property payment rates for depreciation, rents and leases, and interest expense to the annual growth in the hospital cost index derived from the methodology in effect on the day before July 1, 1989. When computing budgeted and settlement property payment rates, the commissioner shall use the annual increase in the hospital cost index forecasted by Data Resources, Inc., consistent with the quarter of the hospital's fiscal year end. For admissions occurring on or after the rate year beginning January 1, 1991, the commissioner shall obtain property data from an updated base year and establish property payment rates per admission for each hospital. Property payment rates shall be derived from data from the same base year that is used to establish operating payment rates. The property information shall include cost categories not subject to the hospital cost index and shall reflect the cost-finding methods and allowable costs of the Medicare program. The base year property payment rates shall be adjusted for increases in the property cost by increasing the base year property payment rate 85 percent of the percentage change from the base year through the year for which a Medicare cost report has been submitted to the Medicare program and filed with the department by the October 1 before the rate year. The property rates shall only reflect inpatient services covered by medical assistance. The commissioner shall adjust rates for the rate year beginning January 1, 1991, to ensure that all hospitals are subject to the hospital cost index limitation for two complete years.

Subd. 8b. **Admissions for persons who apply during hospitalization.** For admissions for individuals under section 256D.03, subdivision 3, paragraph (a), clause (2), that occur before the date of eligibility, payment for the days that the patient is eligible shall be established according to the methods of subdivision 14.

Subd. 9a. **Disproportionate population adjustments until July 1, 1993.** For admissions occurring between January 1, 1993 and June 30, 1993, the adjustment under this subdivision shall be paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of one standard deviation above the arithmetic mean. The adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service, and the result must be multiplied by 1.1.

The provisions of this paragraph are effective only if federal matching funds are not available for all adjustments under this subdivision and it is necessary to implement ratable reductions under subdivision 9.

Subd. 9b. **Implementation of ratable reductions.** Notwithstanding the provisions in subdivision 9, any ratable reductions required under that subdivision or subdivision 9a for fiscal year 1993 shall be implemented as follows:

(1) no ratable reductions shall be applied to admissions occurring between October 1, 1992, and December 31, 1992; and

(2) sufficient ratable reductions shall be taken from hospitals receiving a payment under subdivision 9a for admissions occurring between January 1, 1993, and June 30, 1993, to ensure that all state payments under subdivisions 9 and 9a during federal fiscal year 1993 qualify for federal match.

Subd. 11. **Special rates.** The commissioner may establish special rate-setting methodologies, including a per day operating and property payment system, for hospice, ventilator dependent, and other services on a hospital and recipient specific basis taking into consideration such variables as federal designation, program size, and admission from a medical assistance waiver or home care program. The data and rate calculation method shall conform to the requirements of subdivision 13, except that rates shall not be standardized by the case mix index or adjusted by relative values and hospice rates shall not exceed the amount allowed under federal law. Rates and payments established under this subdivision must meet the requirements of section 256.9685, subdivisions 1 and 2. The cost and charges used to establish rates shall only reflect



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inpatient medical assistance covered services. Hospital and claims data that are used to establish rates under this subdivision shall not be used to establish payments or relative values under subdivisions 2, 2b, 2c, 3a, 4a, 5a, and 7 to 14.

Subd. 13. **Neonatal transfers.** For admissions occurring on or after July 1, 1989, neonatal diagnostic category transfers shall have operating and property payment rates established at receiving hospitals which have neonatal intensive care units on a per day payment system that is based on the cost finding methods and allowable costs of the Medicare program during the base year. Other neonatal diagnostic category transfers shall have rates established according to subdivision 14. The rate per day for the neonatal service setting within the hospital shall be determined by dividing base year neonatal allowable costs by neonatal patient days. The operating payment rate portion of the rate shall be adjusted by the hospital cost index and the disproportionate population adjustment. For admissions occurring after the transition period specified in section 256.9695, subdivision 3, the operating payment rate portion of the rate shall be standardized by the case mix index and adjusted by relative values. The cost and charges used to establish rates shall only reflect inpatient services covered by medical assistance. Hospital and claims data used to establish rates under this subdivision shall not be used to establish rates under subdivisions 2, 2b, 2c, 3a, 4a, 5a, and 7 to 14.

Subd. 20. **Increases in medical assistance inpatient payments; conditions.** (a) Medical assistance inpatient payments shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988 and December 31, 1990, if:

(1) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987 to June 30, 1987;

(2) the hospital had 100 or fewer licensed beds on March 1, 1988;

(3) the hospital is located in Minnesota; and

(4) the hospital is not located in a city of the first class as defined in section 410.01.

For purposes of this paragraph, medical assistance does not include general assistance medical care.

(b) Medical assistance inpatient payments shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occurred between July 1, 1988 and December 31, 1990, if:

(1) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987 to June 30, 1987;

(2) the hospital had 100 or fewer licensed beds on March 1, 1988;

(3) the hospital is located in Minnesota; and

(4) the hospital is not located in a city of the first class as defined in section 410.01.

For purposes of this paragraph, medical assistance does not include general assistance medical care.

(c) Medical assistance inpatient payment rates shall increase 20 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur on or after October 1, 1992, if:

(1) the hospital had 100 or fewer Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987 to June 30, 1987;

(2) the hospital had 100 or fewer licensed beds on March 1, 1988;

(3) the hospital is located in Minnesota; and

(4) the hospital is not located in a city of the first class as defined in section 410.01.

For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9 or 23, the hospital must be paid the adjustment under subdivisions 9 and 23, as applicable, plus any amount by which the adjustment under this paragraph exceeds the adjustment under those subdivisions. For this paragraph, medical assistance does not include general assistance medical care.

(d) Medical assistance inpatient payment rates shall increase 15 percent for inpatient hospital originally paid admissions, excluding Medicare crossovers, that occur after September 30, 1992, if:

(1) the hospital had more than 100 but fewer than 250 Minnesota medical assistance annualized paid admissions, excluding Medicare crossovers, that were paid by March 1, 1988, for the period January 1, 1987 to June 30, 1987;

(2) the hospital had 100 or fewer licensed beds on March 1, 1988;

(3) the hospital is located in Minnesota; and

(4) the hospital is not located in a city of the first class as defined in section 410.01.

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For a hospital that qualifies for an adjustment under this paragraph and under subdivision 9 or 23, the hospital must be paid the adjustment under subdivisions 9 and 23, as applicable, plus any amount by which the adjustment under this paragraph exceeds the adjustment under those subdivisions. For purposes of this paragraph, medical assistance does not include general assistance medical care.

Subd. 21. **Mental health or chemical dependency admissions; rates.** Admissions under the general assistance medical care program occurring on or after July 1, 1990, and admissions under medical assistance, excluding general assistance medical care, occurring on or after July 1, 1990, and on or before September 30, 1992, that are classified to a diagnostic category of mental health or chemical dependency shall have rates established according to the methods of subdivision 14, except the per day rate shall be multiplied by a factor of 2, provided that the total of the per day rates shall not exceed the per admission rate. This methodology shall also apply when a hold or commitment is ordered by the court for the days that inpatient hospital services are medically necessary. Stays which are medically necessary for inpatient hospital services and covered by medical assistance shall not be billable to any other governmental entity. Medical necessity shall be determined under criteria established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b).

Subd. 22. **Hospital payment adjustment.** For admissions occurring from January 1, 1993 until June 30, 1993, the commissioner shall adjust the medical assistance payment paid to a hospital, excluding regional treatment centers and facilities of the federal Indian Health Service, with a medical assistance inpatient utilization rate in excess of the arithmetic mean. The adjustment must be determined as follows:

(1) for a hospital with a medical assistance inpatient utilization rate above the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service, the adjustment must be determined by multiplying the total of the operating and property payment rates by the difference between the hospital's actual medical assistance inpatient utilization rate and the arithmetic mean for all hospitals excluding regional treatment centers and facilities of the federal Indian Health Service; and

(2) for a hospital with a medical assistance inpatient utilization rate above one standard deviation above the mean, the adjustment must be determined by multiplying the adjustment under clause (1) for that hospital by 1.1. Any payment under this clause must be reduced by the amount of any payment received under subdivision 9a. For purposes of this subdivision, medical assistance does not include general assistance medical care.

This subdivision is effective only if federal matching funds are not available for all adjustments under this subdivision and it is necessary to implement ratable reductions under subdivision 9.

Subd. 26. **Greater Minnesota payment adjustment after June 30, 2001.** (a) For admissions occurring after June 30, 2001, the commissioner shall pay fee-for-service inpatient admissions for the diagnosis-related groups specified in paragraph (b) at hospitals located outside of the seven-county metropolitan area at the higher of:

(1) the hospital's current payment rate for the diagnostic category to which the diagnosis-related group belongs, exclusive of disproportionate population adjustments received under subdivision 9 and hospital payment adjustments received under subdivision 23; or

(2) 90 percent of the average payment rate for that diagnostic category for hospitals located within the seven-county metropolitan area, exclusive of disproportionate population adjustments received under subdivision 9 and hospital payment adjustments received under subdivisions 20 and 23.

(b) The payment increases provided in paragraph (a) apply to the following diagnosis-related groups, as they fall within the diagnostic categories:

- (1) 370 cesarean section with complicating diagnosis;
- (2) 371 cesarean section without complicating diagnosis;
- (3) 372 vaginal delivery with complicating diagnosis;
- (4) 373 vaginal delivery without complicating diagnosis;
- (5) 386 extreme immaturity and respiratory distress syndrome, neonate;
- (6) 388 full-term neonates with other problems;
- (7) 390 prematurity without major problems;
- (8) 391 normal newborn;
- (9) 385 neonate, died or transferred to another acute care facility;
- (10) 425 acute adjustment reaction and psychosocial dysfunction;
- (11) 430 psychoses;
- (12) 431 childhood mental disorders; and
- (13) 164-167 appendectomy.

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Subd. 27. **Quarterly payment adjustment.** (a) In addition to any other payment under this section, the commissioner shall make the following payments effective July 1, 2007:

(1) for a hospital located in Minnesota and not eligible for payments under subdivision 20, with a medical assistance inpatient utilization rate greater than 17.8 percent of total patient days as of the base year in effect on July 1, 2005, a payment equal to 13 percent of the total of the operating and property payment rates;

(2) for a hospital located in Minnesota in a specified urban area outside of the seven-county metropolitan area and not eligible for payments under subdivision 20, with a medical assistance inpatient utilization rate less than or equal to 17.8 percent of total patient days as of the base year in effect on July 1, 2005, a payment equal to ten percent of the total of the operating and property payment rates. For purposes of this clause, the following cities are specified urban areas: Detroit Lakes, Rochester, Willmar, Alexandria, Austin, Cambridge, Brainerd, Hibbing, Mankato, Duluth, St. Cloud, Grand Rapids, Wyoming, Fergus Falls, Albert Lea, Winona, Virginia, Thief River Falls, and Wadena;

(3) for a hospital located in Minnesota but not located in a specified urban area under clause (2), with a medical assistance inpatient utilization rate less than or equal to 17.8 percent of total patient days as of the base year in effect on July 1, 2005, a payment equal to four percent of the total of the operating and property payment rates. A hospital located in Woodbury and not in existence during the base year shall be reimbursed under this clause; and

(4) in addition to any payments under clauses (1) to (3), for a hospital located in Minnesota and not eligible for payments under subdivision 20 with a medical assistance inpatient utilization rate of 17.9 percent of total patient days as of the base year in effect on July 1, 2005, a payment equal to eight percent of the total of the operating and property payment rates, and for a hospital located in Minnesota and not eligible for payments under subdivision 20 with a medical assistance inpatient utilization rate of 59.6 percent of total patient days as of the base year in effect on July 1, 2005, a payment equal to nine percent of the total of the operating and property payment rates. After making any ratable adjustments required under paragraph (b), the commissioner shall proportionately reduce payments under clauses (2) and (3) by an amount needed to make payments under this clause.

(b) The state share of payments under paragraph (a) shall be equal to federal reimbursements to the commissioner to reimburse expenditures reported under section 256B.199, paragraphs (a) to (d). The commissioner shall ratably reduce or increase payments under this subdivision in order to ensure that these payments equal the amount of reimbursement received by the commissioner under section 256B.199, paragraphs (a) to (d), except that payments shall be ratably reduced by an amount equivalent to the state share of a four percent reduction in MinnesotaCare and medical assistance payments for inpatient hospital services. Effective July 1, 2009, the ratable reduction shall be equivalent to the state share of a three percent reduction in these payments. Effective for federal disproportionate share hospital funds earned on payments reported under section 256B.199, paragraphs (a) to (d), for services rendered on or after April 1, 2010, payments shall not be made under this subdivision or subdivision 28.

(c) The payments under paragraph (a) shall be paid quarterly based on each hospital's operating and property payments from the second previous quarter, beginning on July 15, 2007, or upon federal approval of federal reimbursements under section 256B.199, paragraphs (a) to (d), whichever occurs later.

(d) The commissioner shall not adjust rates paid to a prepaid health plan under contract with the commissioner to reflect payments provided in paragraph (a).

(e) The commissioner shall maximize the use of available federal money for disproportionate share hospital payments and shall maximize payments to qualifying hospitals. In order to accomplish these purposes, the commissioner may, in consultation with the nonstate entities identified in section 256B.199, paragraphs (a) to (d), adjust, on a pro rata basis if feasible, the amounts reported by nonstate entities under section 256B.199, paragraphs (a) to (d), when application for reimbursement is made to the federal government, and otherwise adjust the provisions of this subdivision. The commissioner shall utilize a settlement process based on finalized data to maximize revenue under section 256B.199, paragraphs (a) to (d), and payments under this section.

(f) For purposes of this subdivision, medical assistance does not include general assistance medical care.

Subd. 28. **Temporary rate increase for qualifying hospitals.** For the period from April 1, 2009, to September 30, 2010, for each hospital with a medical assistance utilization rate equal to or greater than 25 percent during the base year, the commissioner shall provide an equal percentage rate increase for each medical assistance admission. The commissioner shall estimate the percentage rate increase using as the state share of the increase the amount available under

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section 256B.199, paragraph (d). The commissioner shall settle up payments to qualifying hospitals based on actual payments under that section and actual hospital admissions.

**256.9695 APPEALS OF RATES; PROHIBITED PRACTICES FOR HOSPITALS; TRANSITION RATES.**

Subd. 3. **Transition.** Except as provided in section 256.969, subdivision 8, the commissioner shall establish a transition period for the calculation of payment rates from July 1, 1989, to the implementation date of the upgrade to the Medicaid management information system or July 1, 1992, whichever is earlier.

During the transition period:

(a) Changes resulting from section 256.969, subdivisions 7, 9, 10, 11, and 13, shall not be implemented, except as provided in section 256.969, subdivisions 12 and 20.

(b) The beginning of the 1991 rate year shall be delayed and the rates notification requirement shall not be applicable.

(c) Operating payment rates shall be indexed from the hospital's most recent fiscal year ending prior to January 1, 1991, by prorating the hospital cost index methodology in effect on January 1, 1989. For payments made for admissions occurring on or after June 1, 1990, until the implementation date of the upgrade to the Medicaid management information system the hospital cost index excluding the technology factor shall not exceed five percent. This hospital cost index limitation shall not apply to hospitals that meet the requirements of section 256.969, subdivision 20, paragraphs (a) and (b).

(d) Property and pass-through payment rates shall be maintained at the most recent payment rate effective for June 1, 1990. However, all hospitals are subject to the hospital cost index limitation of subdivision 2c, for two complete fiscal years. Property and pass-through costs shall be retroactively settled through the transition period. The laws in effect on the day before July 1, 1989, apply to the retroactive settlement.

(e) If the upgrade to the Medicaid management information system has not been completed by July 1, 1992, the commissioner shall make adjustments for admissions occurring on or after that date as follows:

(1) provide a ten percent increase to hospitals that meet the requirements of section 256.969, subdivision 20, or, upon written request from the hospital to the commissioner, 50 percent of the rate change that the commissioner estimates will occur after the upgrade to the Medicaid management information system; and

(2) adjust the Minnesota and local trade area rebased payment rates that are established after the upgrade to the Medicaid management information system to compensate for a rebasing effective date of July 1, 1992. The adjustment shall be determined using claim specific payment changes that result from the rebased rates and revised methodology in effect after the systems upgrade. Any adjustment that is greater than zero shall be ratably reduced by 20 percent. In addition, every adjustment shall be reduced for payments under clause (1), and differences in the hospital cost index. Hospitals shall revise claims so that services provided by rehabilitation units of hospitals are reported separately. The adjustment shall be in effect until the amount due to or owed by the hospital is fully paid over a number of admissions that is equal to the number of admissions under adjustment multiplied by 1.5. The adjustment for admissions occurring from July 1, 1992 to December 31, 1992, shall be based on claims paid as of August 1, 1993, and the adjustment shall begin with the effective date of rules governing rebasing. The adjustment for admissions occurring from January 1, 1993, to the effective date of the rules shall be based on claims paid as of February 1, 1994, and shall begin after the first adjustment period is fully paid. For purposes of appeals under subdivision 1, the adjustment shall be considered payment at the time of admission.

Subd. 4. **Study.** The commissioner shall contract for an evaluation of the inpatient and outpatient hospital payment systems. The study shall include recommendations concerning:

(1) more effective methods of assigning operating and property payment rates to specific services or diagnoses;

(2) effective methods of cost control and containment;

(3) fiscal impacts of alternative payment systems;

(4) the relationships of the use of and payment for inpatient and outpatient hospital services;

(5) methods to relate reimbursement levels to the efficient provision of services; and

(6) methods to adjust reimbursement levels to reflect cost differences between geographic areas.

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The commissioner shall report the findings to the legislature by January 15, 1991, along with recommendations for implementation.

#### **256B.0625 COVERED SERVICES.**

Subd. 18f. **Enrollee assessment process.** (a) The commissioner shall require that the administrator of nonemergency medical transportation adhere to the assessment process recommended by the Nonemergency Medical Transportation Advisory Committee. The commissioner shall implement, by July 1, 2014, the comprehensive, statewide, standard assessment process for medical assistance enrollees seeking nonemergency medical transportation services recommended by the Nonemergency Medical Transportation Advisory Committee. The assessment process must identify a client's level of needs, abilities, and resources, and match the client with the mode of transportation in the client's service area that best meets those needs.

(b) The assessment process must:

- (1) address mental health diagnoses when determining the most appropriate mode of transportation;
- (2) base decisions on clearly defined criteria that are available to clients, providers, and counties;
- (3) be standardized across the state and be aligned with other similar existing processes;
- (4) allow for extended periods of eligibility for certain types of nonemergency transportation when a client's condition is unlikely to change; and
- (5) increase the use of public transportation when appropriate and cost-effective, including offering monthly bus passes to clients.

#### **256D.06 AMOUNT OF ASSISTANCE.**

Subd. 1b. **Earned income savings account.** In addition to the \$50 disregard required under subdivision 1, the county agency shall disregard an additional earned income up to a maximum of \$500 per month for: (1) persons residing in facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690 and 9530.2500 to 9530.4000, and for whom discharge and work are part of a treatment plan; (2) persons living in supervised apartments with services funded under Minnesota Rules, parts 9535.0100 to 9535.1600, and for whom discharge and work are part of a treatment plan; and (3) persons residing in group residential housing, as that term is defined in section 256I.03, subdivision 3, for whom the county agency has approved a discharge plan which includes work. The additional amount disregarded must be placed in a separate savings account by the eligible individual, to be used upon discharge from the residential facility into the community. For individuals residing in a chemical dependency program licensed under Minnesota Rules, part 9530.4100, subpart 22, item D, withdrawals from the savings account require the signature of the individual and for those individuals with an authorized representative payee, the signature of the payee. A maximum of \$2,000, including interest, of the money in the savings account must be excluded from the resource limits established by section 256D.08, subdivision 1, clause (1). Amounts in that account in excess of \$2,000 must be applied to the resident's cost of care. If excluded money is removed from the savings account by the eligible individual at any time before the individual is discharged from the facility into the community, the money is income to the individual in the month of receipt and a resource in subsequent months. If an eligible individual moves from a community facility to an inpatient hospital setting, the separate savings account is an excluded asset for up to 18 months. During that time, amounts that accumulate in excess of the \$2,000 savings limit must be applied to the patient's cost of care. If the patient continues to be hospitalized at the conclusion of the 18-month period, the entire account must be applied to the patient's cost of care.

#### **256D.08 EXCLUSION FROM RESOURCES.**

Subd. 2. **Rulemaking; exclusion of property.** Notwithstanding any other provision of sections 256D.01 to 256D.21, the commissioner shall provide by rule for the exclusion of property from the determination of eligibility for general assistance when it appears likely that the need for general assistance will not exceed 30 days or an undue hardship would be imposed on an assistance unit by the forced disposal of the property.

#### **256D.405 VERIFICATION AND REPORTING REQUIREMENTS.**

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Subd. 1a. **Exemption.** Recipients who maintain supplemental security income eligibility are exempt from the reporting requirements of subdivision 1, except that the policies and procedures of transfers of assets are those used by the medical assistance program under section 256B.0595.

Subd. 2. **Redetermination of eligibility.** The eligibility of each recipient must be redetermined at least once every 12 months.

#### **256J.08 DEFINITIONS.**

Subd. 24. **Disregard.** "Disregard" means earned income that is not counted in the initial income test in section 256J.21, subdivision 3, or income that is not counted when determining ongoing eligibility and calculating the amount of the assistance payment for participants. The disregard for ongoing eligibility shall be 50 percent of gross earned income.

Subd. 42. **Gross receipts.** "Gross receipts" means the money received by a business before the expenses of the business are deducted.

Subd. 55a. **MFIP standard of need.** "MFIP standard of need" means the appropriate standard used to determine MFIP benefit payments for the MFIP unit and applies to:

(1) the transitional standard, sections 256J.08, subdivision 85, and 256J.24, subdivision 5; and

(2) the shared household standard, section 256J.24, subdivision 9.

Subd. 82a. **Shared household standard.** "Shared household standard" means the basic standard used when the household includes an unrelated member. The standard also applies to a member disqualified under section 256J.425. The cash portion of the shared household standard is equal to 90 percent of the cash portion of the transitional standard. The cash portion of the shared household standard plus the food portion equals the full shared household standard.

#### **256J.20 PROPERTY LIMITATIONS.**

Subdivision 1. **Property ownership provisions.** The county agency must apply paragraphs (a) to (d) to real and personal property. The county agency must use the equity value of legally available real and personal property, except property excluded in subdivisions 2 and 3, to determine whether an applicant or participant is eligible for assistance.

(a) When real or personal property is jointly owned by two or more persons, the county agency shall assume that each person owns an equal share, except that either person owns the entire sum of a joint personal checking or savings account. When an applicant or participant documents greater or lesser ownership, the county agency must use that greater or lesser share to determine the equity value held by the applicant or participant. Other types of ownership must be evaluated according to law.

(b) Real or personal property owned by the applicant or participant must be presumed legally available to the applicant or participant unless the applicant or participant documents that the property is not legally available to the applicant or participant. When real or personal property is not legally available, its equity value must not be applied against the limits of subdivisions 2 and 3.

(c) An applicant must disclose whether the applicant has transferred real or personal property valued in excess of the property limits in subdivisions 2 and 3 for which reasonable compensation was not received within one year prior to application. A participant must disclose all transfers of property valued in excess of these limits, according to the reporting requirements in section 256J.30, subdivision 9. When a transfer of real or personal property without reasonable compensation has occurred:

(1) the person who transferred the property must provide the property's description, information needed to determine the property's equity value, the names of the persons who received the property, and the circumstances of and reasons for the transfer; and

(2) when the transferred property can be reasonably reacquired, or when reasonable compensation can be secured, the property is presumed legally available to the applicant or participant.

(d) A participant may build the equity value of real and personal property to the limits in subdivisions 2 and 3.

Subd. 2. **Real property limitations.** Ownership of real property by an applicant or participant is subject to the limitations in paragraphs (a) and (b).

(a) A county agency shall exclude the homestead of an applicant or participant according to clauses (1) to (5):

(1) an applicant or participant who is purchasing real property through a contract for deed and using that property as a home is considered the owner of real property;

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(2) the total amount of land that can be excluded under this subdivision is limited to surrounding property which is not separated from the home by intervening property owned by others. Additional property must be assessed as to its legal and actual availability according to subdivision 1;

(3) when real property that has been used as a home by a participant is sold, the county agency must treat the cash proceeds from the sale as excluded property for six months when the participant intends to reinvest the proceeds in another home and maintains those proceeds, unused for other purposes, in a separate account;

(4) when the homestead is jointly owned, but the client does not reside in it because of legal separation, pending divorce, or battering or abuse by the spouse or partner, the homestead is excluded; and

(5) the homestead shall continue to be excluded if it is temporarily unoccupied due to employment, illness, or as the result of compliance with a county-approved employability plan. The education, training, or job search must be within the state, but can be outside the immediate geographic area. A homestead temporarily unoccupied because it is not habitable due to a casualty or natural disaster is excluded. The homestead is excluded during periods only if the client intends to return to it.

(b) The equity value of real property that is not excluded under paragraph (a) and which is legally available must be applied against the limits in subdivision 3. When the equity value of the real property exceeds the limits under subdivision 3, the applicant or participant may qualify to receive assistance when the applicant or participant continues to make a good faith effort to sell the property and signs a legally binding agreement to repay the amount of assistance, less child support collected by the agency. Repayment must be made within five working days after the property is sold. Repayment to the county agency must be in the amount of assistance received or the proceeds of the sale, whichever is less.

**Subd. 3. Other property limitations.** To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a loan value of less than or equal to \$10,000. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the loan value of all additional vehicles and exclude the combined loan value of less than or equal to \$7,500. The county agency shall apply any excess loan value as if it were equity value to the asset limit described in this section, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a disabled member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

To establish the loan value of vehicles, a county agency must use the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. When a vehicle is not listed in the guidebook, or when the applicant or participant disputes the loan value listed in the guidebook as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the loan value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

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- (9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;
- (10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;
- (11) monthly assistance payments for the current month's or short-term emergency needs under section 256J.626, subdivision 2;
- (12) the value of school loans, grants, or scholarships for the period they are intended to cover;
- (13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in escrow for a period not to exceed three months to replace or repair personal or real property;
- (14) income received in a budget month through the end of the payment month;
- (15) savings from earned income of a minor child or a minor parent that are set aside in a separate account designated specifically for future education or employment costs;
- (16) the federal earned income credit, Minnesota working family credit, state and federal income tax refunds, state homeowners and renters credits under chapter 290A, property tax rebates and other federal or state tax rebates in the month received and the following month;
- (17) payments excluded under federal law as long as those payments are held in a separate account from any nonexcluded funds;
- (18) the assets of children ineligible to receive MFIP benefits because foster care or adoption assistance payments are made on their behalf; and
- (19) the assets of persons whose income is excluded under section 256J.21, subdivision 2, clause (43).

**256J.24 FAMILY COMPOSITION; ASSISTANCE STANDARDS; EXIT LEVEL.**

Subd. 9. **Shared household standard; MFIP.** (a) Except as prohibited in paragraph (b), the county agency must use the shared household standard when the household includes one or more unrelated members, as that term is defined in section 256J.08, subdivision 86a. The county agency must use the shared household standard, unless a member of the assistance unit is a victim of family violence and has an alternative employment plan, regardless of the number of unrelated members in the household.

(b) The county agency must not use the shared household standard when all unrelated members are one of the following:

- (1) a recipient of public assistance benefits, including food stamps or food support, Supplemental Security Income, adoption assistance, relative custody assistance, or foster care payments;
- (2) a roomer or boarder, or a person to whom the assistance unit is paying room or board;
- (3) a minor child under the age of 18;
- (4) a minor caregiver living with the minor caregiver's parents or in an approved supervised living arrangement;
- (5) a caregiver who is not the parent of the minor child in the assistance unit; or
- (6) an individual who provides child care to a child in the MFIP assistance unit.

(c) The shared household standard must be discontinued if it is not approved by the United States Department of Agriculture under the MFIP waiver.

**256J.32 DOCUMENTING, VERIFYING, AND RECERTIFYING ELIGIBILITY.**

Subd. 2. **Documentation.** The applicant or participant must document the information required under subdivisions 4 to 6 or authorize the county agency to verify the information. The applicant or participant has the burden of providing documentary evidence to verify eligibility. The county agency shall assist the applicant or participant in obtaining required documents when the applicant or participant is unable to do so. The county agency may accept a signed personal statement from the applicant or participant only for factors specified under subdivision 8.

Subd. 3. **Contacting third parties.** A county agency must not request information about an applicant or participant that is not of public record from a source other than county agencies, the department, or the United States Department of Health and Human Services without the person's prior written consent. An applicant's signature on an application form constitutes consent for contact with the sources specified on the application. A county agency may use a single consent form to contact a group of similar sources, such as banks or insurance agencies, but the sources to be contacted must be identified by the county agency prior to requesting an applicant's consent.

Subd. 4. **Factors to be verified.** The county agency shall verify the following at application:



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- (1) identity of adults;
- (2) presence of the minor child in the home, if questionable;
- (3) relationship of a minor child to caregivers in the assistance unit;
- (4) age, if necessary to determine MFIP eligibility;
- (5) immigration status;
- (6) Social Security number according to the requirements of section 256J.30, subdivision 12;
- (7) income;
- (8) self-employment expenses used as a deduction;
- (9) source and purpose of deposits and withdrawals from business accounts;
- (10) spousal support and child support payments made to persons outside the household;
- (11) real property;
- (12) vehicles;
- (13) checking and savings accounts;
- (14) savings certificates, savings bonds, stocks, and individual retirement accounts;
- (15) pregnancy, if related to eligibility;
- (16) inconsistent information, if related to eligibility;
- (17) burial accounts;
- (18) school attendance, if related to eligibility;
- (19) residence;
- (20) a claim of family violence if used as a basis to qualify for the family violence waiver;
- (21) disability if used as the basis for reducing the hourly participation requirements under section 256J.55, subdivision 1, or the type of activity included in an employment plan under section 256J.521, subdivision 2; and
- (22) information needed to establish an exception under section 256J.24, subdivision 9.

Subd. 5a. **Inconsistent information.** When the county agency verifies inconsistent information under subdivision 4, clause (16), or 6, clause (5), the reason for verifying the information must be documented in the financial case record.

Subd. 6. **Recertification.** (a) The county agency shall recertify eligibility in an annual face-to-face interview with the participant. The county agency may waive the face-to-face interview and conduct a phone interview for participants who qualify under paragraph (b). During the interview, the county agency shall verify the following:

- (1) presence of the minor child in the home, if questionable;
- (2) income, unless excluded, including self-employment expenses used as a deduction or deposits or withdrawals from business accounts;
- (3) assets when the value is within \$200 of the asset limit;
- (4) information to establish an exception under section 256J.24, subdivision 9, if questionable;
- (5) inconsistent information, if related to eligibility; and
- (6) whether a single caregiver household meets requirements in section 256J.575, subdivision 3.

(b) A participant who is employed any number of hours must be given the option of conducting a face-to-face or phone interview to recertify eligibility. The participant must be employed at the time the interview is scheduled. If the participant loses the participant's job between the time the interview is scheduled and when it is to be conducted, the phone interview may still be conducted.

Subd. 7. **Notice to undocumented persons; release of private data.** County agencies in consultation with the commissioner of human services shall provide notification to undocumented persons regarding the release of personal data to the United States Citizenship and Immigration Services and develop protocol regarding the release or sharing of data about undocumented persons with the United States Citizenship and Immigration Services as required under sections 404, 434, and 411A of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Subd. 7a. **Requirement to report to United States Citizenship and Immigration Services.** The commissioner shall comply with the reporting requirements under United States Code, title 42, section 611a, and any federal regulation or guidance adopted under that law.

Subd. 8. **Personal statement.** The county agency may accept a signed personal statement from the applicant or participant explaining the reasons that the documentation requested in subdivision 2 is unavailable as sufficient documentation at the time of application, recertification, or change related to eligibility only for the following factors:

- (1) a claim of family violence if used as a basis to qualify for the family violence waiver;
- (2) information needed to establish an exception under section 256J.24, subdivision 9;

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(3) relationship of a minor child to caregivers in the assistance unit;

(4) citizenship status from a noncitizen who reports to be, or is identified as, a victim of severe forms of trafficking in persons, if the noncitizen reports that the noncitizen's immigration documents are being held by an individual or group of individuals against the noncitizen's will. The noncitizen must follow up with the Office of Refugee Resettlement (ORR) to pursue certification. If verification that certification is being pursued is not received within 30 days, the MFIP case must be closed and the agency shall pursue overpayments. The ORR documents certifying the noncitizen's status as a victim of severe forms of trafficking in persons, or the reason for the delay in processing, must be received within 90 days, or the MFIP case must be closed and the agency shall pursue overpayments; and

(5) other documentation unavailable for reasons beyond the control of the applicant or participant. Reasonable attempts must have been made to obtain the documents requested under subdivision 2.

### **256N.26 BENEFITS AND PAYMENTS.**

Subd. 7. **Special at-risk monthly payment for at-risk children in guardianship assistance and adoption assistance.** A child eligible for guardianship assistance under section 256N.22 or adoption assistance under section 256N.23 who is determined to be an at-risk child shall receive a special at-risk monthly payment of \$1 per month basic, unless and until the potential disability manifests itself and the agreement is renegotiated to include reimbursement. Such an at-risk child shall receive neither a supplemental difficulty of care monthly rate under subdivision 4 nor home and vehicle modifications under subdivision 10, but must be considered for medical assistance under subdivision 2.

**Laws 2014, chapter 272, article 1, section 22**

Sec. 22. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this program, a school district, intermediate school district, school site, or charter school must have an educational improvement plan under section 122A.413 and an alternative teacher professional pay system agreement under paragraph (b). A charter school participant also must comply with subdivision 2a.

(b) The alternative teacher professional pay system agreement must:

(1) describe how teachers can achieve career advancement and additional compensation;

(2) describe how the school district, intermediate school district, school site, or charter school will provide teachers with career advancement options that allow teachers to retain primary roles in student instruction and facilitate site-focused professional development that helps other teachers improve their skills;

(3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of participating in this system, and base at least 60 percent of any compensation increase on teacher performance using:

(i) schoolwide student achievement gains under section 120B.35 or locally selected standardized assessment outcomes, or both;

(ii) measures of student achievement, including the academic literacy, oral academic language, and achievement of English learners, among other measures; and

(iii) an objective evaluation program that includes:

(A) individual teacher evaluations aligned with the educational improvement plan under section 122A.413 and the staff development plan under section 122A.60; and

(B) objective evaluations using multiple criteria conducted by a locally selected and periodically trained evaluation team that understands teaching and learning;

(4) provide integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under section 122A.413, consistent with the staff development plan under section 122A.60 and led during the school day by trained teacher leaders such as master or mentor teachers;

(5) allow any teacher in a participating school district, intermediate school district, school site, or charter school that implements an alternative pay system to participate in that system without any quota or other limit; and

(6) encourage collaboration rather than competition among teachers.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to agreements approved after that date.

**Laws 2014, chapter 272, article 3, section 32**

Sec. 32. Minnesota Statutes 2012, section 124D.09, subdivision 9, is amended to read:

Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority to its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its courses. A postsecondary institution may provide information about its programs to a secondary school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil to enroll in its programs. An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level. Once any pupil has been enrolled in a postsecondary course under this section, the pupil shall not be displaced by another student.

(b) If a postsecondary institution enrolls a secondary school pupil in a course under this section, the postsecondary institution also must enroll in the same course an otherwise enrolled and qualified postsecondary student who qualifies as a veteran under section 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's established enrollment timelines were not practicable for that student.

**EFFECTIVE DATE.** This section is effective July 1, 2014.